



Camden Council

Attachments

Ordinary Council Meeting
14 November 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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Details of Conditions:**1.0 - General Conditions of Consent**

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Project No. 4595, Sheet A01, Issue F	A01 – Site/Analysis & Ground Floor Plan	Algorry Zappia & Associates Pty Ltd	20 September 2017
Project No. 4595, Sheet A02, Issue	A02 – Elevations & Sections	Algorry Zappia & Associates Pty Ltd	22 August 2017
Drawing No. 58- 16.00, 01 and 02 Issue C	Landscape Plans	Distinctive Living Design	21 August 2017

Document Title	Prepared by	Date
Statement of Environmental Effects	C.C. Weston & Associates	February 2017
Acoustic Report	Sebastian Giglio	August 2017

- (2) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to, and approved by, the Consent Authority prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (5) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (6) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (7) **Acoustic Compliance Report** – A report shall be prepared by an independent acoustic consultant (not previously involved with this proposal). The Compliance Assessment is to be carried out at the time the centre achieves 80% attendance

rates. The report is to be assessed against the criteria outline in the approved Acoustic Assessment prepared by Sebastian Giglio and dated August 2017.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier. The owner / occupier must then provide a supplementary acoustic report to Council certifying that all compliance works have been completed and that noise levels comply with the above criteria.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (4) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the Certifying Authority must:
 - a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.
- (5) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the

approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (6) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.
- (8) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (9) **Damages Bonds** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (10) **Acoustic Report** - The development shall be constructed in accordance with Proposed Childcare at Lot 5314 DP 1210459 No. 36 Rosecomb Road and Lot 5315 DP 1210459 No. 37 Danvers Road, Spring Farm – Acoustic Report (Ref No. 2737/D07) prepared by Sebastian Giglio Acoustic Consultant dated August 2017. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application. Required measures are to include the following:
 - Windows to western facade – Windows on the western façade are to be fixed glass (minimum 6.38mm laminated) or glass bricks in accordance with Figure 4-5 of the approved Acoustic report.
 - Acoustic absorption panels – Acoustic absorption panels are to be installed to the ceiling and walls of each playroom as outlined in Section 5 of the approved Acoustic Assessment.
 - Acoustic treatment to awnings – The underside of all proposed awnings are to be treated as per Figure 4.2 of the approved Acoustic Assessment.
 - Acoustic noise barriers – Acoustic noise barriers are to be constructed in accordance with Figure 4.1 of the approved acoustic assessment. All barriers are to be constructed as per Option B of Figure 4.3 'Proposed Noise Barrier Design to Outdoor Play Areas'.
 - Mechanical plant – Mechanical plant and equipment is to be installed and operated in accordance with the guidelines outlined in Section 7 of the approved Acoustic Assessment.
- (11) **Lighting Plan** - A detailed lighting plan shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for building works. The plan must demonstrate that the orientation and intensity of lights will comply with the Australian

Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" for residential receivers.

- (12) **Permeable Hard Stand Area – Pekin Street** – A 1.0 metre wide 'hard stand area' constructed of a permeable concrete block material shall be provided along the Pekin Street frontage of the site (exclusive of the access driveway to the development and not within 10 metres of the tangent of street intersections) immediately adjacent to the existing roll kerb. Details, including the relocation/replacement of existing street trees, shall be provided on an amended landscape plan submitted as part of the Construction Certificate documentation.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;

- e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (6) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.
- A copy of the approval receipt from Sydney Water must be submitted to the PCA.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.

- (10) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (11) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the PCA.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (12) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

4.0 - During Works

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

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.

- (2) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **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) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (5) **Site Management** - The following practices are to be implemented during construction:
- a) 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 site;
 - b) 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;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or

- iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
 - (7) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
 - (8) **Site Signage** - A sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has been registered with Land and Property Information. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 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 wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
 - (9) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
 - (10) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
 - (11) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
 - (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
 - (13) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

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;

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; and

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 must 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)	1000 or part thereof

Note – 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.

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

- (15) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

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

- (16) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (17) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report 'Contamination and Salinity Assessment Land at Springs Road, Spring Farm, NSW For Starhill Property Group and AV Jennings Properties Pty Ltd Report No. 14/2775 prepared by SMEC Testing Services Pty Ltd and dated December 2014'.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (3) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (4) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate the Principal Certifying Authority must:
 - c) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and

- claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- d) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.
- (6) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (7) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (8) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor or Council for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (9) **Lot Consolidation** – Lots 5314 and 5315 are to be consolidated. A copy of the registered plan of consolidation shall be provided to the PCA.
- (10) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming the building/s has been constructed in accordance with the approved acoustic report Proposed Childcare at Lot 5314 DP 1210459 No. 36 Rosecomb Road and Lot 5315 DP 1210459 No. 37 Danvers Road, Spring Farm – Acoustic Report (Ref No. 2737/D07) prepared by Sebastian Giglio Acoustic Consultant dated August 2017.
- (11) **Operational Plan of Management** – The applicant must prepare an Operational Plan of Management. A copy of the finalised Operational Plan of Management must be submitted with the Application for an Occupation Certificate and must include measures to address the following matters:
1. Numbers of staff;
 2. Staff working hours;
 3. The minimisation of impact on the nearby residents by traffic and parking associated with the development;
 4. Child drop off and pick up procedures by vehicle;
 5. Child check in and check out procedures;
 6. Common area use;
 7. Noise control;
 8. Internal security procedures;
 9. Public access to building and surrounds on site;
 10. Delivery and service tradespeople access and their functioning within and around the building;
 11. Emergency evacuation;
 12. Measures to minimise / address littering;
 13. Neighbourhood complaint management, including:
 - Maintaining and operating a complaints procedure and policy to deal with neighbour complaints;
 - Maintaining a neighbour complaints register, which is accessible to neighbours on a regular basis;
 - Ensure that any complaints management register is updated and maintained to ensure up to date contact details for the benefit of neighbours;

- Procedure for dealing with neighbour complaints reasonably and efficiently; and
 - Regular evaluation and improvement of the complaints register and complaints management generally.
14. Compliance with relevant conditions of approval.
- (12) **Permeable Hard Stand Area – Pekin Street** – The permeable hard stand area works along the Pekin Street frontage of the site required by Condition 2.0(12) of this consent shall be completed prior to the issue of an Occupation Certificate.

6.0 – Ongoing Use

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

- (1) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (2) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain 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, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion 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.

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

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (3) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (4) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (5) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	7.00am to 6.00pm
Tuesday	7.00am to 6.00pm
Wednesday	7.00am to 6.00pm

Thursday	7.00am to 6.00pm
Friday	7.00am to 6.00pm
Saturday	Closed
Sunday and Public Holidays	Closed

- (6) **Security Gates** – The security gates servicing the car parking area shall be locked at all times the facility is closed to ensure that there is no unauthorised access to the premises at night or on weekends.
- (7) **Storage of Goods** - The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (8) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (9) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (10) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (11) **Food Premises** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (eg probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/- 1°C

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

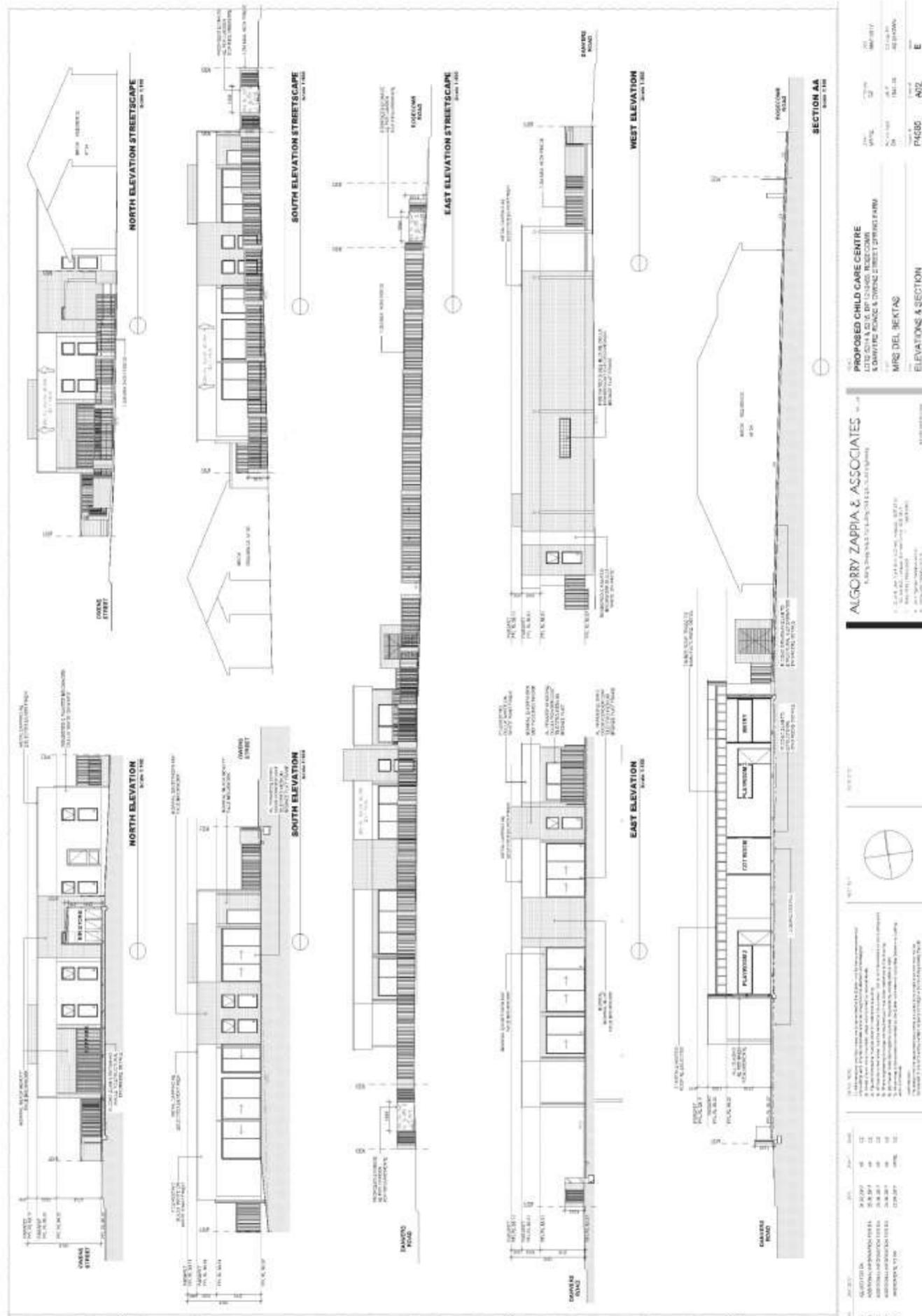
- (12) **Number of Children** - The centre is approved to accommodate a maximum of forty (40) children. However this maximum number shall be reduced to any lower number of children that is separately approved for the centre by the Department of Education.
- (13) **Amplified Music** – The use of amplified music in outdoor areas of the centre is prohibited.
- (14) **Vehicle Movements** - 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.

- (15) **Department of Education Approval** - The centre must comply with all requirements of the Department of Education. A letter from the Department of Education which details the approved number and age of children to be accommodated at the centre, and any operational conditions, must be submitted to Council prior to the centre becoming operational.

Should the Department of Education approval be subsequently amended at any time the operator of the centre must submit a copy of the amended approval to Council.

- (16) **Waste Collection** – Waste collection bins shall be presented on Pekin Street on the day of collection by Council’s commercial garbage service.
- (17) **Use of Staff Parking Spaces for Drop Off and Pick Up** – Two allocated staff car parking spaces being made available for the use of parents for the drop-off and pick-up of children. The staff car parking spaces shall be sign posted to enable unoccupied spaces to be used by parents during the peak drop-off time between 7:00am and 9:00am and the peak pick-up time between 4:00pm and 6:00pm.



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28 June 2017

The General Manager
Camden Council
PO Box 183
CAMDEN
NSW 2570

Attention: Clifford To

Your reference: DA No. 226/2017

Dear Sir,

PROPOSED CHILD CARE CENTRE
LOTS 5314 – 5315 IN DP1210459 OWENS STREET, SPRING FARM

This Practice was previously engaged by Mr. Del Bektas (the subject applicant) to prepare a Traffic Impact Statement dated December 2016 for a proposed 40 place child care centre located on the western side of Owens Street bound by Rosecomb Street to the north and Danvers Street to the south.

This Practice has been retained by the subject applicant to respond to those items relating to parking and traffic raised by the community contained within the 10 letters of objection following the exhibition period. The following provides a summary of the items raised in relation to parking and traffic issues by objectors and responses from this Practice as applicable:

1. *Perceived lack of on-site parking to adequately accommodate the peak parking demands associated with the proposed child care centre.*

Comment

It is noted that the Traffic Impact Statement (TIS) prepared by this Practice on December 2016, provided an objective parking assessment with respect to the proposed parking provision for the child care centre, based on the relevant planning controls specified within Table B8 Part B of Camden Council's Development Control Plan (DCP) 2011. This document provides off-street car parking rates that is understood to be locally sensitive to the potential parking generation associated with various land uses within the surrounding precinct. Table B8 Part B of DCP 2011 specify the following parking requirement in relation to child care centres:

1 car parking space per 4 children

Owen Street, Spring Farm

16-011

Attachment 3

Based on a proposed peak enrolment of up to 40 children, the proposed development is required to provide up to 10 off-street car parking spaces in accordance with DCP 2011. The proposed parking provision of 13 on-site car parking spaces, proposed to service the subject development exceeds Council's minimum parking requirements and is therefore not anticipated to result in on-street parking during peak operational periods. As such, it is considered most unlikely that the proposed child care centre will have any impacts on the overall availability of on-street parking facilities within the immediate vicinity.

In addition to the above, it is noted that the objectors who have raised the issue of the inadequacy of the proposed on-site parking provision have not considered other factors such as alternative forms of transport (i.e. walk trips), sibling rates and the staggered arrival and departure times of children pick-up and drop-off activity, which would reduce the peak parking demand on site at any one time. Further, it was recommended in the December 2016 TIS that an operational traffic and pedestrian management plan should be prepared and implemented to better manage vehicular parking and circulation on-site to reduce the impact on the adjoining road network. Such a measure could be reasonably imposed as a Condition of Consent, should Council feel necessary.

2. *The carriageway width of the adjoining road network (Rosecomb Road) is too narrow to accommodate parking along both sides in conjunction with two-way traffic flow.*

Comment

It is noted within the December 2016 TIS that Rosecomb Road provide a carriageway width of 7.5m between rolled kerbs. Whilst the current configuration is insufficient to support two passing vehicles between parked vehicles along both sides of the road, it is acknowledged that this is an existing condition approved by Council. Our recent and previous observations have indicated that on-street parking demands within the adjoining road network in the immediate vicinity of the site is generally low during peak weekday periods, which enables two-way traffic flow to be serviced with minimal impedance. Further our observations have identified vacant/unoccupied spaces within the public on-street parking provision within the adjoining road network during peak periods, which provide passing opportunities for one vehicle to pass another assisted by rolled kerbs, provided common driver courtesy is exercised.

In addition to the above, it is also noted within the response to item 1 and the December 2016 TIS that the subject development provides on-site parking that exceeds Council's minimum parking requirements. As such, the additional parking demand generated by the subject development is expected to be adequately accommodated on site, without impedance on the on-street parking facilities and two-way traffic flow. In any case, should Council consider necessary, "No-Parking" restrictions can be imposed along the southern side of Rosecomb Road adjacent to the northern property alignment. Such restrictions would prohibit parking along the southern side of Rosecomb Road thereby only leaving the northern Rosecomb Road kerb alignment for parking and allowing two way traffic flow at all times in the immediate vicinity of the site.

- 3. *The existing surveyed traffic demands at the junction of Springs Road and Norfolk Boulevard contained within the December 2016 TIS to be low and the additional traffic generated by the child care centre development is expected to compromise the existing amenity experienced by local residents.*

Comment

The December 2016 TIS presented peak hour traffic surveys, undertaken at the junction of Springs Road and Norfolk Boulevard, which identified traffic demands within this junction to be low during peak periods. As such, our observations and analysis of this peak hour traffic data based on guidelines specified within RMS' "Guide to Traffic Generating Developments" indicated that motorists generally experienced a good level of service. In this regard, motorists were observed to be able to manoeuvre throughout the surrounding road network in the vicinity of the subject site with minimal delay and impedance to other vehicles on the road.

In light of recent concerns raised regarding the increased traffic demands during peak periods generated by new developments within the surrounding precinct in the last six months, an updated peak hour traffic survey was recently undertaken by staff of this Practice (between 5:00pm – 6:00pm) at the same location (junction of Springs Road and Norfolk Boulevard). **Figure 1** provides a graphical representation of the recently surveyed peak hour traffic volumes.

FIGURE 1
EXISTING (2017) WEEKDAY PEAK HOUR TRAFFIC VOLUMES
JUNCTION OF WITH SPRINGS ROAD & NORFOLK BOULEVARD

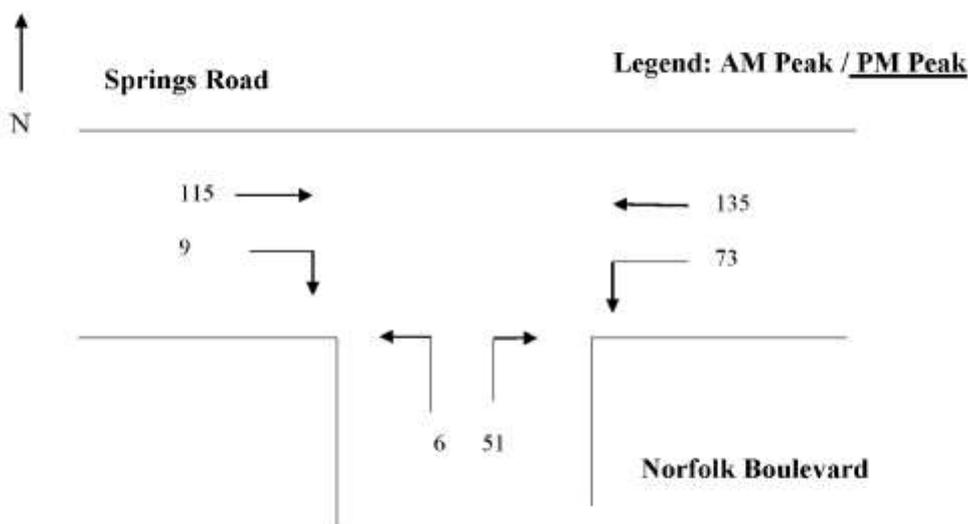


Figure 1 indicates the following:

- Springs Road accommodates bidirectional peak hour traffic demands of between 300 - 350 vehicles; and

- Norfolk Boulevard accommodates bidirectional peak hour traffic demands of less than 100 vehicles per hour.

In order to estimate the existing peak efficiency of the above surveyed junction Springs Road and Norfolk Boulevard, a SIDRA computer intersection analysis has been undertaken. SIDRA is a computerised traffic arrangement program which, when volume and geometrical configurations of an intersection are imputed, provides an objective assessment of the operation efficiency under varying types of control (i.e. signs, signal and roundabouts). Key indicators of SIDRA include level of service where results are placed on a continuum from A to F, with A providing the greatest intersection efficiency and therefore being the most desirable by the Roads and Maritime Services.

SIDRA uses detailed analytical traffic models coupled with an iterative approximation method to provide estimates of the abovementioned key indicators of capacity and performance statistics. Other key indicators provided by SIDRA are average vehicle delay, the number of stops per hour and the degree of saturation. Degree of saturation is the ratio of the arrival rate of vehicles to the capacity of the approach. Degree of saturation is a useful and professionally accepted measure of intersection performance. SIDRA provides analysis of the operating conditions that can be compared to the performance criteria set out in **Table 1** below (being the RMS NSW method of calculation of Level of Service).

Level of Service	Average Delay per Vehicle (secs/veh)	Traffic Signals, Roundabout	Give Way & Stop Signs
A	Less than 14	Good Operation	Good operation
B	15 to 28	Good with acceptable delays & spare capacity	Acceptable delays & Spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity & accident study required
E	57 to 70	At capacity; at signals, incidents will cause excessive delays Roundabouts require other control mode	At capacity, requires other control mode
F	> 70	Extra capacity required	Extreme delay, traffic signals or other major treatment required

The existing conditions have been modelled utilising the peak hour traffic volumes presented within **Figure 1**. **Table 2** overleaf provides a summary of the SIDRA output data.

TABLE 2 SIDRA OUTPUT – EXISTING WEEKDAY PEAK HOUR PERFORMANCE JUNCTION OF SPRINGS ROAD AND NORFOLK BOULEVARD	
Norfolk Boulevard South	
Delay	6.7
Degree of Saturation	0.06
Level of Service	A
Springs Road East	
Delay	5.6
Degree of Saturation	0.11
Level of Service	A
Springs Road West	
Delay	6.2
Degree of Saturation	0.07
Level of Service	A
Total Intersection	
Delay	6.7
Degree of Saturation	0.06
Level of Service	A

Table 2 indicates that the junction of Springs Road and Norfolk Boulevard operates with a level of service 'A' representing good conditions with spare capacity and minimal delay based on the recently surveyed peak hour traffic demands. It is noted that whilst these volumes are somewhat higher than the existing peak hour traffic surveys contained in the December 2016 TIS, the existing level of service/operation of the surrounding road network has not changed from the assessment provided in the original traffic report.

Further to the above, the 2016 TIS indicated that the proposed 40 place child care centre is anticipated to generate up to 28 vehicle trips corresponding to the evening peak period based on the traffic generation rates specified within Roads & Maritime Services' *Guide to Traffic Generating Developments*. The additional traffic potentially generated by the proposed development represents one additional vehicle movement every two minutes, which is not expected to alter the existing level of service on the adjoining road network. In this regard, motorists are expected to enter and exit abutting developments within the surrounding precinct with minimal impedance on the adjoining through traffic flow.

With respect to the local amenity of the area, the Roads & Maritime Services within their *Guide to Traffic Generating Developments* provide environmental capacity performance standards to measure the level of amenity experienced by the general community, not just motorists. RMS *Guide* specify an environmental capacity for local roads of 300 vehicles in both directions in any one hourly period. The existing surveyed peak hourly traffic demands within Norfolk Boulevard are approximately less than 100 vehicle movements based on recent traffic surveys contained in **Figure 1**. It is noted that Norfolk Boulevard provides a local collector function to a number of abutting lower order side streets (including Rosecomb Road, which directly service the subject site), which have been observed to carry less traffic during peak periods.

In any case, taking the higher order peak hour traffic volumes observed within Norfolk Boulevard as a worst case assessment, coupled with the additional 28 peak hour vehicles likely to be generated by the proposed development during the evening peak, the identified threshold for local roads of 300 vehicles per hour as well as the

Thompson Stanbury Associates

Page 6

desirable threshold of 200 vehicles per hour specified within the *Guide to Traffic Generating Developments* is still maintained. In this regard, it is reiterated that the proposed development is unlikely to generate any noticeable impacts for traffic flow within the adjoining road network that would compromise the existing residential amenity.

It would be appreciated if the additional information contained within this correspondence could be incorporated in Council's ongoing assessment of the subject application.

Yours faithfully,



David Thompson
Transport Planner.

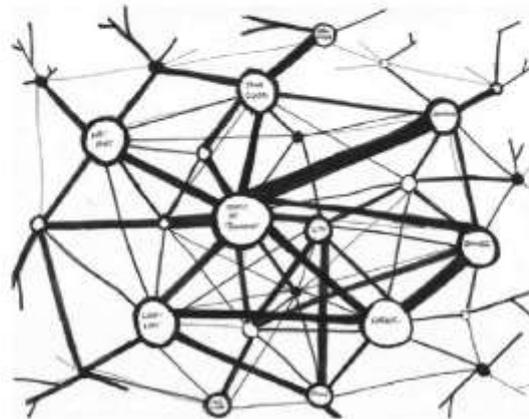


ORD01

TRAFFIC AND PARKING IMPACT STATEMENT

PROPOSED CHILD CARE CENTRE (CNR OF DANVERS ROAD AND PEKIN STREET SPRING FARM)

Attachment 4



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December 2016

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1. INTRODUCTION

The Practice of Thompson Stanbury Associates has been engaged by Algorry Zappia Architects, on behalf of Mr Del Bektas, to prepare a traffic and parking impact assessment to accompany a Development Application (DA) to be lodged with Camden Council.

The subject DA involves the construction of a child care centre capable of accommodating up to 40 children, on land located at the corner of Danvers Road and Pekin Street, Spring Farm.

External traffic impacts of the entire Spring Farm Release Area have been assessed by others as part of master planning of the Spring Farm Release. The external traffic impact assessment has adopted a road network as shown in Council's Spring Farm Development Control, Plan, along with an associated funding arrangement for the required road network.

The purpose of this report is therefore to primarily assess the traffic and parking impact close to the subject development site. Specifically, this report:

- Describes the existing and planned road network in the immediate vicinity of the subject development site;
- Assesses the suitability of the proposed direct vehicular access arrangement based on standards specified by relevant Australian Standards;
- Assesses the adequacy, or otherwise, of the proposed off-street car parking provision having regard to the rates specified by the Camden Council's Development Control Plan 2011 Part B - General Controls; and
- Assesses the proposed parking, internal circulation and servicing layout with respect to internal circulation and vehicle manoeuvrability.

In addition, the report addresses traffic related requirements, raised at the Camden Council Pre-Lodgement meeting held on the application. The requirements are: -

- a traffic report which addresses adequacy of the proposed access arrangement, car parking layout, traffic impact on the surrounding road network, and ensuring that the car park layout complies with Australian Standard AS 2890.1.

Throughout the report, reference has been made to the following documents:

- The Roads & Maritime Services (RMS) *Guide to Traffic Generating Developments*;
- Camden Council Development Control Plan 2011 - C7 (*Spring Farm*);
- Camden Local Environmental Plan No 121—Spring Farm and Master Plan

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- Australian Standard for *Parking Facilities Part 1: Off Street Car Parking* (AS2890.1-2004) and *Part 6: Off-Street Parking for People with Disabilities* (AS2890.6-2009).

This report should be read in conjunction with architectural plans prepared by Algorry Zappia Architects.

2. BACKGROUND

2.1 Spring Farm Master Plan

As indicated in Section 1, the subject site is within the Spring Farm Release Area. The release area is being subdivided and develop for urban land uses.

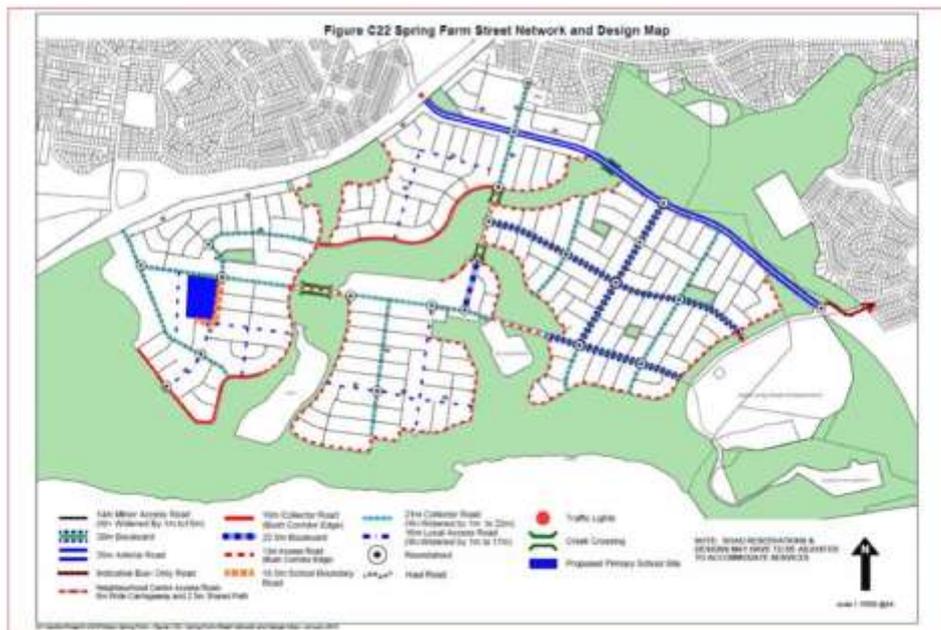
The long-term strategic vision for future development within the Spring Farm Release Area, is guided by the Spring Farm Master Plan which has identified a broad subdivision pattern for the area. The master plan has a target density of 15 dwellings per hectare, and residential yield of between 3720-4080 dwellings.

The master planning examined future land uses, through a number of specialist studies including biodiversity, transport and access, flooding and drainage, heritage, noise and odour, land capability, and visual landscape.

These technical studies assisted in the determination of the location of various land uses, and has been used in the preparation of the *Camden Council Development Control Plan 2011 C7 - Spring Farm*. The DCP outlines that development of Spring Farm will comprise a series of urban villages - made up of five villages, i.e. western, eastern, southern, northern and central villages. The site subject is within the central village.

One of the technical studies which informed the master planning was a Traffic and Transport Report (Oct 2002) by Masson Wilson Twiney. The report assessed traffic impacts of the release area and recommended transport infrastructure upgrades and other measures to maximise traffic efficiency and road safety within and on surrounding road network. The adopted road network is as shown in Figure 1.

FIGURE 1 - SPRING FARM MASTERPLAN ROAD NETWORK



Source: Spring Farm Development Control Plan 2011

3. SITE DETAILS

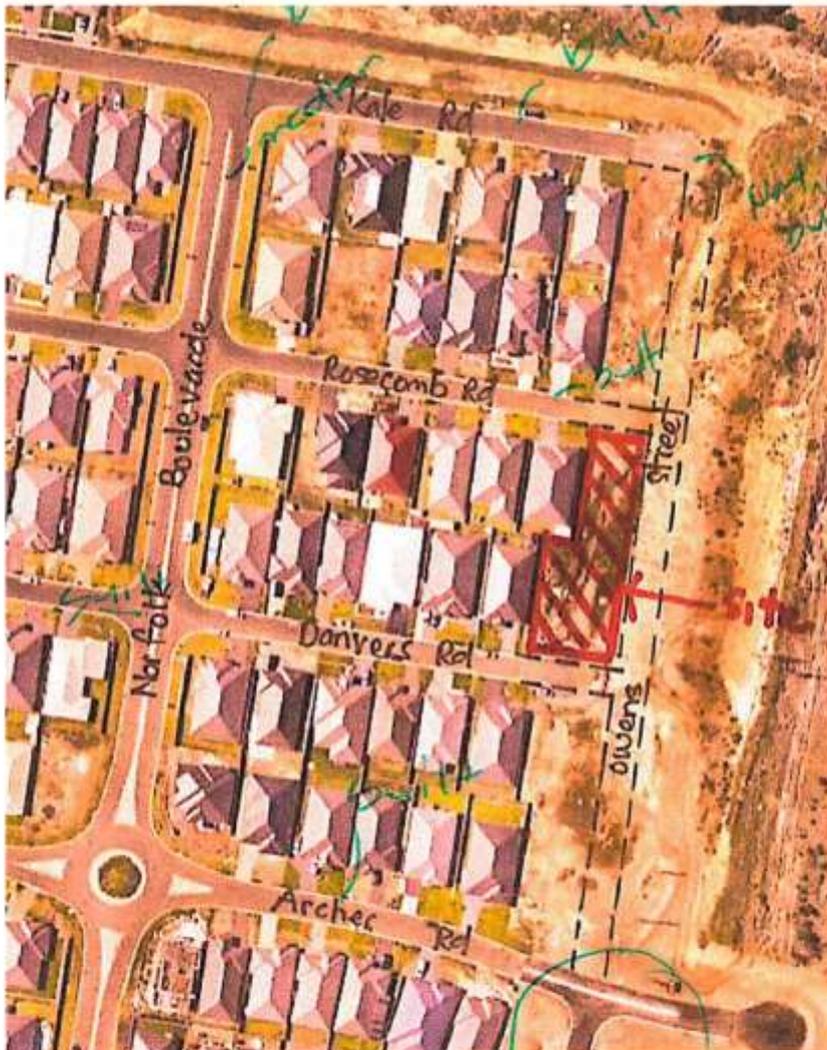
3.1 **Site Location**

The subject site is situated on the north-western corner of Pekin Street and Danvers Road, Spring Farm.

The subject site is bounded by Rosecomb Road to the north, Pekin Street to the east, Danvers Road to the south and residential dwellings fronting both Rosecomb Road and Danvers Road to the west.

The location in the context of the surrounding road network, (an extract from Google Maps), is as shown in **Figure 2** below.

FIGURE 2 – LOCALITY MAP



3.2 Site Description

The subject site is made of two residential lots legally described as Lots 5314 and 5315 within Deposited Plan 1210459, Spring Farm.

The subject site generally forms a shaped parcel of land, with frontages to Pekin Street and Danvers Road, as shown in **Figure 2**. The site has a total area of approximately 1,237.6 m².

3.3 Existing and Surrounding Land Uses

The subject site is currently vacant and undeveloped. The subject site is also surrounded by vacant and undeveloped properties lands, which are being subdivided for detached residential development.

4. **PROPOSED DEVELOPMENT**

4.1 **Proposed Child Care Centre**

The proposal seeks consent for the establishment of a 40 place child care centre comprising three playrooms, and ancillary areas such as a staff room, cot room, an office, a reception area and other amenities, located within the northern portion of the site.

The development includes a provision of 13 car parking spaces within an at-grade passenger vehicle parking area, located at the eastern part of the development site fronting Pekin Street and Rosecomb Road.

Access arrangement to the subject site, consist of a 5.5m wide combined entry/exit driveway off Pekin Street, as the main driveway, and a secondary 3.5 m wide driveway off Rosecomb Road.

4.2 **Proposed Operations**

The child care centre is being designed to cater up to 40 children, consisting of the following age groups:

- 0-2 years - 8 children
- 2-3 years - 15 children
- 3-6 years - 17 children

Under Department of Community Service (DoCS) guidelines, the proposed child care centre will require the following minimum staffing requirements as outlined in **Table 1** below:

TABLE 1- DoCS GUIDELINE

CHILDREN AGE (YEARS)	REQUIREMENTS	REQUIRED NO. OF EMPLOYEES
0-2	1 employee per 4 children	2 (8/4)
2-3	1 employee per 5 children	3 (15/5)
3-5	1 employee per 10 children	1.7 (17/10)
	Total	6.7 ≈ 7

The proposed child care centre therefore requires a minimum of 7 staff to meet the supervision requirements of DoCS.

The child care centre is proposed to operate between the hours of 7am and 6pm Monday to Friday.

4.3 **Council Off-Street Parking Requirement**

To assess the proposed car parking provision, reference has been made to Camden Development Control Plan 2011 (DCP 2011). The DCP specifies parking requirements

for various land use developments, to ensure that such developments provide adequate off street parking to accommodate car demand.

Part B: General Land Use Controls of DCP 2011 establishes the following parking requirements, for child care centres:

- *1 car parking space per 4 children*
- *1 of the car parking spaces shall be designed for people with a disability.*

For the purposes of this calculation, the number of employees is based on the staffing requirements of the Children's Service Regulation 2004. Based on a total enrolment of up to 40 children, the proposed child care centre is required to provide a total of 10 parking spaces (inclusive of one disabled parking space) in accordance with the above rate.

The proposed parking provision of 13 car parking spaces, inclusive of one accessibility spaces for people with a disability exceeds Council's minimum requirement and is therefore considered to be satisfactory. It is noted that four of these spaces are to be allocated to visitors/parents, primarily associated with pick-up and drop-off.

4.4 Access Arrangements

Access is proposed to be provided via a combined 5.5m wide ingress/egress driveway off Pekin Street, approximately 15.40m south of Rosecomb Road, and a secondary 3.40 m exit only driveway off Rosecomb Road, approximately 6.0m east of Pekin Street.

The proposed access arrangement and car park layout is as shown in **Figure 3**. It would permit safe and efficient two-way traffic movements.

FIGURE 3 – PROPOSED ACCESS ARRANGEMENT



For an assessment of the design of the proposed access arrangement, reference has been made to Australian Standard AS 2890.1-2004. The Standard specifies driveway design requirements based on the proposed primary land use, function of the access road (major or minor) and the number of car parking spaces the driveway is to serve.

Sections of Pekin Street and Rosecomb Road, fronting the development site, are considered to perform minor road function. Hence based on Tables 3.1 and 3.2 of AS 2890.1-2004, a proposed driveway to 13 off-street car parking spaces, is a Category 1 type driveway, requiring a minimum combined entry/exit width of 3-6 m.

The proposed 5.5 m wide combined entry/exit driveway, off Pekin Street, along with the 3.5m wide secondary driveway off Rosecomb Road, therefore comply with the minimum AS2890.1-2004 specifications and accordingly, is considered to be satisfactory.

Sections of Pekin Street and Rosecomb Road where the driveway are proposed have consistent vertical and horizontal alignment, and would provide motorists with good sight distances, for turning movements in and out of the development site.

In consideration of this and the abovementioned discussion, the proposed site access arrangement is considered to be satisfactory.

4.5 Internal Manoeuvrability and Circulation

The off-street park area is made up of a total of 10 two rows of 90-degree parking spaces and three parallel staff parking spaces. The internal circulation of the parking areas has been designed to accord with the relevant requirements of AS2890.1-2004 and AS2890.6-2009, providing the following base dimensions:

- 90 degree parking space width = 2.4m;
- Parallel parking space width = 2.1m;
- 90-degree parking space bay lengths (minimum) = 5.5m;
- End parallel parking space length = 6.2m;
- Middle parallel parking space length = 5.9m;
- Adjoining parking aisle width = 6.6m; and
- Two-way straight roadway width = 6.0m

These dimensions would accommodate the swept paths, as specified in the AS2890.1-2004, for 85th percentile vehicles, to enable passenger vehicles to enter and exit the proposed car park in a forward direction. The proposed site layout as it relates to passenger vehicle manoeuvrability is considered satisfactory.

In addition, in order to demonstrate the internal passenger vehicle manoeuvrability within the off-street parking area, the designer has prepared a number of swept path

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plans showing turning paths which have been provided on the plans generated using Autoturn software and derived from B85 and B99 vehicle specifications provided within AS2890.1-2004. The swept path plans indicate that passenger vehicles can manoeuvre throughout and enter and exit the most difficult passenger vehicle parking spaces within the parking areas.

ORD01

Attachment 4

Danvers Road, Spring Farm

16-011

5. EXISTING TRANSPORT CONDITIONS

5.1 Road Network

The road network close to the subject site which would be expected to attract noticeable traffic volume increase are sections of Spring Farm Drive, Norfolk Boulevard, Rosecomb Road and Danvers Road and Pekin Street, close to the subject site.

The local road is as shown in Figure 4. The following subsection provides a description of the surrounding road network in the close to the development site.

Spring Farm Drive performs a sub-arterial or distributor road function, off Spring Farm Road. Both Springs Road and Spring Farm Drive, are the under the care and control of Camden Council.

Springs Road is a two lane east -west road off MacArthur Drive, which in turn, is off Camden Bypass. Spring Farm Drive is a north-south and east-west distributor road off Springs Road.

Spring Farm Drive provides a road link between Springs Road, to the north and Norfolk Boulevard to the south. Close to the development site, Spring Farm Drive is two lane road, providing a single traffic lane in each direction. It provides access to a number of side streets including Redcap Road, Derbyshire Road, Kale Street, Rosecomb Road and Danvers Road, and direct vehicular access to a number of dwellings including New Living Homes Exhibition Home.

Spring Farm Drive, has 21m road reservation with 3m traffic lane, 1.5m bicycle lane and 2.0 parking bays, in each direction. It forms T-intersections with the above-mentioned side streets, under major/minor priority control with traffic movements along Spring Farm Drive being the priority movement. As a residential street, it has the default urban residential speed limit of 50km/hr.

Norfolk Boulevard – is another north-south collector road in the Spring Farm release area in the planned central village, under the care and control of Camden Council

It is planned to provide a link between Springs Road, to the north and Spring Farm Drive, to the south. The southern section has been constructed.

It has a road reservation, permitting a single traffic lane, and a parking bay, in each direction. It forms T-intersections with Springs Road, and four-way intersections with a number of side streets including Rosecomb Road, Danvers Road and Archer Road. The intersection with Archer Road has a roundabout. As a residential street, it has the default urban residential speed limit of 50km/hr.

Rosecomb Road and **Danvers Road** perform local access road functions. They are under the care and control of Camden Council. They provide east-west road links off Spring Farm Drive and a planned section of Pekin Street.

They have approximately 340 m long and have carriageways of 7.5m permitting single traffic lanes in each direction, in conjunction with unrestricted parallel parking along both sides.

As residential streets, Rosecomb Road and Danvers Road have the default urban residential speed limit of 50km/hr.

Pekin Street also performs a local access function under the care and control of Camden Council. It provides an east-west and north-south road link between Spring Farm Drive and Kale Road.

The east-west section and almost half of the north-south section from the south to Archer Road have been constructed. The remaining section between Archer Road and Kale Road is being progressively constructed as subdivision proceeds.

The constructed section has a carriageway of approximately 7.5m, accommodating a single traffic lane in each direction in conjunction with parallel parking along both sides.

FIGURE 4 -LOCAL ROAD NETWORK



5.2 Existing Traffic Volumes

In order to obtain an indication of the existing traffic conditions close to the subject site, evening peak hour traffic survey was undertaken by staff of this Practice along the section of Spring Farm Drive at its intersection with Norfolk Boulevard.

The traffic survey was undertaken between 5:00pm - 6:00pm on 16 November 2016. **Figure 5** provides a graphical representation of the surveyed peak hour traffic volumes (full details are available upon request).

The survey time was selected to reflect the traffic conditions within the adjoining road network corresponding to the finishing time of the proposed child care centre.

FIGURE 5 -- EXISTING PEAK HOUR TRAFFIC VOLUMES **SPRING FARM DRIVE AND NORFOLK BOULEVARD INTERSECTION**

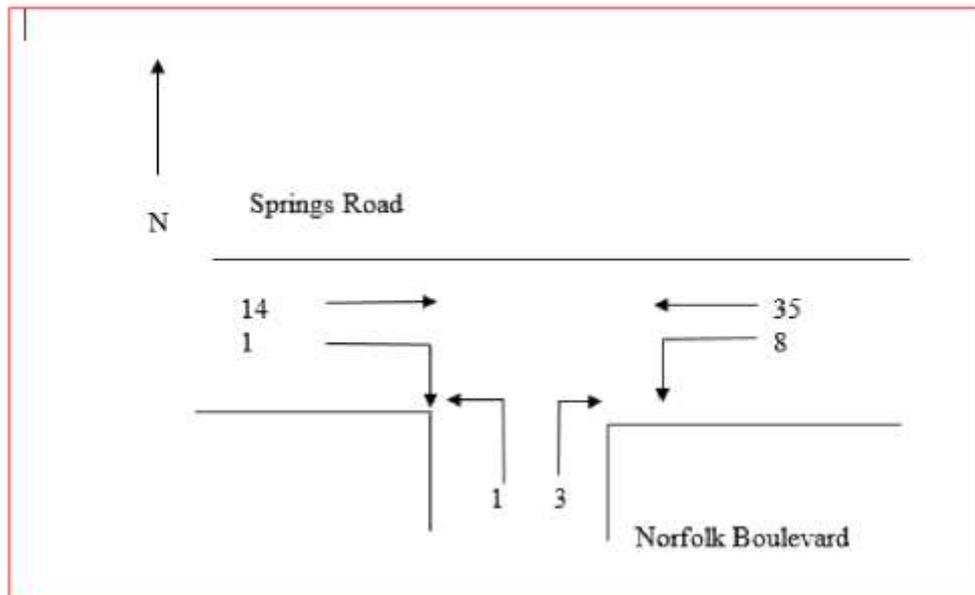


Figure 5 indicates the following:

- Spring Farm Drive is currently carrying a two traffic volume in the order of 60 vehicles per hour (veh/hr) during the evening peak period; and
- Norfolk Boulevard is carrying a low two-way traffic volume of 14 veh/hr during the evening peak period.

5.3 Existing Road Network Operation

In order to undertake an assessment of the operational performance of Spring Farm Drive and Norfolk Boulevard, close to the subject site, reference has been made to the RMS "*Guide to Traffic Generating Developments*".

The *Guide* outlines that based on their road functions, with **Spring Farm Drive** as a sub-arterial road, that it has a road capacity of between 900 – 1,000 veh/hr in each direction, whilst Norfolk Boulevard, as a collector road has a road capacity of between 600 – 900 veh/hr in each direction.

In accordance with the RMS *Guide*, the current low traffic volumes of 60 veh/hr along Spring Farm Drive and 14 veh/hr along Norfolk Boulevard, indicate that both roads are operating with very good Level of Service (LoS) A.

This indicates that traffic is operating with free flow traffic conditions and drivers are unaffected by others in the traffic stream, and drivers are able to select their desired speeds and to manoeuvre within the traffic stream.

The above traffic conditions are commensurate with the overall traffic conditions observed by this Practice close to the subject site. This indicates that the two roads, as well as the other local roads, close to the subject site have spare capacity to accommodate the expected additional traffic likely to be generated by the proposed development.

6. PROJECTED TRANSPORT CONDITIONS

6.1 Traffic Generation

The RMS has published vehicular generation rates based on surveys of existing land uses throughout the Sydney metropolitan area, in its *Guide to Traffic Generating Developments* (2002).

The *Guide* specifies traffic generation rates for child care centres, as indicated in the Table 2 below.

TABLE 2 - TRAFFIC GENERATION RATES FOR CHILD CARE CENTRES

	Peak Vehicle Trips/Child		
	7.00 - 9.00am	2.30 - 4.00pm	4.00 - 6.00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

The proposed child care centre is best described as a long day care centre, accommodating 40 children. Using the above RMS traffic generation rates, the proposed development is likely to generate the following traffic flows, during the morning and afternoon peak periods:

- Morning peak period, between 7.00am – 9.00am - 32 vehicle trips
- Afternoon peak period, between 2.30pm – 4.00pm - 12 peak vehicle trips
- Evening peak period, between 4.00pm – 6.00pm - 28 vehicle trips

The traffic generation during the morning period of 32 vehicle trips, will comprise 16 ingress movements to the site and 16 egress movements associated with the drop off of children, (in the morning).

Similarly, during the evening period between 4.00 - 6.00pm, the traffic generation of 28 peak vehicle trips, will comprise 14 ingress and 14 egress movements associated with the pick-up of children (in the evening).

The corresponding traffic generation during the afternoon period between 2.30pm and 4.00pm, 12 vehicle trips, will comprise 6 ingress and 6 egress movements, to and from the site, associated with the collection of children.

6.2 Traffic Impacts

6.2.1 Short Term Traffic Impact

As indicated above, the subject proposal is forecast to generate up to 32 vehicle trips and 28 vehicle trips during the morning and evening peak periods respectively. These traffic volumes are not significant.

As outlined in Section 5.3, sections of Spring Farm Drive and Norfolk Boulevard, close to the subject site are operating with very good LoS A. In accordance with the RMS

Guide to Traffic Generating Developments, with the forecast additional traffic likely to be generated by child care centre, traffic conditions along these road sections would not be adversely affected, and would continue to operate very good LoS A.

The forecast additional traffic will therefore not have significant and noticeable traffic impact on the performance of the surrounding road network.

6.2.2 Long Term Traffic Impact

Cumulative traffic impact of the Spring Farm Release Area was assessed by a Traffic and Transport Report (Oct 2002) by Masson Wilson Twiney. The report informed the road network and traffic management works specified in the Spring Farm DCP.

The subject site is in the planned central village of the Spring Farm DCP, which is now approximately 25% developed. At full development, traffic volumes along sections of Spring Farm Drive and Norfolk Boulevard would be expected to increase to approximately 4 times, the current volume, i.e. two-way traffic volume of 240 veh/hr. along Spring Farm Drive and 52 veh/hr. along Norfolk Boulevard.

With these traffic volumes, road sections of Spring Farm Drive and Norfolk Boulevard, close to the subject development site, would be expected to operate with very good LoS B along Spring Farm Drive and LoS A along Norfolk Boulevard.

The forecast traffic generation from the proposed development is low (as indicated in Section 6.1 of between 28 and 32 veh/hr) and in the long term, the development is not expected to have significant or adverse traffic impact on the local road network.

7. CONCLUSIONS AND RECOMMENDATIONS

This Practice has undertaken an assessment of the potential traffic related consequences resulting from the proposed long day child care centre development on two residential allotments, located at north-western corner of Pekin Street and Danvers Road.

Based on our assessment, the following conclusions can be made:

- The proposed off-street parking provision suitably accords with Council's relevant DCP requirements and is accordingly considered to be satisfactory;
- The proposed access arrangements and internal circulation arrangement are in accordance with Australian Standards AS 2890.1, and would provide motorists with safe and efficient vehicle and pedestrian conditions;
- The proposed development is forecast to generate approximately 32 vehicles per hour and 28 vehicles per hour, during the mornings and evening peak hours respectively;
- The surrounding road network has spare capacity to accommodate the forecast additional traffic
- The surrounding road network operates with good level of service A during peak periods and would continue to operate with good LoS A, after the proposed child care, in the short term, and LoS A/B in the long term.
- However, to minimise the traffic impacts, it is recommended that the child care centre develop an operational management plan that guides safe and efficient internal operations within the child care centre. The plan is to be adopted by staff, parents and other stakeholders of the development, to maintain safe and efficient traffic/pedestrian movements and minimise the traffic impacts of the development.

Based on the conclusions and recommendations contained within this report, we are of the opinion that there are no traffic-related issues that should preclude approval of the subject application. Accordingly, we are in support of the proposed development.



14 March 2016

Del Bektas
37 Danvers Road, Spring Farm

ELECTRO MAGNETIC FIELD INFORMATION – FEEDER 306

POWER LINE INFORMATION

Feeder 306 near 37 Danvers Road, Springfarm is a 33,000 Volt transmission line that is presently used as a feeder between Nepean Transmission Substation to Cawdor Zone Substation.

Feeder 306 is used as one of two normal electricity supply lines to Cawdor Zone Substation and this line typically only carries 25% of the maximum rated line capacity. The magnetic field produced by transmission lines varies with the community's use of electricity (when more electricity is being used the EMF level will be higher).

The highest possible magnetic field level directly underneath these transmission lines is calculated to be a maximum of 17.03mG. These calculations assume that the transmission lines will be carrying load at its maximum rated capacity when in reality the load and therefore magnetic field levels will be much lower. Note also that the magnetic field levels decrease significantly as the distance away from the transmission lines increases (see Figure 1 below). The distance between the child care centre and directly beneath the transmission lines is approximately 30m, which produces a maximum possible magnetic field of 3.5mG (at rated capacity).

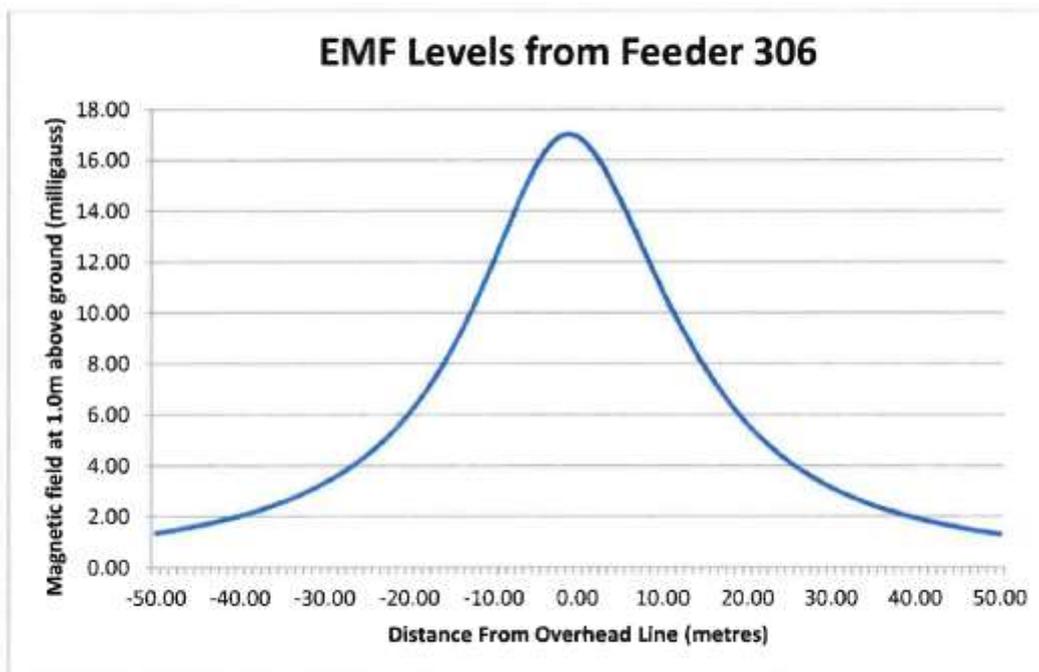


Figure 1: EMF levels across 33kV transmission line under maximum rated load conditions

51 Huntingwood Drive Huntingwood NSW 2148
PO Box 811, Seven Hills NSW 1730
T: 131 081 F: 61 2 9853 6300

www.endeavourenergy.com.au

ABN 52 251 30418



For comparison, the table below shows some examples of the typical magnetic field levels that can be found with the use of common household appliances.

Typical magnetic field levels (in milligauss)

Item	Typical Measurement	Range of measurement
Stove	6	2-30
PC	5	2-20
TV	1	0.2-2
Electric blanket	20	5-30
Hair dryer	25	1-70
Refrigerator	2	2-5
Toaster	3	2-10
Kettle	3	2-10
Fan	1	0.2-2

Electromagnetic field limits

The National Health and Medical Research Council of Australia have adopted international interim guidelines for limits of exposure to power frequency (50/60 Hz) electromagnetic fields. These guidelines state that the general public should not be exposed to electromagnetic fields greater than **2,000 milligauss (mG)** on a continuous basis.

Luke Seaford
Electrical Engineer - Earthing
 Network Engineering

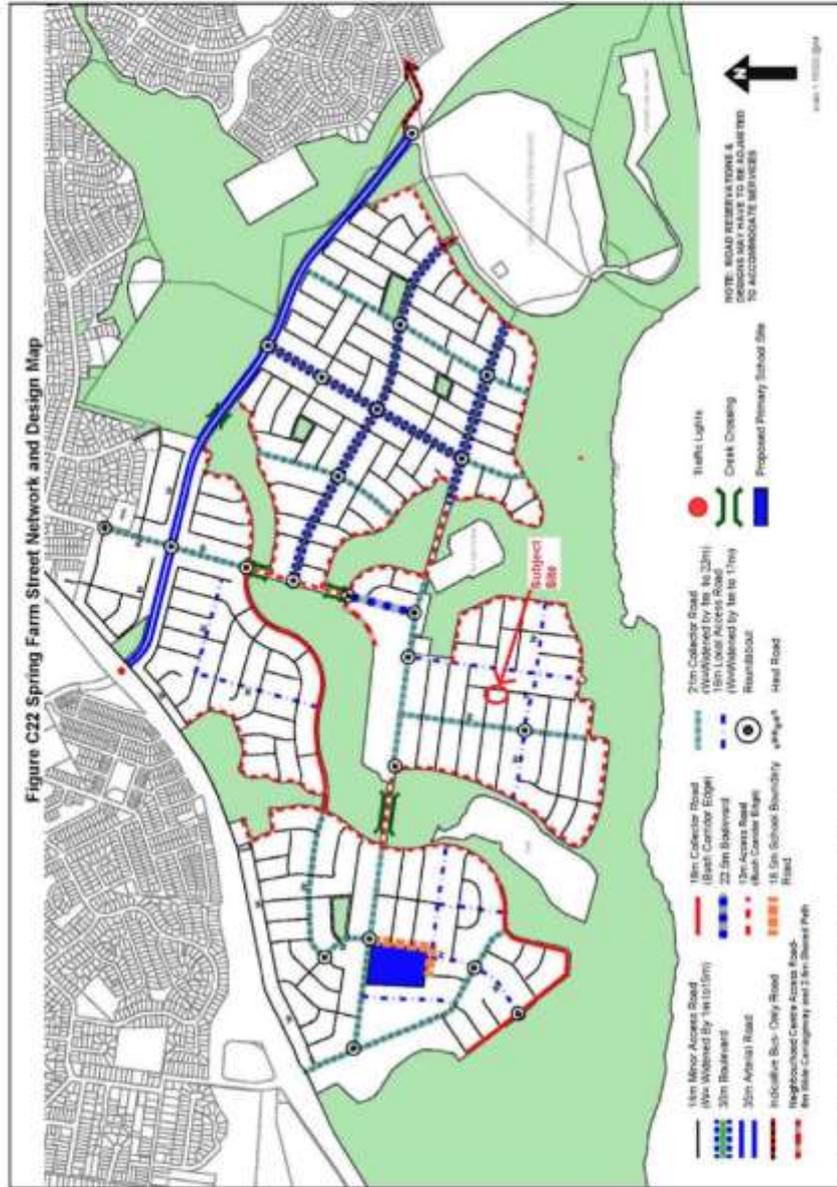


Figure C22 Spring Farm Street Network and Design Map

Details of Conditions:**1.0 - General Conditions of Consent**

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

- (1) **Waste Bin Collection Points** - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting and other fixtures must be provided for each approved lot. This area is to be 3m long x 0.9m wide and provide a 3.9m clear vertical space to allow for the truck-lifting arm.
- (2) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (4) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
A0.00 Rev D	General Notes	Creative Drafting Services	2 November 2017
A1.00 Rev D	Site Plan and Notes	Creative Drafting Services	2 November 2017
A1.01 Rev D	Ground Floor and Roof Layout	Creative Drafting Services	2 November 2017
A1.02 Rev D	Carpark and Playground Set-outs and Notes	Creative Drafting Services	2 November 2017
A1.03 Rev D	Elevations 1-4 and Sections 5 & 6	Creative Drafting Services	2 November 2017
A1.04 Rev D	Coloured Scheme Elevations	Creative Drafting Services	2 November 2017
A1.05 Rev D	Control Joint Set-out	Creative Drafting Services	2 November 2017
101 Rev C	Stormwater Concept Plan	Australian Consulting Engineers	3 November 2017
102 Rev C	Miscellaneous	Australian	3 November

	Details Sheet	Consulting Engineers	2017
2232/291230	Contour Plan	Donovan Associates	6 December 2016
4695 Sheet 1 of 1	DA Landscape Concept	Monaco Design PL	15 May 2017

Document Title	Prepared by	Date
Waste Management Plan	Submitted with DA Documentation	22 August 2017
Traffic Report Ref 17121.01FA	McLaren Traffic Engineering	5 April 2017
BCA Indicative Compliance Report for DA Lodgement 70-72 Nicholson Pde & 2-2 Reynolds St Spring Farm NSW Ref B17-0034 Issue v1.1	Building Innovations Australia	15 May 2017
Access 2016 Indicative Compliance Report for DA Lodgement Ref B17-0035 Issue v1.1	Building Innovations Australia	15 May 2017
DA Noise Assessment for Proposed Child Care Centre Ref TJ632-01F02 Rev 2	Renzo Tonin & Associates	6 April 2017

(6) **Modified Documents and Plans** - The development shall be modified as follows:

- a) In addition to the provided hand wash basin, located in the bottle preparation room, an additional slop sink will also have to be provided.
- b) The landscaping plant schedule is to include additional vegetative screening. The width of such landscape area is to be a minimum of 500mm wide. Use of climbers and supporting wire structure would be suitable.
- a) A 1.2m high gate shall be provided to enclose the car park entry and exit points, to prevent pedestrian/vehicular access outside of the operating hours of the child care centre.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

(7) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be provided to the PCA prior to the excavation commencing.

- (8) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (9) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (10) **Car Park** - All parking areas must comply with AS 2890.1 – Off Street Parking and 2890.6 – Parking for people with a disability
- (11) **Acoustic Certification** - Within three months of the premises being occupied by the childcare centre, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contain in the acoustic report prepared by Renzo Tonin and Associates reference number TJ632-01F02(r2) dated 6 April 2017. Where the criteria are not meet the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.
- (12) **Security** - All entry points to the facility must be fitted with appropriate access control devices. All security systems, access control devices and CCTV must be installed by a licensed security professional to meet or exceed the relevant Australian Standard.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and

- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (2) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Damages Bonds** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (5) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.
- (7) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the Certifying Authority and Council.
- (8) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
 - b) the Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;

- d) Council's Food Premises Code;
- e) AS 1668.1-2015 and 1668.2-2012;
- f) the BCA; and
- g) AS 4674-2004 Design, construction and fitout of food premises

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (9) **Mechanical Ventilation** - Any room or area not provided with natural ventilation in accordance with the relevant requirements of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (10) **Retaining Wall over Existing Drainage Easement** - A certificate from a suitably qualified practising engineer shall be submitted to the Principal Certifying Authority stating that design of the proposed retaining wall over the existing drainage easement will not impose any loading on to the stormwater pipe within this drainage easement.

3.0 - Prior to Commencement of Works

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

- (1) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (2) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (3) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;

- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (4) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and

- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (8) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.
- Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.
- (9) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.
- (10) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (11) **Site is to be Secured** - The site shall be secured and fenced.
- (12) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the PCA.

4.0 - During Works

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

- (1) **Site Management** - The following practices are to be implemented during construction:
- a) 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 site;
- b) 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;

- c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - e) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (2) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (3) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (4) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (5) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development works have been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 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 wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (6) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- f) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - g) the wheels of vehicles leaving the site:
 - iv) do not track soil and other waste material onto any public road adjoining the site; and
 - v) fully traverse the site's stabilised access point.

- (7) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

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

- (8) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.

- (9) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (10) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report Salinity assessment and management plan precincts 200&300 spring farm prepared by SMEC testing Services Pty Ltd project number 17909/85198 and 17910/85208 dated July 2011.

- (11) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (12) **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).

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (2) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (3) **Lot Consolidation** - Lots 2230, 2231, 2211 and 2212 are to be consolidated.

A copy of the registered plan of consolidation shall be provided to the PCA.

- (4) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (5) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (6) **Acoustic Compliance Report** – Prior to the selection and installation of mechanical plant, advice shall be obtained from an independent acoustic consultant confirming that noise levels from the use of the equipment or plant shall comply with the following criteria when measured at the nearest residential boundary:

- 43dB(A) 7am-6pm; and
- no plant to be operated outside the centres of hours of operation

All noise attenuation materials and structures used for the mitigation control of noise must be compliant with the conditions of this development consent.

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

The owner/occupier must then provide a supplementary acoustic report to the PCA certifying that all compliance works have been completed and that noise levels comply with the above criteria.

- (7) **Compliance with Submitted Acoustic Report** - The noise control measures specified section 4.4 and figure 2 of the acoustic report prepared by Renzo Tonin and Associates reference number TJ632-01F02(r2), dated 6 April 2017, shall be installed prior to the issuing of the occupation certificate. The noise reduction measures and criteria specified in the acoustic report shall be complied with at all times during the operation of the premises.
- (7) **Food Premises** - The following notifications shall occur:
- a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website; and
 - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (8) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
 - c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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

- (10) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94 MGA zone 56).

6.0 – Ongoing Use

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

- (1) **Number of Children** – The centre is approved to accommodate a maximum of 70 children. However this maximum number shall be reduced to any lower number of children that is separately approved for the centre by the Department of Education.
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (3) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (4) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain 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, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion 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.

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

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (5) **Waste Water Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.

- (6) **Food Premises** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (eg probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-10C

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (7) **Music and/or Amplifiers** - Music and other amplified sound, including recorded or broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall only be audible within the property boundaries.
- (8) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (9) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (10) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	7:00am – 6:00pm
Tuesday	7:00am – 6:00pm
Wednesday	7:00am – 6:00pm
Thursday	7:00am – 6:00pm
Friday	7:00am – 6:00pm
Saturday	Closed
Sunday and Public Holidays	Closed

- (11) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

- (12) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.

- (13) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (14) **Use of staff parking spaces for drop-off and pick-up times** – The staff car parking spaces shall be sign posted to enable unoccupied spaces to be used by parents during the peak drop-off time between 7:00am and 9:00am and the peak pick-up time between 4:00pm and 6:00pm.
- (14) **Department of Education Approval** – The centre must comply with all requirements of the Department of Education. A letter from the Department of Education which details the approved number and age of children to be accommodated at the centre, and any operational conditions, must be submitted to Council prior to the centre becoming operational.

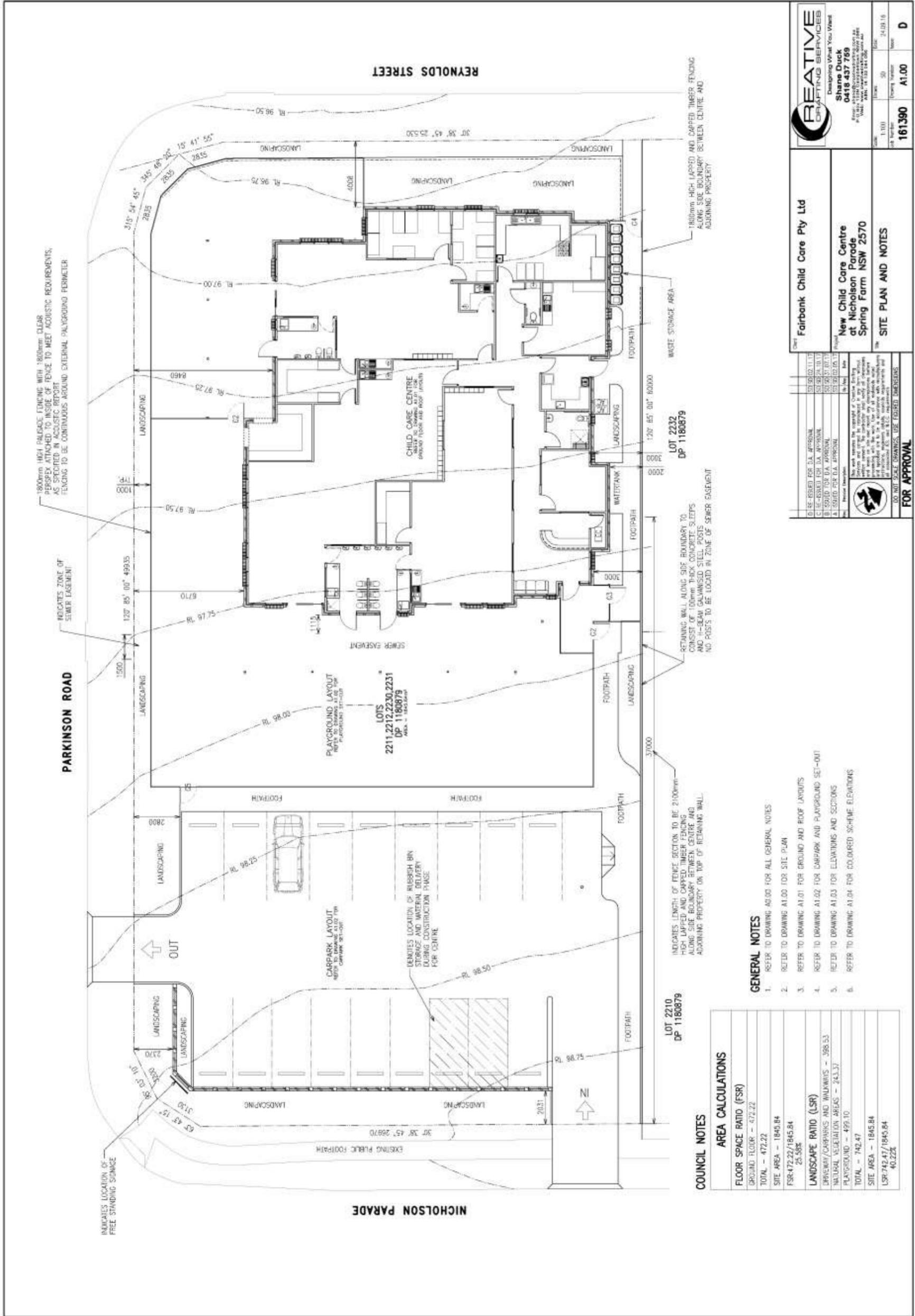
Should the Department of Education approval be subsequently amended at any time the operator of the centre must submit a copy of the amended approval to Council.

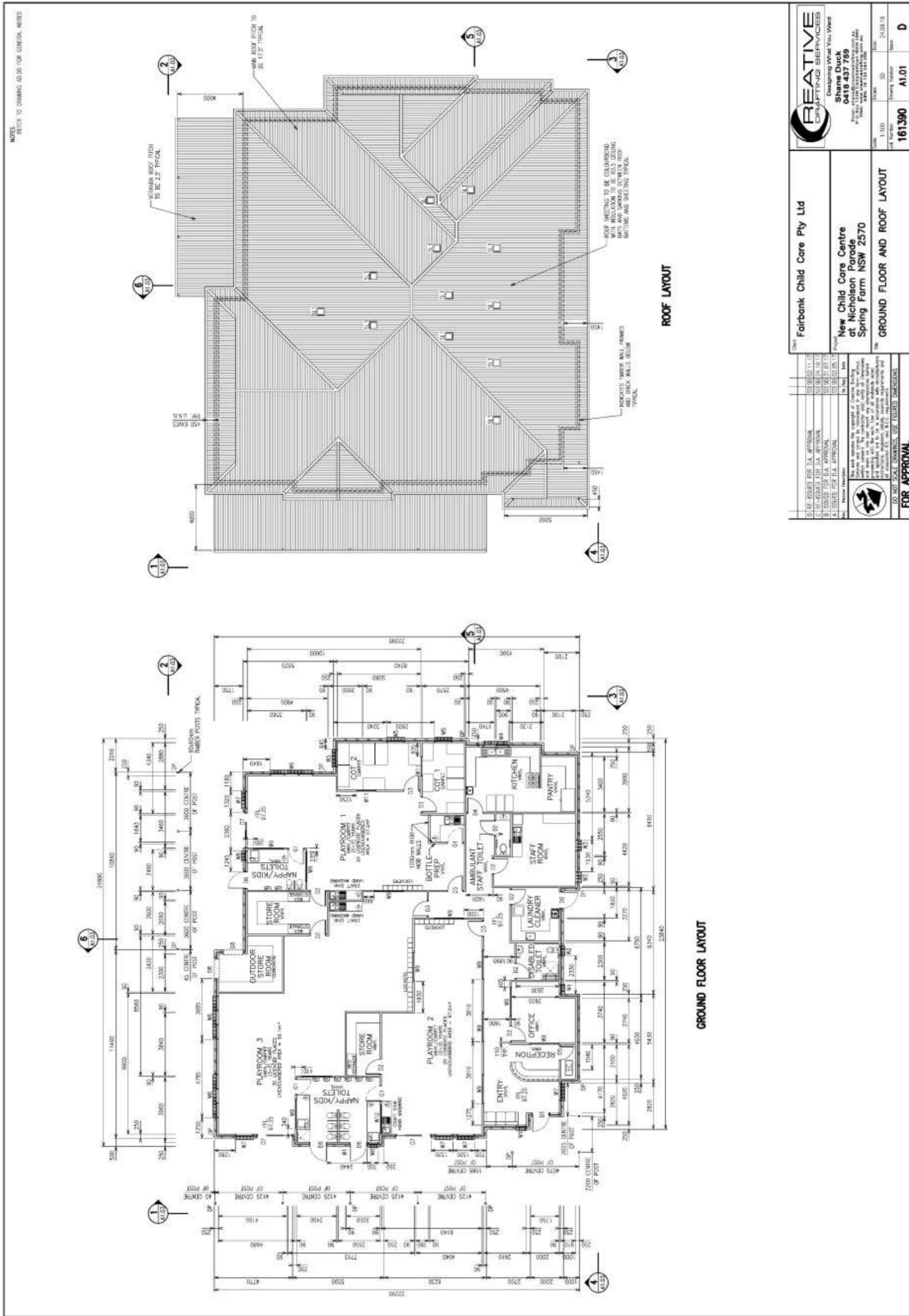
- (15) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (16) **Public Address Systems and Amplified Music** - Public address systems and amplified music are not to be installed or used external to the building. The use of such equipment at the premises must not cause the emission of offensive noise (as define by the Protection of the Environment Operations Act 1997).

As a guide to minimise the likelihood of disturbance, the L_{Aeq} (15 minutes) noise level due to the operation of amplified sound equipment should not exceed the background L_{A90} plus 5dB(A) sound level when measured in the immediate vicinity of the external structure of any nearby residence

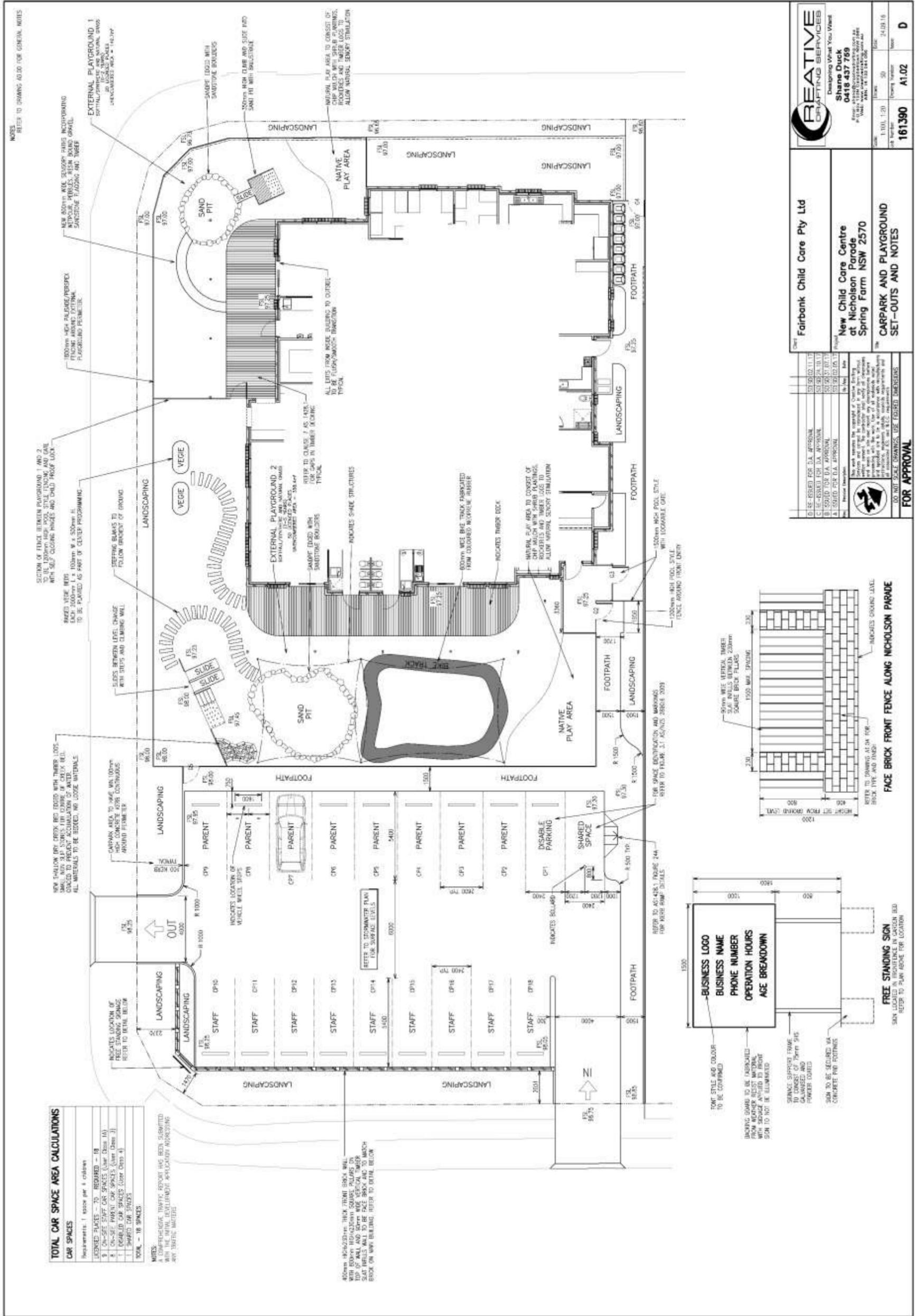
Reasons for Conditions:

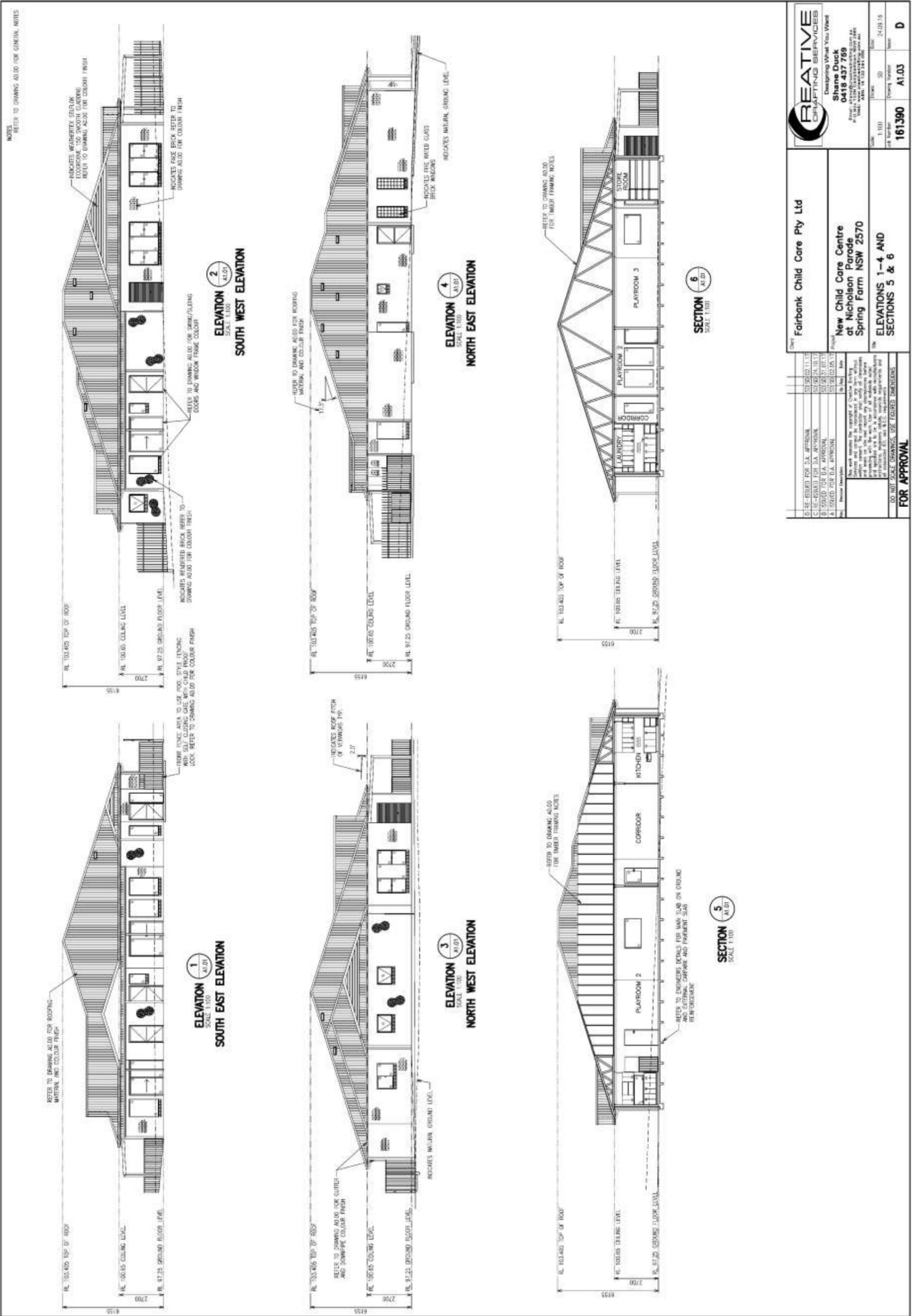
- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.





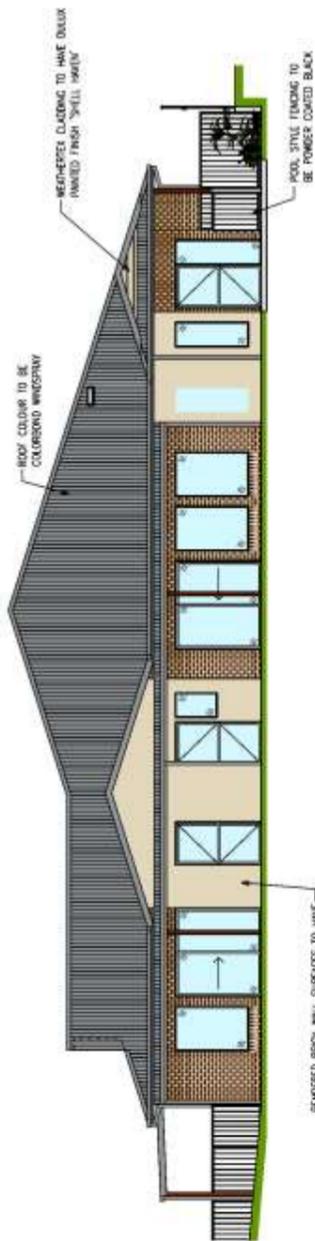
Client	Fairbank Child Care Pty Ltd
Project	New Child Care Centre at Nicholson Parade Spring Farm NSW 2570
Designing What You Want	Shane Duck 0418 437 769 shane@reactive-drafting.com.au www.reactive-drafting.com.au
Scale	1:100
Drawn	SD
Check	SD
Date	24.09.16
Sheet No.	161390
Sheet Name	A1.01
Sheet Desc	D



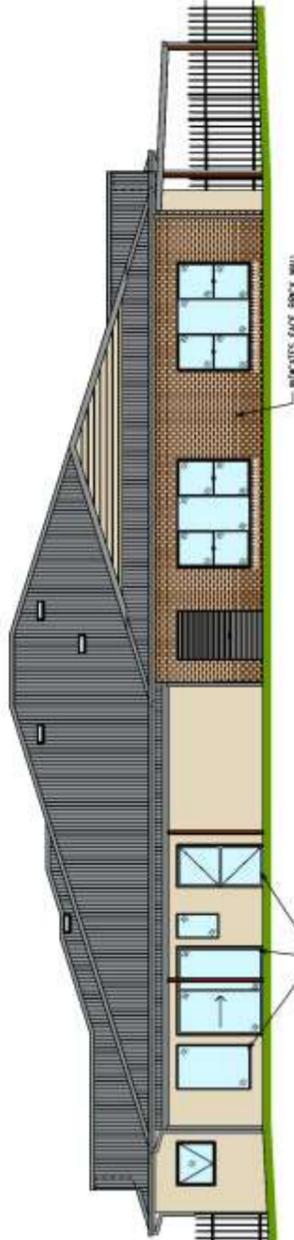


		Fairbank Child Care Pty Ltd	
Designing What You Want Shane Duck 0418 437 769 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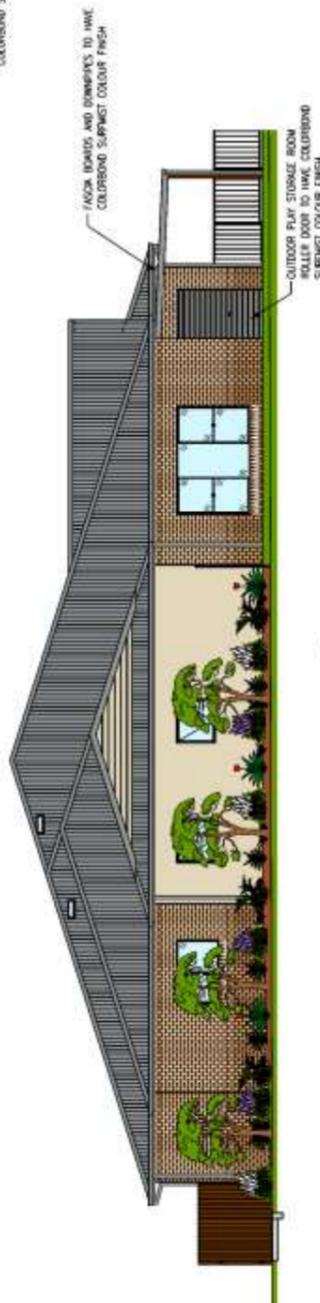
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REFER TO DRAWING A4.00 FOR GENERAL NOTES



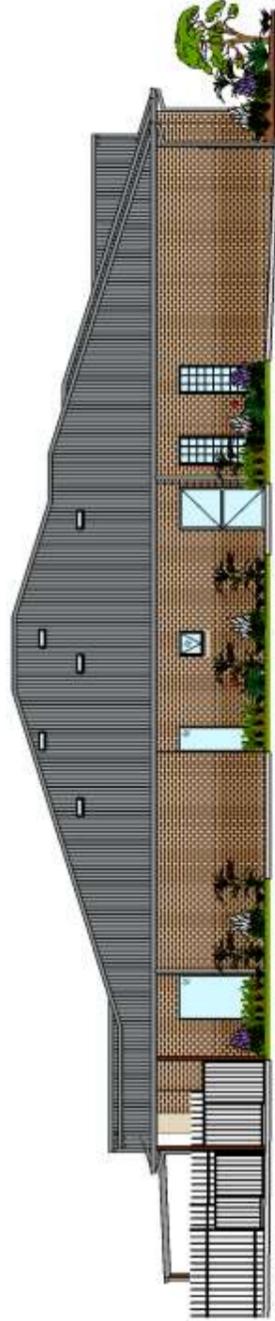
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A1.02



2
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3
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SCALE 1:75
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4
ELEVATION
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A1.05

Client: Fairbank Child Care Pty Ltd Project: New Child Care Centre at Nicholson Parade Spring Farm NSW 2570 Title: COLOURED SCHEME ELEVATIONS		Scale: 1:75 Plot Number: 161390 Drawing Number: A1.04	Date: 24.08.18 Issue: 0 Status: D
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**TRAFFIC AND PARKING IMPACT ASSESSMENT
CHILD CARE CENTRE**

AT 70-72 NICHOLSON PARADE & 2 - 2A REYNOLDS STREET, SPRING FARM NSW



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Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

17121.01FA - 5th April 2017



Development Type: Child Care Centre
Site Address: 70-72 Nicholson Parade & 2 - 2A Reynolds Street, Spring Farm NSW
Prepared for: Fair Bank Childcare
Document reference: 17121.01FA

Status	Issue	Prepared By	Checked By	Date
Draft	A	SH/MM	PK	24 th March 2017
Final	A	MM	PK	5 th April 2017

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1 INTRODUCTION

McLaren Traffic Engineering (MTE) was commissioned by *Fair Bank Childcare* to prepare a Traffic and Parking Impact Assessment of the proposed Child Care Centre at 70-72 Nicholson Parade & 2 - 2A Reynolds Street, Spring Farm NSW.

1.1 Description & Scale of Development

The proposed child care centre (as depicted in **ANNEXURE A**) is to accommodate 70 children and 12 staff members as per the following:

- 20 children between 0-2 years old (5 staff assigned)
- 20 children between 2-3 years old (4 staff assigned)
- 30 children between 3-6 years old (3 staff assigned)
- Hours of operation are 7:00am to 7:00pm, Monday to Friday

The proposed child care centre will accommodate a total of 18 car parking spaces within an at-grade car park operated as a one-way system with separate entry and exit driveways from Parkinson Road and Nicholson Parade respectively.

1.2 State Environmental Planning Policy (Infrastructure) 2007

The proposed development does not qualify as a traffic generating development of relevant size or capacity according to Clause 104 of the state Environmental Planning policy. Consequently, formal referral to the Roads and Maritime Services (RMS) is not required and Camden Council officers can determine this proposal accordingly.

The site is located within the jurisdiction of Camden Council and is subject to their relevant planning controls:

1.3 Site Description

The subject site is currently a vacant parcel of land located at 70-72 Nicholson Parade and 2-2A Reynolds Street, Spring Farm NSW. The site is made up of 4 single lots with frontages to Nicholson Parade, Parkinson Road and Reynolds Street. The site has a total area of 1,845.84m² and is currently zoned R1 General Residential under the Camden Local Environmental Plan (LEP) 2010. No vehicular access is currently made to the site given the vacant land is yet to be developed.

The site is part of a masterplan for Spring Farm Eastern Village and is surrounded by low density residential developments.

1.4 Site Context

The site location is shown on aerial imagery and a map in **Figure 1** and **Figure 2** respectively.



★ Site Location

FIGURE 1: SITE CONTEXT – AERIAL PHOTO



★ Site Location

FIGURE 2: SITE CONTEXT – STREET MAP

2 EXISTING TRAFFIC AND PARKING CONDITIONS

2.1 *Road Hierarchy*

Nicholson Parade (Boulevard) has the following characteristics within close proximity to the site:

- Unclassified LOCAL Road;
- Approximately 20m in width facilitating one traffic lane in each direction, kerbside parking on both sides of the road and a 9m median separating each traffic lane.
- 50km/h speed limit applies;
- Generally unrestricted kerbside parking on both sides of the road.

Parkinson Road has the following characteristics within close proximity to the site:

- Unclassified LOCAL Road;
- Approximately 7m in width facilitating one traffic lane in each direction with roll over kerbs;
- 50km/h speed limit applies;
- Generally unrestricted kerbside parking on both sides of the road within the road reserve.

Reynolds Street has the following characteristics within close proximity to the site:

- Unclassified LOCAL Road;
- Approximately 7m in width facilitating one traffic lane in each direction with roll over kerbs;
- 50km/h speed limit applies;
- Generally unrestricted kerbside parking on both sides of the road within the road reserve.

Easton Avenue (Boulevard) has the following characteristics within close proximity to the site:

- Unclassified LOCAL COLLECTOR Road;
- Approximately 30m in width facilitating one traffic lane in each direction, one bicycle lane in each direction, one parking lane on each side of the road and a large median separating each traffic lane.



NOTE: Assumed 8.5vpd as per Cardno Spring Farm and East Village Traffic Impact Assessment

FIGURE 4: PEAK HOUR TRAFFIC FLOWS

2.4 Public Transport

The subject site has access to a proposed bus route through Spring Farm. The closest proposed bus stop is approximately 130m walking distance to the subject site. The *Spring Farm Eastern Village Concept Masterplan* states

"bus routes will be facilitated through Spring Farm, providing connections to nearby suburbs and regional centres."

A map of the proposed bus route is displayed in **Figure 5**.

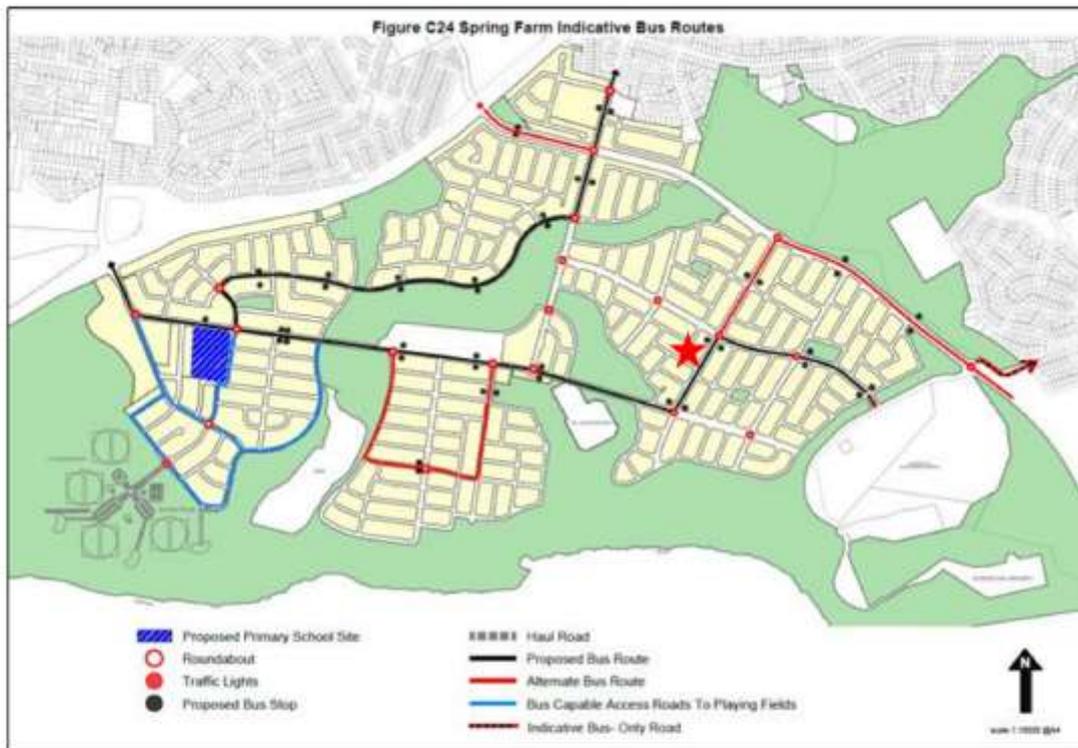


FIGURE 5: PUBLIC TRANSPORT MAP

2.5 Future Road and Infrastructure Upgrades

From Camden Council's development tracker and website, it appears that there are no future planned road or public transport changes that will affect traffic conditions within the immediate vicinity of the subject site.

The site is part of the Spring Farm and East Village Masterplan, and is subject to further infrastructure and road developments. As such, various constructions will be undertaken within the area.

3 PARKING ASSESSMENT

3.1 **Council Parking Requirement**

Reference is made to Camden Council's *Development Control Plan (DCP) 2011 – Part B: General Land Use Controls* which designates the following parking rates applicable to child care centres:

Child Care Centre

1 car parking space per 4 children

1 of the car parking spaces shall be designed for people with a disability

Where the calculation in respect of the level of parking required results in a fraction of a space, the requirement shall be taken to the next highest whole number.

For the purposes of this calculation, the number of employees is based on the staffing requirements of the Children's Service Regulation 2004

TABLE 1: DCP PARKING REQUIREMENTS

Land Use	Scale	Rate	Spaces Required
Child Care Centre	70 children	1 per 4 children	17.5 (18)
Total	-	-	17.5 (18)

As shown above, the development requires a total of **18** car parking spaces for both staff and parents picking up and collecting their children from the centre. The site provides a total of **18** car parking spaces (1 of which is disabled), complying with Council's DCP parking requirement.

3.2 **Parent Parking**

Visitor parking involves parents and carers entering or exiting the site by vehicle and a pedestrian movement to / from the centre's entrance. The RMS recommends Child Care Centres to provide this parking in a **SAFE** and **CONVENIENT** way. The most **SAFE** and **CONVENIENT** way is with a dedicated footpath from the spaces to the entry, in a low traffic volume area and with minimal crossings of driveways and roads. The proposed plans provide 9 visitor spaces on-site with a dedicated pedestrian path to the entry, separated from the parking aisle. This is assessed as being safe and convenient, strictly in accordance with recommendations contained within the RMS Guide.

3.3 **Bicycle & Motorcycle Parking Requirements**

Council's DCP does not provide bicycle or motorcycle parking rates for child care centres, and as such, the DCP does not require the provision of bicycle and motorcycle parking areas within this facility. The development provides nil (0) motorcycle and bicycle spaces complying with the Council's DCP.

3.4 Servicing & Loading

Council's DCP does not specifically outline a rate for the provision of loading facilities at child care centres. The typical size of vehicles used for small and infrequent deliveries to child care centre is a B99 utility / courier van (i.e Toyota Hiace) which can access a normal sized car space. The site can accommodate this delivery vehicle on-site between 9am and 4pm, outside peak visitor times such that the majority of the visitor spaces (excluding the 6 visitor spaces taken up by staff) are likely to be vacant. Deliveries can be managed to occur outside of peak parent pick-up / drop-off times where the delivery vehicle can utilise one of the vacant car parking spaces. This is common practice for child care centres and will not noticeably affect operation of the site. It is reiterated that deliveries and other arrivals of similar nature are low in frequency and can be easily managed.

It is anticipated that waste collection will occur on-street by council's waste collection service.

3.5 Disabled Parking

Council's DCP requires one (1) disabled space specifically for CCC to be designed in accordance with AS2890.6 and be provided in accordance with the BCA. A child care centre is a Class 9b building and as such requires the provision of 1 disabled space per 100 spaces provided, or part thereof. Therefore, the site requires one (1) disabled car parking space which has been provided as per AS2890.6:2009 requirements. The site provides one (1) disabled parking spaces, complying with both Council and the BCA parking requirements.

3.6 Car Park Design & Compliance

The proposed off-street car park has been designed in accordance with AS2890.1:2004 and AS2890.6:2009 (or better) where applicable, subject to the required changes presented in **Annexure B**. The following are relevant to note:

- Parent drop off spaces with minimum dimensions of 2.6m width by 5.4m length;
- Staff spaces with minimum dimensions of 2.4m width by 5.4m width;
- Disabled parking space with minimum dimensions of 2.4m width by 5.4m length and adjacent shared space with minimum dimensions of 2.4m width by 5.4m length
- One-way driveways with minimum width of 3m;
- Provision of 1.5m footpath from each parent space to the child care centre lobby.

It should be noted that while we have assessed the plans to be compliant with the relevant standards, it is usual that a construction certificate is required prior to construction due to possible changes during or after D.A approval.

Reference is made to Councils' Pre-DA letter dated 10 November 2016 that states:

"The carpark design shall be in accordance with AS2890. Please note that the 6.0m wide traffic aisle should be 6.2m for car park spaces of 2.4m x 5.4m."

As per AS2890.1:2004, a 5.8m aisle is sufficient for class 1A (Residential, domestic and employee parking) and class 3 (Short-term city and town centre parking, parking stations, hospital and medical centres) parking spaces. Therefore, the 6m wide aisle is designed in accordance with AS2890.1:2004 and is adequate for the child care centre. The requirement for a 6.2m aisle is for employee and commuter parking in shopping centres with a high turnover of parking at shopping centres. The child care centre is not a shopping centre, as a result the 6.2m aisle is not required by AS2890.1:2004.

Swept paths have been undertaken and are reproduced in **Annexure C** for reference.

4 TRAFFIC ASSESSMENT

The impact of the expected traffic generation levels associated with the subject proposal is discussed in the following sub-sections.

4.1 *Traffic Generation*

The estimated traffic generation level for the 70-place subject child care centre is based upon the RMS *Guide to Traffic Generating Developments October 2002*, which assumes a worst case of a high proportion of private vehicle trips (being some 97%). The traffic generation is summarised in **Table 2** below.

TABLE 2: TRAFFIC GENERATION OF SITE

Time	Children	Rate	Traffic Generation	Direction
7:00-9:00am	70	0.8 per child	56 trips	28 in; 28 out
2:30-4:00pm		0.3 per child	21 trips	10 in; 11 out
4:00-6:00pm		0.7 per child	49 trips	24 in; 25 out

As shown above, during the 7-9am period the traffic generated by the site equates to 56 vehicles trips (28 in; 28 out) based upon a rate of 0.8 vehicle trips per child. For the 4-6pm period, the site generated traffic equates to 49 vehicle trips (24 in; 25 out) based upon a rate of 0.7 vehicle trips per child as per the RMS Guide.

It is typical for CCC in new subdivisions to have a high portion of local users such that some trips are newly generated at the driveway but not newly generated at the entry to the precinct. It is envisaged then that by not discounting for locally linked trips, the assessment is conservative and a worst case.

It is assumed the peak site generated traffic occurs during the commuter peak hour period, with 100% of the above volumes occurring during the one hour.

4.2 *Traffic Assignment*

Given the surrounding road network and limited available routes to / from the site, it is assumed that 100% of traffic entering the child care centre will use the intersection of Easton Avenue / Plymouth Boulevard (travelling from Richardson road) then turn left onto Garton Road, then Right into Reynolds Street, left into Parkinson Road and Left into the childcare centre. It is assumed 100% of traffic exiting the child care centre will turn left onto Nicholson Parade then left onto Easton Avenue.

It should be noted that the above traffic distribution is a worst case scenario for local roads and there are various routes to travel to the child care centre from both the internal subdivision roads and from the entry to the subdivision.

4.3 Traffic Impact

The traffic generation outlined in **Section 4.1 & 4.2** above has been added to the existing traffic volumes. The new two-way AM and PM peak volumes along the critical routes to and from the child care centre are presented in **Figure 6**. No discount was given for the four residential lots that the child care centre is replacing which is conservative.



FIGURE 6: FUTURE TWO-WAY PEAK HOUR FLOWS

The increase in traffic for each road effected is presented in **Table 3**.

TABLE 3: TRAFFIC INCREASES

Road	Existing Peak Hour	Future Peak Hour	Percentage Increase
Richardson Road (Arterial)	978	1034	5.7%
	1019	1068	4.8%
Easton Avenue West (Boulevard)	986	1042	5.7%
	1028	1077	4.8%
Easton Avenue East (Boulevard)	853	881	3.3%
	889	914	2.8%
Plymouth Boulevard (Local)	12	40	236.4%
	12	37	198.5%
Nicholson Parade (Boulevard)	341	367	8.2%
	355	380	6.9%

As can be seen from **Table 3** there is minimal increase in overall traffic to the wider traffic network, except for Plymouth Boulevard. The existing two-way traffic volumes along Plymouth Boulevard are 12 two way vehicles during the morning and 12 two way vehicles during the evening peak hour. These two-way flows are well below the environmental goal of 200 vehicles per hour or the maximum threshold of 300 vehicles per hour for a local street as specified in the *RMS Guide to Traffic Generating Developments 2002*.

Furthermore, the local roads Garton Road, Reynolds Street and Parkinson Road service approximately, 27, 2 and 19 dwellings, assuming a traffic generation of 1 trip per dwelling in any peak hour period this is equivalent to 27, 2 and 19 trips for Garton Road, Reynolds Street and Parkinson Road respectively. Assuming all vehicles use the local roads this results in a total of 48 existing two-way traffic volume. These two-way flows are well below the environmental goal of 200 vehicles per hour or the maximum threshold of 300 vehicles per hour for local streets and further do not exceed the thresholds of a local access way being 100 trips per hour.

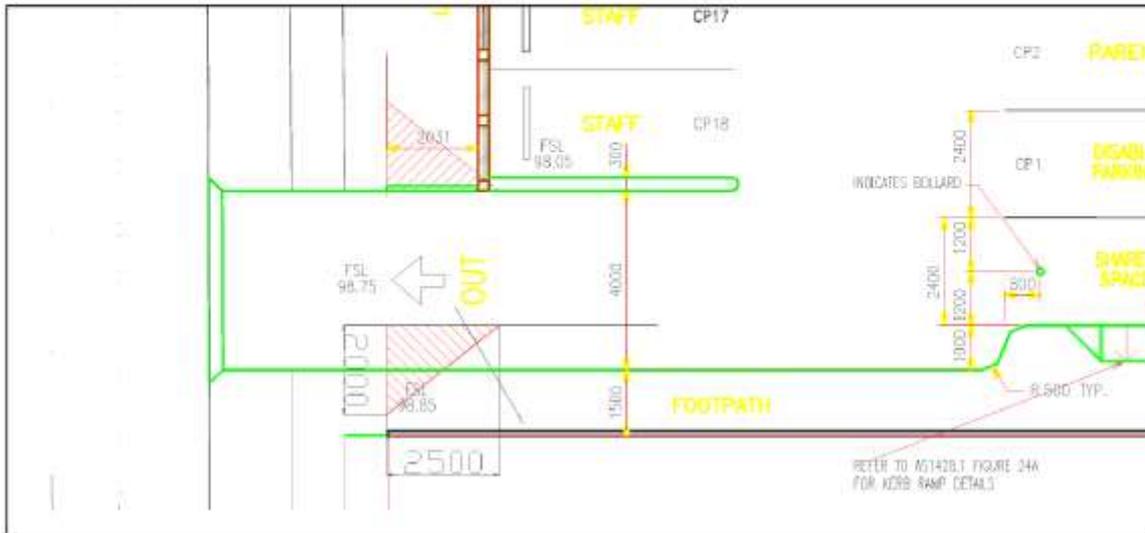
The additional traffic of 49-56 trips will not be significantly detrimental to residential amenity due to the current level of two-way traffic being well below the environmental goal to which residential amenity is compared. The development is therefore supportable on grounds of traffic impact. It should be noted that assuming all traffic flow into the child care centre utilise the local roads, namely Plymouth Road, Garton Road, Reynolds Street, this would result in a two-way traffic flow of 76 vehicles per hour.

5 CONCLUSION

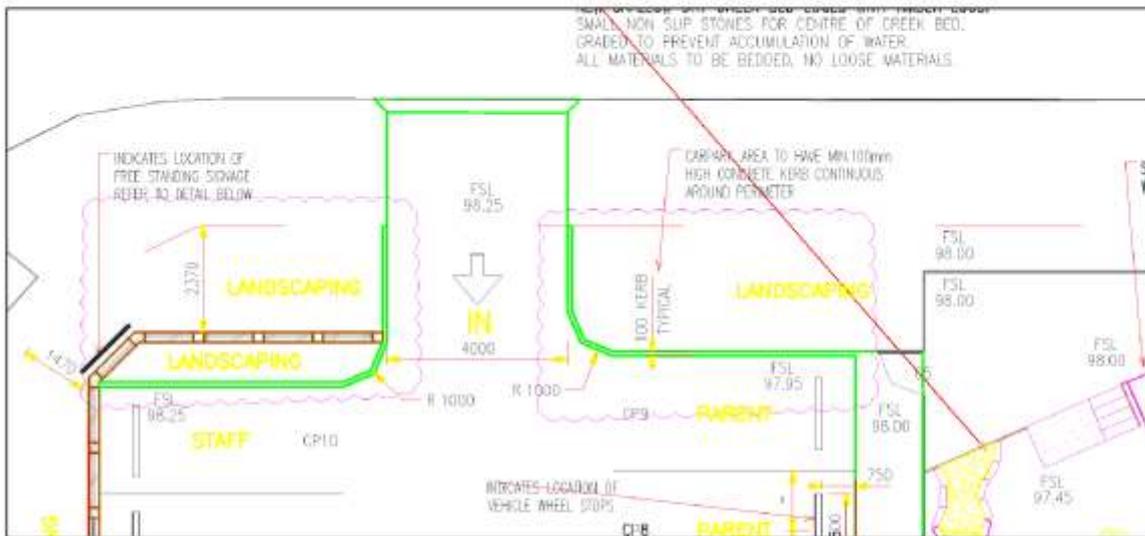
In view of the foregoing, the subject proposal for 70 children and 12 staff (as depicted in **ANNEXURE A**) is fully supportable in terms of its traffic and parking impacts. The following outcomes of this traffic impact assessment are relevant to note:

- Camden Council's DCP requires the provision of 18 car parking spaces. The development provides 18 off-street car spaces including 9 staff spaces, 8 parent drop-off / pick-up spaces and 1 disabled space, compliant with Council's DCP parking requirement. The proposed car parking layout is designed in accordance with AS2890.1- 2004 & AS2890.6:2009.
- Council's DCP does not provide bicycle or motorcycle parking rates for child care centres, and as such, the DCP does not require the provision of bicycle and motorcycle parking areas within this facility. The development provides nil (0) motorcycle and bicycle spaces complying with the Council's DCP.
- Delivery vehicles to the site can use a parent drop-off / pick-up space, outside of peak parent drop-off / pick-up periods, when demand for the parent spaces is low and activity within the car park is low. This is common practise for most child care centres. The typical size of vehicles used for deliveries will be similar to that of a Toyota Hiace van or B99 sized design vehicle.
- The proposed development is expected to generate 56 and 49 vehicle trips in the peak AM (28 in, 28 out) and PM (25 in, 24 out) periods. This level of traffic is low and will have minimal impact to the surrounding road network in terms of intersection performance, traffic flow efficiency and safety considerations.
- It is typical for CCC in new subdivisions to have a high portion of local users such that some trips are newly generated at the driveway but not newly generated at the entry to the precinct. It is envisaged then that by not discounting for locally linked trips, the assessment is conservative and a worst case.
- The local streets will retain traffic flows below the *RMS Guide to Traffic Generating Developments* environmental goal of 200 vehicles per hour or the maximum threshold of 300 vehicles per hour for local roads and further do not exceed the thresholds for a local access way being 100 trips per hour.

ANNEXURE B: REQUIRED CHANGES

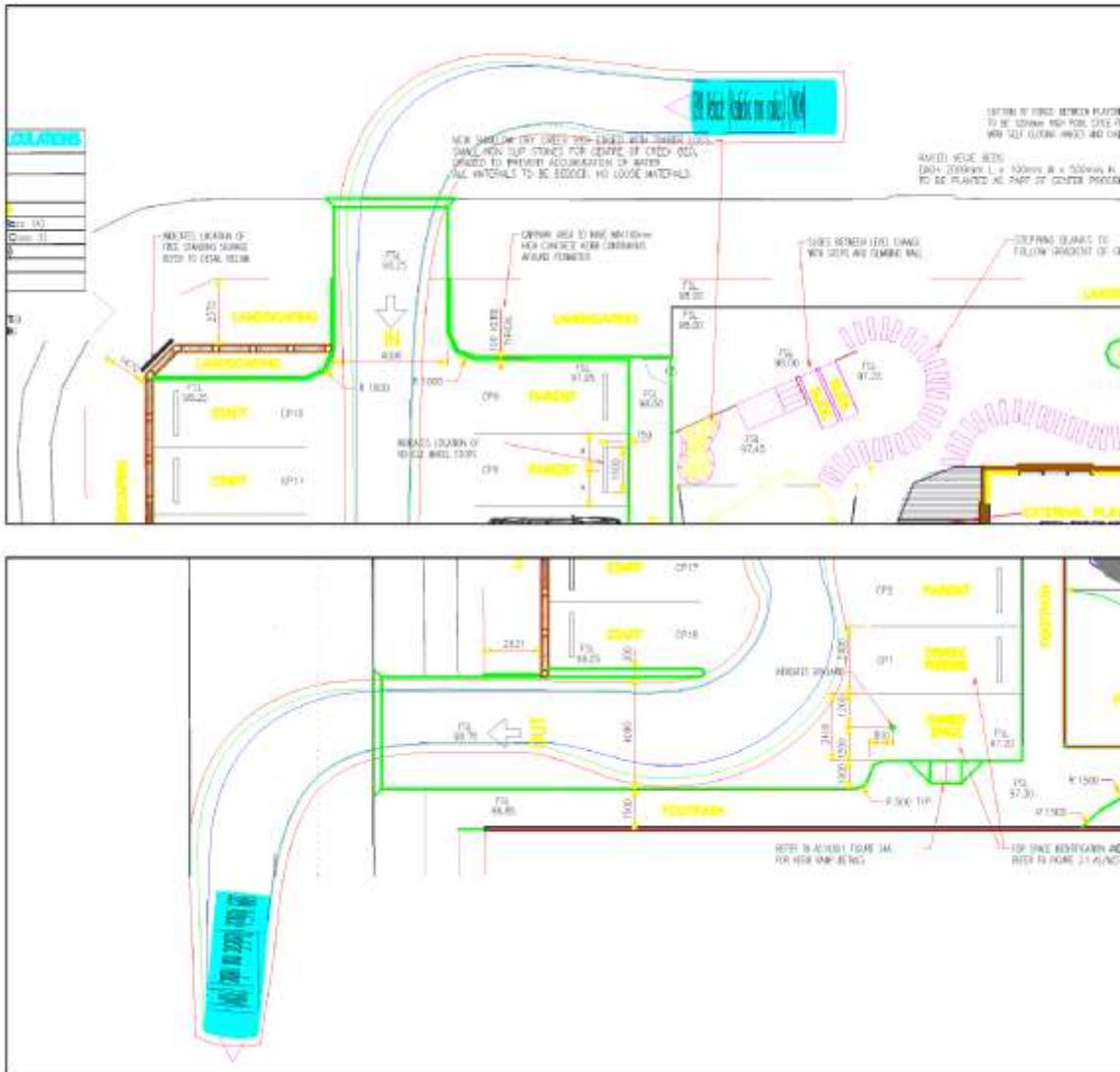


Pedestrian Sight Triangles to be clear of any obstructions over 600mm in height



All kerbs to be 300mm wide

ANNEXURE C: SWEEP PATH TESTS



B99 Large Car driveway entry / exit and circulation

Tested @ 10km/h within public road, 5km/h internally

- Blue = Tyre Paths
- Green = Vehicle Body
- Red = 300mm clearance



Acoustics
 Vibration
 Structural Dynamics

70-72 NICHOLSON PARADE & 2-2A
 REYNOLDS STREET, SPRING FARM

DA Noise Assessment for Proposed Childcare Centre

6 April 2017

Fairbank Child Care Pty Ltd

TJ632-01F02 (r2) DA Noise Assessment



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6 APRIL 2017

ORD02

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Important Disclaimer:

The work presented in this document was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard / NZS ISO 9001.

This document is issued subject to review and authorisation by the Team Leader noted by the initials printed in the last column above. If no initials appear, this document shall be considered as preliminary or draft only and no reliance shall be placed upon it other than for information to be verified later.

This document is prepared for the particular requirements of our Client referred to above in the 'Document details' which are based on a specific brief with limitations as agreed to with the Client. It is not intended for and should not be relied upon by a third party and no responsibility is undertaken to any third party without prior consent provided by Renzo Tonin & Associates. The information herein should not be reproduced, presented or reviewed except in full. Prior to passing on to a third party, the Client is to fully inform the third party of the specific brief and limitations associated with the commission.

In preparing this report, we have relied upon, and presumed accurate, any information (or confirmation of the absence thereof) provided by the Client and/or from other sources. Except as otherwise stated in the report, we have not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate or incomplete then it is possible that our observations and conclusions as expressed in this report may change.

We have derived data in this report from information sourced from the Client (if any) and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination and re-evaluation of the data, findings, observations and conclusions expressed in this report.

We have prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

The information contained herein is for the purpose of acoustics only. No claims are made and no liability is accepted in respect of design and construction issues falling outside of the specialist field of acoustics engineering including and not limited to structural integrity, fire rating, architectural buildability and fit-for-purpose, waterproofing and the like. Supplementary professional advice should be sought in respect of these issues.

Attachment 4

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FAIRBANK CHILD CARE PTY LTD
T1632-01F02 (R2) DA NOISE ASSESSMENT

70-72 NICHOLSON PARADE & 2-2A REYNOLDS STREET, SPRING
FARM
DA NOISE ASSESSMENT FOR PROPOSED CHILDCARE CENTRE

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1 Introduction

Renzo Tonin & Associates was engaged to assess environmental noise from the proposed child care centre to be located at 70-72 Nicholson Parade & 2-2A Reynolds Street, Spring Farm, impacting on nearby affected residences. Potential noise impact from the proposed child care centre has been assessed in accordance with the requirements of Camden Council and the guidelines of the Association of Australian Acoustical Consultants (AAAC)

The work documented in this report was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard / NZS ISO 9001. Appendix A contains a glossary of acoustic terms used in this report.

2 Project Description

2.1 Background Information

Development consent is required for the proposed child care centre to be located on the vacant lots of 70-72 Nicholson Parade & 2-2A Reynolds Street, in the recently established township of Spring Farm, near Camden. The site is located on the corner of Nicholson Parade to the southeast, Parkinson Road to the southwest and Reynolds Street to the northwest. The centre is proposed to accommodate up to 70 children with the breakup of children in each age group as follows:

- 20 x 0-2 years old
- 20 x 2-3 years old
- 30 x 3-5 years old

The internal areas of the proposed child care centre building will consist of three indoor play areas, staff room, store rooms, kitchen, office and amenities. The site will accommodate two outdoor play areas on the south eastern and south western sides of the child care centre building, with scheduled periods each day (weather permitting) of free play. The outdoor play areas are designated as follows:

- **Playground 1** – outdoor play area for the 0-2 year old children, adjacent to Playroom 1 on the south western and north western sides of the building
- **Playground 2** – outdoor play area for the 2-3 year old children and 3-5 year old children, adjacent to Playroom 2 and Playroom 3 to the south eastern and south western sides of the building

For the purposes of modelling and for a conservative approach, the assessment has been based on the total number of children (70) playing in the outdoor play areas at the same time.

On-site parking spaces for 18 vehicles will be located within the car parking area on the south eastern side of the child care centre building with entry via Parkinson Road and exit via Nicholson Parade.

2.2 Hours of Operation

The proposed operating hours of the child care centre will be as follows:

- 7.00am to 6.00pm, Monday to Friday

Outdoor play is expected to occur at any time during the day time operating hours of the child care centre.

2.3 Noise Issues

It is anticipated that noise from the child care centre will essentially emanate from the following sources:

- Operational noise from the use of the proposed child care centre including:
 - Intermittent noise from outdoor play areas and indoor areas;
 - Noise generated during the hours of operation by mechanical plant; and
 - Traffic noise generated by vehicle movement in the car park.
- Road traffic noise on public roads generated by vehicles associated with the child care centre.
- Road traffic noise on public roads impacting upon the proposed child care centre.

It is noted that the proposed child care centre building will be mechanically ventilated through the use of air conditioners. Consequently, all windows and doors will be closed during the use of indoor areas of the centre. Noise emission from internal playrooms with all windows and doors closed is not considered to be a significant noise source and therefore, no further assessment is included in this report.

Furthermore, existing traffic flows along Nicholson Parade, Reynolds Street and Parkinson Road are minimal as they operate as local roads and as a consequence, road traffic noise impact upon the proposed child care centre is expected to be insignificant and therefore, no further assessment is included in this report.

2.4 Noise Sensitive Receivers

Residential properties potentially impacted upon by noise emissions from the proposed child care centre were identified during a site inspection as follows.

Table 2.1 – Receiver Locations

Receiver ID	Address	Description
R1	28 Reynolds Street	Vacant lot located directly adjacent to the north eastern boundary of the subject site, proposed for future residential development. This receiver location would potentially be affected by noise from outdoor play areas, car park and mechanical plant. Receiver point located 1.5m above ground level.
R2	68 Nicholson Parade	Vacant lot located directly adjacent to the north eastern boundary of the subject site, proposed for future residential development. This receiver location would potentially be affected by noise from outdoor play areas, car park and mechanical plant. Receiver point located 1.5m above ground level.
R3	74 Nicholson Parade	Vacant lot located on the southern side of Parkinson Road, opposite the subject site, proposed for future residential development. This receiver location would potentially be affected by noise from outdoor play areas and the car park. Receiver point located 1.5m above ground level.
R4	16 Parkinson Road	Front yard of single storey dwelling located on the southern side of Parkinson Road, opposite the subject site. This receiver location would potentially be affected by noise from outdoor play areas and the car park. Receiver point located 1.5m above ground level.

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Receiver ID	Address	Description
R5	14 Parkinson Road	Vacant lot located on the southern side of Parkinson Road, opposite the subject site, proposed for future residential development. This receiver location would potentially be affected by noise from outdoor play areas and the car park. Receiver point located 1.5m above ground level.
R6	15 Parkinson Road	South eastern boundary of the single storey dwelling located on the western side of Reynolds Street, opposite the subject site. This receiver location would potentially be affected by noise from outdoor play areas and the car park. Receiver point located 1.5m above ground level.
R7	3 Reynolds Street	South eastern boundary of the two storey dwelling located on the western side of Reynolds Street, opposite the subject site. This receiver location would potentially be affected by noise from outdoor play areas and the car park. Receiver points located 1.5m and 4.5m above ground level to represent the ground floor and first floor levels, respectively.
R8	Vacant lot on eastern side of Nicholson Parade	Vacant lot located on the east side of Nicholson Parade, directly opposite the south eastern boundary of the subject site, proposed for future residential development. This receiver location would potentially be affected by noise from the car park and outdoor play areas. Receiver point located 1.5m above ground level.

A location map showing the site, surrounds, receiver and monitoring locations is presented in Figure 1 below.

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Figure 1 – Site, Surrounds and Monitoring & Receiver Locations



3 Existing Acoustic Environment

Criteria for the assessment of operational noise from child care centres are derived from the existing noise environment of an area, excluding noise from the subject development.

Appendix B of the NSW EPA's 'Industrial Noise Policy' (INP) outlines two methods for determining the background noise level of an area, being 'B1 – Long-term background noise method' and 'B2 – Short-term background noise method'. This assessment has used short-term noise monitoring.

As the noise environment of an area almost always varies over time, background and ambient noise levels need to be determined for the operational times of the proposed child care centre. For example, in a suburban or urban area the noise environment is typically at its minimum at 3am in the morning and at its maximum during the morning and afternoon traffic peak hours. The INP outlines the following standard time periods over which the background and ambient noise levels are to be determined:

- **Day** is defined as 7:00am to 6:00pm, Monday to Saturday and 8:00am to 6:00pm Sundays & Public Holidays.
- **Evening** is defined as 6:00pm to 10:00pm, Monday to Sunday & Public Holidays.
- **Night** is defined as 10:00pm to 7:00am, Monday to Saturday and 10:00pm to 8:00am Sundays & Public Holidays.

Given that the proposed child care centre would operate during the daytime period only, the assessment of noise impacts from the proposed child care centre will be undertaken for the daytime period from herein.

3.1 Noise Measurement Location

Noise measurements are ideally carried out at the nearest or most potentially affected locations surrounding a development. An alternative, representative location should be established in the case of access restrictions or a safe and secure location cannot be identified. Furthermore, representative locations may be established in the case of multiple receivers as it is usually impractical to carry out noise measurements at all locations surrounding a site.

Due to issues regarding access to the nearest affected receiver locations and a safe and secure location for long term unattended noise monitoring could not be established, short-term noise measurements were undertaken at the location outlined in Table 3.1 and shown in Figure 1.

Table 3.1 – Noise Measurement Location

Measurement ID	Address	Description
M1	70-72 Nicholson Parade & 2-2A Reynolds Street	Short-term attended noise measurement location within the subject site. The noise environment was dominated by natural sounds, general neighbourhood noise and distant traffic noise. This location was considered to be representative of the noise environment for all the receiver locations.

3.2 Noise Measurement Results

Short-term attended noise measurements were undertaken on Monday 20th March 2017 between 1:00pm and 2:00pm. This period is considered to be the quietest period during the day as it is outside of the morning and afternoon traffic peak hour periods.

The equipment used for noise measurements was a Bruel & Kjaer Type 2250 precision sound level analyser which is a class 1 instrument having accuracy suitable for field and laboratory use. The instrument was calibrated prior and subsequent to measurements using a Bruel & Kjaer Type 4231 calibrator. No significant drift in calibration was observed. All instrumentation complies with IEC 61672 (parts 1-3) 'Electroacoustics - Sound Level Meters' and IEC 60942 'Electroacoustics - Sound calibrators' and carries current NATA certification (or if less than 2 years old, manufacturers certification).

A summary of the short-term noise measurement results during the weekday period, representing the operating period of the proposed child care centre, is presented in Table 3.2.

Table 3.2 – Short-Term Noise Measurement Results, dB(A)

Location / Time	L_{A90} Background Noise Level	L_{Aeq} Ambient Noise Level	Comments on measured noise levels
Location M1 - 1:00pm to 2:00pm	38	46	The ambient L_{Aeq} and background L_{A90} noise levels were dominated by natural sounds, general neighbourhood noise and distant traffic noise

For the purpose of this assessment, the background noise level measured at Location M1 has been used to establish the noise goals for the residential receiver locations adjacent to the proposed child care centre.

It is noted that at the time of the background noise measurements, the area surrounding the proposed site was only partially developed. The sites to the north, south and east of the proposed child care centre site were predominately undeveloped and vacant lots. It is understood that future residences are to be developed within these sites and therefore, it is likely that the background and ambient noise environment would increase once the surrounding area is developed. Notwithstanding this, the assessment of noise emission from the proposed child care centre was conservatively based upon the measured noise levels presented above.

4 Operational Noise Assessment

4.1 Operational Noise Criteria

Camden Council's Development Control Plan (DCP) 2011 ('Part D - Controls Applying to Specific Land Uses/Activities') and Environmental Noise Policy (Policy No. 3.20, dated 10 June 2008) provides noise requirements relating to child care centres.

The sections of the policies relevant to specific noise criteria are presented below.

4.1.1 Outdoor Play Areas

The following noise criteria as presented in Camden Council's Environmental Noise Policy have been adopted for the operation of the outdoor play areas of the proposed child care centre for residential receivers.

"2.1 - Child Care Centres

The $L_{Aeq(15\text{ minutes})}$ noise level from children in the outdoor areas of the site must not exceed the background L_{A90} sound level by more than 10dB(A) when measured at the boundary of the nearest or most affected residential premises, or if the boundary is more than 30 metres from a residential dwelling, at the most affected point within 30 metres of a residence."

In accordance with the above noise requirement, the following criterion has been adopted for the outdoor play areas of the proposed child care centre.

- $L_{Aeq,15\text{ minute}} \leq \text{Background noise level} + 10\text{dB(A)}$

Therefore, based on the above criterion and the background noise levels presented in Section 3.2, the applicable noise limits for each residential receiver location are presented in Table 4.1.

Table 4.1 – Residential Noise Criteria for Use of Outdoor Play Areas, dB(A)

Receiver ID	Address	Outdoor Play Noise Criteria – $L_{Aeq, 15\text{ min}}$
Receiver R1	2B Reynolds Street	
Receiver R2	68 Nicholson Parade	
Receiver R3	74 Nicholson Parade	
Receiver R4	16 Parkinson Road	
Receiver R5	14 Parkinson Road	38 + 10 = 48
Receiver R6	15 Parkinson Road	
Receiver R7	3 Reynolds Street	
Receiver R8	Vacant lot on eastern side of Nicholson Parade	

4.1.2 Mechanical Plant and Car Park

Part C, Section 2.1 and Part B, Section 4.2 of Camden Council's Environmental Noise Policy states that noise from the mechanical plant and the car park areas are to be assessed in accordance with the EPA's NSW Industrial Noise Policy (INP).

The INP assessment has two components:

- Controlling intrusive noise impacts in the short-term for residences; and
- Maintaining noise level amenity for particular land uses for residences and other land uses.

Intrusive Noise Criteria

The intrusiveness criterion is applicable to residential premises only. According to the INP, the intrusiveness of a noise source may generally be considered acceptable if the equivalent continuous (energy-average) A-weighted level of noise from the source (represented by the L_{Aeq} descriptor) does not exceed the background noise level measured in the absence of the source by more than 5dB(A).

The intrusiveness criterion is summarised as follows:

- $L_{Aeq,15minute} \leq \text{Rating Background Level (RBL) plus 5dB}$

Amenity Noise Criteria

The INP amenity criteria are designed to maintain noise level amenity for particular land uses, including residential and other land uses. The INP recommends base acceptable noise levels for various receivers, including residential, commercial, industrial receivers and other sensitive receivers in Table 2.1 of the INP. Noise from new sources need to be designed such that the cumulative effect does not produce levels that would significantly exceed the criterion.

Table 4.2 – INP Amenity Criteria - Recommended L_{Aeq} noise levels from industrial noise sources

Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended $L_{Aeq(Period)}$ Noise Level	
			Acceptable	Recommended Maximum
Residence	Suburban	Day	55	60
		Evening	45	50
		Night	40	45

Notes: 1. Daytime 7.00 am to 6.00 pm; Evening 6.00 pm to 10.00 pm; Night-time 10.00 pm to 7.00 am
 2. On Sundays and Public Holidays, Daytime 8.00 am to 6.00 pm; Evening 6.00 pm to 10.00 pm; Night-time 10.00 pm to 8.00 am
 3. The L_{Aeq} index corresponds to the level of noise equivalent to the energy average of noise levels occurring over a measurement period

Project Specific Noise Limits

Camden Council's Environmental Noise Policy states that "All developments must be designed to 'Acceptable Recommended' L_{Seq} Noise Levels in Table 2.1 of the INP", where the amenity criteria are the lowest of the intrusiveness and amenity criteria levels.

Therefore, based on the above requirement and the background noise levels presented in Section 3.2, the applicable project specific noise limits for each residential receiver location are as follows.

Table 4.3 – Residential L_{Seq} Noise Criteria for Mechanical Plant and Car Park Area, dB(A)

Receiver ID	Address	Intrusiveness Criteria	Amenity Criteria	Noise Criteria used for Assessment ¹
Receiver R1	28 Reynolds Street			
Receiver R2	68 Nicholson Parade			
Receiver R3	74 Nicholson Parade			
Receiver R4	16 Parkinson Road	38 + 5 = 43	55	38 + 5 = 43
Receiver R5	14 Parkinson Road			
Receiver R6	15 Parkinson Road			
Receiver R7	3 Reynolds Street			
Receiver R8	Vacant lot on eastern side of Nicholson Parade			

Notes: 1. The lower value of either the Intrusiveness or Amenity criteria level is set as the assessment criteria.

4.2 Noise Sources

4.2.1 Outdoor Play Areas

As previously stated, the child care centre will cater for up to 70 children in total, comprising:

- 20 x 0-2 years old
- 20 x 2-3 years old
- 30 x 3-5 years old

The sound power levels recommended in the 'Association of Australian Acoustical Consultants (AAAC) Guideline for Child Care Acoustic Assessment (2010)' ('AAAC Guideline') have been used in the noise calculations for the outdoor play areas. The AAAC Guideline gives a range of noise levels for different age groups of children playing as shown in Table 4.4.

Table 4.4 – AAAC Sound Power Levels for Groups of 10 Children Playing

Number of children	Sound Power Level, dB(A) re 1pW
10 children ages 0 to 2 years	77 to 80
10 children aged 2 to 3 years	83 to 87
10 children aged 3 to 6 years	84 to 90

By way of explanation the "sound power level" is not the same as the "sound pressure level". The "sound power level" is the source emission strength analogous to the wattage of a light bulb (a higher wattage producing a higher light intensity at any distance). Having established the sound power level of children at play, the sound pressure level then decreases with distance and is further reduced by interposed acoustic barriers.

Experience with other childcare centres shows that if one were to adopt the highest values in Table 4.4 for calculations, this predicts noise levels that are too high compared with the measured noise levels. Instead, if the logarithmic average of the highest and lowest values is used, this results in a realistic assessment for children engaged in active play. Taking the logarithmic average is skewed towards the higher values as shown in the following table:

Table 4.5 – Adopted Sound Power Levels for Groups of 10 Children in Active Play

Number of children	Sound Power Level, dB(A) re 1pW
10 children ages 0 to 2 years	79
10 children aged 2 to 3 years	85
10 children aged 3 to 6 years	88

In respect of groups of children engaging in passive play (i.e. sandpit, seated activities etc.) the lower range in Table 4.4 above are applicable.

The sound power levels are then scaled to take into consideration the actual number of children at the proposed child care centre in each age group to enable prediction of noise levels to receiver locations. Therefore Table 4.6 shows the sound power levels used in the calculations, when converted for the appropriate number of children in each age group.

Table 4.6 – Sound Power Levels of Children

Number of children	Sound Power Level, dB(A) re 1pW
20 x 0-2 years old children	82
20 x 2-3 years old children	88
30 x 3-5 years old children	93

4.2.2 On Site Vehicle Movement

The car park area of the child care centre is to be located on the south eastern side of the child care centre building with driveway entry access from Parkinson Road and exit onto Nicholson Parade.

Noise generated by car park activities which may contribute to the overall L_{Aeq} noise level emission from the site includes vehicle doors closing, vehicle engines starting and vehicles moving. To assess this noise, the L_{Aeq} noise levels were determined for the relevant time period based on the number of vehicle activities expected to occur during that period at the nearest affected residential premises. Sound power level measurements from our database and library files were used for the purpose of this assessment.

The sound power levels of the car park activities are shown in Table 4.7 below.

Table 4.7 – Sound Power Levels of Car Park Activities

Activity	L_{Aeq} Sound Power Level, dB(A) re. 1pW
Vehicle door closing	86
Vehicle engine starting	92
Vehicle moving (10km/h)	79

The number of vehicle movements was based on the traffic report prepared by McLaren Traffic Engineering (ref. 17121.01DA, dated 24 March 2017) and is set out below.

Table 4.8 – Proposed Traffic Generation

Time	Total Traffic Generation	Breakdown
7:00am to 9:00am	56 trips	28 in; 28 out
4:00pm to 6:00pm	49 trips	24 in; 25 out

The report predicts the peak number of vehicle movements from parents dropping off / picking up children (ie. not staff vehicles), to occur during the 7:00am to 9:00am morning peak period, to be 56 trips (28 in / 28 out). The peak one-hour vehicle movements have been assumed to be 28 trips (14 in / 14 out).

4.2.3 Mechanical Plant

The details and noise emission levels of mechanical plant items to be installed are yet to be finalised at this early DA stage of the project. Therefore, noise emissions from these sources are dealt with in a general manner in the following sections of this report.

4.3 Predicted Noise Levels

Noise emissions were predicted by modelling the noise sources, receiver locations, topographical features of the intervening areas, and possible noise control treatments using CadnaA 3D noise modelling software. The program calculates the contribution of each noise source at each specified receiver point and allows for the prediction of the total noise from a site.

The noise prediction model takes into account:

- Location of noise sources and receiver locations;
- Height of sources and receivers;
- Separation distances between sources and receivers;
- Ground type between sources and receivers (soft); and
- Attenuation from barriers (natural and purpose built).

The noise predictions are based on the following architectural drawings prepared by Creative Drafting Services:

- Drawing no. A0-00-A, dated 14 March 2017
- Drawing no. A1-01-A, dated 14 March 2017
- Drawing no. A1-02-A, dated 14 March 2017
- Drawing no. A1-03-A, dated 14 March 2017
- Drawing no. A1-04-A, dated 14 March 2017

4.3.1 Outdoor Play Areas

Predicted noise levels for outdoor play areas are based on the worst case scenario presented in Section 4.2.1 above. Noise screens 1.8m high were modelled around the outdoor play areas in accordance with the proposed design as shown in Drawing no. A1-00-A.

Table 4.9 below presents the predicted noise levels from children playing in the outdoor play areas impacting on the nearby affected receiver locations.

Table 4.9 – Predicted $L_{Aeq}(15 \text{ min})$ Noise Levels from Outdoor Play Areas, dB(A)

Receiver ID	Address	Noise Criteria	Predicted Noise Levels	Compliance?
Receiver R1	28 Reynolds Street	48	48	Yes
Receiver R2	68 Nicholson Parade		51	No, exceeds by 3
Receiver R3	74 Nicholson Parade		47	Yes
Receiver R4	16 Parkinson Road		46	Yes
Receiver R5	14 Parkinson Road		44	Yes
Receiver R6	15 Parkinson Road		41	Yes
Receiver R7	3 Reynolds Street – ground floor		37	Yes
	3 Reynolds Street – first floor		38	Yes
Receiver R8	Vacant lot on eastern side of Nicholson Parade	43	Yes	

Results presented in Table 4.9 above indicate that the noise impact from the outdoor play areas would generally comply with the applicable noise criteria at most receiver locations. However, noise from the outdoor play areas will exceed the applicable criteria by up to 3dB(A) at Receiver R2.

Therefore, noise mitigation measures will be required to reduce noise from the outdoor play areas to acceptable levels at Receiver R2.

4.3.2 Car Park Vehicle Movement on Site

Noise levels for car park vehicle movements have been predicted at the nearest affected receiver locations. The predictions are based on 28 vehicle movements during the morning peak one-hour

period, as described in Section 4.2.2 above. Noise screens 1.2m high were modelled around the car park area in accordance with the proposed design as shown in Drawing no. A1-02-A.

The results of the noise predictions are presented in Table 4.10 below.

Table 4.10 – Predicted L_{Aeq} (15 min) Noise Levels from Car Park Activities, dB(A)

Receiver ID	Address	Noise Criteria	Predicted Noise Levels	Compliance?
Receiver R1	28 Reynolds Street	43	27	Yes
Receiver R2	68 Nicholson Parade		30	Yes
Receiver R3	74 Nicholson Parade		34	Yes
Receiver R4	16 Parkinson Road		26	Yes
Receiver R5	14 Parkinson Road		23	Yes
Receiver R6	15 Parkinson Road		<20	Yes
Receiver R7	3 Reynolds Street – ground floor		20	Yes
	3 Reynolds Street – first floor		22	Yes
Receiver R8	Vacant lot on eastern side of Nicholson Parade	26	Yes	

Results presented in Table 4.10 above indicate that the noise impact from car park activities complies with the nominated criteria. Therefore, no further noise mitigation measures are required to reduce noise from the car park area.

4.3.3 Mechanical Plant

Mechanical plant associated with the development has the potential to impact on nearby noise sensitive properties. In order to carry out a quantitative assessment of mechanical equipment, a complete specification of equipment is required. At this stage of the development appropriate detail for mechanical plant is not typically available. A qualitative assessment has therefore been carried out and in-principle noise management measures outlined in Section 4.4.

4.4 Recommendations

The following recommendations provide in-principle noise control advice to reduce noise impacts upon residential receivers. This information is presented for the purpose of Council approvals process and cost planning and shall not be used for construction unless otherwise approved in writing by the acoustic consultant. Assistance of an acoustic consultant must be sought at the detailed design phase of these works to provide the necessary design details and specifications.

Before committing to any form of construction or committing to any contractor, advice should be sought from an acoustic consultant to ensure that adequate provisions are made for any variations which may occur as a result of changes to the design and form of construction.

The advice provided here is in respect of acoustics only. Supplementary professional advice may need to be sought in respect of fire ratings, structural design, buildability, fitness for purpose and the like.

4.4.1 Outdoor Play Area

Noise treatment will be required to reduce noise levels from children in the outdoor play areas impacting on nearby receiver locations, in particular to Receiver R2. A combination of physical noise mitigation and management measures are recommended.

Physical Mitigation

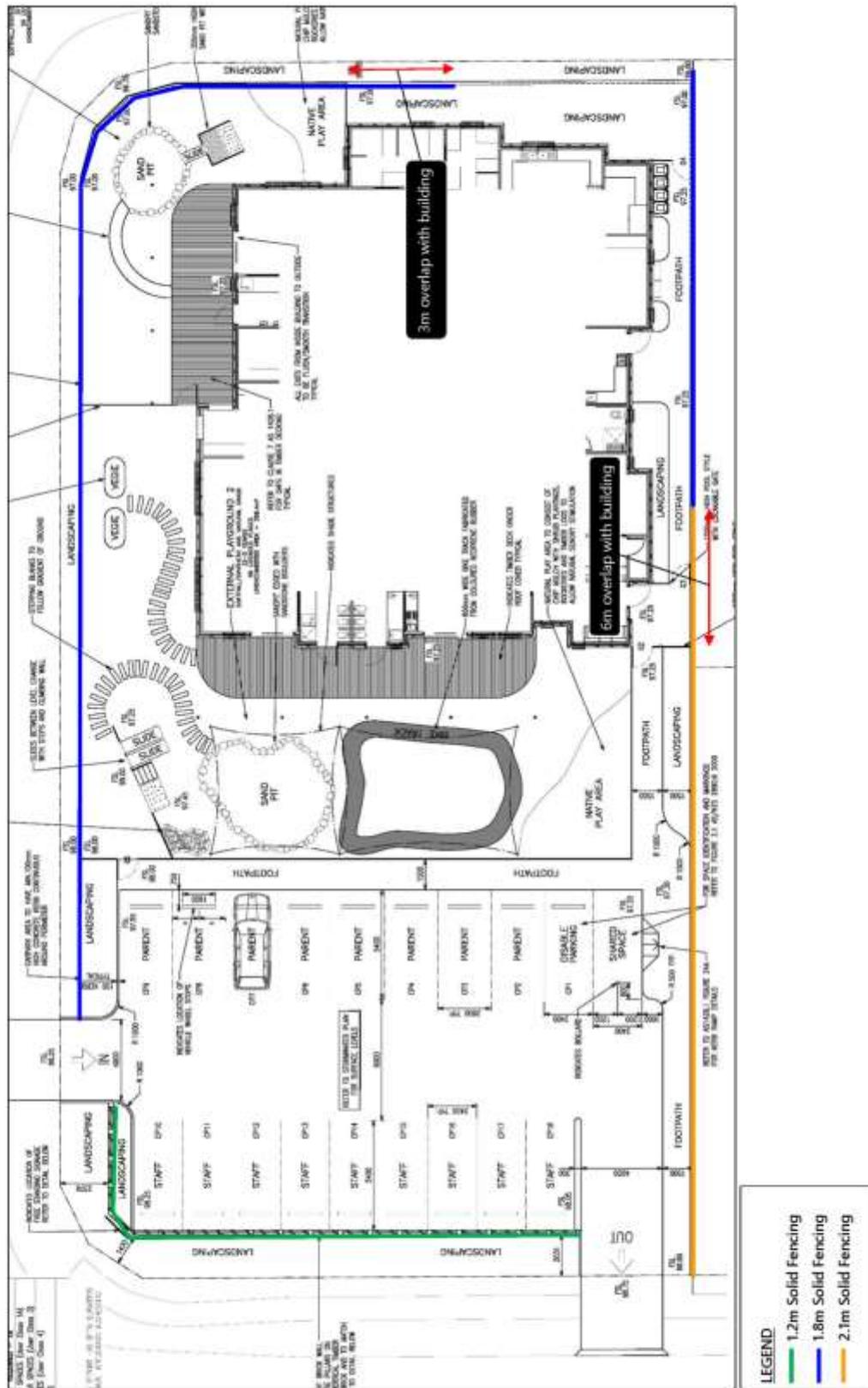
Solid fencing should be provided around the boundaries of the site, as indicated in Figure 2 below. The height of the fence along the north eastern boundary should be increased from 1.8m to of **2.1m** for the section stretching from Nicholson Parade to the childcare centre building, and extending beyond the childcare centre building by at least 6m. Additionally, the fence along the north western boundary should extend beyond the childcare centre building by at least 3m.

The construction of the solid fences can be from any durable material with sufficient mass to prevent direct noise transmission eg. masonry, steel, fibrous-cement, timber, acrylic or polycarbonate, selected to withstand the weather elements. A double-skinned profiled sheet steel construction with a minimum 50mm cavity between the sheets and each sheet having 0.6mm minimum base metal thickness (eg 'Colorbond' fence or similar) or 1 layer of 9mm Fibrous Cement (FC) sheeting is adequate for use as a noise screen.

In addition to the above, all solid fence design should give regard to the following to maintain acoustic integrity:

- The extent of noise reduction required of the acoustic fence as a whole as perceived from any potentially affected receiver sites.
- Any penetrations through the fabric of the acoustic fence should be sealed air tight.
- All joints and gaps between acoustic fence panels / planks should be sealed air tight.
- Any gaps between acoustic fences and the ground should be filled to ensure that the fence provides appropriate noise attenuation.

Figure 2 – Site Layout Including Recommended Mitigation



The predicted noise levels from children playing in the outdoor play areas with the inclusion of the above recommended solid fences are presented in the table below.

Table 4.11 – L_{Aeq} (15 min) Noise Levels from Outdoor Play Areas with Mitigation Measures, dB(A)

Receiver ID	Address	Noise Criteria	Predicted Noise Levels	Compliance?
Receiver R1	2B Reynolds Street		45	Yes
Receiver R2	68 Nicholson Parade		48	Yes
Receiver R3	74 Nicholson Parade		47	Yes
Receiver R4	16 Parkinson Road		46	Yes
Receiver R5	14 Parkinson Road	48	44	Yes
Receiver R6	15 Parkinson Road		41	Yes
Receiver R7	3 Reynolds Street – ground floor		37	Yes
	3 Reynolds Street – first floor		37	Yes
Receiver R8	Vacant lot on eastern side of Nicholson Parade		43	Yes

The results presented above show that noise emissions from the outdoor play areas are predicted to comply with the applicable criteria at the nearest affected receiver locations when the recommended solid fences are incorporated.

Management Measures

The following recommended management measures have been outlined for consideration by the operator during the preparation of the operational manual for the proposed child care centre:

- Signs should be erected at appropriate, prominent locations, to advise the following:
 - that staff and parents converse at a very low volume;
 - that parents not call out to their children when delivering or collecting their children; and
 - that gates not be slammed.
- Crying children will be comforted by staff and if they continue to cry loudly then they will be taken indoors and settled before being allowed to return outdoors.
- No music should be played in any outdoor areas at any time.

4.4.2 Mechanical Plant

The following in-principle noise management measures have been outlined for consideration during the detail design phase:

- Acoustic assessment of mechanical services equipment should be undertaken during the detail design phase of the development to ensure that the cumulative noise of all equipment does not exceed the applicable noise criteria. Development Consent Conditions typically

require detailed assessment of mechanical plant and equipment prior to issue of the Construction Certificate.

- Noise control treatment can affect the operation of the mechanical services system. An acoustic engineer should be consulted during the initial design phase of mechanical services system to reduce potential redesign of the mechanical system.
- Mechanical plant noise emission can be controlled by appropriate mechanical system design and implementation of common engineering methods, which may include:
 - Procurement of 'quiet' plant.
 - Strategic positioning of plant away from sensitive neighbouring premises to maximise intervening acoustic shielding between the plant and sensitive neighbouring premises.
 - Commercially available acoustic attenuators for air discharge and air intakes of plant.
 - Acoustically lined and lagged ductwork.
 - Acoustic barriers between plant and sensitive neighbouring premises.
 - Partial or complete acoustic enclosures over plant.
- The specification and location of mechanical plant should be confirmed prior to installation on site.
- Fans shall be mounted on vibration isolators and balanced in accordance with Australian Standard 2625 '*Rotating and Reciprocating Machinery – Mechanical Vibration*'.

5 Road Traffic Noise Assessment

Camden Council's Environmental Noise Policy states that noise impact from the potential increase in traffic on Nicholson Parade and Parkinson Road due to the child care centre's operation is to be assessed against the NSW Environmental Criteria for Road Traffic Noise (ECRTN).

The ECRTN sets out criteria to be applied to particular types of road and land uses. These noise criteria are to be applied when assessing noise impact and determining mitigation measures for developments that are potentially affected by road traffic noise associated with the proposed child care centre, with the aim of preserving the amenity appropriate to the land use.

The traffic report prepared by McLaren Traffic Engineering (ref. 17121.01DA, dated 24 March 2017) states that Nicholson Parade and Parkinson Road are classified as local roads. Therefore, for "*Land use developments with the potential to create additional traffic on local roads*", the following road traffic noise criterion applies:

- Day (7am to 10pm) – $L_{Aeq, 1hour}$ **55dB(A)**

In addition to the above criterion, the ECRTN states the following:

"traffic arising from the development should not lead to an increase in existing noise levels of more than 2dB."

Based on the above statement, the proposed child care centre should not give rise to an increase in traffic noise level of 2dB(A) above existing traffic noise levels at existing residences.

5.1 Predicted Road Traffic Noise

Existing traffic volume data along Nicholson Parade and Parkinson Road was not available at the time of assessment as the subdivision was still under development. Notwithstanding, the McLaren Traffic Engineering report provides estimated traffic flows along Nicholson Parade based on the '*Spring Farm Eastern Village P700 & P800 Traffic Impact Assessment October 2014*' prepared by Cardno. For the purpose of a conservative assessment, it has been assumed that the traffic flows along Parkinson Road are the same as the traffic flows along Nicholson Parade.

The traffic report identified the peak one-hour vehicle movements (existing and proposed) along Nicholson Parade to occur during the afternoon peak hour period. The afternoon peak one-hour traffic generation due to the proposed child care centre was taken to be up to 25 vehicle movements, as set out in Section 4.2.2. Therefore, road traffic noise levels on public roads resulting from the proposed childcare centre were predicted for the afternoon peak hour period for residences located along Nicholson Parade and Parkinson Road.

Results of the traffic noise assessment are presented in Table 5.1 below.

Table 5.1 – Predicted $L_{Aeq, 1hour}$ Road Traffic Noise Levels along Public Roads

Receiver	Criteria dB(A)	Distance to Road	Traffic Volumes		Existing Noise Level, dB(A)	Future Noise Level, dB(A)
			Existing	Future ²		
Residences along Parkinson Road	55	7m ¹	355	380	63	64
Residences along Nicholson Parade	55	7m ¹	355	380	62	63

Notes: 1. Based on typical distance from facade of dwelling to road
 2. Future traffic volumes include existing (355) traffic on Nicholson Parade and additional (25) traffic from proposed childcare centre.

The results show that the existing traffic noise levels for residences along Nicholson Parade and Parkinson Road are predicted to already exceed the applicable noise criteria by 8dB(A) and 9dB(A), respectively. However, the increase in total noise level resulting from additional traffic from the proposed childcare centre is predicted to be less than 2dB(A) and therefore, complies with the requirements of the ECRTN.

6 Conclusion

Renzo Tonin & Associates has completed an assessment of environmental noise impact from the proposed child care centre to be located at 70-72 Nicholson Parade & 2-2A Reynolds Street, Spring Farm. Noise impact from the proposed development upon potentially affected receivers has been quantified and compared to the noise guidelines set by Camden Council.

The assessment reveals that 70 children playing in the outdoor play areas exceed the applicable noise criteria for outdoor play at Receiver R2. Therefore, it is recommended that solid fencing be incorporated around the specified areas of the site to reduce noise to acceptable levels, as set out in Section 4.4.1.

Noise from the proposed car park area was predicted to comply with the relevant criteria. Noise from mechanical plant has been addressed generally and a more detailed assessment is recommended once details are known.

Traffic noise along public roads due to the traffic generated by the proposed childcare centre was found to comply with the relevant ECRTN criteria at residences along Nicholson Parade and Parkinson Road.

APPENDIX A Glossary of Terminology

The following is a brief description of the technical terms used to describe noise to assist in understanding the technical issues presented.

Adverse weather	Weather effects that enhance noise (that is, wind and temperature inversions) that occur at a site for a significant period of time (that is, wind occurring more than 30% of the time in any assessment period in any season and/or temperature inversions occurring more than 30% of the nights in winter).
Ambient noise	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.
Assessment period	The period in a day over which assessments are made.
Assessment point	A point at which noise measurements are taken or estimated. A point at which noise measurements are taken or estimated.
Background noise	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level (see below).
Decibel [dB]	The units that sound is measured in. The following are examples of the decibel readings of every day sounds: 0dB The faintest sound we can hear 30dB A quiet library or in a quiet location in the country 45dB Typical office space. Ambience in the city at night 60dB CBD mall at lunch time 70dB The sound of a car passing on the street 80dB Loud music played at home 90dB The sound of a truck passing on the street 100dB The sound of a rock band 115dB Limit of sound permitted in industry 120dB Deafening
dB(A)	A-weighted decibels. The A-weighting noise filter simulates the response of the human ear at relatively low levels, where the ear is not as effective in hearing low frequency sounds as it is in hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter.
dB(C)	C-weighted decibels. The C-weighting noise filter simulates the response of the human ear at relatively high levels, where the human ear is nearly equally effective at hearing from mid-low frequency (63Hz) to mid-high frequency (4kHz), but is less effective outside these frequencies.
Frequency	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
Impulsive noise	Having a high peak of short duration or a sequence of such peaks. A sequence of impulses in rapid succession is termed repetitive impulsive noise.
Intermittent noise	The level suddenly drops to that of the background noise several times during the period of observation. The time during which the noise remains at levels different from that of the ambient is one second or more.
L _{max}	The maximum sound pressure level measured over a given period.
L _{min}	The minimum sound pressure level measured over a given period.

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L ₁	The sound pressure level that is exceeded for 1% of the time for which the given sound is measured.
L ₁₀	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.
L ₅₀	The level of noise exceeded for 50% of the time. The bottom 10% of the sample is the L ₉₀ noise level expressed in units of dB(A).
L _{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
Reflection	Sound wave changed in direction of propagation due to a solid object obscuring its path.
SEL	Sound Exposure Level (SEL) is the constant sound level which, if maintained for a period of 1 second would have the same acoustic energy as the measured noise event. SEL noise measurements are useful as they can be converted to obtain L _{eq} sound levels over any period of time and can be used for predicting noise at various locations.
Sound	A fluctuation of air pressure which is propagated as a wave through air.
Sound absorption	The ability of a material to absorb sound energy through its conversion into thermal energy.
Sound level meter	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.
Sound pressure level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound power level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.
Tonal noise	Containing a prominent frequency and characterised by a definite pitch.

RECOMMENDED CONDITIONS**1.0 - General Conditions of Consent**

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA-01 – DA-26 (various revisions) as stamped approved by Council	Architectural Plans	Mackenzie Pronk Architects	Various
H5500 – H5505 (various revisions) as stamped approved by Council	Engineering Plans	J & M Group	Various
L 01 – L03 as stamped approved by Council	Landscaping plans	HLS Pty Ltd	16 February 2017

Document Title	Prepared by	Date
BASIX Certificate submitted with the DA	As per Certificate	As per Certificate
Waste Management Plan	Wolin Pty Ltd ATF FFT	N/A
Bushfire Hazard Assessment Report	Building Code & Bushfire Hazard Solutions Pty Limited	15 February 2017

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- a) The width of all internal driveway traffic aisles shall be a minimum of 5.8m.
 - b) The design surface levels along the internal traffic aisle along the northern boundary shall be revised so that the surface run off is directed into the surface inlet pits and not into the garages.
 - c) Demonstrate there is a minimum 100mm gap underneath the boundary fence of adjoining upstream properties to prevent overland flow from the upstream catchment from being obstructed.
 - d) Update the waste management plan to:

- reflect the waste bins numbers approved by this development consent;
- detail the proposed waste collection contractor for waste collection during construction; and
- include the address, name and operator of all facilities for waste disposal during construction.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

- (3) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (4) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder:
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (6) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
- This clause does not apply:
- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
 - b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (7) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be provided to the PCA prior to the excavation commencing.

- (8) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (9) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (10) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (11) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (12) **Street Tree Establishment and Maintenance Period** - For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment.

At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (2) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (3) **Section 94 Contributions – Monetary** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Camden Contributions Plan 2011	Open Space Land Acquisition - indexed Annually by land values.	\$10,677 per dwelling	\$74,739.00
Camden Contributions Plan 2011	Community Land Acquisition - indexed Annually by land values.	\$66 per dwelling	\$462.00
Camden Contributions Plan 2011	Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services - indexed Quarterly to the CPI.	\$10,623 per dwelling	\$74,361.00
	Total		\$149,562.00

A copy of the Section 94 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (4) **Building Platform** - This consent 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 shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (5) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:

- a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (6) **Salinity (Dwellings & Outbuildings)** - The dwellings, landscaping and associated works for the development shall comply with the requirements of the salinity management plan titled "*Salinity Management Plan: Stages 1 and 2, Lot 12 DP 1041381 Manooka Valley Currans Hill NSW,*" Prepared for Wolin Investments Pty Ltd, Prepared by GeoEnviro Consultancy Pty Ltd, Ref JC06054A-r4" dated January 2010.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (7) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (8) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (9) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.
- (10) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

Where a Construction Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

Where a Construction Certificate is not required by this development consent, a detailed on-site detention and water quality report reflecting the approved development application plans and Council's Engineering Specifications shall be provided to Council prior to works commencing.

- (11) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (12) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (13) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.

The detailed landscape plan must:

- a) show street trees to be sourced in accordance with tests and measurements contained within AS2303-2015 – Tree Stock for Landscape Use;
- b) provide tree planting detail to specify root barrier where trees are planted in close proximity to hard surfaces;
- c) show installation of street trees to be in accordance with clause B.2.3 Appendix B of Council's Engineering Design Specifications;
- d) substitute *Fraxinus angustifolia* 'Raywoodii' with a suitable species derived from Council's preferred tree and landscape species list aligning with the current streetscape: <https://www.camden.nsw.gov.au/environment/trees/>;
- e) select street trees to comply with Planning for Bush Fire Protection 2006. Suggested tree species are *Hymenosporum flavum* (Native Frangipani), *Myrsine variabilis* (Variable Muttonwood) and *Tristania Laurina* (Water Gum);
- f) to facilitate the required asset protection zone for the site, remove the plantings of *Eucalyptus moluccana* and reduce the number of *Cupaniopsis anacardioides* to meet inner protection area standards within the corner landscape bed;
- g) indicate plant species grid spacing eg. ground cover plants 1 per 0.5m², shrubs 1 per 1.5m², tall shrubs/small trees 1 per 2.5m² and trees 1 per 10m²;
- h) include additional trees and shrubs up to 3m in height;
- i) identify existing street trees on a plan and include a notation for the protection of these trees during construction phase; and

- j) be updated to reflect the approved architectural plans.
- (14) **Communal Waste Bin Storage Area** - The communal waste bin storage area must have a floor that is impervious, coved, graded and drained to an appropriate floor waste connection. The walls are to be smooth, impervious surfaces. Ventilation and pest proofing must be provided.
- An impervious waste bin washing area must be provided in close proximity to the storage area with access to a hose tap. The waste bin washing area must not drain to stormwater and must only discharge wastewater to sewer.
- Both of these areas must be screened from view from the surrounding public roads and properties road by landscaping.
- Details demonstrating compliance shall be provided to the Certifying Authority.
- (15) **Endeavour Energy** - Contact must be made with Endeavour Energy regarding the approved development and all requirements stipulated must be complied with. The e-mail and attachments from Endeavour Energy dated 3 November 2016 must be complied with.
- Details demonstrating compliance shall be provided to the Certifying Authority.
- (16) **Carport/Garage Doors** - The approved carports/garage doors at the rear of the approved development must be finished in a neutral colour.

3.0 - Prior to Commencement of Works

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

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:

- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Sydney Water Approval** - The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the PCA.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

- (8) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (9) **Dilapidation Report – Adjoining Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of adjoining properties shall be prepared.

All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the PCA in such circumstances.

- (10) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (11) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.

- (12) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (13) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.

4.0 - During Works

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

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.
- (2) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (4) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days' notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (5) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (6) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, shall be conveyed as per the approved hydraulic drainage plan.
- Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.
- All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.
- (7) **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 shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (8) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to PCA prior to the development proceeding beyond floor level stage.
- (9) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.
- (10) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (11) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (12) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

- (13) **Vehicles Leaving the Site** - The 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; and
 - ii) fully traverse the site's stabilised access point.
- (14) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (15) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (16) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the completion of works. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
- "WARNING UP TO \$8,000 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 wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (17) **Seal Up Existing Redundant Laybacks** - All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.
- (18) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).
- Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).
- (19) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping docket shall be retained and supplied to Council upon request.

- (20) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (21) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (22) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (23) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (24) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

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;

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; and
- 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 must 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)	1000 or part thereof

Note – 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.

- (25) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (26) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (27) **Site Management** - The following practices are to be implemented during construction:
 - a) 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 site;
 - b) 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;

- c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
- d) a waste control container shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (4) **Driveway Crossing Construction** - A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (5) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (6) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

The terms of the Section 88E instrument with positive covenant shall include the following:

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipeline s, trench barriers and other structures;
- b) the proprietor shall have the facilities inspected annually by a competent person;
- c) the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities; and
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with Land and Property Information shall be provided to and approved by the PCA prior to the issue of an Occupation Certificate.

- (7) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the PCA for approval.
- (8) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (9) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (10) **Inspection of Existing Street Trees** - All existing (and relocated) street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (11) **Certification of On-site Detention and Water Quality Systems Works** - A certificate prepared by a suitably qualified engineer shall be submitted to the PCA certifying the following:
 - (b) The works having been constructed in accordance with the approved plans.
 - (c) The constructed On-site Detention and Water Quality systems will function in accordance with the approved Construction Certificate plans.
 - (d) Any variations from the approved drainage plans will not impair the performance of the On-site Detention and Water Quality systems.
- (12) **On-Site Detention – Work As Executed Plans** - Works-As-Executed plans certified by a Registered Surveyor are to be submitted to the PCA to verify that the drainage works have been completed in accordance with the stamped approved plans. The following details are to be shown on the Work-as-Executed plans and shall be

marked in red on a copy of the original stamped approved plan at the Construction Certificate stage:

- (a) Sufficient levels and dimensions to verify the OSD storage volume.
- (b) The actual storage volume of the basin.
- (c) Location and surface levels of all drainage pits, weir levels and dimensions.
- (d) Invert levels of:
 - the internal drainage lines;
 - the orifice plates; and
 - the outlet control pit.
- (e) Verification that the orifice plates have been fitted and the diameter of the fitted plates.
- (f) Verification of the trash screen installed.
- (g) Details of any variations made from the approved plans.

6.0 - Prior to Issue of a Strata Plan of Subdivision

The following conditions of consent shall be complied with prior to the issue of a Strata Plan of Subdivision.

- (1) **Strata Plan of Subdivision** - Sections 37 and 37A of the *Strata Schemes (Freehold Development) Act 1973* require an application to be provided to Council or a PCA for approval prior to the issue of the certified strata plan of subdivision.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent and of compliance with the relevant conditions of consent, prior to the issuing of a Strata Plan of Subdivision.

Note. The final strata plan of subdivision shall be prepared to a quality suitable for lodgement with the NSW Land & Property Information.

- (2) **Restriction on Issue of Strata Plan of Subdivision** - Prior to the issue of any strata plan of subdivision associated with this development consent an interim occupation certificate for the building shall be issued by the PCA. Documentary evidence of the issue of the interim occupation certificate shall be provided to Council in conjunction with the application for the strata plan of subdivision.

7.0 – Ongoing Use

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:

- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (3) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan and this development consent.
- (4) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain 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, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion 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.

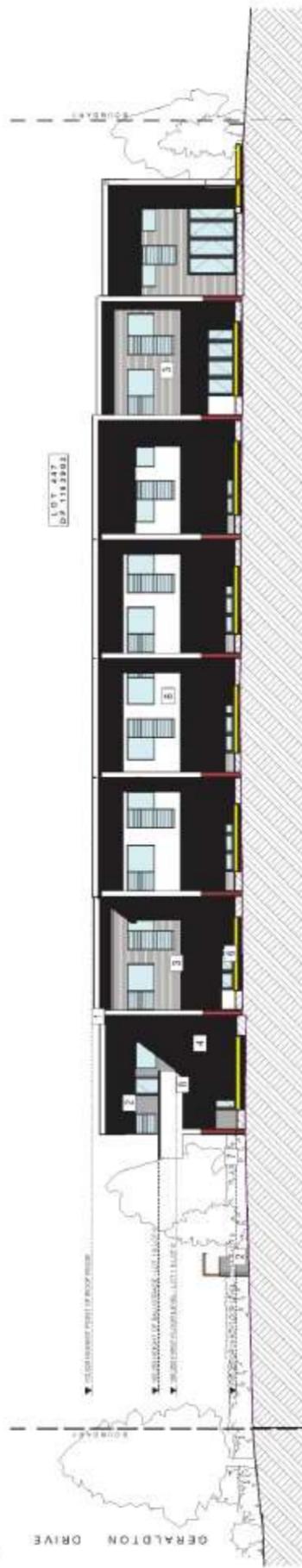
At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings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

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

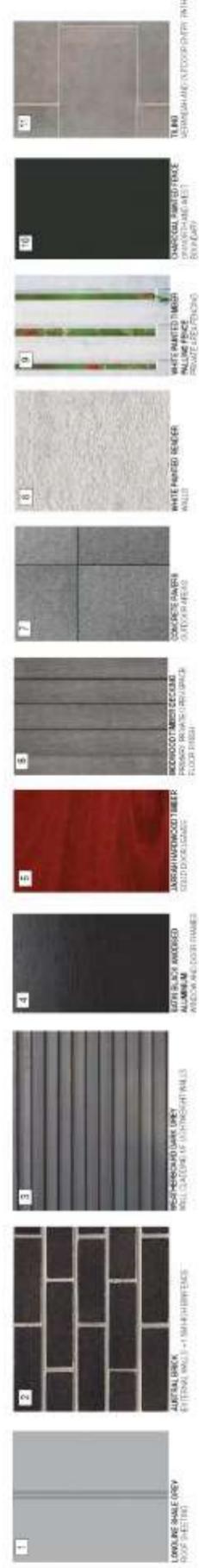
- (5) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (6) **Waste Bins** - The approved development must utilise 2 x 240 litre bins for garbage, 2 x 240 litre bins for recycling and 3 x 240 litre bins for green waste. These bins are to be storage within the communal waste bin storage area shown on the approved plans. The bins are to be moved to the verge along Geraldton Drive for emptying on bin collection days.



1 STREET ELEVATION (SOUTH)
1:200



2 REAR ELEVATION (NORTH)
1:200



A3	NOT FOR CONSTRUCTION		DATE: 11/01/2017	
	PREPARED BY: ARCHITECTURE 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 PH: 02 9550 1234 WWW.A3ARCHITECTURE.COM.AU		SHEET NO: 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 ARCHITECTURE 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 PH: 02 9550 1234 WWW.A3ARCHITECTURE.COM.AU	
PROJECT: 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 ARCHITECTURE 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 PH: 02 9550 1234 WWW.A3ARCHITECTURE.COM.AU		DATE: 11/01/2017 SHEET NO: 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 ARCHITECTURE 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 PH: 02 9550 1234 WWW.A3ARCHITECTURE.COM.AU		DATE: 11/01/2017 SHEET NO: 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 ARCHITECTURE 1/100 LAMAR ROAD, MARRICKVILLE NSW 2204 PH: 02 9550 1234 WWW.A3ARCHITECTURE.COM.AU
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Details of Conditions:**1.0 - General Conditions of Consent**

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

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

- Department of Primary Industries Water letter dated 14 August 2017;
- Subsidence Advisory NSW letter dated 24 May 2017.

- (2) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Plan 22032/SUB6, Issue B	Plan of Proposed Subdivision	Proust and Gardner Consulting Pty Ltd	22/3/2017
9908/DA800 Revision C Page 1	Locality Plan	J.Wyndham Prince	12 May 2017
9908/DA801 Revision C Page 2	Road Layout and Drainage Plan	J.Wyndham Prince	12 May 2017
9908/DA802 Revision C Page 3	Cut and Fill Plan	J.Wyndham Prince	12 May 2017
9908/DA803 Revision A Page 4	Road Longitudinal and Typical Sections	J.Wyndham Prince	12 May 2017
9908/DA804 Revision A Page 5	Site Cross Sections	J.Wyndham Prince	12 May 2017
9908/DA805 Revision C Page 6	Soil and Water Management Plan	J.Wyndham Prince	12 May 2017

- (3) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be provided to the PCA prior to the excavation commencing.

- (4) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (5) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (6) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

- (7) **Street Lighting** - Street lighting for the subdivision shall be designed and installed in accordance with relevant Australian Standards and to the satisfaction of the Roads Authority (Council).
- (8) **Demolition of Temporary Water Quality Facilities** - All temporary water quality facilities will be made redundant upon the provision of an approved permanent water quality facility. The temporary water quality facilities must be demolished and the area containing the facilities reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system, is to be rectified to Council's standards.

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

- (9) **Construction of Permanent Water Quality Facilities** - Permanent water quality facilities must be constructed:
 - a) in accordance with the approved plans;
 - b) to Council's standards; and
 - c) when 80% of the catchment is built out.

Earth batters associated with the facilities must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

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

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (11) **Street Tree Establishment and Maintenance Period** - For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment.

At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

- (12) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (13) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Performance Bond** - The applicant is to lodge a bond 10% value of civil works with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (2) **Electrical Services – Padmounted Substation** - In the event that a padmounted substation(s) is necessary to service the development, and this substation is to be located within any existing or future public land, the applicant shall consult with Council about the proposed location. Council shall agree to the location of any padmounted substation(s) within any existing or future public lands prior to its construction. Padmounted substations must be located outside of flood prone land and above the probable maximum flood and flood planning levels.

- (3) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (4) **Easement Creation** - Drainage easements shall be obtained over downstream properties where drains for the disposal of stormwater are located across lands owned by others (and where the drainage is not within a water course). The width of the drainage easement/s shall be in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to Council with the Construction Certificate application.

The easement shall be registered with the NSW Land & Property Information prior to the issue of an Occupation Certificate.

- (5) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer in accordance with Council's Engineering Specifications.
- (6) **Turning Facilities** - Turning facilities shall be provided at all dead end roads. All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with Council's Engineering Specifications. Turning heads must be provided at the end of all dead end roads for subdivisions that are progressively developed in a staged manner.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (7) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

Where a Construction Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

Where a Construction Certificate is not required by this development consent, a detailed on-site detention and water quality report reflecting the approved development application plans and Council's Engineering Specifications shall be provided to Council prior to works commencing.

- (8) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (9) **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.

The outlets shall be located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the PCA.

- (10) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.
- (11) **Section 94 Contributions – Works In Kind** - Section 94 contributions may be offset by the value of land and/or works as part of a 'Works in Kind' agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's Works In Kind Policy.
- (12) **Damages Bonds** - The applicant is to lodge a bond, 5% of the value of works, with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (13) **Plans** - Plans by J. Wyndham Prince are required to meet the requirements under Council's Engineering Design Specification 2009.

A. On Plan No. 9908/DA803:

- i. Longitudinal Section Laneway 1. Amend Vertical Curve at Crest CH 10.16 to 15 metres.
- ii. Longitudinal Section Laneway 1. Amend Vertical Curve at Crest CH 266.57 to 15 metres.

- (14) **Section 94 Contributions – Monetary** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Camden Contributions Plan 2011	Open Space - Land Acquisition	\$10,677	\$32,031.00
		per lot	
Camden Contributions Plan 2011	Community Land - Land Acquisition	\$66	\$198.00
		per lot	
Camden Contributions Plan 2011	Drainage, Roadworks, Traffic Facilities, Open Space Embellishment & Masterplan	\$44,560	\$133,680.00
		per lot	
Camden Contributions Plan 2011	Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services	\$10,623	\$31,869.00
		per lot	
TOTAL CASH CONTRIBUTIONS			\$197,778.00

A copy of the Section 94 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park, or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (15) **Registration of Lot** – The creation of the parent lots the subject of this application issued under DA/2016/963 is to be registered with Land and Property Information and documentation evidence is to be provided to the certifying authority prior to the issue of a construction certificate.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;

- b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.
- (10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.
- (11) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (12) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the PCA and include the following:
 - a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.

- (13) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the PCA.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (14) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

4.0 - During Works

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

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.
- (2) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **Site Management** - The following practices are to be implemented during construction:

- a) 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 site;
 - b) 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;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (5) **Site Signage** - A sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has been registered with Land and Property Information. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
- "WARNING UP TO \$8,000 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 wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (6) **Site Signage** – A sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has been registered with Land and Property Information. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$80,000 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 wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (7) **Vehicles Leaving the Site** - The 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; and
 - ii) fully traverse the site's stabilised access point.
- (8) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (9) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (10) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (11) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (12) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (13) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (14) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of

fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

- (15) **Fill Material (VENM and ENM)** – Prior to the importation and/or placement of any fill material (VENM or ENM) on the site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

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."

For Excavated Natural Material (ENM):

- i) the Resource Recovery Exemption under Part 9, Clauses 91, 92 and 93 of the Protection of the Environment Operations (Waste) Regulation 2014;
 - ii) the NSW EPA Resource Recovery Order under Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014; and
 - iii) the excavated natural material order 2014 (ENM Order)
- 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; and

- 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 and ENM for contamination and salinity must 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)	1000 or part thereof
Excavated Natural Material	(Refer Exemption)	

Note – 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.

- (16) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (17) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

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;
- 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:

a) less than 6000m³ - 3 sampling locations; and

b) 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 must 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)	1000 or part thereof

Note – 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.

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

(19) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the *Soils and Construction – Managing Urban Stormwater manual (Blue Book)*.

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

(20) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (21) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report *Proposed Residential Subdivision Development Lot 10 in DP 1185037 – Lodges Road Elderslie Salinity Assessment, Prepared by Geotechnique, Job No 13243/2, Dated 11 December 2014.*

5.0 - Prior to Issue of an Occupation Certificate

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

Nil

6.0 – Ongoing Use

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

Nil

7.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots To Be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the PCA.
- (5) **Fill Plan** - A fill plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must show (where applicable):
- a) lot boundaries;
 - b) road/drainage/public reserves;
 - c) street names;
 - d) final fill contours and boundaries; and
 - e) depth in filling in maximum 0.5m Increments

The plan is to be provided electronically in portable document format (.PDF).

- (6) **Water Quality Facility Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of approved water quality facilities in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

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

- (8) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.

- (9) **Electricity Notice of Arrangement** - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the PCA (Council). The arrangement must include the provision of street lighting in accordance with the electrical design approved by Council.

- (10) **Soil Classification** - A soil classification report prepared by a suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The soil classification report shall also be provided to Council.

- (11) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
- b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
- c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (12) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94 MGA zone 56).

- (13) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) Salinity Management Plan – For lots 607 - 610, all proposed construction works that includes earthworks, imported fill, landscaping, roads, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plans within the report titled "Report: Proposed Residential Subdivision Development Lot 10 in DP 1185037 – Lodges Road Elderslie Salinity Assessment, Prepared by Geotechnique, Job No 13243/2, Dated 11 December 2014."
 - b) easement for services;
 - c) easement to drain water and drainage easements over overland flow paths;
 - d) restriction to user on all lots containing a drainage easement that prohibits the alteration of the surface levels within the drainage easement and limits fencing across the easement to open form fencing;
 - e) retaining walls, positive covenant, and restriction to user.
- (14) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (15) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (16) **Compaction Report** - A compaction report must be submitted that demonstrates that all roads and lots have been compacted in accordance with Council's Engineering Specifications.
- (17) **Flood Mapping** - An updated flood map based upon the final completed subdivision layout as a separate layer in .dxf or .dwg format, showing the flood planning level, PMF, 1% and 5% AEP levels, for integration into Council's mapping system must be submitted to Council.
- (18) **Maintenance Bond** - The applicant is to lodge a maintenance bond in the form of an unconditional bank guarantee or cash bond, being [enter percentage]% of the value of civil works to be maintained, with Council prior to the issue of a Subdivision Certificate.
- The bond covers the maintenance during or after subdivision works for a stipulated period (6 months) for matters such as riparian corridor and WSUD, public reserves or other public property that require on-going maintenance as a result the Development Consent conditions.
- Note** – An administration fee is payable upon the lodgement of a bond with Council.
- (19) **Locks to Access Gates** - All gates and removable bollards that provide restricted access to Council reserves and other public property shall be fitted with a padlock,

which is required to be master keyed to Council's requirements. The supply of the padlocks is at the applicant's cost.

- (20) **Flood Line Identification** - The 1% AEP flood line must be marked on the plan of the subdivision.
- (21) **Lot Numbers and Street Names** - Lot numbers and street names must be stencilled on the face of kerb or in alternative locations directed by the PCA.

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

- a) Lot numbers – White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.
 - b) Street names – White lettering on Brunswick Green background at kerb and gutter tangent points.
- (22) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning and Environment (DPE).

Evidence of payment of the SIC shall be provided to Council and the PCA.

Alternatively, the applicant must obtain written confirmation from DPE that the SIC is not required to be paid for the approved development.

- (23) **Footpath Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of concrete footpaths and/or pedestrian/cycle shared ways in accordance with Council's Development Infrastructure Bonds Policy.

The deferred footpath works must be completed once 80% of housing has been constructed within the approved subdivision, or within 2 years from the date of deferrals, whichever occurs first.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (24) **Defects and Liability Bond** - The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (25) **Road Surface Bond** - The applicant is to lodge a bond in the form of an unconditional bank guarantee or cash bond with Council for the placement of the final layer of asphaltic concrete (AC) wearing course for any proposed Public Road within the subdivision.

The bond is to be in the form of cash or unconditional bank guarantee, in favour of Council and shall be equivalent to 150% of the value of the works, including the cost of all reinstatement works. The bond amount shall be determined by making reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and is to be held until at least 80% of the subdivision occupancy, or when determined by Council.

Note – An administration fee is payable upon the lodgement of a bond with Council.

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.



**LODGES ROAD, ELDERSLIE
 PROPOSED STAGE 6 SUBDIVISION
 PROPOSED LOT, ROAD AND DRAINAGE WORKS
 DEVELOPMENT APPLICATION**



CIVIL PLAN INDEX		
PLANNING	PLAN NAME	REV
01	CONCEPT PLAN	01
02	CONCEPT PLAN	02
03	CONCEPT PLAN	03
04	CONCEPT PLAN	04
05	CONCEPT PLAN	05
06	CONCEPT PLAN	06
07	CONCEPT PLAN	07
08	CONCEPT PLAN	08
09	CONCEPT PLAN	09
10	CONCEPT PLAN	10

LOCALITY SKETCH

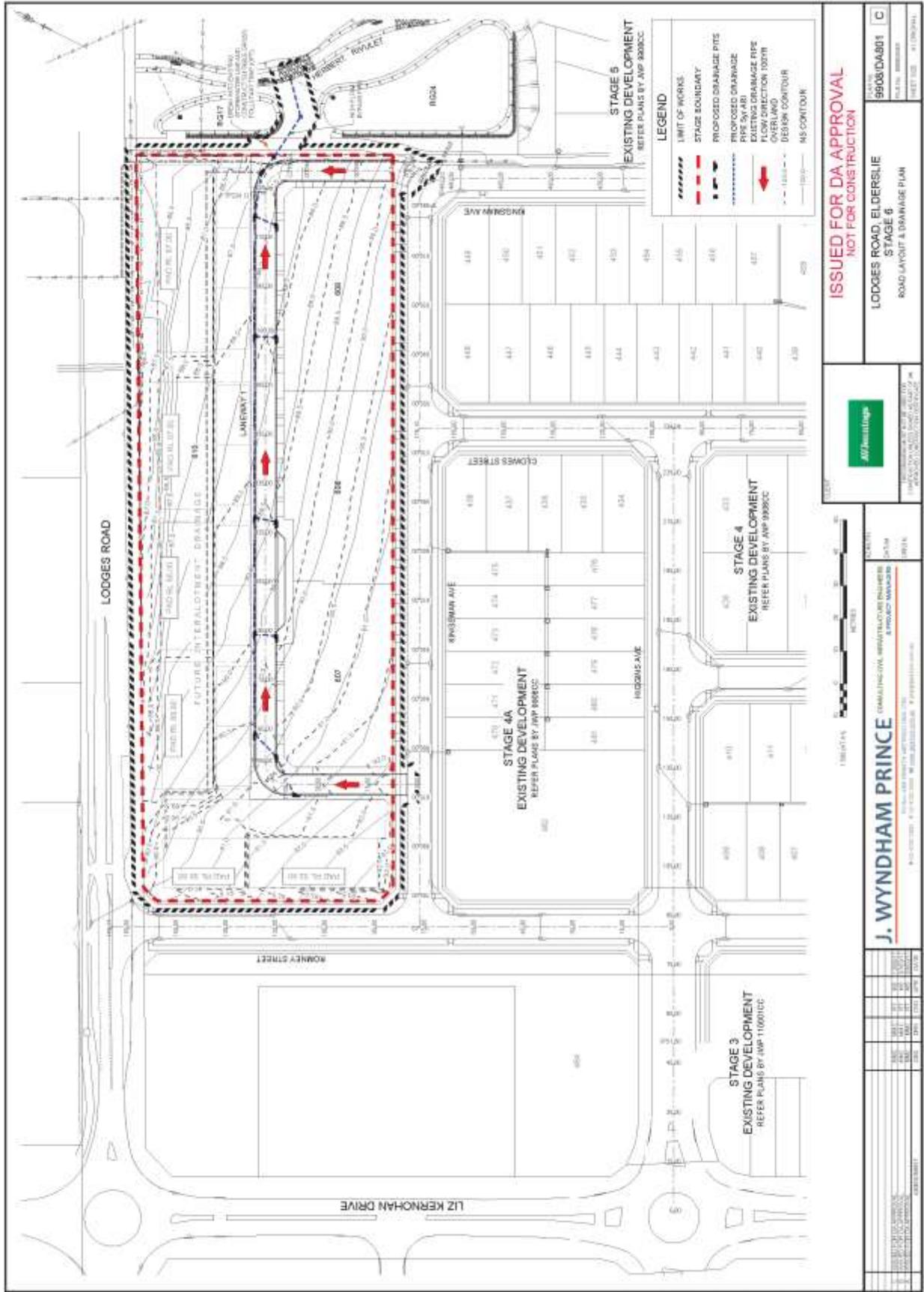
Prepared By:

J. WYNDHAM PRINCE
 CONSULTING CIVIL INFRASTRUCTURE ENGINEERS
 & PROJECT MANAGERS

PO Box 4366 PENRITH WESTFIELD NSW 21750
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 W www.jwprince.com.au
 E jwpp@jwprince.com.au

**ISSUED FOR DA APPROVAL
 NOT FOR CONSTRUCTION**

DATE: 14/11/17
 9608-DA900 C



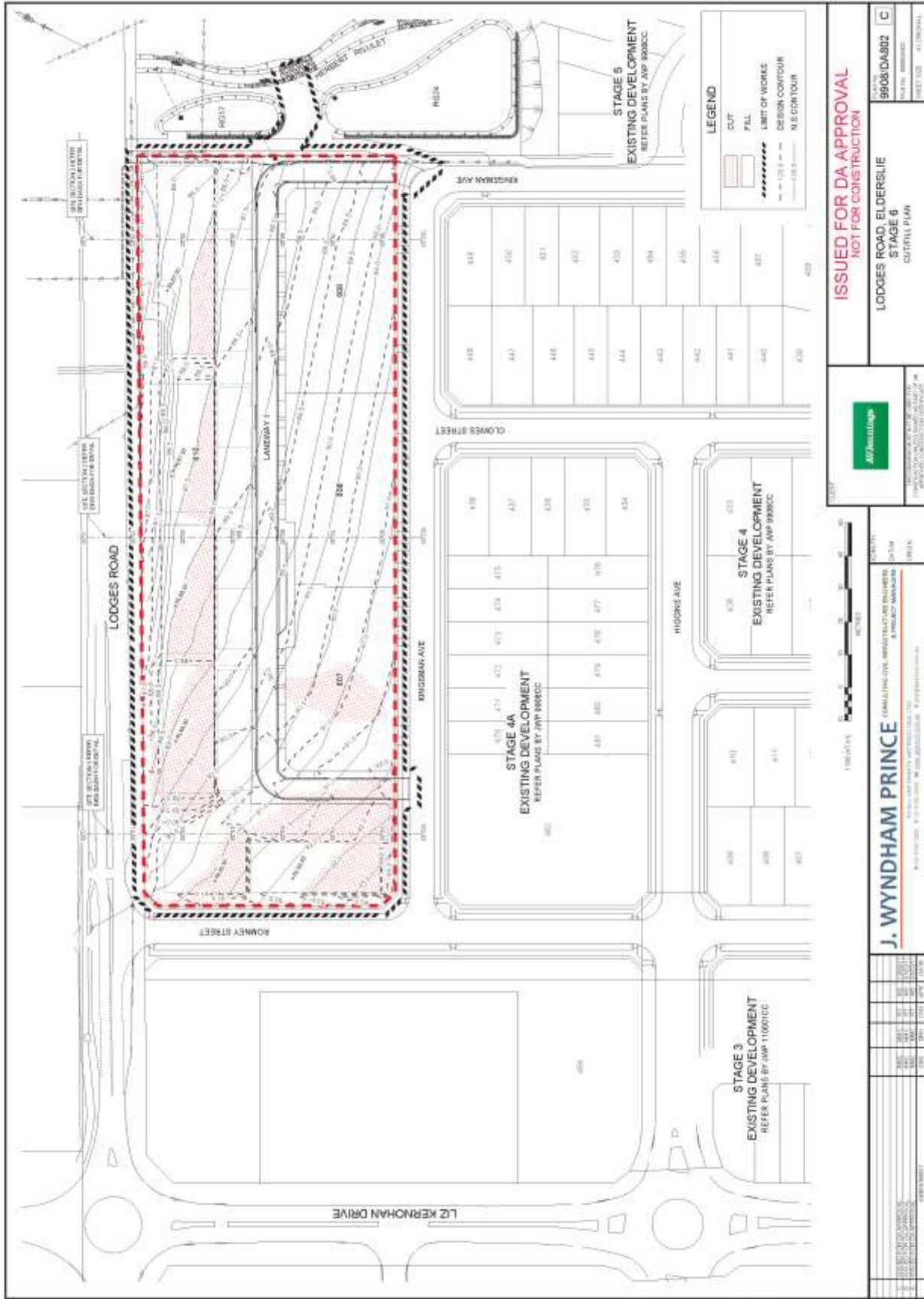
**ISSUED FOR DA APPROVAL
NOT FOR CONSTRUCTION**



J. WYNTHAM PRINCE
CONSULTING CIVIL ENGINEER/PLANNING DESIGNER
A ROUNLEY MANAGER

**LOGES ROAD, ELFERSLIE
STAGE 4
ROAD LAYOUT & DRAINAGE PLAN**

DATE: 09/03/2017	SCALE: AS SHOWN
PROJECT NO: 9903/DA/01	CLIENT: J. WYNTHAM PRINCE
DATE: 09/03/2017	SCALE: AS SHOWN
PROJECT NO: 9903/DA/01	CLIENT: J. WYNTHAM PRINCE



ORD04

Attachment 2

The Elderslie urban release area master plan is show at Figure C12. It identifies the road connections and indicative lot yield to be achieved. Variations to the master plan may be considered if the principles set out in this DCP are complied with.

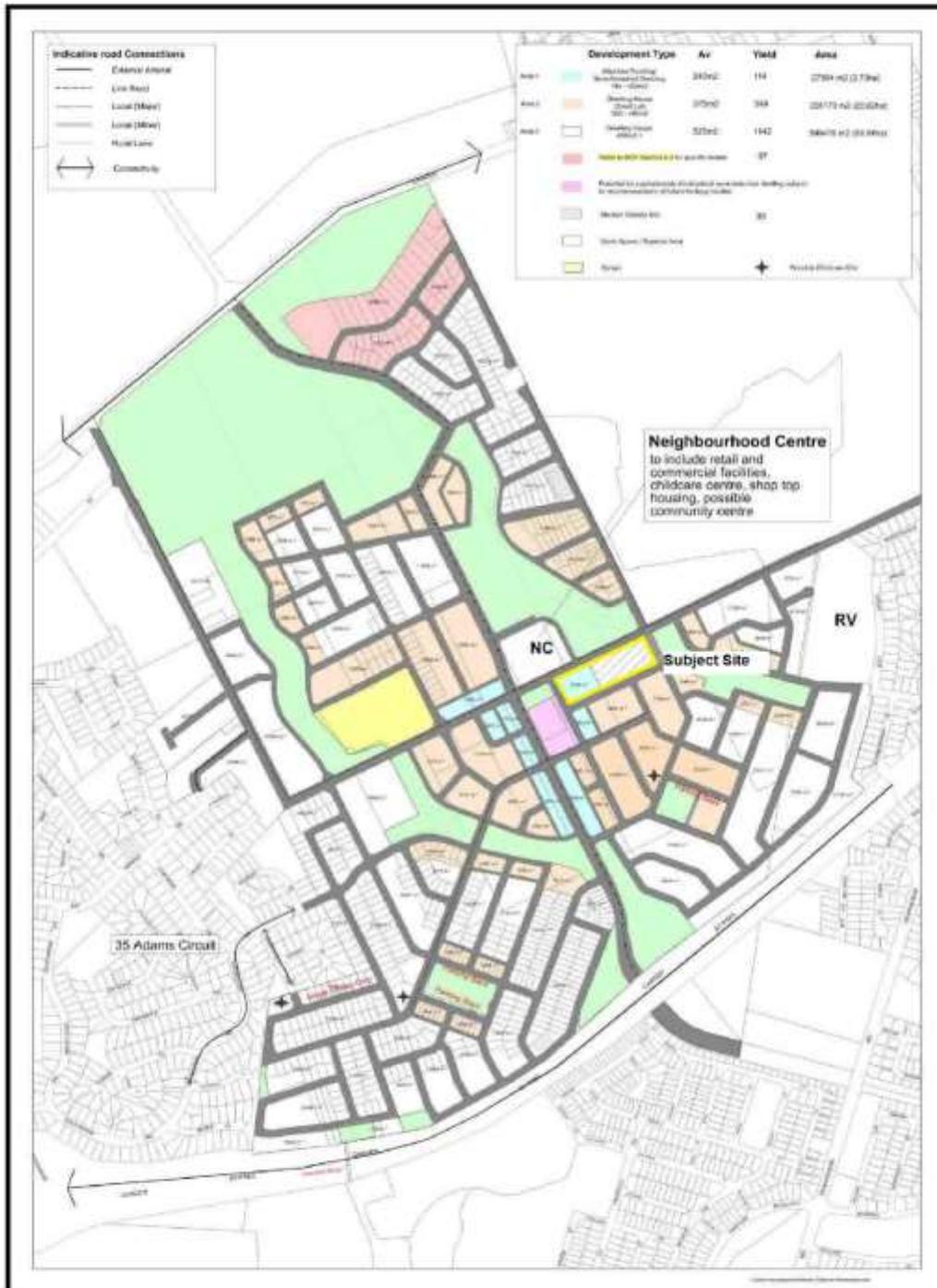


Figure C12 Elderslie Master Plan

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
14073 – DA02 revision C	Demolition Plan	De Angleis Taylor & Associates	20 December 2016
14073 – DA03 revision J	Site Plan - Ground	De Angleis Taylor & Associates	16 December 2016
14073 – DA04 revision F	Site Plan – First Floor	De Angleis Taylor & Associates	17 August 2017
14073 – DA05 revision H	Ground Floor Plan	De Angleis Taylor & Associates	16 August 2017
14073 – DA06 revision E	First Floor Plan	De Angleis Taylor & Associates	16 May 2017
14073 – DA07 revision E	Roof Plan	De Angleis Taylor & Associates	20 February 2017
14073 – DA08 revision D	Elevations	De Angleis Taylor & Associates	20 February 2017
14073 – DA09 revision G	Elevations	De Angleis Taylor & Associates	16 August 2017
14073 – DA10 revision D	Sections	De Angleis Taylor & Associates	20 February 2017
14073 – DA11 revision G	Sections	De Angleis Taylor & Associates	16 May 2017
14073 – DA12 revision G	Perspectives	De Angleis Taylor & Associates	16 August 2017
02-16.00	Cover Sheet	Distinctive	19.05.17
02-16.01	Palettes, Schedule, Notes & Details	Distinctive	19.05.17
02-16.02 issue E	Landscape Plan	Distinctive	19 May 2017
15165CON Revision H Sheets 1-6	Concept Plans Drainage and Stormwater Management	SitePlus	November 2017
-	Plan for	SitePlus	November

	Accessway Extension		2017
Document Title	Prepared by	Date	
Flood Risk Assessment and Flood Evacuation Plan - Revision 6	Siteplus	6 October 2017	
Letter - <i>Alteration & Additions to Camden Vale Milk Company Building</i> Ref: SC17089	MSL Consulting Engineers Pty Ltd	15 March 2017	
Remediation Action Plan Revised Lot 100 (DP 1147682)	Harvest Scientific Services	17 August 2017	
Noise Impact Assessment	Rodney Stevens Acoustics	9 May 2017	
Traffic and Parking Impact Assessment	TSA	April 2017	
Waste Management Plan	De Angelis Taylor & Associates	August 2017	
Arboricultural Assessment & Impact Report	Horticultural Management Services	30 March 2015	
Salinity Assessment	Harvest Scientific Services	4 May 2016	
Heritage Scope of Works	Denis Gojak	17 August 2016	

- (2) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Roads and Maritime Services SYD16/00398/04 dated 26 May 2017.
 2. NSW Police Force dated 29 March 2016.
 3. Sydney Water email dated 31 March 2017.
- (3) **Outdoor Seating** – There is no outdoor seating approved as part of this consent.
- (4) **Existing Support Posts on Council Land** - The two existing support posts which are located within Council road reserve that support the awning on the Argyle Street frontage must be removed. This part of the awning must be supported by a cantilever.
- (5) **Signage** – The only signage approved as part of this consent is the building identification sign on the heritage building and the pylon sign as shown on the approved plans to the eastern side of the Argyle Street vehicular access.

- (6) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (7) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.
- (8) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (9) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

- (10) **Tree Removal** - The trees identified below and/or as shown in the approved landscape plan Arboricultural Assessment & Impact Report is approved for removal.
- (11) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (12) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (13) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (14) **Graffiti Resistant Materials and Finishes** – Graffiti resistant materials and finishes must be used where possible.
- (15) **Use of a Heritage Consultant** - A heritage consultant experienced in heritage restoration and renovation works is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition.

The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Evidence

and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site.

- (16) **General Requirements for Works to Heritage Building** – The following must be adhered to during works to the heritage building:
- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
 - (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
 - (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
 - (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
 - (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
 - (f) The new reconstructed windows on the existing building must match the original material, which is timber joinery and steel-framed.
 - (g) The original face brickwork must not be rendered, painted or coated.
- (17) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: excavation, remediation, monitoring, validations, placement of soils, site management and security, health and safety of workers, must be undertaken on the site in accordance with the Remediation Action Plan titled "Remediation Action Plan (RAP) Revised Lot 100 (DP 1147682) Argyle Street Camden, prepared by Harvest Scientific, Ref No 201489, dated 17 August 2017." (except as stated in any other condition of this consent).
- (18) **Variation or Modification of Works** – Any variation or modification of remedial works or compliance or validation works, from that stated in the approved 2 Remediation Action Plan, other than those variations or modifications as stated in this consent, must be requested from the Consent Authority in writing and approved by the Consent Authority and a NSW DEC Accredited Site Auditor in writing prior to any such works being undertaken. Where variation/s or modification/s is considered by the Consent Authority to be "major" then separate development consent may be required.
- (19) **Remediation Works Inspections** – A qualified environmental consultant or scientist will be required to inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (20) **Works as Executed Plan** – A works as executed plan must be submitted to the Consent Authority (Camden Council) within 30 days of validation of remediation works that identifies the locations of where the remediation works was undertaken on the site.
- (21) **Site Audit Statement** - All remediation works and the Validation Report shall be reviewed by a NSW EPA Accredited Site Auditor (Site Auditor) as defined under the *Contaminated Land Management Act 1997* at the conclusion of the remediation works.

The Site Auditor shall provide a Site Audit Statement (SAS) in accordance with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Contaminated Lands Policy, confirming the land is suitable for the intended use. The SAS shall be provided to the Consent Authority within 30 days following the completion of the remediation works and submission of the Validation Report.

- (22) **Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (23) **Licenses** – It is the responsibility of the applicant / land owner / site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (24) **Compliance of Remediation Work** - All remediation work must also comply with the following requirements:
- Contaminated Land Management Act 1997;
 - Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
 - SEPP55 – Remediation of Land;
 - Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
 - Camden Council's Adopted Policy for the Management of Contaminated lands.
- (25) **Window Glazing** – All external windows on the building must have 6.38 mm glazing installed on solid aluminium frames with rubber seals.
- (26) **Sealing of Gaps** – All gaps in finished external construction materials must be sealed with acoustic rated sealant.
- (27) **Selection of Roof / Ceiling Material** – The roof / ceiling of buildings must be constructed of materials that have a minimum RW35 (acoustic) rating.
- (28) **Conditional Approval for Tree Removal** - Consent is granted for the removal of six (6) trees as indicated within the Arboricultural Assessment and Impact Report prepared by Horticultural Management Services dated 30 March 2015.

The following conditions apply:

- a) Approved tree works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of amenity trees' and is to be carried out in accordance with the WorkCover NSW Code of Practice for the Amenity Tree Industry.
- b) Approved tree work should only be carried out by a fully insured and qualified Arborist. Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.
- c) This consent does not grant access to adjoining land. The applicant must negotiate any issues of access with adjoining property owners.

- d) Green waste and or timber generated from the approved tree work is to be recycled into mulch and reused on site or transferred to a designated facility for composting. Stock piles of green waste or processed timber for reuse including firewood must be stored behind the building line or place out view from the street within 28 days of the tree works authorised by this consent.
 - e) All reasonable measures must be taken to protect the remaining vegetation on the site from damage during the approved tree works.
- (29) **Flood Compatible Building Materials** - Buildings are required to be constructed using flood compatible building materials below the Flood Planning Level (FPL) as per Camden Council's Flood Risk Management Policy, the letter from MSL Consulting Engineers Pty Ltd *'RE: Alteration & Additions to Camden Vale Milk Company Building at 11 Argyle Street Camden'* - Ref, SC17089 (15 March 2017) and Section 5.4 – *Flood Compatible Materials* of the Siteplus report *'Camden Vale Milk Company Building Alterations and Additions – Flood Risk Management and Flood Evacuation Plan'* - Revision 6 (6 October 2017).
- (30) **Electrical Installations** - Electrical installations for both buildings are to be provided in accordance with Council's Flood Risk Management Policy and section 5.3 – *Electrical Installations* of the Siteplus report *'Camden Vale Milk Company Building Alterations and Additions – Flood Risk Management and Flood Evacuation Plan'* - Revision 6 (6 October 2017).
- (31) **Flood Storage** – No net reduction in flood storage below the 1% AEP flood level is permitted, as specified in the Siteplus Engineering plans – Plan No: 15 165 CON - Sheet 4 of 6 dated November 2017.
- (32) **Carpark Requirements** - All carpark areas to comply with AS 2890.1, AS 2890.2 and AS 2890.6.
- (33) **Water Quality Devices** – The following requirements for water quality must be provided:
- i. The *Ecosol Litter Basket* (RSF 100) is to be installed on all grated surface inlet pits on proposed development site.
 - ii. The *Humeceptor STC 2* water quality treatment device proposed to treat the car park catchment is not to be reduced in size nor replaced with an alternate manufacturer's product
 - iii. The Gross Pollutant Trap on proposed Pit 4 is to be designed and sized to treat a minimum 6 month ARI flow for the contributing 8.5 hectare catchment.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Modified Documents and Plans** - The development shall be modified as follows:
- a) The car park aisle must be extended to provide uninterrupted access for Council's maintenance vehicles to access the Gross Pollutant Trap on proposed Pit 4.

- b) The paved area to be extended must be provided in accordance with the area shown in red as hatched on approved sketch plan for accessway extension.
- c) The extended paved area must be line marked to indicate that the area is for maintenance vehicles only.
- d) A turning template must be provided showing how a maintenance vehicle can reverse into the maintenance area.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

- (2) **Concrete Pipes** - All proposed concrete pipes from Pit 1 to Pit 6 (extent of works) are to be amended to Class 4 or higher if sub-standard cover according to Council's Engineering Specifications 2009 (or as amended).

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (3) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

The modifications as requested in conditions 1 & 2 above must be incorporated into the civil engineering plans.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (4) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (5) **Structural Engineer's Certificate** - A certificate must be prepared by a practising structural engineer certifying that the building design is capable of withstanding the effects of water and water pressure due to flooding.

Details demonstrating compliance with the letter from MSL Consulting Engineers Pty Ltd 'RE: Alteration & Additions to Camden Vale Milk Company Building at 11 Argyle Street Camden', Ref; SC17089 (15 March 2017) and Section 5.5 – *Structural Soundness of the Siteplus report 'Camden Vale Milk Company Building Alterations and Additions – Flood Risk Management and Flood Evacuation Plan' - Revision 6 (6 October 2017)*, shall be provided to the Certifying Authority with the Construction Certificate application

- (6) **Evacuation Plan Required** - A plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Free Flow of Water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Water Resisting Construction** - All external and internal partitions, framework, service and flooring must be constructed using flood compatible material. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (9) **Electrical Installations** - Electrical Installations are to be provided in accordance with Council's Flood Risk Management Policy and Section 5.3 – Electrical Installations of the Siteplus report 'Camden Vale Milk Company Building Alterations and Additions – Flood Risk Management and Flood Evacuation Plan' – Revision 6 dated 6 October 2017.
- (10) **Hazardous Materials** - The storage of hazardous materials is not permitted below the Flood Planning Level. The applicant must demonstrate that there are adequate available areas above the Flood Planning Level for any proposed hazardous goods storage.
- (11) **Acoustic Report** - The development shall be constructed in accordance with Noise Impact Assessment prepared by Rodney Stevens Pty Ltd dated 9 May 2017. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (12) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (13) **Building Platform** - This consent 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 shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (14) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall 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.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (15) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (16) **Validation Report** - A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:
 - a) compliance with the approved RAP;
 - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
 - c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;

and includes:

 - d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - f) statement confirming that the site following remediation of contamination is suitable for the intended use.

- (17) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the *Protection of the Environment Operations Act 1997*.

Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the *Protection of the Environment Operations Act 1997*.

- (18) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap must be provided.

- (19) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.
- (20) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the Certifying Authority and Council.
- (21) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) the *Food Act 2003*;
 - b) the Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) Council's Food Premises Code;
 - e) AS 1668.1-2015 and 1668.2-2012;
 - f) the BCA; and
 - g) AS 4674-2004 Design, construction and fitout of food premises

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (22) **Mechanical Ventilation** - Any room or area not provided with natural ventilation in accordance with the relevant requirements of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (23) **Archaeological Assessment** - An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to the PCA and Council's Heritage Advisor prior to the issue of a Construction Certificate.

The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report must also recommend measures and documentation to be undertaken during the process of demolition and excavation work.

- (24) **Building Works To Comply With BCA – Heritage Buildings** - Any building works required to ensure compliance with the BCA or new building standards not specified in the approved plans must not damage existing fabric and building features. If such upgrading works have impact or potentially have impact on existing fabric and features, details of the works must be submitted to the PCA and Council's Heritage Advisor prior to issue of a Construction Certificate.
- (25) **External Colour Scheme** - A schedule of colours based on paint scrapes is to be submitted to the PCA and Council's Heritage Advisor prior to the issue of the

Construction Certificate. The documentation must show the distribution of the colours on the elevation drawings, specify paint types and include colour swatches/colour names and codes.

- (26) **Heritage Conservation Works** - Prior to the issue of the Construction Certificate, a schedule of conservation works of all fabric identified as having heritage value to be undertaken concurrent with the works is to be submitted to the PCA and Council's Heritage Advisor.

The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans for reconstruction works.

- (27) **Archival Recording** - Prior to a construction certificate being issued, an archival photographic recording of the heritage item is to be prepared and submitted the PCA and Council. The recording is to be in digital form prepared in accordance with the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.
 - (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
 - (c) Include written confirmation, issued with the authority of both the applicant and the photographer that Camden Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.
 - (d) The report is to be submitted on a USB, CD, or PDF format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.
 - (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.
- (28) **Heritage Interpretation Plan** - An interpretation plan must be submitted to the PCA and Council's Heritage Advisor prior to a Construction Certificate being issued. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian.

The interpretation plan must detail how information on the history and significance of the subject site will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used.

The plan must specify the location, type, making materials and contents of the interpretation device being proposed.

(29) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

(30) **Damages Bonds** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

(31) **Premises Standards** - Prior to the issue of a Construction Certificate details shall be provided to the Principal Certifying Authority demonstrating compliance with the requirements of *Disability (Access to Premises – Buildings) Standards 2010*.

(32) **Fire Safety Upgrade** – Pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the existing building is to be upgraded, as Camden Council considers that the measures contained in the building are inadequate:

- (a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire; and
- (b) to restrict the spread of fire from the building to other buildings nearby.

Compliance with the following Parts of the *Building Code of Australia* is to be achieved in the fire safety upgrade of the existing building

- (a) Part B1
- (b) Part C1
- (c) Part C2
- (d) Part C3
- (e) Part D1
- (f) Part D2
- (g) Part D3
- (h) Part E1
- (i) Part E2
- (j) Part E4

If an Alternative Solution is proposed to achieve compliance with these Parts of the *Building Code of Australia*, it is to be prepared by a properly qualified and accredited Fire Engineer.

Details on the method of compliance are to be submitted to Camden Council with the Construction Certificate and Building Certificate application including detailed plans, and a scope of works.

All work required as part of the Fire Safety Upgrade of the existing building is to be completed prior to the issue of an Occupation Certificate

(33) **Easement Creation** – The following easements must be provided:

- a. An amended drainage easement must be provided along the eastern boundary of the site benefitting Council and burdening Lot 100 DP 114768. The width of the drainage easement shall be a minimum of five (5) metres.

- b. The existing drainage easement on the northern boundary of the site benefitting Lot 101 DP 1147682 and burdening Lot 100 DP 1147682 is to be retained.
- c. An amended Right of Carriageway benefitting Lot 101 DP 1147682 and burdening Lot 100 DP 1147682 is to be created to allow ingress and egress Lot 101 DP 1147682.
- d. A Right of Carriageway benefitting Council and burdening Lot 100 DP 1147682 is to be created to provide uninterrupted access for maintenance vehicles to the Gross Pollutant Trap. The Right of Carriageway shall extend over the entire access route through the site and car park aisle to the Gross Pollutant Trap.

Details demonstrating compliance shall be provided to Council with the Construction Certificate application.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;

- c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (6) **Archaeological Assessment** - Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work. Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.
- (7) **Demolition Work** - Consent is granted for the demolition as per the approved demolition plan only, subject to compliance with the following conditions:

- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site;
 - b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address;
 - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied;
 - d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services;
 - e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times;
 - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the PCA for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials;
 - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
 - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted; and
 - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction' ('the blue book') and any Sediment and Erosion plans approved with this development consent.

- (9) **Dilapidation Report – Adjoining Property** – A dilapidation report prepared by a suitably qualified person, including a photographic survey of the following adjoining properties shall be prepared.

a) 40 Edward Street, Camden

All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the PCA in such circumstances.

- (10) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (11) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.

- (12) **Hazardous Building Materials Assessment** - A hazardous building material assessment shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant NSW WorkCover Authority and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (13) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.

- (14) **Site and Environmental Management Plans** – In accordance with the approved remediation action plan and environmental management plan and occupational health and safety plan that addresses all relevant legislative requirements and environmental effects is required to be completed prior to the commencement of remediation works. The plan is to be provided by the remediation contractor and recognise all remediation requirements of the remediation action plan.

- (15) **Fill Management Plan** – A fill management plan (FMP) must be submitted with the Construction Certificate application. The FMP shall include procedures and controls for certifying that all material imported onto the site is VENM only and the management of the imported fill to facilitate earth and construction works as part of the approved development. The FMP must also facilitate compliance with the condition of this development consent entitled "Fill Material (VENM)".
- (16) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the PCA.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (17) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the PCA and include the following:
- i) noise mitigation measures;
 - j) noise and/or vibration monitoring;
 - k) use of respite periods;
 - l) complaints handling; and
 - m) community liaison and consultation.

4.0 - During Works

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

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.

- (2) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (4) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (5) **Site Management** - The following practices are to be implemented during construction:
 - a) 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 site;
 - b) 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;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);

- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
- i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to PCA prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (9) **Vehicles Leaving the Site** - The 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; and
 - ii. fully traverse the site's stabilised access point.
- (10) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (11) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (12) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

- (13) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the hazardous building material assessment. All material not suitable for recycling or reuse must be disposed of at a licenced waste facility authorised to accept that waste.
- (14) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (15) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (16) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (17) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (18) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

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;

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; and
- 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 must 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)	1000 or part thereof

Note – 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.

- (19) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (20) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the *Soils and Construction – Managing Urban Stormwater manual (Blue Book)*.

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

- (21) **Fill Management Plan Compliance** - All fill material approved to be imported onto the site must be assessed and determined to comply with all procedures, controls and protocols contained within the approved fill management plan before the material is placed on the site.

All fill assessment reports (including those where material is considered not suitable for importation onto the development site) assessed under the approved fill management plan must be provided to Council on a monthly basis to facilitate an audit for compliance with the fill management plan.

- (22) **Unexpected Finds Contingency (Remediation)** – Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.
- (23) **Remediation Works Inspections** – A qualified environmental consultant or scientist must frequently inspect the remediation works to confirm compliance with the RAP including all health and safety requirements.
- (24) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report Salinity Assessment: Lot 100 (DP 1147682) Argyle Street Camden, Prepared by Harvest Scientific Services, Ref No 201489, dated 4 May 2016."
- (25) **Construction and Demolition Waste Management Plan** – The construction and demolition waste management plan "Waste Management Plan, Prepared by De Angelis Taylor & Associates, Dated May 2017." or similar must be created and utilised to manage all waste generated from all construction activities. Recycling of waste material where appropriate must be incorporated into the plan
- (26) **Air Monitoring** – The monitoring of air quality for the detection of asbestos fibres must be conducted during the process of earthworks and remediation works. The analysis and reporting of results that includes any corrective actions undertaken must be included in the validation report.
- (27) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
- The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent, shall be installed in accordance with AS 4970-2009 'Protection of Trees on Development Sites'.
- (28) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.
- (29) **Seal Up Existing Redundant Laybacks** - All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.

- (2) **Upgrade with the BCA** - All building upgrade measures required to be installed pursuant to Clause 94 of the EP&A Regulation 2000, shall be certified prior to use of the building for the purposes approved by this consent.
- (3) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (4) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming the building/s has been constructed in accordance with the approved acoustic report
- (5) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (6) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (7) **Flood Management Plan** - A certificate of compliance prepared by a suitably qualified engineer shall be provided to the PCA stating that all aspects of the flood risk management plan have been completed and/or implemented in accordance with the approved Plan.
- (8) **Flooding – Evacuation Management Plan** - A Flood Emergency Evacuation and Management Plan for the proposed development shall be prepared in accordance with Council's Flood Risk Management Policy (as amended).
- (9) **Flood Warning Signage** is required to be clearly displayed in prominent locations on the premises both within the carpark and on the lower floor of the building. The signage should include the likelihood of flooding of the site and the building and the relevant warning and trigger points for evacuation.
- (10) **Flood Response and Evacuation Plan** - A Flood Response and Evacuation Plan is to be developed for the site which incorporates the implementation of a warning system that is in line with the Table in Section 8 – *Evacuation Summary Table* of the Siteplus report '*Camden Vale Milk Company Building Alterations and Additions – Flood Risk Management and Flood Evacuation Plan*' - Revision 6 (6 October 2017).

The flood response and evacuation plan must specify that all tenancies are to be closed when the flood level reaches the evacuation trigger point. This trigger point relates to the inundation of Cowpasture Bridge at RL 64.3m AHD and also coincides with the trigger for evacuation of the premises.

- (11) **Directional Traffic Flow Signs** - The Edward Street driveway for egress purposes only. All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times.
- (12) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (13) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (14) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (15) **Food Premises** - The following notifications shall occur:
 - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website; and
 - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (16) **Indemnity Agreement** – The strata body corporate or community association must have an indemnity agreement in place with Council before occupation and before waste collection will occur from private roads.
- (17) **Interpretation Plan** - The interpretation plan as required by condition 2 (28) of this consent is to be implemented prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.
- (18) **Sign off from Heritage Consultant** - The heritage consultant must sign off the completed project and submit a final report to Council's Heritage Advisor specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate.
- (19) **Easement Registration** – All easements shall be registered with the NSW Land & Property Information prior to the issue of an Occupation Certificate
- (20) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
 - a) easement for services;
 - b) easement to drain water and drainage easement/s over overland flow paths;
 - c) easement for on-site-detention;
 - d) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;

- e) reciprocal right of carriageway for Lot 101 DP 1147682 (the owners of the subject properties burdened by the right of carriageway shall be responsible for on-going maintenance and the Public Liability of the right of carriageway);
 - f) reciprocal right of carriageway for Council over the accessway and car park aisles to the Gross Pollutant Trap (the owners of the subject properties burdened by the right of carriageway shall be responsible for on-going maintenance and the Public Liability of the right of carriageway)
 - g) easement for Gross Pollutant Trap in Proposed Pit 4;
 - h) positive covenant over the *Ecosol Litter Baskets* installed in all grated surface inlet pits in the development site for the maintenance, repair and insurance of such facilities; and
 - i) positive covenant over the *Humeceptor STC 2* water quality treatment device treating the car park area for the maintenance, repair and insurance of such a facility.
- (21) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention facility and the water quality facilities treating the car park runoff on the property, prior to the issue of an Occupation Certificate.
- The terms of the Section 88E instrument with positive covenant shall include the following:
- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site detention and water quality system.
 - b) The Proprietor shall have the entire on-site detention system and water quality system inspected annually by a competent person.
 - c) The on-site detention system and the water quality system shall be maintained in good working order in perpetuity.
 - d) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect the on-site detention facility and repair the on-site detention system if required. The costs of any remedial actions required by Council will be borne by the owner(s).
 - e) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the on-site detention system, or failure to clean, maintain and repair the on-site detention system.
- The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with Land and Property information shall be provided to and approved by the PCA prior to the issue of an Occupation Certificate.
- (22) **Validation Report** - A validation report prepared by a suitable qualified person shall be provided to the PCA within 30 days of completion of the remediation works, and prior to the issue of a Subdivision Certificate, which demonstrates:
- a) compliance with objectives of the approved RAP;

- b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- c) that all remediation works comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997* and SEPP 55;

and includes:

- d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - f) a statement confirming that the site following remediation of contamination is suitable for the intended use.
- (23) **Median Island** - A concrete median island must be constructed in accordance with relevant Australian Standards and Road and Maritime Services guidelines.
- (24) **Incomplete Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of incomplete works in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (25) **Defects and Liability Bond** - The applicant is to lodge a bond with Council to cover 10% of value cost of the following:
- a) all stormwater drainage/ pipe works including all pits and lintels on Argyle Street and in drainage easement.
 - b) purchase and installation/ construction of Gross Pollutant Trap
 - c) all other works on Council's road reserve such as kerb & gutter, footpath and road pavement works. all other works on drainage easement
 - d) any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

6.0 – Ongoing Use

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

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (2) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (3) **Hours of Operation** – All five restaurants and the function centre are only to be open for business within the following hours:

Day	Hours of Operation
-----	--------------------

Sunday to Monday inclusive	8.00am – 10.30pm
----------------------------	------------------

- (4) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.
- (5) **Occupant Capacity – Function Centre** - The seating capacity of the function centre is restricted to a maximum of 130 patrons at any one time.
- (6) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (7) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways, maintenance areas and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (8) **Noise** - The use and occupation of the premises must comply with the requirements of the approved Noise Impact Assessment dated 9 May 2017 prepared by Rodney Stevens Acoustics.
- (9) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (10) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (11) **Waste Water Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.
- (12) **Disposal of Waste Oil and By-Products** - All waste oil, grease and associated products shall be transferred to a waste disposal depot or recycling facility, approved for the reception of such materials by an appropriate liquid waste contractor.
- All waste disposal shall be in accordance with the EPA's waste tracking requirements. Under the waste tracking requirements all documentation relating to waste disposal shall be kept for 4 years. This documentation shall be made available at the request of Council.
- (13) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.
The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.
- (14) **Emergency Response Plans** - Individual tenancy occupants must develop their own individual emergency response plans for flooding in accordance with standard SES 'flood safe' guidelines and the SitePlus report '*Camden Vale Milk Company*

Building Alterations and Additions – Flood Risk Management and Flood Evacuation Plan - Revision D (March 2017). The facility manager must conduct bi-yearly audits of the commercial tenant emergency response plans.

- (15) **Requirement to Close Tenancies** - All tenancies are to be closed when the flood level reaches the evacuation trigger point. This trigger point relates to the inundation of Cowpasture Bridge at RL 64.3m AHD and also coincides with the trigger for evacuation of the premises.
- (16) **Maintenance of Water Quality and OSD Systems** - The development must at all times maintain the Water Quality and On-Site Detention systems. Where through mechanical failure or redundancy the Humeceptor STC-2 requires replacement, it shall be replaced by a water quality system which provides pollutant removal rates for Gross Pollutants, Total Suspended Solids, Total Phosphorus, Total Nitrogen and Total Hydrocarbons that are equal to or higher than the Humeceptor STC-2.



5176 PLAN - FIRST FLOOR

Camden Van Mill Company Building - Alterations & Additions
 Address: Lot 100 DP 111785, 11 Rydell Street Camden NSW 2051
 Project: 5176 PLAN - FIRST FLOOR

CMCM Holdings Pty Ltd

de angelis lajior & associates
 45 Rydell Street, Rydell NSW 2051
 Phone: 02 9550 1011 Fax: 02 9550 1012
 Email: info@dal.com.au Website: www.dal.com.au

Scale: 1:100

Revision:

No.	Date	Description
1	15/11/17	Issue for tender
2	15/11/17	Issue for tender
3	15/11/17	Issue for tender
4	15/11/17	Issue for tender
5	15/11/17	Issue for tender

Drawn by: J. Lajior
Checked by: J. Lajior
Scale: 1:100
Date: 15/11/17

Project No: 5176
Client: CMCM Holdings Pty Ltd
Site: Lot 100 DP 111785, 11 Rydell Street, Camden NSW 2051

Drawn by: J. Lajior
Checked by: J. Lajior
Date: 15/11/17

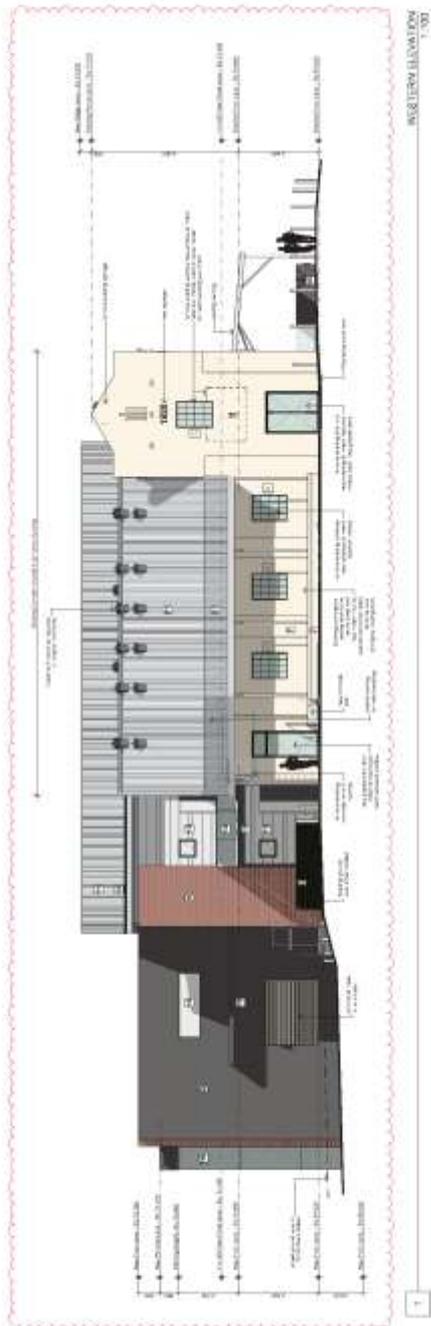
Project No: 5176
Client: CMCM Holdings Pty Ltd
Site: Lot 100 DP 111785, 11 Rydell Street, Camden NSW 2051

LEGEND

1. Proposed residential development
2. Existing residential development
3. Proposed commercial development
4. Existing commercial development
5. Proposed public open space
6. Existing public open space
7. Proposed roads
8. Existing roads
9. Proposed footpaths
10. Existing footpaths
11. Proposed cycleways
12. Existing cycleways
13. Proposed utility lines
14. Existing utility lines
15. Proposed boundary lines
16. Existing boundary lines
17. Proposed boundary lines
18. Existing boundary lines
19. Proposed boundary lines
20. Existing boundary lines
21. Proposed boundary lines
22. Existing boundary lines
23. Proposed boundary lines
24. Existing boundary lines
25. Proposed boundary lines
26. Existing boundary lines
27. Proposed boundary lines
28. Existing boundary lines
29. Proposed boundary lines
30. Existing boundary lines

NOTES

1. Please refer to the site plan for the location of the proposed development.
2. The proposed development is shown in yellow.
3. The existing development is shown in grey.
4. The proposed roads are shown in red.
5. The existing roads are shown in blue.
6. The proposed footpaths are shown in green.
7. The existing footpaths are shown in black.
8. The proposed cycleways are shown in orange.
9. The existing cycleways are shown in black.
10. The proposed utility lines are shown in black.
11. The existing utility lines are shown in black.
12. The proposed boundary lines are shown in black.
13. The existing boundary lines are shown in black.
14. The proposed boundary lines are shown in black.
15. The existing boundary lines are shown in black.
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29. The existing boundary lines are shown in black.
30. The proposed boundary lines are shown in black.



Project Information

Client: Camden Vale Milk Company Building - Alterations & Additions
 Address: Lot 100 DP 1117650, 11 Argyle Street, Camden, NSW 2815
 Project: ELEVATIONS
 Date: 14/11/2017

Client Details

Client: Camden Vale Milk Company Pty Ltd
 Address: Lot 100 DP 1117650, 11 Argyle Street, Camden, NSW 2815
 Phone: 02 9411 1111
 Email: info@camdenval.com.au

Architect Details

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Scale

Scale: 1:100
 Date: 14/11/2017

Revision

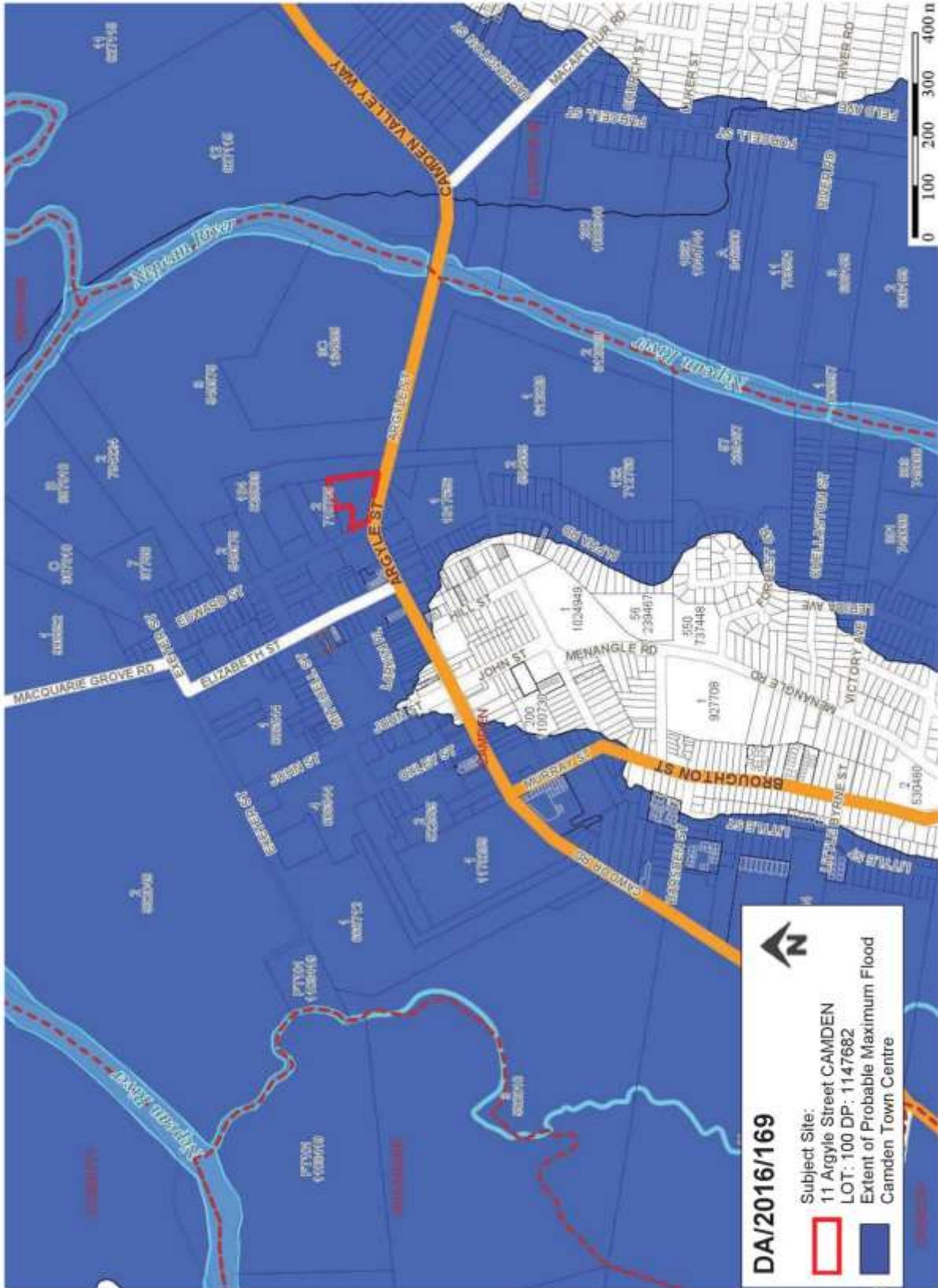
Rev	Date	Description
1	14/11/2017	Issue for tender
2	14/11/2017	Issue for tender
3	14/11/2017	Issue for tender

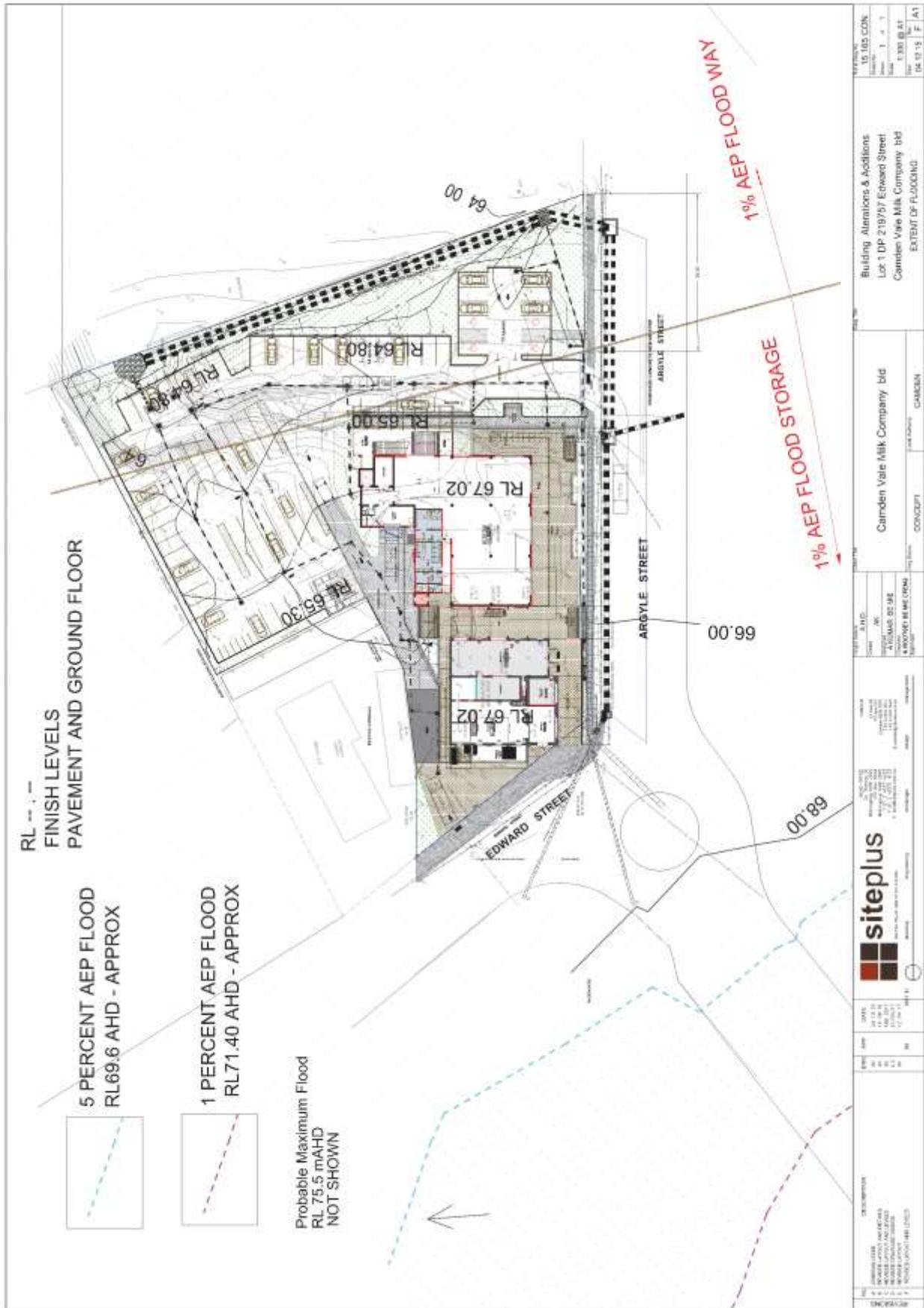
Drawings

Drawings: 1/01 - 1/05
 1/06 - 1/10
 1/11 - 1/15
 1/16 - 1/20
 1/21 - 1/25
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 1/71 - 1/75
 1/76 - 1/80
 1/81 - 1/85
 1/86 - 1/90
 1/91 - 1/95
 1/96 - 1/100

Notes

1. All dimensions are in millimeters unless otherwise stated.
 2. All drawings are to be read in conjunction with the contract documents.
 3. The architect is not responsible for the accuracy of the information provided by the client.
 4. The architect is not responsible for the accuracy of the information provided by the client.





ORD05

Attachment 4



CAMDEN COUNCIL

DRAFT PLANNING PROPOSAL

**Amendment No. 39 - LGA boundary
realignment housekeeping amendment
to Camden LEP 2010**

V3 – November 2017

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

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Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

BACKGROUND

At the meeting of 9 December 2014, Camden Council resolved to realign the Local Government Area (LGA) boundary between Camden and Campbelltown Councils in order to address historic anomalies which affect the East Leppington/Willowdale and Emerald Hills developments. Campbelltown Council similarly resolved to proceed with the boundary realignment.

A request was subsequently made to the Office of Local Government (OLG) to undertake the realignment. At the date of preparation of this planning proposal, both Camden and Campbelltown Councils have agreed to the maps and Metes and Bounds (which outline the extent of the proposed changes) prepared by the OLG and gazettal of the amended boundaries is pending.

The amendment to the LGA boundaries is included as **Attachment A to this Planning Proposal**.

Given that the LGA boundary defines the edge of the land to which the Camden LEP 2010 and Campbelltown LEP 2002 applies, an amendment is required to the maps contained in these LEPs to reflect the amended LGA boundary.

At the meeting of Council on 22 September 2015, Council resolved to

- i. endorse the draft planning proposal regarding the gazettal of the re-aligned LGA boundary between Camden and Campbelltown;*
- ii. upon gazettal of the LGA boundary adjustment, forwards the planning proposal to the Department of Planning and Environment to seek a Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979; and*
- iii. consider future reports regarding the amendments to the Camden DCP 2011, the Camden Growth Areas DCP and the East Leppington VPA.*

A copy of the Council report is included as **Attachment B to this Planning Proposal**.

The gazettal of the boundary realignment occurred on 27 November 2015. A copy of the NSW Government Gazette of 27 November 2015 is included as **Attachment C to this Planning Proposal**.

An initial Gateway Determination was issued by DPE on 5 February 2016 and is included as **Attachment D to this Planning Proposal**. An amended Gateway Determination was issued by DPE on 20 October 2017 and is included as **Attachment E to this Planning Proposal**.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to amend the relevant maps under the Camden LEP 2010 to reflect the realigned LGA boundary between the Camden and Campbelltown LGAs.

 Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

PART 2 – EXPLANATION OF PROVISIONS

Attachment A to this Planning Proposal identifies the following parcels of land adjacent to the former LGA boundary which are now located within a different LGA following the gazettal of the boundary realignment:

- **C, D and F** which were formerly located in the Campbelltown LGA but are now located in the Camden LGA; and
- **A, B, E and G** which were formerly located in the Camden LGA but are now located in the Campbelltown LGA.

Parcels **C, D and F** are the subject of this Planning Proposal

Parcels **A, B, E and G** are the subject of a separate planning proposal that was recently exhibited by Campbelltown Council.

Parcel C

Parcel C forms part of the Emerald Hills landholding. In conjunction with amending the Camden LGA boundary on the applicable LEP maps so that Parcel C will be subject to the Camden LEP 2010, this planning proposal intends to apply new LEP controls to this parcel which are consistent with those that apply to the portions of the lots that were located in the Camden LGA prior to the boundary realignment occurring.

A summary of the existing Campbelltown LEP 2015 controls and proposed Camden LEP 2010 controls for Parcel C is included below:

Control	Existing Campbelltown LEP 2015	Proposed Camden LEP 2010	Comments and Justification
Zoning under LZN map	E3 Environmental Management and SP2 Water Supply System	E2 Environmental Conservation and SP2 Water Supply System	The E2 Environmental Conservation currently applies to the portion of this lot which is located in the Camden LGA. The land is biodiversity certified and subject to biobanking, therefore the future of the land for conservation purposes is ensured. The SP2 Water Supply System zoning will continue to apply to the Sydney Upper Canal land.
Lot Size under LSZ map	AD – 100ha	Z – 2ha	The Z – 2ha minimum lot size applies to the proposed E2 Environmental Conservation land and is consistent with the existing minimum lot size applying to the existing E2

 Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

Control	Existing Campbelltown LEP 2015	Proposed Camden LEP 2010	Comments and Justification
			zoned land in the Camden LGA. No minimum lot size is proposed for the SP2 land.
Height of Buildings under HOB map	J – 9m	No height of building	There is no HOB control applied to the E2 Environmental Conservation zoning as the existing E2 zoned land also does not have a HOB control. The E2 land does not have any development potential (i.e. it is biobanked and biodiversity certified).

The proposed changes are reflected in the existing and proposed maps included as Attachment F to this Planning Proposal which show the Parcel C land with a heavy red outline.

Parcels D and E

Parcels D and E are located within the East Leppington (Willowdale) growth area precinct and are zoned under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the SEPP).

The realignment of the LGA boundaries does not require any amendments to be undertaken to the SEPP maps.

However, the planning proposal seeks to amend the Land Application Map and other map sheets under the Camden LEP 2010 so that they are consistent with the gazetted LGA boundary included as Attachment A to this Planning Proposal. These amendments are effectively housekeeping in nature and do not have any planning consequences for these parcels.

A separate amendment to the Camden Growth Areas DCP will be exhibited concurrently with this planning proposal which amends the maps in the DCP to accord with the revised LGA boundary.

 Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

PART 3 – JUSTIFICATION

SECTION A – NEED FOR THE PLANNING PROPOSAL

Is the planning proposal a result of any strategic study or report?

No. The Planning Proposal is required so that the Camden LEP maps are consistent with the recently gazetted realignment of the Camden and Campbelltown LGA boundaries. The amendments are minor and administrative in nature.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of implementing the necessary changes to the Camden LEP 2010 maps as a result of the realignment of the Camden and Campbelltown LGA boundaries. There is no alternative option to undertake the proposed amendments.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is required so that the Camden LEP maps are consistent with the recently gazetted realignment of the Camden and Campbelltown LGA boundaries. The amendments are minor and administrative in nature; and are consistent with the applicable regional or sub-regional strategies.

Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is required so that the Camden LEP maps are consistent with the recently gazetted realignment of the Camden and Campbelltown LGA boundaries. The amendments are minor and administrative in nature and are not relevant to Camden 2040.

Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓
Standard Instrument—Principal Local Environmental Plan	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

State Environmental Planning Policy No 1—Development Standards	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 14—Coastal Wetlands	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 15—Rural Landsharing Communities	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 19—Bushland in Urban Areas	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 21—Caravan Parks	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 26—Littoral Rainforests	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 29—Western Sydney Recreation Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 30—Intensive Agriculture	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	✓	This SEPP applies to the state, however, the application primarily applies to the urban consolidation of land for the purposes of multi-unit residential development. This Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy No 33—Hazardous and Offensive Development	✓	This SEPP applies to the state, however, the proposal is not hazardous or offensive. This Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy No 36—Manufactured Home Estates	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 39—Spit Island Bird Habitat	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 44—Koala Habitat Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 47—Moore Park Showground	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 50—Canal Estate Development	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 55—Remediation of Land	n/a	This SEPP is not relevant to the planning proposal.	n/a

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 62—Sustainable Aquaculture	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 64—Advertising and Signage	✓	SEPP 64 will apply to the new land to be located within the Camden LGA as a result of the boundary realignment. The Planning Proposal is consistent with the SEPP.	✓
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 71—Coastal Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Affordable Rental Housing) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓	This Planning Proposal is consistent with the provisions of this SEPP.	✓
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Infrastructure) 2007	✓	This Planning Proposal is consistent with the provisions of this SEPP.	✓
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Kurnell Peninsula) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Major Development) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Rural Lands) 2008	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a

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State Environmental Planning Policy (State and Regional Development) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	✓	The planning proposal includes the amendment of the Camden LEP 2010 maps near the East Leppington South West Growth Centre precinct which was rezoned under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in March 2013. The map amendments relate to the LGA boundary at East Leppington only, and do not propose to make any changes to the SEPP. The Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy (Urban Renewal) 2010	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Western Sydney Employment Area) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Western Sydney Parklands) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 16—Walsh Bay	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 18—Public Transport Corridors	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 24—Homebush Bay Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 25—Orchard Hills	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 26—City West	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 28—Parramatta	n/a	This SEPP is not relevant to the planning proposal.	n/a

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Sydney Regional Environmental Plan No 30—St Marys	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 33—Cooks Cove	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table provides an assessment of the planning proposal with the relevant S117 Directions:

Ministerial Direction	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	This s.117 direction is not relevant to the planning proposal.
1.2 Rural Zones	N/A	This s.117 direction is not relevant to the planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	This s.117 direction is not relevant to the planning proposal.
1.4 Oyster Aquaculture	N/A	This s.117 direction is not relevant to the planning proposal.
1.5 Rural Lands	N/A	This s.117 direction is not relevant to the planning proposal.
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	The proposal intends to apply an E2 Environmental Conservation zone to land which will be subject to a Biobanking Agreement under the Emerald Hills development. This is consistent with the zoning applied to the Biobanking land under the original Emerald Hills rezoning.
2.2 Coastal Protection	N/A	This s.117 direction is not relevant to the planning proposal.
2.3 Heritage Conservation	Yes	The proposal has no impact upon the heritage listing of the adjacent Sydney Upper Canal which is a State heritage item.
2.4 Recreation Vehicle Areas	N/A	This s.117 direction is not relevant to

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

		the planning proposal.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	This s.117 direction is not relevant to the planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	N/A	This s.117 direction is not relevant to the planning proposal.
3.3 Home Occupations	N/A	This s.117 direction is not relevant to the planning proposal.
3.4 Integrating Land Use and Transport	N/A	This s.117 direction is not relevant to the planning proposal.
3.5 Development Near Licensed Aerodromes	N/A	This s.117 direction is not relevant to the planning proposal.
3.6 Shooting Ranges	N/A	This s.117 direction is not relevant to the planning proposal.
4. Hazard and Risk		
4.1 Acid Sulphate Soils	N/A	This s.117 direction is not relevant to the planning proposal.
4.2 Mine Subsidence and Unstable Land	N/A	This s.117 direction is not relevant to the planning proposal.
4.3 Flood Prone Land	N/A	This s.117 direction is not relevant to the planning proposal.
4.4 Planning for Bushfire Protection	N/A	This s.117 direction is not relevant to the planning proposal.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This s.117 direction is not relevant to the planning proposal.
5.2 Sydney Drinking Water Catchments	N/A	This s.117 direction is not relevant to the planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	This s.117 direction is not relevant to the planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	This s.117 direction is not relevant to the planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	This s.117 direction is not relevant to the planning proposal.

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5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	This s.117 direction is not relevant to the planning proposal.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	This s.117 direction is not relevant to the planning proposal.
5.8 Second Sydney Airport: Badgerys Creek	N/A	This s.117 direction is not relevant to the planning proposal.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.2 Reserving Land for Public Purposes	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.3 Site Specific Provisions	N/A	This s.117 direction is not relevant to the planning proposal.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney	Yes	The Planning Proposal is consistent with the relevant actions from the draft South West Subregional Strategy.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is required so that the Camden LEP maps are consistent with the recently gazetted realignment of the Camden and Campbelltown LGA boundaries. The amendments are minor and administrative in nature. The application of an E2 Environmental Conservation zoning to the portion of the Emerald Hills lot which now sits wholly within the Camden LGA is consistent with the zoning applied during the Emerald Hills rezoning process in consultation with the Office of Environment and Heritage.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is required so that the Camden LEP maps are consistent with the recently gazetted realignment of the Camden and Campbelltown LGA boundaries. The amendments are minor and administrative in nature and no adverse environmental impacts are likely to occur as a result of the Planning Proposal.

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How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is required so that the Camden LEP maps are consistent with the recently gazetted realignment of the Camden and Campbelltown LGA boundaries. The amendments are minor and administrative in nature and no adverse social or economic impacts are likely to occur as a result of the Planning Proposal.

SECTION D – STATE AND COMMONWEALTH INTERESTS.

Is there adequate public infrastructure for the planning proposal?

The Planning Proposal is required so that the Camden LEP maps are consistent with the recently gazetted realignment of the Camden and Campbelltown LGA boundaries. The amendments are minor and administrative in nature, and do not propose any intensification of land use or rezoning of land to enable development to occur. The Planning Proposal does not place any additional demand upon existing public infrastructure.

What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

The Gateway Determination issued on 5 February 2016 required consultation with the following public authorities:

- NSW Office of Environment and Heritage (OEH Environment);
- NSW Office of Environment and Heritage (Heritage Branch);
- Sydney Metropolitan Catchment Authority (WaterNSW); and
- Campbelltown Council

Of the public authorities that were consulted three submissions were received. NSW OEH Environment and OEH Heritage both provided support for the proposal. WaterNSW provided a submission which objects to part of the Planning Proposal and is discussed in detail below.

The submission from WaterNSW objects to the change in zone from SP2 Water Supply under the Campbelltown LEP 2015 to RU2 Rural Landscape under the Camden LEP 2010. The submission also further requests that the remainder of Lot 2 DP 1086625, which is located within the existing Camden LEP 2010 land, be rezoned to SP2 Infrastructure rather than the existing RU2 Rural Landscape.

The objection from WaterNSW has been considered by Council and the Planning Proposal has been amended to retain the SP2 Water Supply zone for the WaterNSW land (Lot 2 DP that is the subject of this Planning Proposal).

In regards to the request by WaterNSW to rezone the remainder of Lot 2 DP 1086625, that is not part of the original Planning Proposal, it is not able to be supported and will remain as per the existing zone under the Camden LEP 2010.

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

PART 4 – MAPS

The Planning Proposal intends to amend the following maps under the Camden LEP 2010 to reflect the both the gazetted realigned LGA boundary AND corresponding to planning controls as outlined in the existing and proposed maps included as **Attachment F to this Planning Proposal**.

- Land Zoning Map LZN_016 (1450_COM_LZN_016_020_20141216)
- Height of Buildings Map HOB_016 (1450_COM_HOB_016_020_20141216)
- Lot Size Map LSZ_016 (1450_COM_LSZ_016_020_20141216)
- Urban Release Area Map URA_016 (1450_COM_URA_016_020_20140808)

The Planning Proposal also intends to amend the following maps under the Camden LEP 2010 to reflect the gazetted realigned LGA boundary ONLY, in accordance with the map showing the LGA boundaries which is included as **Attachment A to this Planning Proposal**. There are no amendments to planning controls proposed for the following maps:

- Land Application Map LAP_001 (1450_COM_LAP_001_060_20140808)
- Land Zoning Map LZN_015 (1450_COM_LZN_015_020_20140808)
- Height of Buildings Map HOB_015 (1450_COM_HOB_015_020_20140808)
- Lot Size Map LSZ_015 (1450_COM_LSZ_015_020_20140808)
- Land Reservation Acquisition Map LRA_016 (1450_COM_LRA_016_020_20140709)
- Heritage Map HER_015 (1450_COM_LRA_016_020_20140709)
- Heritage Map HER_016 (1450_COM_HER_016_020_20140808)
- Additional Permitted Uses Map APU_015 (1450_COM_APU_015_020_20140808)
- Additional Permitted Uses Map APU_016 (1450_COM_APU_016_020_20140808)

It is noted that the above Camden LEP 2010 map reference numbers are correct at the date of preparation of this planning proposal. Should any amendments occur to these maps via a separate planning proposal (thereby altering the date reference in the map title), this planning proposal seeks to amend whichever maps are in force at the time of the map amendments taking place.

PART 5 – COMMUNITY CONSULTATION

In accordance with Council's resolution and the Gateway Determination, the Planning Proposal and DCP amendment were publicly exhibited from 29 August 2017 to 26 September 2017.

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

A notification was placed in the local newspaper, with the exhibition material available on Council's website and available at Council's Administration Building and Libraries. A letter was also sent to land owners within the Precinct, inviting comment on the proposal.

Three submissions were received from public authorities during the public exhibition and have been discussed in Section D – State and Commonwealth Interests. No submissions from the public were received.

PART 6 – PROJECT TIMELINE

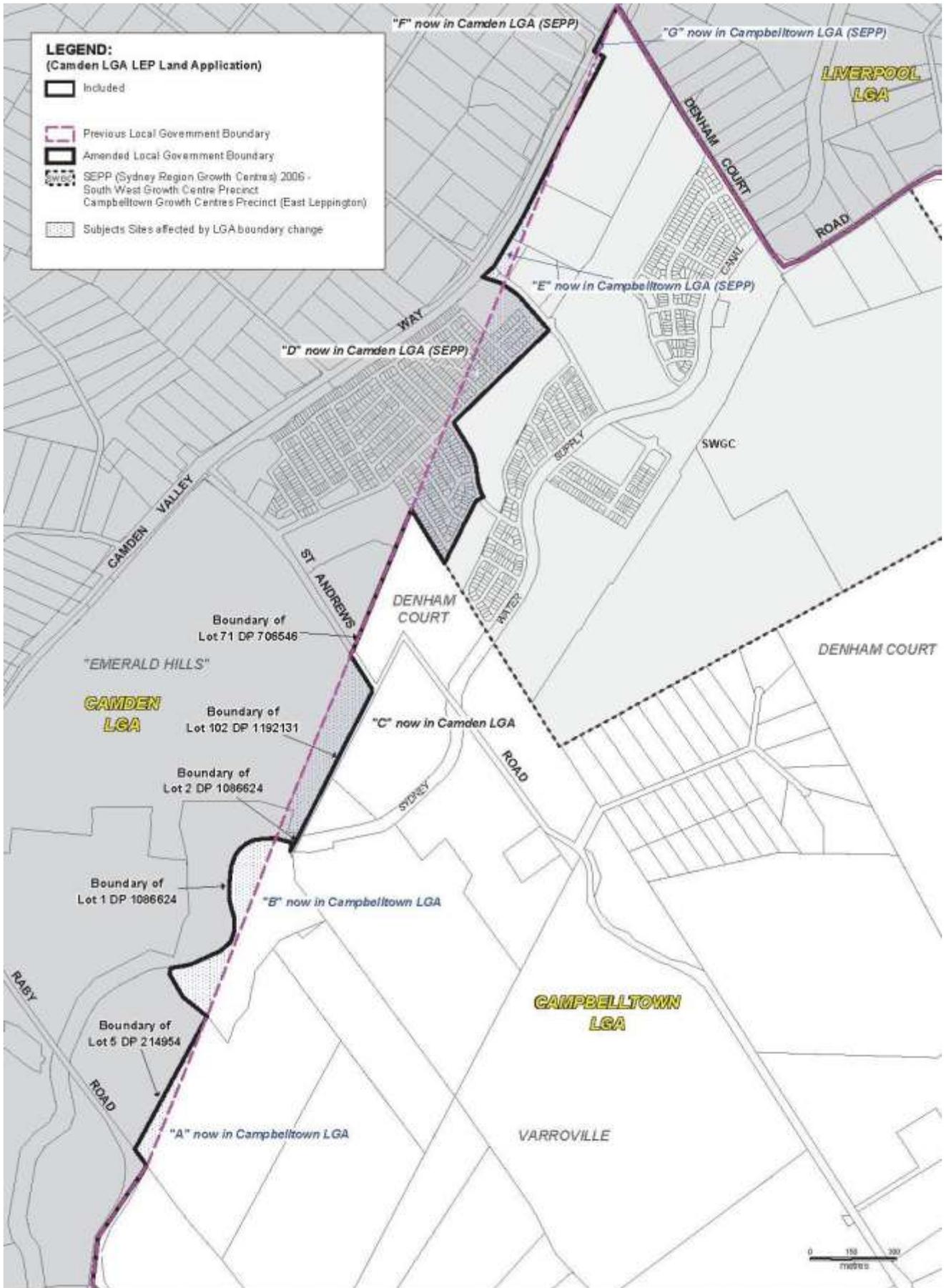
Anticipated commencement date (date of Gateway determination)	December 2015//January 2016
Anticipated timeframe for the completion of required technical information	January 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	No separate government agency consultation proposed – incorporate into public exhibition period
Commencement and completion dates for public exhibition period	August/September 2017
Timeframe for consideration of submissions	September/October 2017
Date of submission to the department to finalise the LEP	November 2017
Anticipated date RPA will make the plan (if delegated)	November 2017
Anticipated date RPA will forward to the department for notification	November/December 2017

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

Attachment A – Map showing realignment of LGA boundaries and affected parcels A to G

ORD06

Attachment 1



Map prepared by Campbelltown Council

Camden LEP 2010 - Proposed Land Application (LGA Boundary Adjustment)

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

Attachment B – copy of Council report of 22 September 2015

ORD06

Attachment 1



ORDINARY COUNCIL

ORD04

SUBJECT: AMENDMENT TO CAMDEN LEP 2010 TO REFLECT LGA BOUNDARY RE-ALIGNMENT NEAR EAST LEPPINGTON (WILLOWDALE) AND EMERALD HILLS

FROM: Director Planning & Environmental Services

TRIM #: 15/242327

PREVIOUS ITEMS: ORD04 - Boundary Re-alignment - East Leppington (Willowdale) - Ordinary Council - 09 Dec 2014 6.00pm

PURPOSE OF REPORT

To seek Council's endorsement of a planning proposal (**included as Attachment 1 to this report**) to amend various maps in the Camden Local Environmental Plan (LEP) 2010 to reflect the upcoming gazettal of the re-alignment of the Local Government Area (LGA) boundary between Camden and Campbelltown near East Leppington (Willowdale) and Emerald Hills and to forward the planning proposal to the Department of Planning and Environment (DPE) to seek a Gateway Determination.

BACKGROUND

At its meeting of 9 December 2014, Council considered a report on the proposed re-alignment of the LGA boundary between Camden and Campbelltown. At that time Council resolved:

"That Council:

- i. agree to re-align the Camden Council – Campbelltown City Council boundary from Denham Court Road to Raby Road in accordance with the boundary map as attached to this report; and*
- ii. request the Office of Local Government to refer the boundary re-alignment to the Minister and Governor for approval."*

Figure 1 shows the location of the existing LGA boundary in yellow and the proposed amendments to the LGA boundary in orange.

Following Council's resolution on 9 December 2014, an application was forwarded to the Office of Local Government (OLG) to endorse the proposal.

The gazettal of the LGA boundary re-alignment is likely to occur in the coming months. Following gazettal, Council can proceed with the necessary amendments to the Camden LEP 2010, Camden DCP 2011, Camden Growth Centres DCP and the East Leppington VPA to reflect the LGA boundary re-alignment.

It is noted that this report deals with the proposed amendments to the LEP only and that a further report will be submitted to Council with regards to the proposed DCP and VPA amendments. The LEP changes have a longer lead time for preparation than the DCP and VPA changes due to the statutory process for LEP amendments. It is for this reason that this report is being submitted at this time to facilitate commencement of the



process. It is important that the Camden LEP and Campbelltown LEP amendments be gazetted simultaneously and Council officers are working to ensure this occurs.



Figure 1 – Existing LGA boundary (yellow) and proposed amendments (orange)

MAIN REPORT

Amendments at East Leppington/Willowdale

Figure 2 shows the location of the existing LGA boundary in yellow and the proposed LGA boundary in orange at East Leppington/Willowdale.

This is the report submitted to the Ordinary Council held on 22 September 2015 - Page 2



Figure 2 – Existing LGA boundary (yellow) and proposed amendments (orange) at East Leppington/Willowdale

Amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The land at East Leppington/Willowdale was rezoned under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, in March 2013.

The zoning and associated development controls apply across the precinct and do not have regard to the LGA boundary which traverses the site. No change is proposed to the zoning, SEPP controls or maps as a result of the LGA boundary re-alignment.

Amendments to Camden LEP 2010

The LGA boundary re-alignment requires an amendment to various LEP maps at East Leppington/Willowdale to reflect the new LGA boundary.

The following LEP maps at East Leppington/Willowdale are proposed to be amended to reflect the LGA boundary adjustment:



- Land Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Land Reservation Acquisition Map
- Heritage Map; and
- Additional Permitted Uses Map.

Amendments to Camden Growth Centres DCP

The LGA boundary re-alignment at East Leppington/Willowdale requires an amendment to various figures in the Camden Growth Centres DCP to reflect the new LGA boundary. The draft DCP amendment will be reported to Council in future and is intended to be exhibited concurrently with the planning proposal.

Amendment to East Leppington Voluntary Planning Agreement (VPA)

The LGA boundary re-alignment at East Leppington/Willowdale requires a minor amendment to the VPA map indicating the land to which the VPA applies. The draft VPA amendment will be reported to Council in future and is intended to be exhibited concurrently with the planning proposal.

Amendments at Emerald Hills

Figure 3 shows the location of the existing LGA boundary in yellow and the proposed LGA boundary in orange at Emerald Hills.

Amendments to Camden LEP 2010

The LGA boundary re-alignment at Emerald Hills requires an amendment to various LEP maps.

Under the LGA boundary re-alignment, the following land at Emerald Hills will be located within the Camden LGA:

- the Emerald Hills biobanking/environmental conservation land
- the land within the Ingleburn Dam catchment lot; and
- the land within the Sydney Upper Canal lot.

An E2 Environmental Conservation zone and a minimum lot size of 2 hectares is proposed to be applied to the Emerald Hills biobanking/environmental conservation land. This is consistent with the zoning and minimum lot size which applies to the remainder of the Emerald Hills biobanking/environmental conservation land.

The following maps are proposed to be amended:

- Land Application Map
- Land Zoning Map
- Height of Buildings Map
- Lot Size Map
- Land Reservation Acquisition Map
- Heritage Map
- Additional Permitted Uses Map; and
- Urban Release Areas Map.

This is the report submitted to the Ordinary Council held on 22 September 2015 - Page 4



Figure 3 – Existing LGA boundary (yellow) and proposed amendments (orange) at Emerald Hills

Amendments to Camden DCP 2011

The LGA boundary re-alignment at Emerald Hills requires an amendment to various figures in the Camden Growth Centres DCP to reflect the new LGA boundary. The draft DCP amendment will be reported to Council in future and is intended to be exhibited concurrently with the planning proposal.

Amendment to Emerald Hills Voluntary Planning Agreement (VPA)

The LGA boundary re-alignment at Emerald Hills does not require an amendment to the Emerald Hills VPA as the boundary adjustment will not result in the potential for any additional lots to be created.

Next Steps

The planning proposal has been prepared ahead of the gazettal of the LGA boundary re-alignment so that it is ready to be forwarded to the Department for a Gateway Determination upon gazettal of the boundary re-alignment, which is expected shortly.



The amendments to the Camden DCP 2011, the Camden Growth Centres DCP and the East Leppington VPA are currently underway and will be reported to Council in future, with the intention of exhibiting the planning proposal (subject to receiving Gateway Determination) concurrently with the amendments to the VPA and DCPs. The public exhibition is intended to run for a period of 28 days in accordance with legislative requirements.

Council intends to use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* for this planning proposal.

Council officers will work with Campbelltown Council to ensure that the changes to the relevant instruments occur simultaneously so that land owners have clarity regarding the planning controls that apply to their land.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council.

CONCLUSION

The draft planning proposal seeks to amend various maps under the Camden LEP 2010 to reflect the LGA boundary re-alignment between Camden and Campbelltown at East Leppington/Willowdale and Emerald Hills. **A copy of the draft planning proposal is provided as an attachment to this report.**

The LEP map amendments at East Leppington/Willowdale will reflect the amended LGA boundary and no other changes are proposed.

The LEP map amendments at Emerald Hills will result in the entire environmental conservation/biobanking lot at Emerald Hills falling within the Camden LGA boundary. It is proposed to apply an E2 Environmental Conservation zoning and 2 hectare minimum lot size to this land which is consistent with the remainder of the lot.

A further report will be submitted to Council for consideration of the amendments to the Camden DCP 2011, the Camden Growth Areas DCP and the East Leppington VPA.

RECOMMENDED

That Council:

- i. endorse the draft planning proposal regarding the gazettal of the re-aligned LGA boundary between Camden and Campbelltown;
- ii. upon gazettal of the LGA boundary adjustment, forwards the planning proposal to the Department of Planning and Environment to seek a Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*; and
- iii. consider future reports regarding the amendments to the Camden DCP 2011, the Camden Growth Areas DCP and the East Leppington VPA.

ATTACHMENTS

This is the report submitted to the Ordinary Council held on 22 September 2015 - Page 6



-
1. Draft planning proposal - boundary realignment A4

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

Attachment C – copy of Government Gazette dated 27 November 2015

ORD06

Attachment 1



Government Gazette

of the State of
New South Wales
Number 106
Friday, 27 November 2015

The *New South Wales Government Gazette* is the permanent public record of official notices issued by the New South Wales Government. It also contains local council and other notices and private advertisements.

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal – see [Gazette Information](#).

Parliament

PARLIAMENT**ACT OF PARLIAMENT ASSENTED TO**

Legislative Council Office Sydney 19 November 2015

It is hereby notified, for general information, that His Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Act passed by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 55, 2015 — An Act to amend the *Retail Trading Act 2008* to make further provision with respect to restricted trading days and bank trading days; and for other purposes. [**Retail Trading Amendment Bill 2015**]

DAVID BLUNT
Clerk of the Parliaments

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 19 November 2015

It is hereby notified, for general information, that His Excellency the Governor, has, in the name and on behalf of Her Majesty, this day assented to the under mentioned Acts passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 56 — An Act to amend the *Gaming and Liquor Administration Act 2007* to make further provision with respect to the administration of the gaming and liquor legislation and the review of certain decisions made under that legislation. [**Gaming and Liquor Administration Amendment Bill**]

Act No. 57 — An Act to constitute and confer functions on the Greater Sydney Commission and to provide for the constitution of planning panels for the Greater Sydney Region; to amend the *Environmental Planning and Assessment Act 1979* to make provision in relation to strategic planning; and for other purposes. [**Greater Sydney Commission Bill**]

RONDA MILLER
Clerk of the Legislative Assembly

Government Notices

GOVERNMENT NOTICES

Miscellaneous Instruments

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

DAVID HURLEY, Governor

I, His Excellency General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 218B of the *Local Government Act 1993*, hereby alter the boundaries of the Area of Campbelltown City as described in the first schedule of the Local Government (Areas) Act No 30, 1948, and the Area of Camden as described by Proclamation in *Government Gazette* No 52 of 27 May 2011, by transferring part of the Area of Campbelltown City described in Schedule A hereto and adding it to the Area of Camden and by transferring part of the Area of Camden described in Schedule B hereto and adding it to the Area of Campbelltown City so that the boundary of the Area of Campbelltown City and the boundary of the Area of Camden shall be as described in Schedules C and D hereto. I also make provision in Schedule E for the apportionment of rates and charges between the affected Councils.

Signed and sealed at Sydney, this 18 day of November 2015.

By His Excellency's Command,

PAUL TOOLE, MP
Minister for Local Government

GOD SAVE THE QUEEN!

Schedule A:

Areas to be transferred from Campbelltown to Camden

Area about 19.24 square kilometres: Being part of Lot 2 DP 1086624, part of Lot 10 DP 1173819, part Lots 2211 – 2213, 2220 – 2222, Lots 2197- 2210 & 2223 – 2236 DP 1193713, part Lots 2176, 2176, 2180, 2181, 2182, Lots 2158 – 2175 & 2183 – 2196 DP 1193712, part Lot 2143, Lots 2125 – 2142 & 2144 – 2157 DP 1193711, part Lots 2003 – 2007, Lots 2001, 2002 DP 1193708, part Lot 1168 DP 1189793, part Lots 1127, 1128, 1165 – 1167, DP 1189792, Lots 1122 – 1126, 1086 – 1088 and part Lots 1120, 1121, 1089 DP 1189791, Lots 1065 – 1068, 1079 – 1085 and part Lots 1077, 1078, 1064 DP 1189790, Lots 1001 – 1020, 1024 – 1030 and part Lots 1000 1031, DP 1189789, Lots 21 – 23 DP 1202611, Lots 691 – 696 DP 1196950, part Lot 43 DP 1174145 and part of the following roads, Moriarty St, Baden Powell Ave, Jamboree Ave, Cub St, Patrol St, Resolution Ave, Scout St, Joey Cr, Willowdale Drive, Penstock St and Canal Pde.

Schedule B:

Areas to be transferred from Camden to Campbelltown

Area about 8.63 square kilometres: Being part of Lot 5 DP 214954, part of Lot 1 DP 1086624, part Lot 999 DP 1189789, part Lot 7 DP 1200698.

Schedule C:

Campbelltown Council (as altered)

Area about 301.17 square kilometres. Commencing at the point where Williams Creek meets the southern boundary of Portion 168, Parish of Holsworthy, County of Cumberland, by that creek upwards to the north-eastern boundary of Portion 20, Parish of Eckersley, by part of that boundary south-westerly to the western side of the Old Illawarra Road, by that road generally south-easterly to the north-western corner of Portion 41, by the northern and eastern boundaries of that portion, easterly and southerly, by the eastern boundary of Portion 22, southerly to the centre of the Woronora River, by that river upwards to the northern boundary of Lot 1 DP 1041061, by the northern boundary of that lot and the northern and part of the western boundary of Lot 3 DP 1041061, westerly and southerly to Dahlia Creek, by that creek and O'Hares Creek downwards to the easterly prolongation of the southern boundary of Portion 47, Parish of Wedderburn, by that prolongation westerly and by the southern boundaries of Portions 47 and 13, westerly and by the westerly prolongation of the southern boundary of Portion 13 to the right bank of the Nepean River, by that bank generally northerly to the plan of the Boundary between the Municipalities of Nepean and Campbelltown catalogued Ms 3353 Sy; by that plan generally north-easterly to the south western boundary of Lot 5 DP 214954, by that boundary generally northerly to the south western boundary of Lot 1 DP 1086624, by that boundary generally northerly and by the generally eastern boundary of Lot 2 DP 1086624, northerly to Lot 10 DP 1173819, by that boundary again generally northerly to the south western prolongation of the generally north western boundary of Lot 71 DP 706546, by that prolongation and boundary generally north easterly and south easterly to the south eastern corner of Lot 2236 DP 1193713, by the south eastern boundary of that lot and the south eastern boundary of Canal Parade, and its prolongation generally north easterly to the eastern boundary of Baden Powell Ave, by that boundary, northerly to Jamboree Ave, by the south eastern boundary of that road generally north easterly to the south eastern prolongation of the generally western boundary of Willowdale Drive, by that prolongation and the western boundary of Willowdale Drive, generally north westerly to the north-eastern most corner of Lot 1000 DP 1189789, by a line, generally north easterly to the north west corner of Lot 999 DP 1189789, by the north western boundary of that lot and Lot 7 DP 1200698, generally north easterly to Camden Valley Way, by Camden Valley Way generally northerly to Denham Court Road, by that road, generally south-easterly, Campbelltown Road generally north-easterly, the road on the southwest of

3804

NSW Government Gazette No 106 of 27 November 2015

Government Notices

Lot 5 DP 241558, Lots 2 and 3 DP 507628, Lots 4, 5, 6, 7 and 8 DP 13684, and Lots 1, 2 and 3 DP 215195, south-easterly and Glenfield Road easterly and south-easterly to the Main Southern Railway; by that railway north-easterly to the southern boundary of Portion 68, Parish of Minto; by that boundary easterly to the left bank of Georges River; by that bank upwards to the western prolongation of the northern boundary of Portion 1, Parish of Eckersley; by that prolongation, boundary and eastern prolongation of that boundary generally easterly, part of the western, the northern and part of the eastern boundaries of Portion 17 northerly, easterly and southerly, the northern boundaries of Portions 6, 2, 48, easterly to the point of commencement.

Schedule D: Camden Council (as altered)

Area about 218.59 square kilometres. Commencing at the junction of the left bank of the Nepean River with the right bank of Sickles Creek; and bounded thence by that bank upwards to the north most northern boundary of Lot 332 DP 861656; by part of that boundary westerly, the generally south-eastern and part of the southern boundaries of Lot 1 DP 547322 generally south-westerly and westerly, the generally eastern boundary of Lot 1 DP 235460 generally southerly, part of the eastern boundary of Lot 102 DP 701950 southerly, the north-eastern boundary of Lot 41, plan catalogued 1570 (L) south-easterly to the middle of the road catalogued R. 440-1603; by a line along the middle of that road south-westerly to its intersection with the northerly prolongation of a line along the middle of the road forming the western boundary of lots 39 and 35 of the said plan catalogued 1570 (L); by a line along the middle of that road southerly to the middle of the road catalogued R. 441-1,603; by a line along the middle of that road south-easterly and easterly to the middle of the road catalogued R. 6452-1603 R.; by a line along the middle of that road northerly to its intersection with the westerly prolongation of a line along the middle of Cawdor-lane; by a line along the middle of that lane easterly to the middle of the road catalogued R. 442-1603; by a line along the middle of that road distant 3 chains 66 links southerly; by a line east to the left bank of Navigation Creek; by that bank of that creek generally northerly to the left bank of the Nepean River; by a line north to the right bank of that river; by that bank of the Nepean River generally easterly to the plan of the Boundary between the Municipalities of Nepean and Campbelltown catalogued Ms 3353 Sy; by that plan generally north-easterly to the south western boundary of Lot 5 DP 214954, by that boundary generally northerly to the south western boundary of Lot 1 DP 1086624, by that boundary generally northerly and by the generally eastern boundary of Lot 2 DP 1086624, northerly to Lot 10 DP 1173819, by that boundary again generally northerly to the south western prolongation of the generally north western boundary of Lot 71 DP 706546, by that prolongation and boundary generally north easterly and south easterly to the south eastern corner of Lot 2236 DP 1193713, by the south eastern boundary of that lot and the south eastern boundary of Canal Parade, and its prolongation generally north easterly to the eastern boundary of Baden Powell Ave, by that boundary, northerly to Jamboree Ave, by the south eastern boundary of that road generally north easterly to the south eastern prolongation of the generally western boundary of Willowdale Drive, by that prolongation and the western boundary of Willowdale Drive, generally north westerly to the north-eastern most corner of Lot 1000 DP 1189789, by a line, generally north easterly to the north west corner of Lot 999 DP 1189789, by the north western boundary of that lot and Lot 7 DP 1200698, generally north easterly to Camden Valley Way, by Camden Valley Way and Cowpasture Road, northerly, Bringelly Road and Greendale Road westerly to the eastern boundary of Portion 14, Parish of Bringelly; by part of that boundary and the southern boundary of that portion southerly and westerly to Bringelly Creek; by that creek downwards to the north eastern prolongation of the generally eastern boundary of Lot 4 DP 776502, by that prolongation and the generally eastern boundary of Lot 4 DP 776502 aforesaid, southerly, the eastern and southern boundaries of Lot 5 DP 776502, southerly and westerly, to the Bringelly Creek aforesaid; by that creek downwards to the eastern prolongation of the northern boundary of Lot 7 DP 1056890, by that prolongation and the generally northern, eastern and southern boundaries of Lot 7 DP 1056890 aforesaid, generally easterly, southerly and westerly to the Bringelly Creek aforesaid; by that creek downwards to the southern prolongation of the eastern boundary of Lot 6 DP 1056890, by that prolongation and the eastern, southern, and western boundaries of Lot 6 DP 1056890 aforesaid, generally southerly, northerly and easterly to the Bringelly Creek aforesaid; by that creek downwards to the southern prolongation of the eastern boundary of Lot 2 DP 582023, by that prolongation and the south-eastern boundary of Lot 2 DP 582023 aforesaid, south-westerly to the north eastern prolongation of the south eastern boundary of Lot 2 DP 582023 aforesaid; by that prolongation to the Nepean River upwards to south-eastern corner of Portion 29, Parish of Cook and by a line southerly to the point of commencement.

Schedule E: Rates and Charges

- 1) Appropriate arrangements are to be made in relation to the rates and charges over the rateable parcels of land affected by this Proclamation.
- 2) The General Manager of Campbelltown City and the General Manager of Camden are to reach a negotiated agreement on the nature of those arrangements.
- 3) In the event that the General Managers of Campbelltown City and Camden cannot come to a negotiated agreement on the matter of rates and charges, the Minister for Local Government will make a determination on that matter.

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

Attachment D – copy of Gateway Determination – 5 Feb 2016



Mr Ron Moore
General Manager
Camden Council
PO Box 183
Camden NSW 2570

Your ref: SC3529

Attention: Mr Peter McKenna

Dear Mr Moore

Planning Proposal for boundary realignment- (PP_2015_CAMDE_003_00)

I am writing in response to Council's letter dated 4 December, 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal to amend the relevant Camden Local Environmental Plan 2010 maps to ensure consistency with the realignment of the Local Government Area boundary between Camden and Campbelltown Council's and to change the zoning, height of building and minimum lot size controls that apply to certain land at Emerald Hills.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The Gateway determination requires that the planning proposal be made publicly available for a minimum period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, as amended, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the Planning Proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these

Department of Planning & Environment

Level 5, 10 Valentine Avenue Parramatta NSW | GPO Box 39 Sydney NSW 2001 | T 02 9560 1101 | www.planning.nsw.gov.au

commitments, the Greater Sydney Commission may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Tai Ta, of the Metropolitan (Parramatta) Office of the Department of Planning and Environment on 9860 1567.

Yours sincerely

R Cumming
5/2/2016

Rachel Cumming
Director Metropolitan (Parramatta)
Planning Services

Encl.:
Gateway Determination
Authorisation to Issue Delegation
Plan Making Reporting Template



Gateway Determination

Planning Proposal (Department Ref: PP_2015_CAMDE_003_00) to amend the relevant Camden Local Environmental Plan 2010 maps to ensure consistency with the realignment of the Local Government Area boundary between Camden and Campbelltown Council's and to change the zoning, height of building and minimum lot size controls that apply to certain land at Emerald Hills.

I, the Director, Metropolitan (Parramatta) as delegate of the Greater Sydney commission, have determined under section 56(2) of the EP&A Act that an amendment to the Parramatta Local Environmental Plan 2011 should proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal as indicated below:
 - (a) all maps are to be numbered, labelled and identified on the contents page;
 - (b) all maps are to clearly indicate the boundaries of the land affected by the planning proposal;
 - (c) for each map to be amended, show an extract of the existing and proposed maps on the same page. The existing map extracts must include the current planning controls applied by Campbelltown Council to the land affected by the proposal; and
 - (d) the Statement of Objectives is to be amended to identify the existing planning controls that apply to land at Emerald Hills and the justification for any changes to existing land use zones, height limits and minimum lot size controls.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act (EP&A Act) 1979 as follows:
 - (a) the planning proposal must be publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in section 5.5.2 of 'A Guide to Preparing LEPs' (Department of Planning and Infrastructure 2012).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Office of Environment and Heritage;
 - NSW Office of Environment and Heritage (Heritage Branch);
 - Sydney Metropolitan Catchment Management Authority; and
 - Campbelltown Council.

CAMDEN PP_2015_CAMDE_003_00

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

Dated 5th day of February 2016.

R Cumming

**Rachel Cumming
Director Metropolitan (Parramatta)
Planning Services
Delegate of the Greater Sydney
Commission**

CAMDEN PP_2015_CAMDE_003_00



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Camden Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_CAMDE_003_00	Planning proposal to amend the relevant Camden Local Environmental Plan 2010 maps to ensure consistency with the realignment of the Local Government Area boundary between Camden and Campbelltown Council's and to change the zoning, height of building and minimum lot size controls that apply to certain land at Emerald Hills.

In exercising the Commission's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 5th day of February 2016.

R Cumming
5/2/2016

Rachel Cumming
Director Metropolitan (Parramatta)
Planning Services

Delegate of the Greater Sydney Commission

Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

Attachment E – copy of revised Gateway Determination – 20 October 2017



PP_2015_CAMDE_003_00 (17/11454)

Mr Ron Moore
General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570



Dear Mr Moore

Planning Proposal PP_2015_CAMDE_003_00 – Alteration of Gateway Determination

I refer to Council's letter seeking an extension of time to complete planning proposal PP_2015_CAMDE_003_00 to amend the relevant maps under Camden LEP 2010 to reflect the amended boundary between Camden and Campbelltown local government areas.

I have determined as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 5 February 2016 for PP_2015_CAMDE_003_00 (as altered). The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Alicia Hall to assist you. Ms Hall can be contacted on 9860 1587.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Catherine Van Laeren'.

20/10/17

Catherine Van Laeren
**Director, Sydney Region West
Planning Services**

Encl: Alteration to Gateway Determination



Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2015_CAMDE_003_00): to amend the relevant Camden Local Environmental Plan 2010 maps to ensure consistency with the realignment of the Local Government Area (LGA) boundary between Camden and Campbelltown Councils, and to change the zoning, height of building and minimum lot size controls that apply to land at Emerald Hills.

I, the Director, Sydney Region West, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("the Act") to alter the Gateway determination dated 5 February 2016 (as since altered) for the proposed amendment to the Camden Local Environmental Plan 2010 as follows:

1. Delete:

"condition 5"

and replace with:

a new condition 5 "The timeframe for completing the LEP is by 28 February 2018"

Dated 20th day of October 2017



Catherine Van Laeren
 Director, Sydney Regions West
 Planning Services
 Department of Planning and Environment

**Delegate of the Greater Sydney
 Commission**

PP_2015_CAMDE_003_00 (1Error! Unknown document property name.)

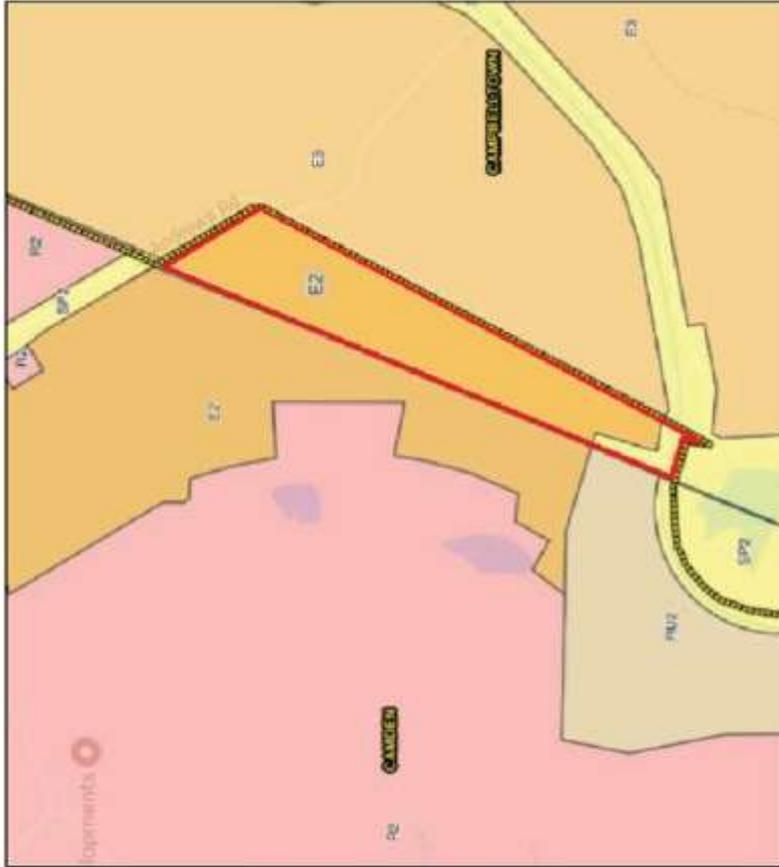
Amendment No. 39 – LGA boundary re-alignment housekeeping amendment to Camden LEP 2010

Attachment F – Amendments proposed for “Parcel C” land near Emerald Hills

ORD06

Attachment 1

Attachment 1
ORD06



PROPOSED CAMDEN LEP 2010 LZN (LAND ZONING) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS



EXISTING CAMPBELLTOWN LEP 2015 LZN (LAND ZONING) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS



PROPOSED CAMDEN LEP 2010 HOB (HEIGHT OF BUILDINGS) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS



EXISTING CAMPBELLTOWN LEP 2015 HOB (HEIGHT OF BUILDINGS) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS



PROPOSED CAMDEN LEP 2010 LSZ (LOT SIZE) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS



EXISTING CAMPBELLTOWN LEP 2015 LSZ (LOT SIZE) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS



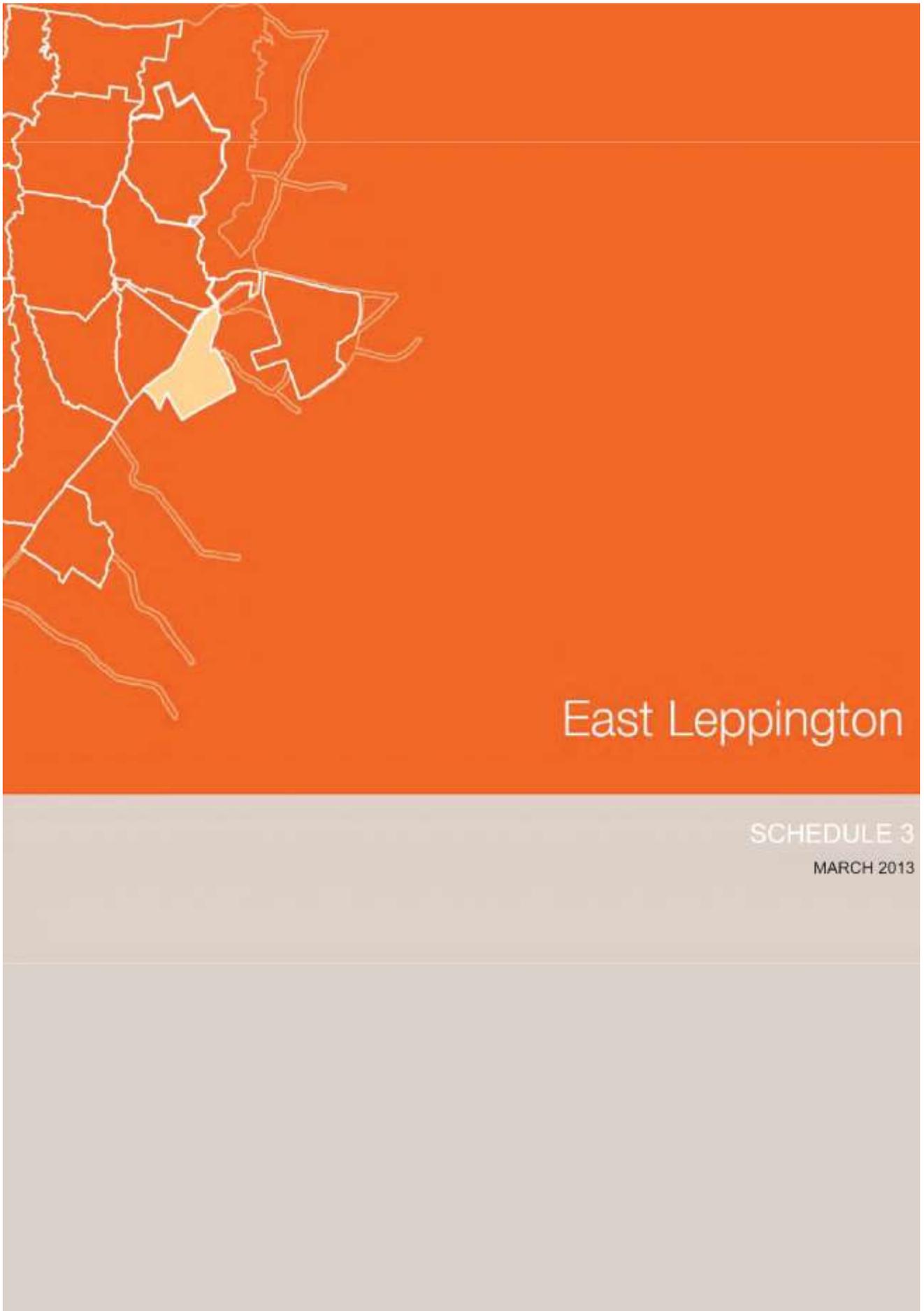
PROPOSED CAMDEN LEP 2010 URA (URBAN RELEASE AREA) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS



EXISTING CAMPBELLTOWN LEP 2015 URA (URBAN RELEASE AREA) MAP
FOR "PARCEL C" LAND AT EMERALD HILLS

ORD06

Attachment 2



East Leppington

SCHEDULE 3

MARCH 2013

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1 Introduction

1.1 Name and application of this Schedule

The East Leppington Precinct is partly within Camden, Liverpool and Campbelltown Local Government Areas. Accordingly, this Schedule forms part of the following Development Control Plan (DCP):

- Camden Growth Centre Precincts DCP

The DCP listed above shall be referred to as the 'Main DCP'. Separate schedules apply for each Precinct. This Schedule (Schedule 3) applies to all development on the land shown in Figure 1-1.

This schedule and related amendments to the DCP give effect to the provisions of the DCP for land within the East Leppington Precinct as shown on the Land Application Map (Figure 1-1).

1.2 Structure of this Schedule

This Schedule should be read in conjunction with the Main DCP and is in addition to the Main DCP. In the event of an inconsistency between this Schedule and the main body of this DCP, this Schedule takes precedence. Table 1-1 summarises the structure of Schedule 3 – East Leppington Precinct.

Table 1-1 Structure of this Schedule

Part	Summary
1 – Introduction	Identifies the land to which the Schedule applies.
2 – Subdivision Planning and Design	Establishes an overall vision and Indicative Layout Plan (ILP) for the East Leppington Precinct to support the controls in Part 2 and Part 3 of the main body of the DCP.
3 – Centres Development Controls	Provides specific objectives and controls that apply to land within the East Leppington local centre, identified on the Indicative Layout Plan for the East Leppington Precinct. These controls are in addition to those in Part 5 of the main body of the DCP.
4 – Site Specific Controls	Specific objectives and controls for development in certain parts of the Precinct, including land adjacent to Camden Valley Way, heritage and view corridors associated with Scenic Hills.

Additional notes to readers are provided throughout this document. These notes are not part of the formal provisions of the DCP, but are intended to provide additional guidance and explanation of the provisions. If further guidance is required on the interpretation of provisions in the DCP, readers should refer to the definitions or contact Council for advice.

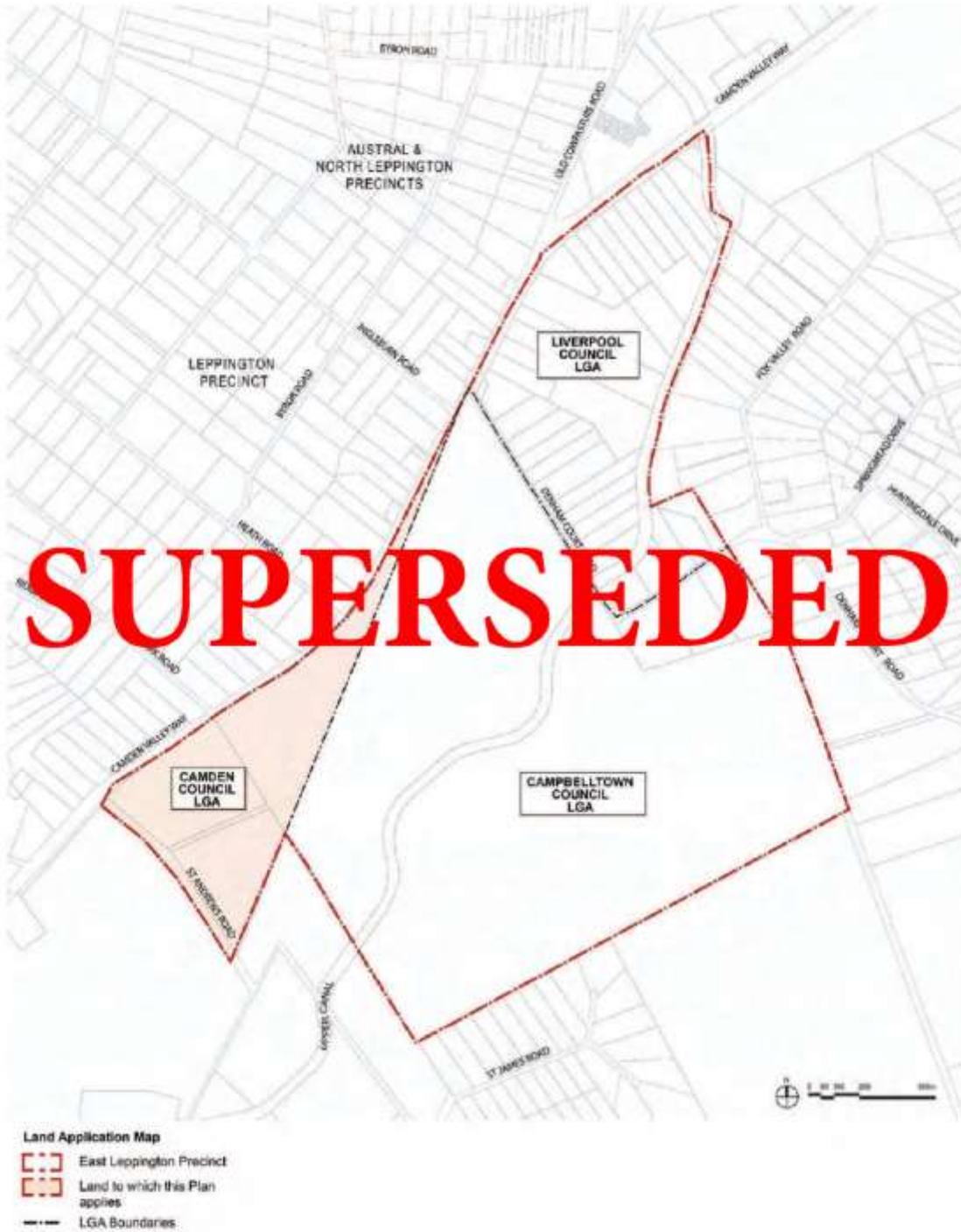


Figure 1-1 Land Application Map



Figure 1-1 Land Application Map

2 Subdivision Planning and Design

2.1 East Leppington Precinct Vision

The vision for the East Leppington Precinct is to develop a series of new walkable residential neighbourhoods supported by local retail, community and recreation facilities in an environmentally sustainable manner.

The Precinct as a whole will provide:

- For a range of residential densities, housing types and affordability options to meet the needs of a diverse and growing community.
- Detached housing will comprise the majority of residential development, with medium density development located close to the Centres, along bus routes and areas of higher amenity with larger lots on the periphery of the Precinct.
- A Local Centre located at the 'gateway' of the East Leppington Precinct. The Local Centre will be the main retail centre, providing for a mix of retail, commercial and community services to cater for the needs of local residents. It will be highly accessible by all modes of transport, being located off Camden Valley Way and surrounded by medium density residential and mixed use development.
- A neighbourhood centre located in the north of the Precinct to serve the daily needs of the local community.
- A public domain that will include special places focused on important landscape and cultural features including the Leppington House archaeological site. Passive recreation opportunities will be maximised along the Bonds Creek riparian corridor whilst active recreation opportunities will be catered through the provision of sporting fields. Where possible, remnant vegetation will be retained in public parks and areas containing endangered ecological communities will be conserved. The visual and landscape quality of the Scenic Hills will be protected.
- For the incorporation of principles of ecological sustainability and measures to ensure that the important historic, environmental and visual elements of the Precinct are recognised and protected for future generations.

Note: This part sets out the precinct planning vision for East Leppington Precinct and includes figures that support the objectives, controls and design principles for subdivision planning and design in **Part 2** of the Main DCP.

2.2 Referenced Figures

The figures included in this section are those referenced in the following parts of the Main DCP:

- Part 2 Precinct Planning Outcomes;
- Part 3 Neighbourhood and Subdivision Design;
- Part 4 Development in the Residential Zones; and
- Part 5 Centres Development Controls.



Figure 2-1 Indicative Layout Plan

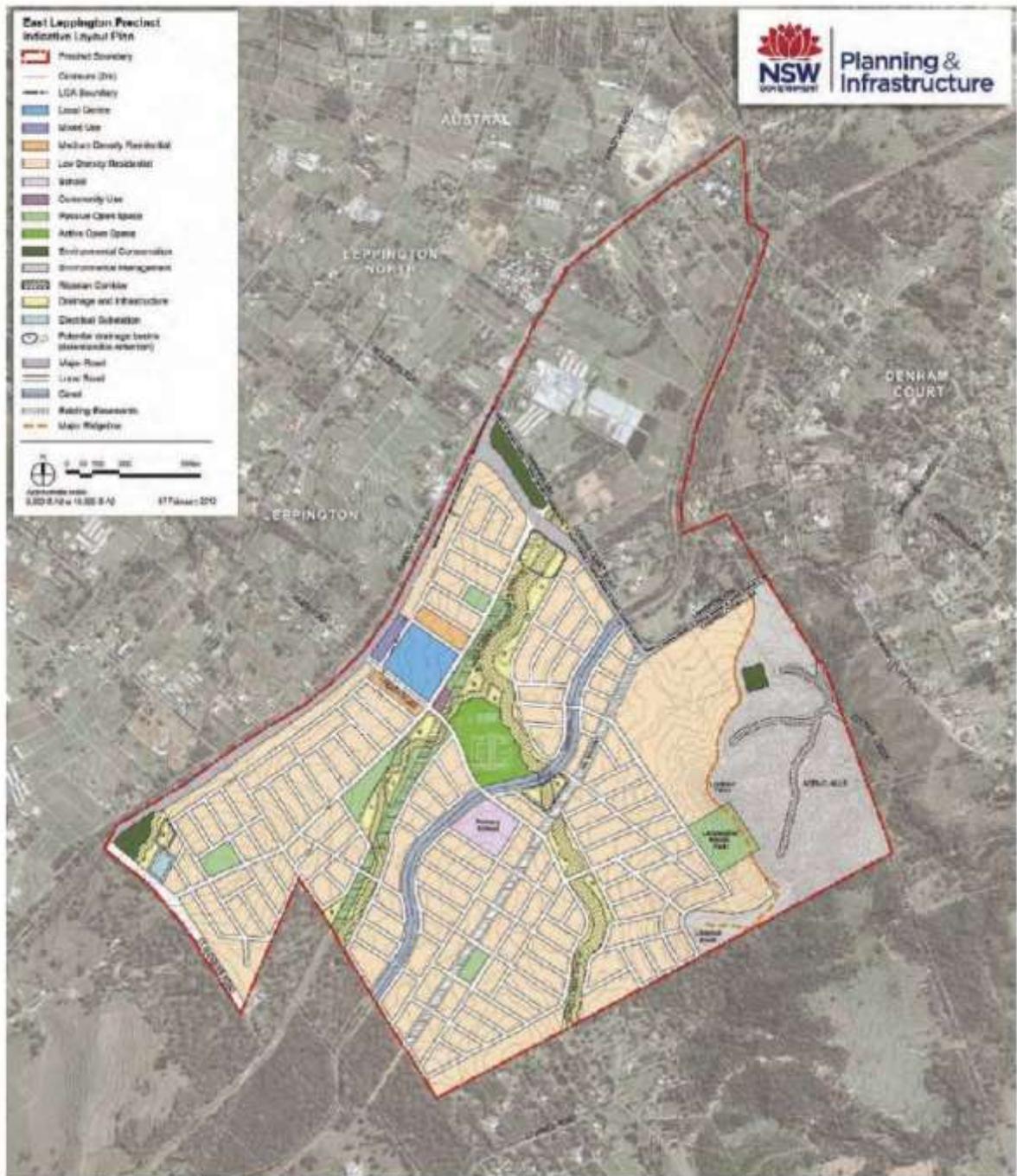
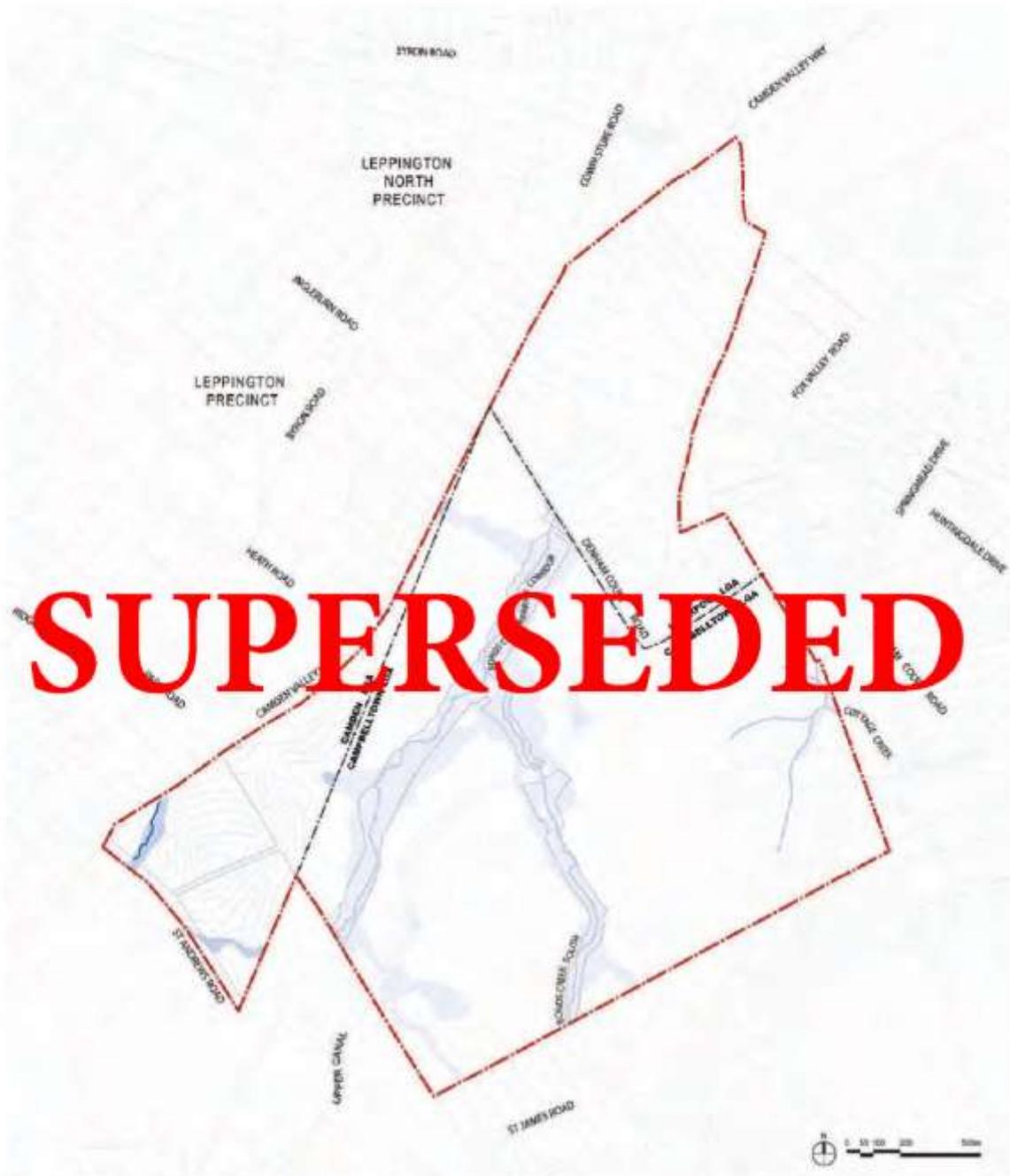


Figure 2-1 Indicative Layout Plan



- Camden DCP: Flood Prone Land**
- East Leppington Precinct
 - Contours (2m)
 - Cadastral Boundaries
 - Creeks & Waterways
 - LGA Boundaries
 - Existing Flood Extent (1 in 100 year)
 - Post-Development Flood Extent (1 in 100 year)

Figure 2-2 Flood prone land

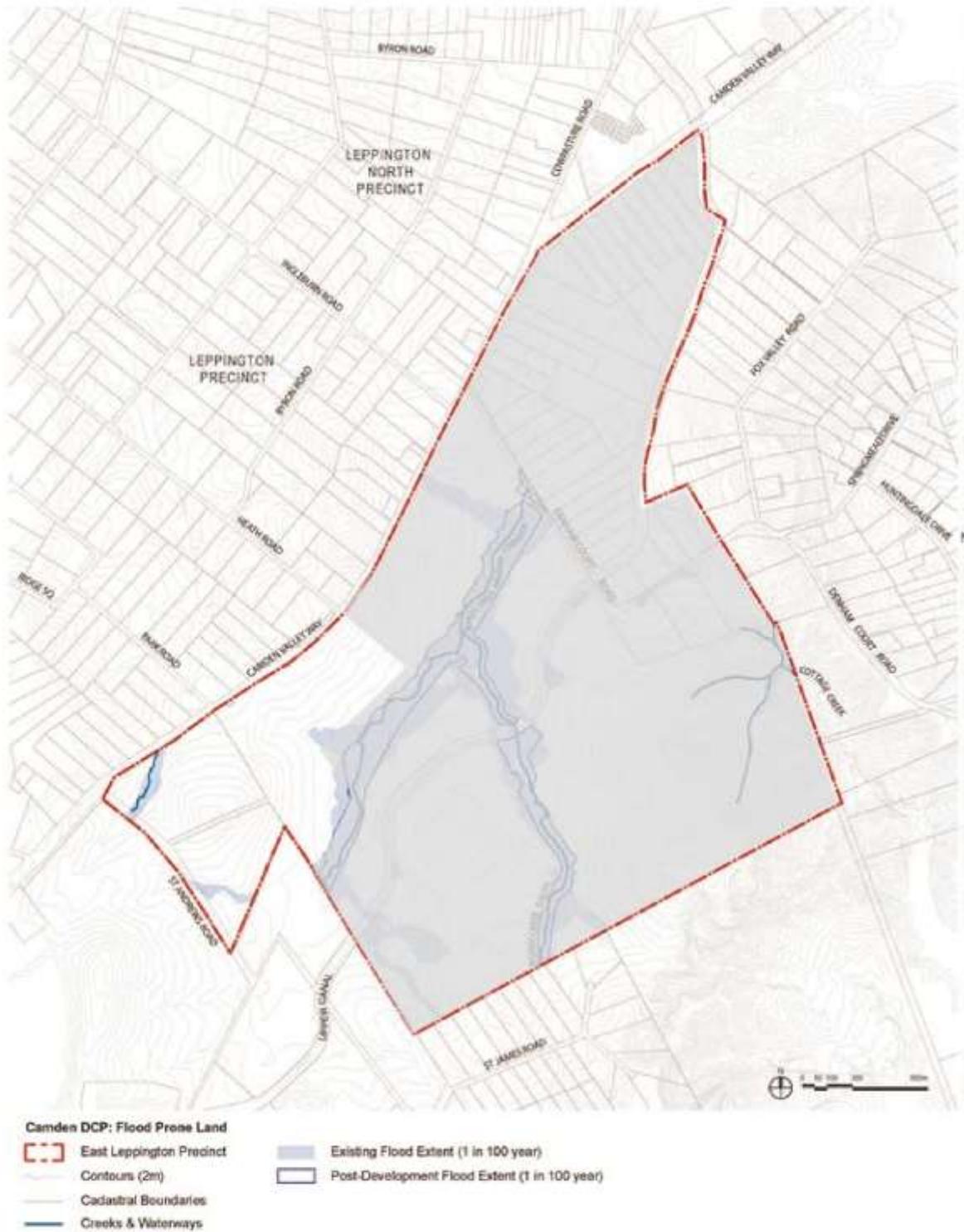


Figure 2-2 Flood prone land

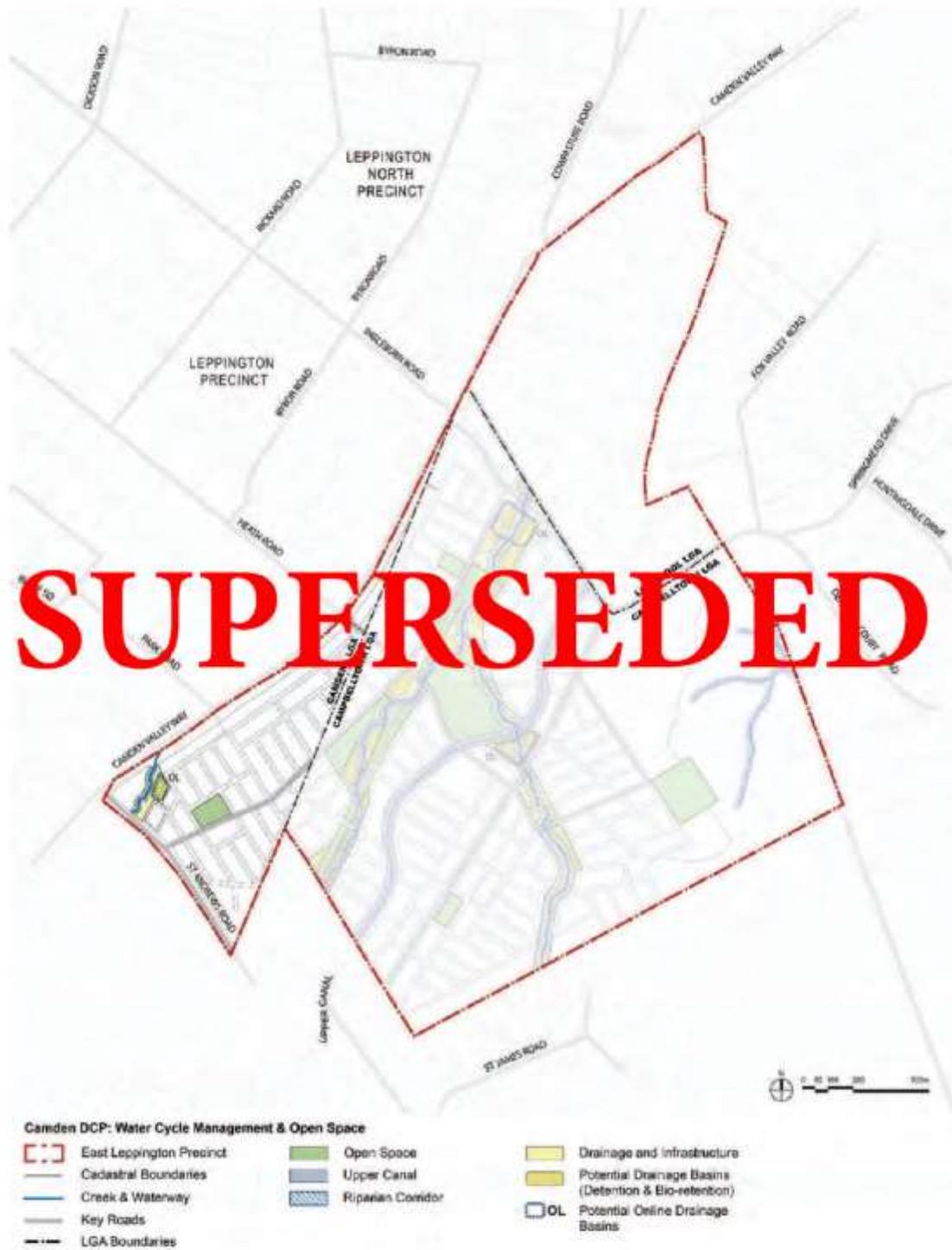


Figure 2-3 Key elements of water cycle management and ecology strategy

Note: Refer to Section 2.3.2 of the Main DCP.



Figure 2-3 Key elements of water cycle management and ecology strategy

Note: Refer to Section 2.3.2 of the Main DCP.

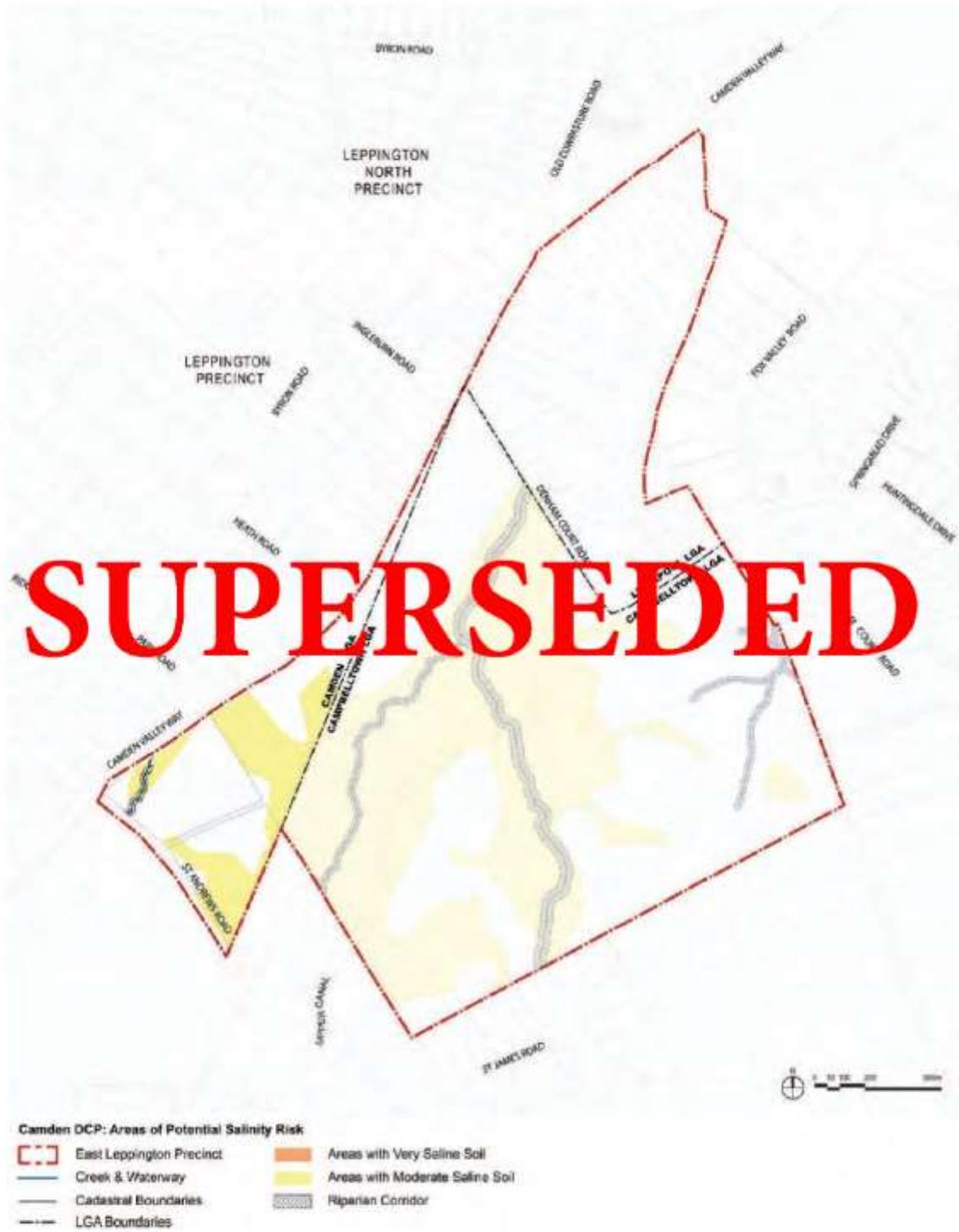


Figure 2-4 Areas of potential salinity risk

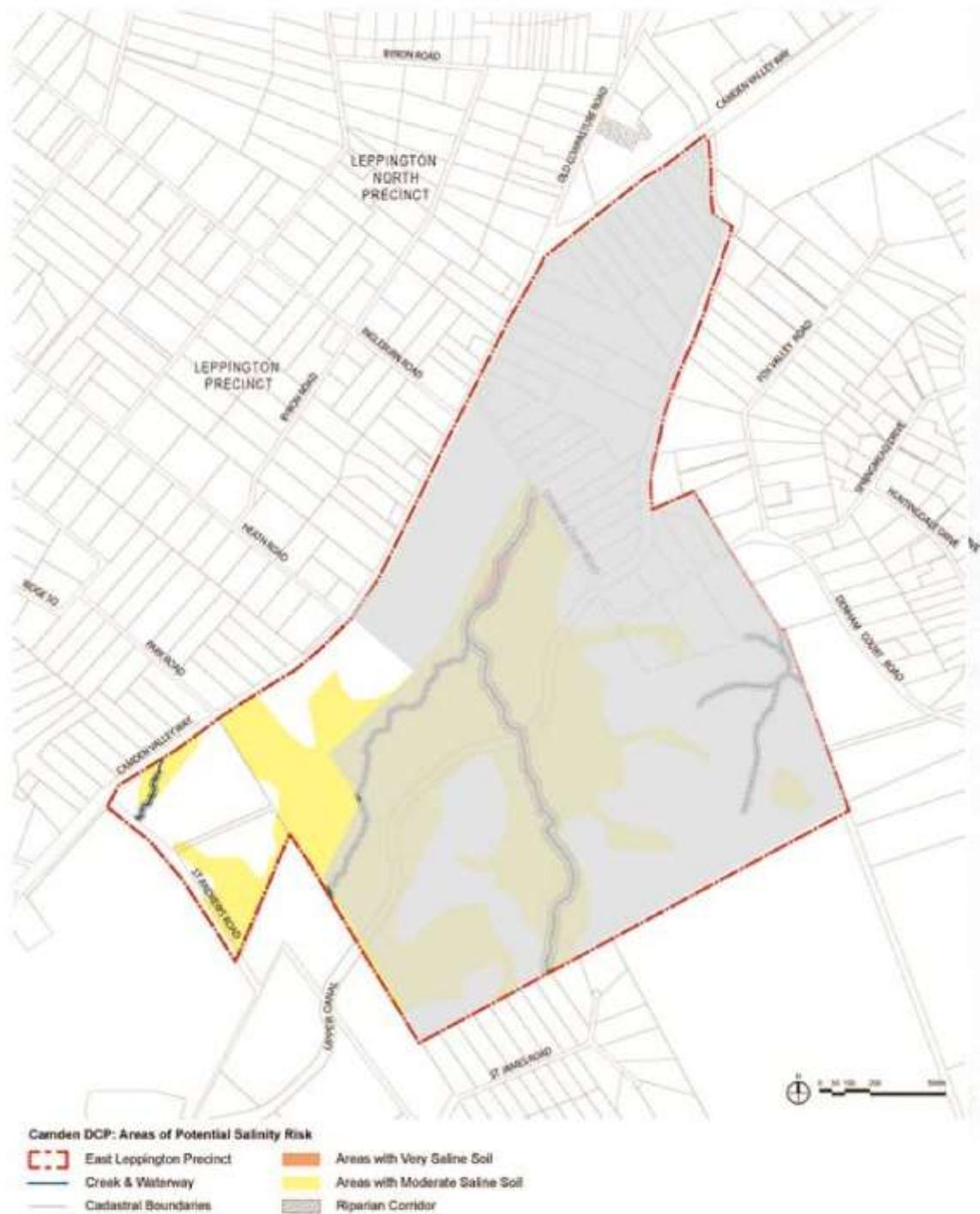


Figure 2-4 Areas of potential salinity risk



Figure 2-5 Aboriginal cultural heritage areas

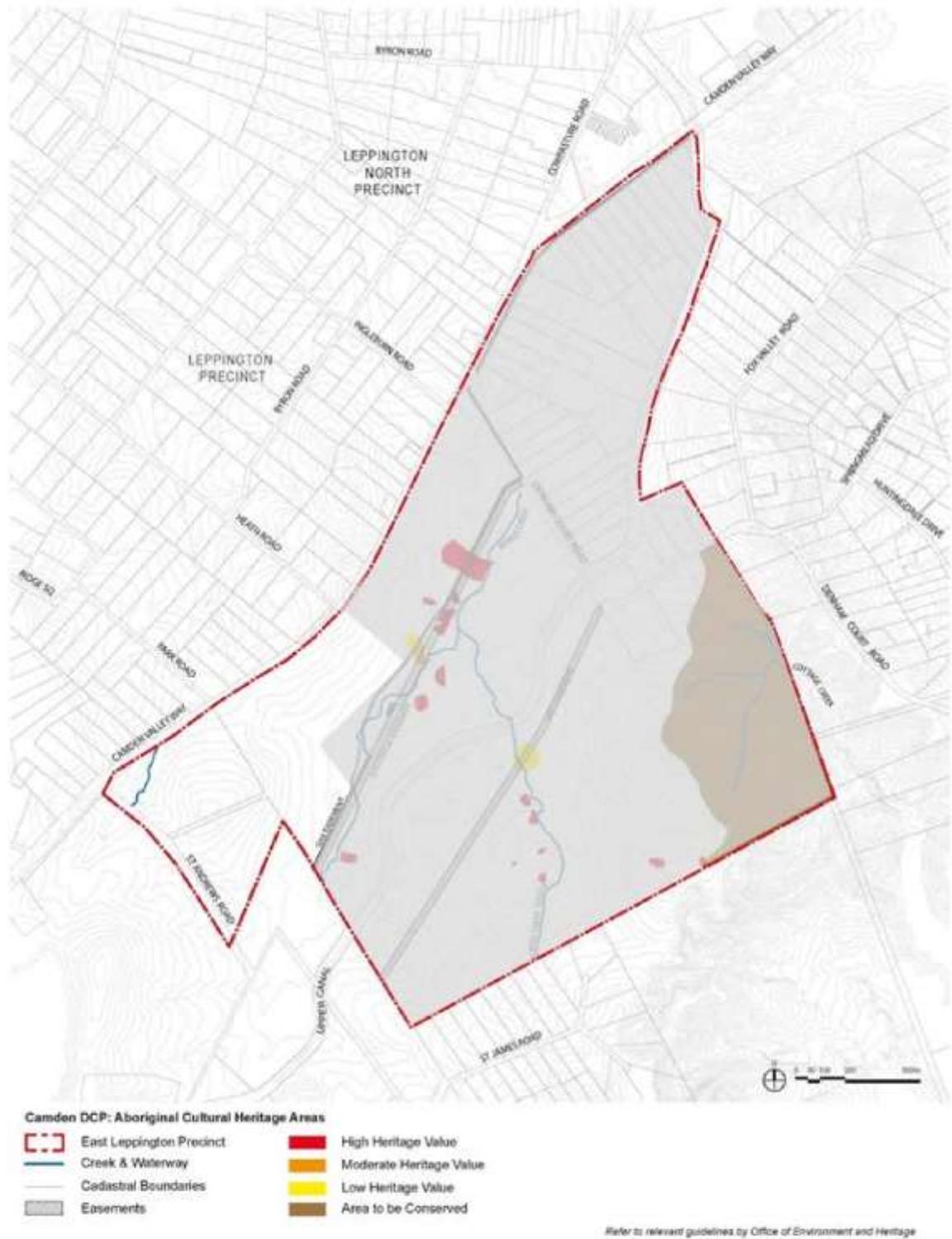


Figure 2-5 Aboriginal cultural heritage areas



Figure 2-6 European cultural heritage



Figure 2-6 European cultural heritage

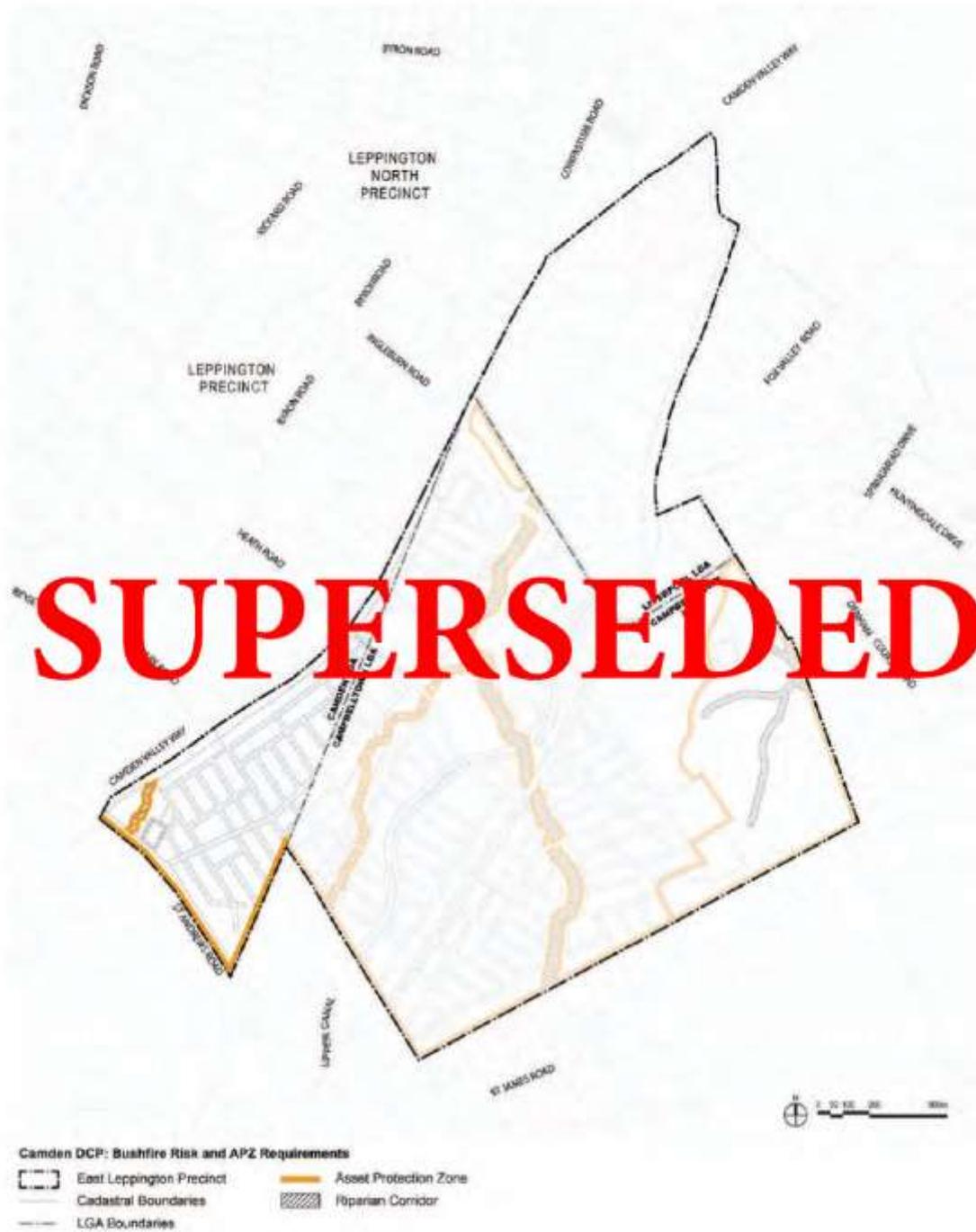


Figure 2-7 Asset Protection Zone requirements

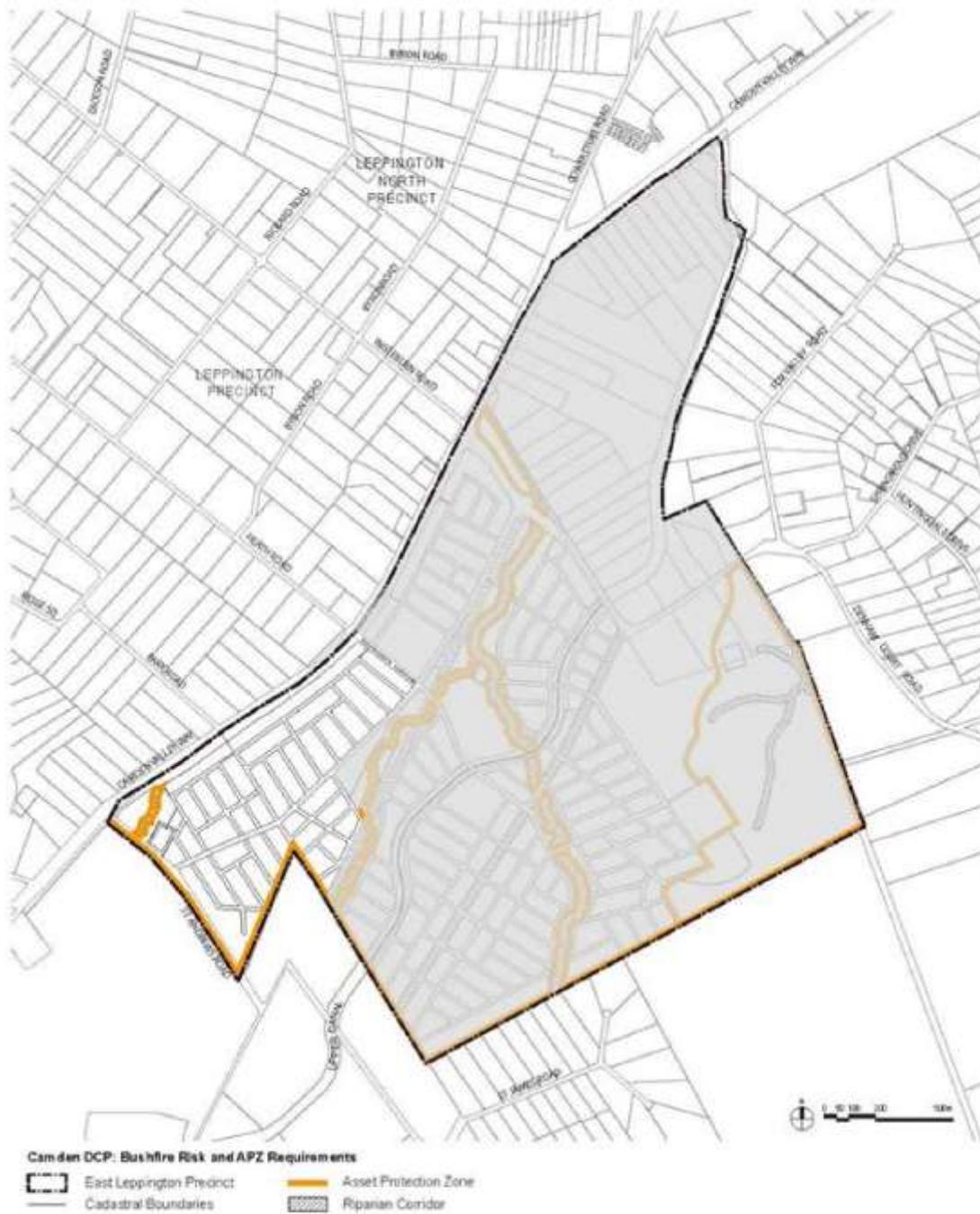


Figure 2-7 Asset Protection Zone requirements



Figure 2-8 Location of infrastructure easements

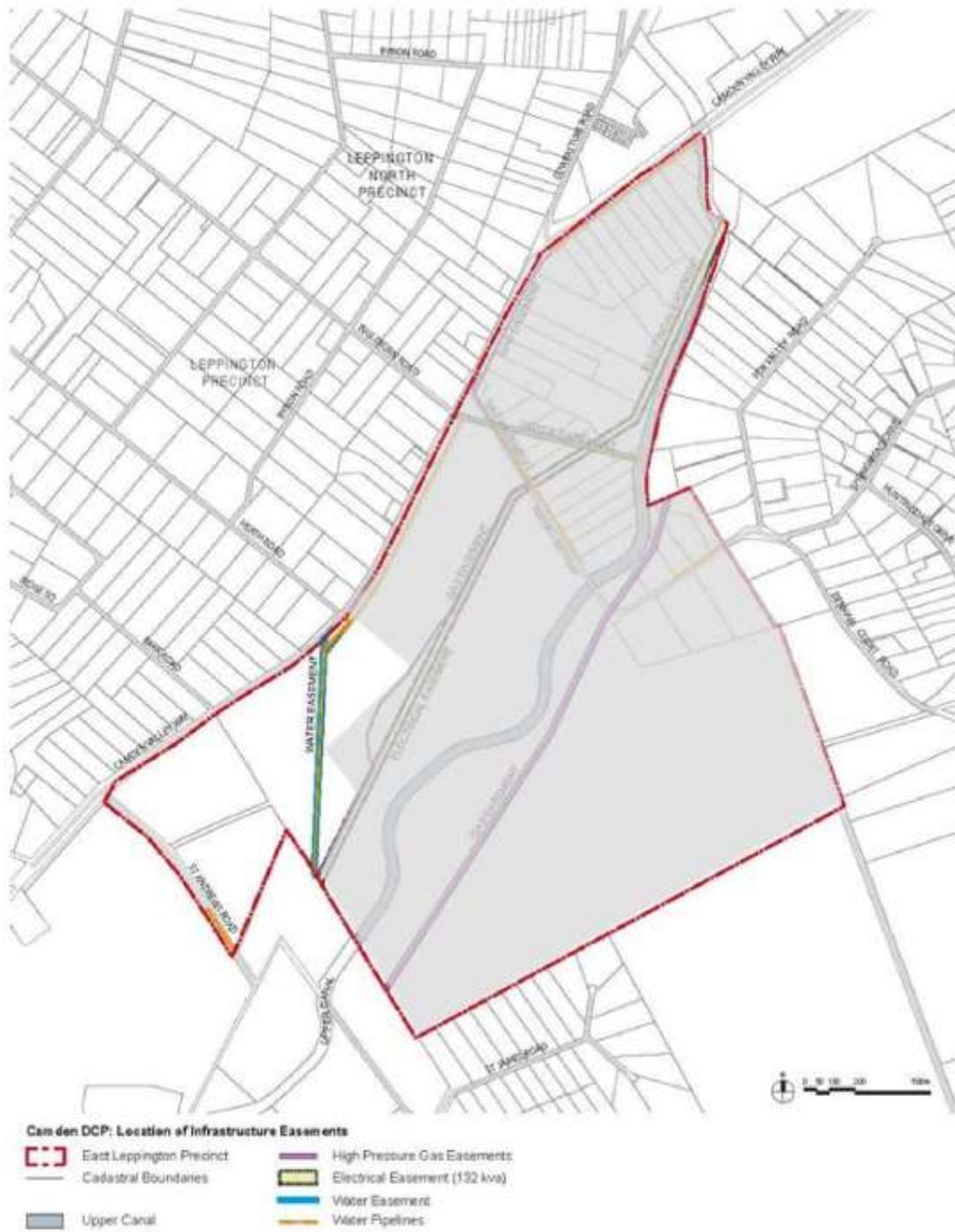


Figure 2-8 Location of infrastructure easements

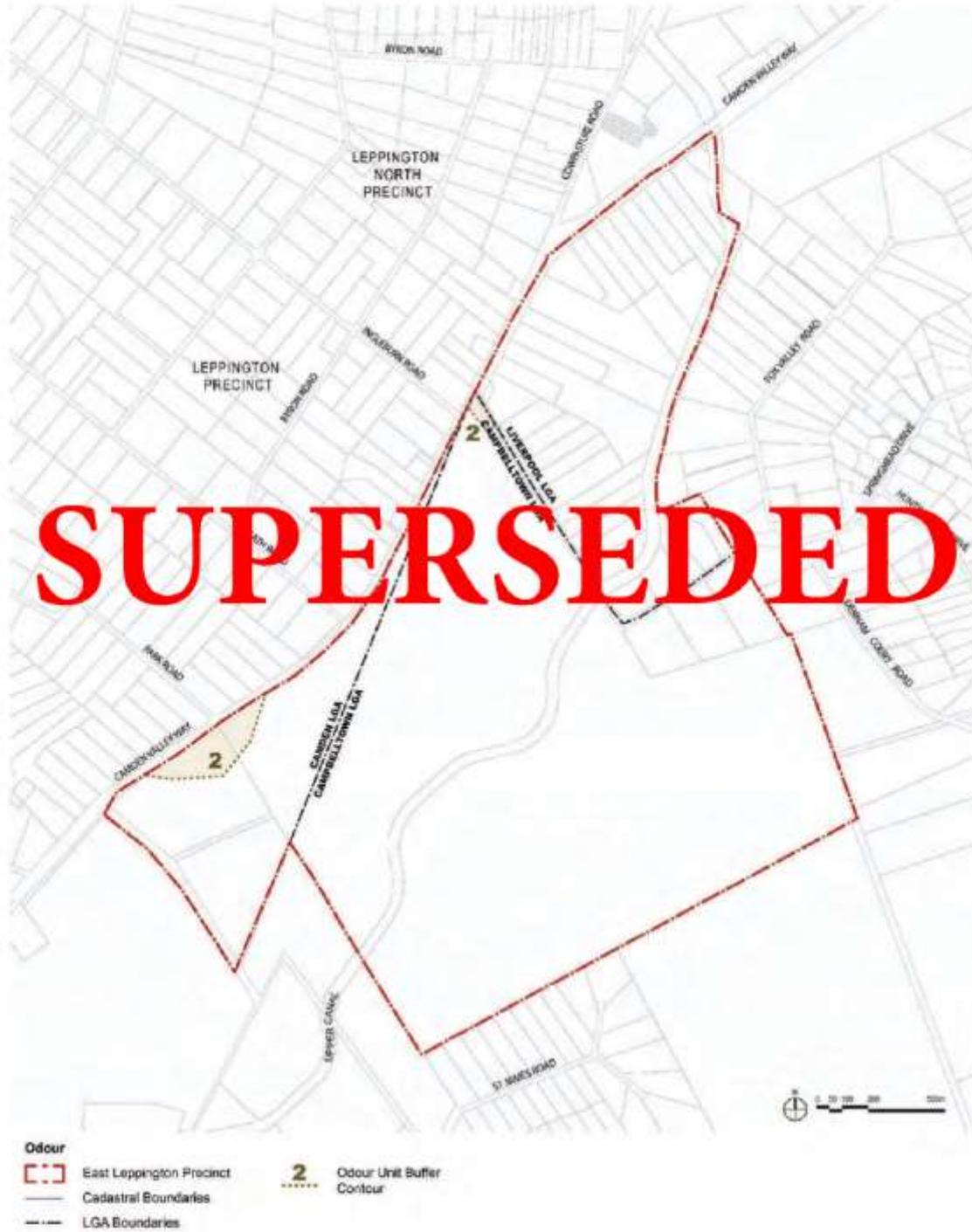


Figure 2-9 Odour



Figure 2-9 Odour



Figure 2-10 Residential structure



Figure 2-11 Precinct road hierarchy

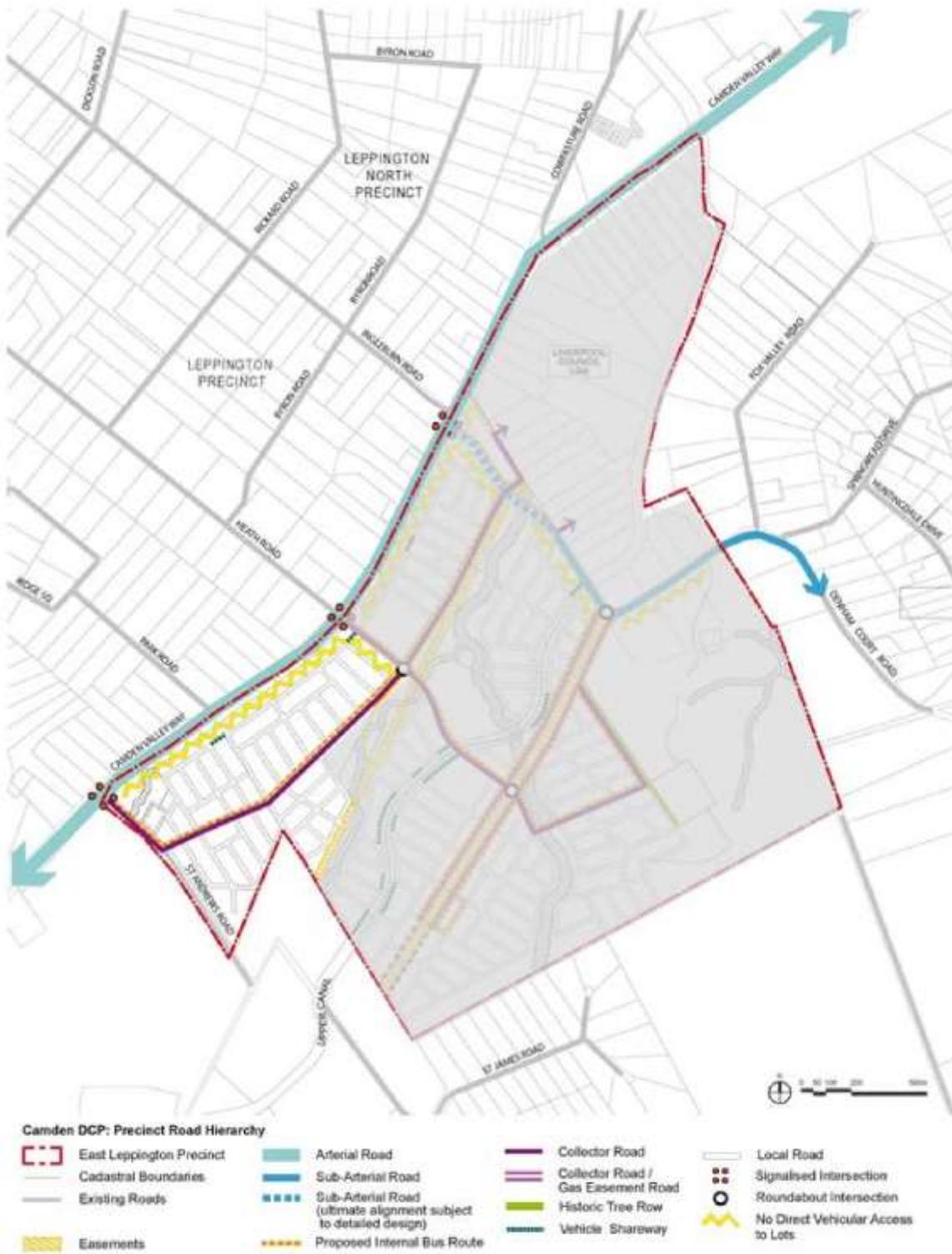




Figure 2-12 Pedestrian and cycleway network



Figure 2-12 Pedestrian and cycleway network

2.2.1 Street Network and Design

This section supplements Section 3.2.3 of the Main DCP and sets out controls for particular street types in the East Leppington Precinct shown in Figure 2-11 including Camden Valley Way (Arterial Road).

Note: This section must be read in conjunction with Section 3.2.3 of the Main DCP, as the objectives and certain controls still apply.

Objectives

- a. To facilitate the development of street types which are particular to the East Leppington Precinct and give clear, safe and convenient access within and beyond the Precinct.
- b. To enable road design and construction to respond to particular site constraints or opportunities.
- c. To ensure reasonable standards of public amenity and a high quality public domain in the vicinity of gas easements.
- d. To retain, where possible significant trees in streets for landscape, cultural, aesthetic and ecological purposes.

Controls

1. The design and construction of streets in East Leppington is to be consistent with the typical design in Figure 2-13 as well as the relevant typical designs in the Main DCP and Council's Engineering Design Guide.
2. The typical design in Figure 2-13 are based on minimum dimensions and may be modified to accommodate water sensitive urban design measures and to ensure appropriate drainage.
3. Development adjacent to and along Camden Valley Way will require appropriate noise attenuation measures.
4. Noise attenuation is to include native, low maintenance, landscape planting and is to be maintained for a period of time following construction as specified by Council.
5. The design of noise attenuation is to be consistent along the length of Camden Valley Way.
6. Noise attenuation shall be in place prior to the occupation of any dwelling in the Precinct that is likely to be subject to unacceptable noise levels (eg traffic).
7. Where noise attenuation includes a structure, in addition to vegetation, the use of natural materials including gabions, stone, timber or similar is preferred.
8. Council may consider alternative, innovative noise attenuation measures that comply with the relevant Australian Standard and any other relevant agency guidelines.

9. The design of the acoustic and landscape treatment to Camden Valley Way is to take into account any existing underground utilities.
10. Existing significant tree plantings (see Figure 2-6) should be incorporated into the public road reserve, public domain, parks or private domain wherever possible. Where trees cannot be retained, they are to be interpreted in the subdivision pattern and are to be replaced by new plantings subject to Council specification.
11. An Arborist Assessment shall be prepared by a suitably qualified professional and is to be submitted with any Development Application involving development adjacent to any of the significant trees identified in **Figure 2-6** and **Figure 2-14**. The assessment shall include:
 - i) Evaluation of the viability and safety of incorporating the trees within a road reserve, the public domain or within appropriate setbacks on individual lots;
 - ii) Recommendations for their retention, conservation, supplementation and/or reinstatement;
 - iii) Identification of protection measures for the retention of trees during adjacent construction works; and
 - iv) Recommendations for their maintenance regime.
12. Other individual trees and tree rows are encouraged to be retained in the design and location of dwellings. The matters for consideration will include the health, species, size and viability of the tree along with other relevant matters determined by Council.

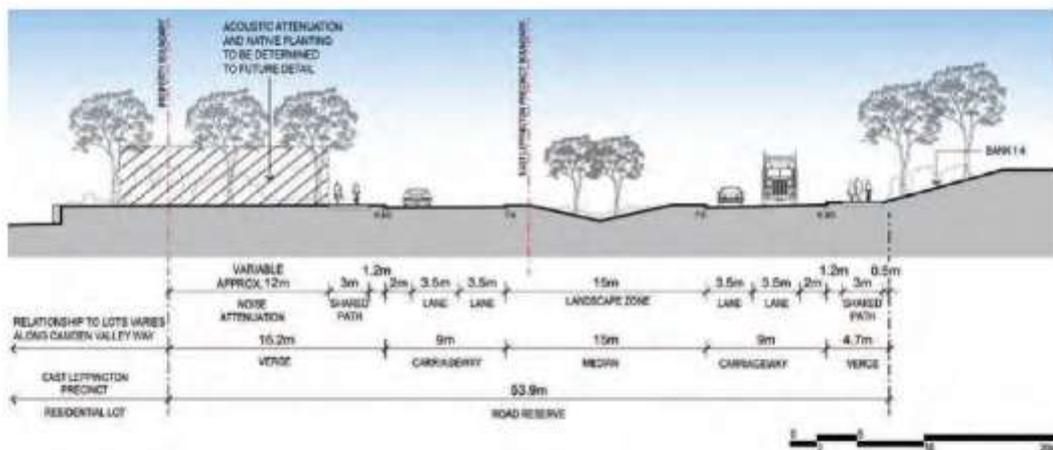


Figure 2-13 Camden Valley Way



Figure 2-14 Significant Trees Planting

13. Applications for residential subdivision should consider the presence of saline soils (Figure 2-4), the location of infrastructure easements (Figure 2-8) and sources of potential odour (Figure 2-9). Refer to the Main DCP for specific guidance and controls.



Our ref:
17/13580

Mr Peter McKenna
Camden Council
PO Box 183
CAMDEN NSW 2570

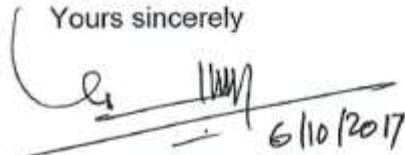
Dear Mr McKenna *Pete*

Thank you for your letter enquiry regarding the public exhibition of planning proposal (amendment no.39 of Camden LEP) and amendment to the Camden Growth Centres Precinct Development Control Plan (DCP) – Local Government Area (LGA) Boundary Adjustment.

The Department of Planning and Environment supports the amendment of the Camden Growth Centres Precinct DCP to align with the gazetted boundary adjustment between Camden and Campbelltown LGAs.

Should you have any further questions in relation to this matter, please contact Ms Grace Macdonald, Planning Officer, Land Release, at the Department on 8837 6079.

Yours sincerely


George Koshy
Director Land Release
6/10/2017

ORD06

Attachment 3



PO Box 398, Parramatta NSW 2124
 Level 14, 169 Macquarie Street
 Parramatta NSW 2150
www.waternsw.com.au
 ABN 21 147 934 787

20 September 2017

General Manager
 Camden Council
 PO Box 183
 Camden NSW 2570

Contact: *Alison Kniha*
 Telephone: 02 9865 2505
 Our ref: D2017/114312

CC: Peter McKenna

Dear Sir/Madam

Planning Proposal – Amendment No.39 of Camden LEP and Amendment to the Camden Growth Centres Precinct DCP – LGA Boundary Adjustment

Thank you for your letter dated 5 September 2017 seeking WaterNSW's comments on the above Planning Proposal.

WaterNSW notes the Planning Proposal seeks to make minor amendments to the Camden LEP and Growth Centres DCP following a realignment of the boundary between Camden and Campbelltown LGAs by Government Gazette in November 2015. The amendments are to various LEP maps, Schedule 3 of the DCP and various DCP figures.

WaterNSW has reviewed the Planning Proposal and notes the proposed boundary adjustment and changes to land zoning, height of building (HOB) controls and lot size controls impact on WaterNSW land within Parcel C, being Lot 2 DP 1086624, with that portion of the Lot previously in the Campbelltown LGA now in the Camden LGA.

WaterNSW **objects** to the proposal to amend that portion of Lot 2 DP 1086624 within Parcel C from SP2 to RU2. This portion should retain the SP2 zoning consistent with its function and ownership by WaterNSW.

WaterNSW also **requests** the zoning for the remainder of Lot 2 DP 1086624 outside Parcel C is amended from RU2 to SP2 consistent with its function and ownership by WaterNSW.

The change in zone for the whole of Lot 2 DP 1086624 will then preclude the need to amend the HOB map (proposing a change to 9.5 metres for WaterNSW land within Parcel C), and the Lot Size map (proposing a change to 40 ha for WaterNSW land within Parcel C).

WaterNSW has no specific comments on amendments regarding Parcels D and F as they do not impact on WaterNSW land, assets or infrastructure.

WaterNSW also has no specific comments regarding the proposed amendments to Schedule 3 of the Camden Growth Areas DCP and DCP figures, as the changes do not impact on WaterNSW land, assets or infrastructure.

If you have any queries in regard to this letter, please contact Alison Kniha, Catchment Protection Planning Manager at alison.kniha@waternsw.com.au.

Yours sincerely

MALCOLM HUGHES
Manager Catchment Protection



Level 6, 10 Valentine Avenue
Parramatta NSW 2150
Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
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www.heritage.nsw.gov.au

File No: SF17/44179
Ref No: DOC17/456042

The General Manager
(Attn: Peter McKenna)
Camden Council
PO Box 183
CAMDEN NSW 2570

By email: mail@camden.nsw.gov.au; louise.mcmahon@camden.nsw.gov.au

Dear Sir/Madam

PLANNING PROPOSAL (AMENDMENT NO.39 OF CAMDEN LEP) AND AMENDMENT TO THE CAMDEN GROWTH CENTRES PRECINCT DCP – LGA BOUNDARY ADJUSTMENT

I refer to your email dated 5 September 2017 regarding the abovementioned planning proposal. The planning proposal seeks to amend various maps under the *Camden Local Environmental Plan 2010* (CLEP 2010) and make corresponding amendments within the Camden Growth Centre Precincts Development Control Plan (DCP) to reflect the realigned LGA boundary between the Camden and Campbelltown LGAs.

It is noted that the proposed LGA boundary re-alignment at Emerald Hills will include land within the 'Upper Canal System' lot. 'Upper Canal System' is a heritage item listed on the State Heritage Register (SHR 01373). Following the boundary re-alignment, the lot will be located within the Camden LGA and this will require changes to the heritage map of the Camden LGA. No amendments are proposed to the planning controls of the heritage map.

It is noted that the proposed amendments to the CLEP 2010 and Camden Growth Centre Precincts DCP retain large lots on the land adjoining the SHR listed 'Upper Canal System' through the application of RU2 and E2 zones. Therefore, no objection is raised to the proposed changes to the CLEP 2010 and the Camden Growth Centre Precincts DCP.

If you have any questions regarding the above matter please contact Vibha Upadhyay, Heritage Assessment Officer, at the Heritage Division on 98738587 or at vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely

Rajeev Maini
Manager, Conservation
Heritage Division
Office of Environment & Heritage
As Delegate of the NSW Heritage Council
26 September 2017



DOC17/459988
SC 3529

Mr Ron Moore
The General Manager
Camden Council
mail@camden.nsw.gov.au

Attention: Peter McKenna

Dear Mr Moore

Reference is made to your correspondence to the Office of Environment and Heritage (OEH) dated 5 September 2017 regarding the public exhibition of a planning proposal (Amendment No.39 of the Camden LEP) and amendment to the Camden Growth Centres Precinct DCP – LGA Boundary Adjustment.

The planning proposal seeks to make minor amendments to the Camden LEP 2010 maps to reflect the realigned local government boundaries between the Camden and Campbelltown LGAs.

OEH has reviewed the planning proposal report and does not raise any concerns in relation to this proposal. Thank you for the opportunity to comment on this.

Should you need to contact an OEH officer in regard to this correspondence please contact Rachel Lonie, Senior Project Officer on 9995 6837 or by email at rachel.lonie@environment.nsw.gov.au.

Yours sincerely

SUSAN HARRISON
Senior Team Leader, Planning
Greater Sydney

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Tel: (02) 9995 5000 Fax: (02) 9995 6900
ABN 30 841 387 271
www.environment.nsw.gov.au

VPA Reference: 2016/8358

Planning Agreement

Minister for Planning (**Minister**)

Greenfields Development Company No.2 Pty Ltd (**GDC2**)

Leppington Pastoral Co Pty Ltd (**LPC**)

Precinct Acceleration Protocol Release for Precinct Planning

Part Maryland Precinct

The Northern Road, Oran Park (Pondicherry)

L\322964820.1

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This Deed is dated

2017

Parties:

Minister for Planning (ABN 38 755 709 681) of Level 15, 52 Martin Place, Sydney, New South Wales 2000

("Minister")

Leppington Pastoral Co Pty Limited (ACN 000 420 404) of 1675 The Northern Road, Bringelly NSW 2556 ("LPC")

and

Greenfields Development Company No. 2 Pty Ltd (ACN 133 939 965) of 1675 The Northern Road, Bringelly NSW 2556 ("GDC2")

(together, the "Developer")

Background

- A. LPC owns the Land. LPC has granted GDC2 the right to develop the Land.
- B. The Land is located in the Western Sydney Growth Areas Special Contributions Area.
- C. The Developer has sought an amendment to the SEPP in order to have the Precinct rezoned to enable Urban Development.
- D. Before the SEPP is amended, the Precinct is intended to be released for urban development and planning purposes under clause 276 of the EP&A Regulation, by declaration of the Minister published in the gazette.
- E. The Developer has offered to enter into this planning agreement with the Minister in order to, among other things, facilitate the accelerated release of the Precinct.
- F. The Developer will, in the future, become liable to pay a Special Infrastructure Contribution in connection with development located in the Western Sydney Growth Areas Special Contributions Area. The Developer proposes that certain of the Precinct Planning Contributions made pursuant to this planning agreement would partially offset the Developer's obligation to pay the Special Infrastructure Contribution in the Western Sydney Growth Areas Special Contributions Area.
- G. The Developer intends to offer to enter into separate planning agreements with the Minister over the Land to provide other contributions, including contributions for the provision of regional infrastructure and essential Services Infrastructure required to meet the needs created by the future Development of the Land.

1. Interpretation

1.1 Definitions

The following words have these meanings in this Deed unless the contrary intention appears:

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"Approved Costs" means those Precinct Planning Contributions and Planning for the Provision of Services Infrastructure Costs determined by the Minister to be 'Approved Costs' in accordance with clause 6, up to the amount of the Offset Cap.

"Authority" means any governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity and includes a Services utility.

"Bank Guarantee" means an irrevocable and unconditional undertaking:

- (a) by an Australian bank which is an eligible financial institution for the purposes of Treasury Circular NSW TC14/01 dated 24 January 2014 as amended, supplemented or substituted from time to time; and
- (b) on terms acceptable to the Minister, in the Minister's absolute discretion,

to pay the face value of that undertaking (being such amount as is required under this Deed) on demand.

"Base CPI" means the CPI number for the quarter ending 31 March 2017.

"Business Day" means any day except for Saturday or Sunday or a day which is a public holiday in Sydney.

"Contributions" means the Developer's obligations in clause 3.1, which include:

- (a) provision of the Precinct Planning Contributions;
- (b) payment of the Precinct Acceleration Costs;
- (c) provision of, and payment for, the Planning for the Provision of Services Infrastructure.

"Cost" includes a cost, charge, fee or expense.

"Council" means Camden Council.

"CPI" means the Sydney Consumer Price Index (All Groups) published by the Commonwealth Statistician for a given quarter, or if that index no longer exists, any similar index that the Minister specifies, in his or her sole discretion, for the purposes of this Deed.

"CPI Adjustment Date" means 1 July 2018 and each anniversary of 1 July 2018 thereafter.

"Current CPI" means the CPI number for the quarter ending immediately before 31 March in the relevant adjustment year.

"Deed" means this planning agreement including all schedules and annexures.

"Department" means, and includes where relevant, the NSW Department of Planning and Environment, the Secretary of the Department of Planning and Environment, the corporation sole, the Minister and any successor of them.

"Developer" means LPC and GDC2 jointly and severally.

"Development" means the Urban Development of the Land.

"Development Consent" means:

- (a) development consent as that term is defined in the EP&A Act; and

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(b) a modification within the meaning of section 96 of the EP&A Act.

"Draft SEPP" means the draft instrument proposed to amend the SEPP for Development of the Precinct, as varied by the Minister.

"Endeavour Energy" means the corporation of that name established by section 7 of the *Energy Services Corporations Act 1995* (NSW)

"EP&A Act" means the *Environmental Planning and Assessment Act 1979* (NSW).

"EP&A Regulation" means the *Environmental Planning and Assessment Regulation 2000* (NSW).

"Explanatory Note" means the explanatory note relating to this Planning Agreement, as required by clause 25E of the EP&A Regulation.

"Growth Centres" has the same meaning given to that term in the SEPP.

"GST" has the meaning it has in the GST Act.

"GST Act" means the *A New Tax System (Good, and Services Tax) Act 1999* (Cth).

"Intellectual Property" means all rights in copyright, patents, registered and unregistered trademarks, registered designs, trade secrets and all other rights of intellectual property as recognised by New South Wales and Australian law.

"Interest Rate" in relation to interest payable on any payment due under this Deed means the rate which is the Bank Bill Rate plus a margin of 2% per annum.

"Land" means the land described in Schedule 2.

"Law" means:

- (a) the common law including principles of equity; and
- (b) the requirements and principles of all statutes, rules, ordinances, codes, regulations, proclamations, by-laws or consents by an Authority.

"Minister" means the Minister for Planning, or an officer or position holder within the Department nominated by the Minister or the Secretary of the Department.

"Other Development" means development or potential future development on land in the vicinity of the Precinct, or within the Precinct where that land is not owned by the Developer.

"Parties" means the parties to this Deed.

"PCG" means the project control group referred to in clause 7.2.

"Planning for the Provision of Services Infrastructure" means the preparation and delivery of:

- (a) the Services Infrastructure Strategy; and
- (b) the Services Infrastructure Implementation Plan,

in accordance with clause 3.3 and Schedule 4.

"Planning for the Provision of Services Infrastructure Costs" means the Costs of the Department and the Council and the Costs of planning studies, in connection with the Planning for the Provision of Services Infrastructure.

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"PWG" means the project working group referred to in clause 7.2.

"Precinct" means the Part Maryland Precinct which is identified on the plan comprising Annexure A as "The Pondicherry Precinct".

"Precinct Acceleration" means the acceleration of the release of the Precinct for Urban Development and planning purposes.

"Precinct Acceleration Costs" means any:

- (a) borrowing, financing or funding Costs;
- (b) Costs generally described at Table 1 of Schedule 3;
- (c) Costs relating to this Deed, including its preparation, execution and administration;
- (d) Costs relating to or as a consequence of Precinct Acceleration;
- (e) other Costs which are not Precinct Planning Costs or Planning for the Provision of Servicing Infrastructure Costs.

"Precinct Acceleration Protocol" means the document entitled *NorthWest and South West Growth Centres Precinct Acceleration Protocol* prepared by the Department.

"Precinct Budget" means the budget set by the PWG in connection with Precinct Planning and Planning for the Provision of Services Infrastructure, under clause 7.2.

"Precinct Planning Contributions" has the meaning given to that term in clause 3.2.

"Precinct Planning Costs" means the Costs of the Department and the Council related to the Precinct Planning Process, including the Costs generally described at Table 2 of Schedule 3 and the Costs referred to in clause 7.5.

"Precinct Planning Process" means the activities ordinarily associated with the preparation, adoption and exhibition of the Draft SEPP, including:

- (a) design development with a master planner, interpretation of the opportunities and constraints described in the specialist technical studies, preparation of statutory controls such as zoning maps, land use tables, and preparation of the development control plan;
- (b) interaction with Council and assistance with the preparation of Council's Section 94 plans;
- (c) consultation with State agencies to ensure legislative and technical requirements are complied with;
- (d) community consultation and responding to issues that arise from this process;
- (e) exhibition of the Draft SEPP,

but not including Precinct Acceleration.

"Precinct Master Planner" means the person appointed under clause 7.2(a)(3).

"Precinct Project Manager" means the person engaged under clause 7.2(a)(2).

"Real Property Act" means the *Real Property Act 1900* (NSW).

"Register" means the Torrens title register maintained under the Real Property Act.

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"Relevant Authority" means any, or all, of the Minister, Sydney Water, Endeavour Energy and another Authority, as the context requires.

"Offset Cap" means \$2.5 million as indexed from the date this Deed commences in accordance with clause 6.5.

"SEPP" means the *State Environmental Planning Policy (Sydney Region Growth Centre) 2006*.

"Services" means the water, sewerage and electricity required to adequately serve the Precinct (once developed) and Other Development as determined by the Minister.

"Services Infrastructure" means infrastructure for or in connection with the provision of the Services.

"Services Infrastructure Strategy" means the services infrastructure strategy (as updated from time to time) relating to the Precinct, prepared by the Developer in consultation with the Relevant Authorities in accordance with clause 3.3 and Schedule 4, and approved by the Minister.

"Services Infrastructure Implementation Plan" means the services infrastructure implementation plan relating to the Precinct, prepared by the Developer in consultation with the Relevant Authorities in accordance with clause 3.3 and Schedule 4, and approved by the Minister.

"SIC Determination" means the document entitled *Environmental Planning and Assessment (Special Infrastructure Contribution Western Sydney Growth Areas) Determination 2011*, as amended, repealed, supplemented, replaced or substituted from time to time.

"SIC Offset Certificate" means the certificate issued pursuant to clause 6.2.

"South West Growth Centre" has the same meaning given to that term in the SEPP.

"Special Contributions Area" means the same meaning given to that term in section 93C of the EP&A Act.

"Special Infrastructure Contribution" means a contribution towards the provision of infrastructure determined in accordance with the SIC Determination as indexed from time to time in accordance with the SIC Determination.

"Sydney Water" means Sydney Water Corporation ABN 49 776 225 038.

"Taxes" means taxes, levies, imposts, deductions, charges and duties (including stamp and transaction duties) excluding GST together with any related interest, penalties, fines and expenses in connection with them, except if imposed on, or calculated having regard to, net income of a person.

"Urban Development" includes:

- (a) development for residential purposes;
- (b) community facilities and services, including schools;
- (c) retail centres;
- (d) parks and open space;
- (e) infrastructure; and
- (f) development for commercial purposes.

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"Year" means each period of 12 months commencing on 1 July and ending of 30 June.

1.2 General

In this Deed:

- (a) headings are for convenience only and do not affect interpretation;
- and unless the context indicates a contrary intention:
- (b) "person" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
 - (c) a reference to a Party includes that Party's executors, administrators, successors and permitted assigns, including persons taking by way of novation and persons who are bound by this Deed under section 93H(3) of the Act;
 - (d) an **obligation** or **warranty** on the part of two or more persons binds them jointly and severally and an obligation or warranty in favour of two or more persons benefits them jointly and severally.
 - (e) a reference to a document (including this Deed) is to that document as varied, novated, ratified or replaced from time to time;
 - (f) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
 - (g) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;
 - (h) a reference to a Party, clause, schedule, exhibit, attachment or annexure is a reference to a Party, clause, schedule, exhibit, attachment or annexure to or of this Deed, and a reference to this Deed includes all schedules, exhibits, attachments and annexures to it;
 - (i) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
 - (j) "**includes**" in any form is not a word of limitation;
 - (k) a reference to "\$" or "**dollar**" is to Australian currency;
 - (l) no rule of construction applies to the disadvantage of a Party because that Party was responsible for the preparation of this Deed; and
 - (m) any capitalised term used, but not defined in this Deed, will have the meaning ascribed to it under, and by virtue of, the EP&A Act.

2. Planning Agreement

2.1 Commencement

This Deed will commence on and from the date that it is signed by the Parties.

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2.2 Planning agreements under the EP&A Act

This Deed constitutes a planning agreement within the meaning of section 93F of the EP&A Act.

2.3 Application of the Planning Agreement

This Deed applies to:

- (a) the Land; and
- (b) the proposed change to the SEPP so as to enable the Development.

2.4 Application of sections 94, 94A and 94EF of the EP&A Act

The application of sections 94, 94A and 94EF of the EP&A Act to the Development are excluded to the extent stated in Schedule 1.

3. The Contributions

3.1 Provision of the Contributions

The Developer agrees:

- (a) to provide the Precinct Planning Contributions;
- (b) to pay any Precinct Acceleration Costs; and
- (c) to provide the Planning for the Provision of Services Infrastructure and pay the Planning for the Provision of Services Infrastructure Costs.

3.2 Precinct Planning Contributions

The Developer agrees that the Precinct Planning Contributions are the following:

- (a) payment of the Costs of planning studies commissioned by or on behalf of the Minister or the PCG under this Deed; and
- (b) payment of the Precinct Planning Costs.

3.3 Planning for the Provision of Services Infrastructure

- (a) The Developer must ensure that the Planning for the Provision of Services Infrastructure:
 - (1) supports the orderly development of the Precinct;
 - (2) will provide, at no Cost to the NSW Government, the Services Infrastructure necessary for the orderly and efficient delivery of Services to the whole Precinct (once developed), and having adequate capacity to serve Other Development as reasonably determined by the Minister;
 - (3) complies with any relevant policy documents published by the Minister or a Relevant Authority;
 - (4) satisfies any directions or requirements of the Minister and the Relevant Authorities, which directions or requirements may be given from time to time.

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- (b) The Developer must obtain the Minister's written approval of the Services Infrastructure Strategy and the Servicing Infrastructure Implementation Plan prior to the public exhibition of the Draft SEPP.

4. Invoicing by Department to Developer

- (a) The Department will invoice the Developer for all amounts which the Developer is required to pay to, or reimburse to, the Department under this Deed.
- (b) The Department may issue a consolidated invoice monthly or at such other intervals as is determined by the Department.
- (c) The Developer must pay to the Department all amounts invoiced in the manner specified in the invoice, within 28 days of the date of the invoice.

5. Overdue payments

5.1 Interest on overdue money

The Developer agrees to pay interest to the Minister on any amount payable by it under this Deed from 28 days after it becomes due for payment, during the period that it remains unpaid, on demand or at times determined by the Minister, calculated on daily balances. The rate to be applied to each daily balance is the Interest Rate.

5.2 Compounding

Interest which is not paid when due for payment may be capitalised by the Minister on the first day of each calendar month. Interest is payable on capitalised interest at the rate and in the manner referred to in this clause 5.

5.3 Interest on liability merged in judgment or order

If a liability under this Deed becomes merged in a judgment or order, then the Developer agrees to pay interest to the Minister on the amount of that liability as an independent obligation. This interest accrues from the date the liability becomes due for payment both before and after the judgment or order until it is paid, at a rate that is the higher of the rate payable under the judgment or order and the rate referred to in this clause 5.

The Developer's obligation to pay the outstanding amount on the date it becomes due for payment is not affected by any other provision of this Deed.

6. Special Infrastructure Contribution Offsets

6.1 Approved Costs to offset future SIC Obligations

- (a) The Minister may, in accordance with this clause 6.1, determine to approve some of the Precinct Planning Contributions and Planning for the Provision of Services Infrastructure Costs, up to the amount of the Offset Cap (**Approved Costs**) as being capable of providing the Developer with an entitlement to a SIC Offset Certificate under clause 6.3, provided that:
 - (1) the Approved Costs include only those Costs which were reasonable in quantum and necessary for the Precinct Planning Process;
 - (2) the Approved Costs do not include any Costs incurred before the date of the execution of this Deed which were not pre-agreed with the Department in writing;

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- (3) the Approved Costs do not include any Costs incurred after the date of publication of the SEPP (as amended consistent with the Draft SEPP);
 - (4) the Approved Costs do not include Costs of planning studies unless those studies were commissioned in accordance with clause 7.4;
 - (5) the Approved Costs do not include any Precinct Acceleration Costs; and
 - (6) the Costs to be included as Approved Costs have been reduced by the amount of any input tax credit which the Developer is entitled to claim.
- (b) The Developer must submit to the Minister:
- (1) a tabulated and indexed folder of tax invoices for, and documentary evidence of the payment or reimbursement by the Developer of, each of the items which the Developer claims as Approved Costs;
 - (2) an itemised breakdown, together with an explanation as to how those items meet each of the requirements in clause 6.1(a) above;
 - (3) such other information that is relevant or which is requested by the Minister to enable the Minister to determine the Approved Costs.
- (c) If and when the SEPP (as amended consistent with the Draft SEPP) is published, the Minister will use his best endeavours to determine the Approved Costs, within 60 days of receiving the information at clause 6.1(b) above.
- (d) The Minister may commission an accountant or another suitably qualified expert, at the Developer's expense, to review the materials submitted by the Developer and to assist with the Minister's determination of the Approved Costs.
- (e) Once the Approved Costs are determined by the Minister, the Minister will advise the Developer in writing of the amount of the Approved Costs.
- (f) The Developer may, within 30 days of receipt of the Minister's notice referred to in clause 6.1(e), request that the Minister review his determination of the Approved Costs, and the Minister will do so and provide his final determination within 30 days of the date of the request for a review, and in this regard the Minister's determination will be final and binding upon the Parties.

6.2 SIC Offset Certificate - Approved Costs

- (a) Upon the later of the determination by the Minister of the Approved Costs pursuant to clause 6.1 and publication of the SEPP (as amended by the Draft SEPP), the Developer may provide a written request to the Minister to issue a SIC Offset Certificate in the amount of the Approved Costs, accompanied by such other information as is reasonably requested by the Minister (promptly after any such request) in order for the Minister to assess the Developer's request.
- (b) If the Minister has received a request from the Developer pursuant to clause 6.2(a) (and the Minister is satisfied with the content of the information provided with that request), then within 60 days of the Minister receiving all the information, the Minister will:
 - (1) notify the Developer in writing that its request has been approved; and
 - (2) issue a SIC Offset Certificate to the Developer specifying the relevant amount of Approved Costs.

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- (c) Despite anything else in this Deed, the Developer may not make a request under this clause 6.2, and the Minister may not issue a SIC Offset Certificate, unless the Developer has obtained the Minister's approval of the Services Infrastructure Strategy and the Servicing Infrastructure Implementation Plan, and otherwise provided the Planning for the Provision of Services Infrastructure in accordance with clause 3.3 and Schedule 4.

6.3 Offsetting Special Infrastructure Contributions

- (a) If the Developer:
- (1) has a SIC Offset Certificate; and
 - (2) becomes liable to make Special Infrastructure Contributions in respect of the Development of land within the Western Sydney Growth Areas Special Contributions Area,
- the Developer may provide a written request to the Minister to apply the amounts specified in the SIC Offset Certificate towards the partial or full (as nominated by the Developer) satisfaction of the Developer's obligations to make those Special Infrastructure Contributions (**SIC Obligations**).
- (b) At the same time as issuing any request under clause 6.3(a), the Developer must surrender the SIC Offset Certificate to the Minister.
- (c) If the Minister is satisfied with the request, then:
- (1) within 60 days of the Minister receiving that request, the Minister will notify the Developer in writing that its request has been approved; and
 - (2) the Secretary may issue written certification that the Developer has made Special Infrastructure Contributions to the extent of the amounts specified by the Secretary; and
 - (3) where the amounts specified in the SIC Offset Certificate which the Developer has surrendered under clause 6.3(b) exceed the amounts certified by the Secretary under clause 6.3(c)(2), the Minister will issue a new SIC Offset Certificate which specifies the excess amount.

6.4 Indexation of SIC Offset Certificates

The Parties acknowledge and agree that the amounts specified in any SIC Offset Certificate will be indexed from the date of the SIC Offset Certificate until such time as the SIC Offset Certificate is surrendered, in a manner determined and confirmed from time to time in writing by the Minister to the Developer, on a basis consistent with the manner in which the Special Infrastructure Contributions are indexed in accordance with the SIC Determination.

6.5 Indexation of the Offset Cap

The Parties acknowledge and agree that the Offset Cap will, on each CPI Adjustment Date, be indexed by multiplying the base amount of the Offset Cap by an amount equal to the Current CPI divided by the Base CPI.

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7. Precinct Planning Process and Additional Developer Obligations

7.1 Intellectual Property and use of information

- (a) The Developer agrees, at its own cost, to ensure that the Minister and any Authorities which may need to use studies brought into existence for the purposes of the Precinct Planning Process or Planning for the Provision of Services Infrastructure are irrevocably licensed to use the Intellectual Property in the studies.
- (b) The Developer agrees to ensure all licence fees and/or consent required under law are paid and/or obtained as a result of any reproduction, adoption or use of any documents brought into existence as a result of this Deed.
- (c) The Developer agrees to indemnify and keep indemnified the Minister from and against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, made upon or incurred by the Minister in relation to the use by the Minister of any material brought into existence as part of the Precinct Planning Process by the Developer or any other person.

7.2 Governance of the Precinct Planning Process and Planning for the Provision of Services Infrastructure

- (a) The Parties agree that:
 - (1) the Department is ultimately in charge of the planning of the Precinct;
 - (2) a Precinct Project Manager may be appointed by the Department for the purposes of carrying out functions in connection with the Precinct Planning Process and Planning for the Provision of Services Infrastructure, including those functions described in this Deed;
 - (3) a Precinct Master Planner may be engaged by the Developer, with the prior approval of the Department, provided that the Precinct Master Planner:
 - (A) is independent from and unrelated to the Developer; and
 - (B) agrees to report to and follow any directions of the Precinct Project Manager.
 - (4) a project control group (**PCG**) comprising representatives from the Department (Chair) and Council will oversee precinct planning and related studies and the Planning for the Provision of Services Infrastructure, including the review of contractor briefs to ensure they are appropriate to deliver the Minister's planning objectives. The Developer will not be represented on the PCG. The administration of the PCG will be coordinated by the Department.
- (b) A project working group (**PWG**) comprising representatives of the Department and Council will oversee the day to day planning studies. The Developer will be invited to attend the PWG. The extent of the Developer's involvement will be guided by independent probity advice and will be limited to management issues of the Precinct Planning Process and Planning for the Provision of Services Infrastructure including timeframes and budgets. The PWG will be guided by a plan which addresses potential risks to the project, including probity risks.

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- (c) The Department will nominate its representatives on the PWG. Any alteration by the Department to its representative on the PCG and PWG shall be notified to the Developer in writing.
- (d) The Developer will nominate its representatives to attend the PWG. Any alteration by the Developer to its representatives shall be notified to the PCG in writing. The Developer can only change its representatives to attend the PWG with the prior written approval of the PCG, which shall not be unreasonably withheld.
- (e) In addition to the roles and functions of the PCG and PWG under clauses 7.2(a) to (d), the Parties agree that:
 - (1) the PWG will monitor and discuss proposed and actual expenditure against the Precinct Budget to manage cost control;
 - (2) the Developer will facilitate the Minister having sole direct access to third parties engaged to provide planning studies;
 - (3) the Developer agrees to consult, cooperate and confer with others (subject to commercial-in-confidence constraints) where so directed by the Minister;
 - (4) the Minister can commission peer reviews and additional investigations as required and these will be paid in full by the Developer;
 - (5) the Developer agrees to obtain all necessary approvals, licences and permits, which may be required for the provision of services contemplated by this Deed;
 - (6) the Developer will not, without the prior written consent of the Minister, disclose any information in connection with the services contemplated by this Deed to any person not a Party to this Deed other than:
 - (A) as necessary to perform those services; or
 - (B) with respect to any matter already within public knowledge; or
 - (C) as may be required by law, and
 it is agreed this clause 7.2(e)(6) does not merge on completion.
 - (7) the Developer agrees that, to manage agreed costs, its representative on the PWG will provide on request, up to date details of proposed and actual expenditure against the Precinct Budget.
- (f) The Precinct Project Manager will on a monthly basis, with the expenditure information provided by the Developer, provide to the PWG members a report setting out the Precinct Budget, actual expenditure against the Budget and projected expenditure (by month and year) through to the conclusion of the planning processes contemplated by this Deed.
- (g) The Developer represents and warrants that no conflict of interest exists in the performance of the services contemplated by this Deed at the date the Developer signs this Deed. Immediately upon becoming aware of the existence, or possibility of a conflict of interest, the Developer must advise the Minister in writing.

7.3 Consultation

- (a) Monthly, and at other times on request of a representative of the Department, the Developer will provide information on the progress of planning studies and other

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issues related to the Precinct to enable the Department to provide regular and ad hoc reports to the Minister. This information will be provided in the form and within timeframes requested by a representative from the Department.

- (b) The Department will prepare a draft consultation strategy for approval by the PCG that will outline the program of consultations to be undertaken to engage Councils/community and interest groups / agencies and other landowners in the Precinct. The strategy will be prepared in consultation with the Council.
- (c) The Developer and the Department will each nominate a single point of contact for all matters related to planning studies. It is expected that this person will be the primary source of input to the PCG and the PWG from each organisation.

7.4 Planning Studies to be at the discretion of the Minister and PCG

- (a) The Parties agree that the Minister and the PCG have the sole discretion to commission any planning studies as part of the Precinct Planning Process or the Planning for the Provision of Services Infrastructure.
- (b) Without limiting the generality of clause 7.4(a), the Developer may commission a planning study on behalf of the Minister and the PCG as part of the Precinct Planning Process or the Planning for the Provision of Services Infrastructure, provided that:
 - (1) the Developer has procured the Minister's written agreement to the commissioning of that planning study, its scope and its cost;
 - (2) the Minister retains full control over the planning study and its content; and
 - (3) the Minister may terminate the planning study or take over its finalisation.
- (c) Prior to commissioning a planning study, the Developer must provide the Minister with the proposed brief and scope of services for the study, and demonstrate that:
 - (1) the study is necessary and relevant to the Precinct Planning Process;
 - (2) the proposed brief and scope of services is appropriate;
 - (3) the planning study complies with any requirements of the Minister or the PCG; and
 - (4) the cost of the planning study is reasonable.
- (d) The Developer will make any amendments to the proposed brief and scope of services, as may be requested by the Minister or the PCG.
- (e) Copies of all draft or completed planning studies and supporting information must be provided to the Minister and the PCG.
- (f) All technical studies can be subject to a peer review by the Minister or PCG.

7.5 Financials

- (a) The Developer will pay the Department's Costs associated with planning studies and community consultation. These Costs will include reasonable contributions to the Council as determined by the Department.
- (b) The Developer will pay the Costs associated with any independent review or advice related to planning studies considered necessary by the PCG.

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- (c) The Developer will pay all administrative and other related Costs associated with PCG and PWG meetings.

8. Developer to report annually

- (a) By 1 September each year or as otherwise agreed with the Minister, the Developer must deliver to the Minister a report for the period 1 July to 30 June of the preceding financial year which must provide a compliance schedule showing the details of all Contributions provided under this Deed as at the date of the report and identifying any non-compliance with this Deed and the reason for the non-compliance; and
- (b) Upon the Minister's request, the Developer must deliver to the Minister all documents and other information which, in the reasonable opinion of the Minister are necessary for the Minister to assess the Developer's compliance with this Deed.

9. Dispute resolution

- (a) A dispute is taken to have arisen under this Deed if one Party gives another Party a notice in writing specifying particulars of the dispute.
- (b) If a notice is given under paragraph (a) above, the Parties are to meet within 14 days of the notice in an attempt to resolve the dispute.
- (c) If the dispute is not resolved within a further 28 days, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and must request the President of that Law Society, or the President's nominee, to select the mediator.
- (d) If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

10. Security and Assignment and other dealings

The Parties acknowledge that clauses 11, 16 and 17 constitute the security arrangements of this Deed.

11. Registration of this Deed

- (a) The Developer must, within 20 Business Days after execution of this Deed, procure the registration of this Deed in the relevant folios of the Register for all of the Land in accordance with section 93H of the EP&A Act and this clause 11.
- (b) The Developer must provide the Minister with a copy of the relevant folio of the Register and a copy of the registered dealing which provide evidence that clause 11(a) above has been satisfied, within 10 Business Days after the date of registration.

12. Release and Discharge

- (a) Once the Minister is satisfied that the Developer has fully complied with all of its obligations under this Deed, at the Developer's request, the Minister agrees to:
 - (1) provide a full release and discharge of this Deed with respect to the whole of the Land;

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- (2) if required, sign all documentation as is necessary to remove this Deed from the title of the Land; and
 - (3) if required, sign such documentation as is necessary to remove any caveat lodged by the Minister in relation to the Land.
- (b) The Developer must, promptly following written demand from the Minister, reimburse the Minister for any Costs the Minister incurs in connection with doing anything required or contemplated by this clause.

13. GST

13.1 Interpretation

- (a) Except where the context suggests otherwise, terms used in this clause 13 have the meanings given to those terms by the GST Act.
- (b) In this clause 13, "**monetary consideration**" means any consideration expressed as an amount of money, "**non-monetary consideration**" means any consideration that is not monetary consideration, and "**non-taxable supply**" means a supply that is not a taxable supply.
- (c) Any part of a supply that is treated as a separate supply for GST purposes (including attributing GST payable to tax periods) will be treated as a separate supply for the purposes of this clause 13.
- (d) A reference to something done (including a supply made) by a Party includes a reference to something done by any entity through which that Party acts.

13.2 Reimbursements

Any payment or reimbursement required to be made under this Deed that is calculated by reference to a cost, expense, or other amount paid or incurred will be limited to the total cost, expense or amount less the amount of any input tax credit to which an entity is entitled for the acquisition to which the cost, expense or amount relates.

13.3 Additional amount of GST payable

Subject to clause 13.5, if GST becomes payable on any supply made by a Party ("**Supplier**") under or in connection with this Deed:

- (a) any amount payable or consideration to be provided under any provision of this Deed (other than this clause 13), for that supply is exclusive of GST;
- (b) any Party ("**Recipient**") that is required to provide consideration to the Supplier for that supply must pay an additional amount to the Supplier equal to the amount of the GST payable on that supply ("**GST Amount**"), and:
 - (1) where that GST Amount is payable by the Minister, the GST Amount will be limited to the amount of the input tax credit (if any) to which the Minister (or the representative member of any GST group of which the Minister, in any capacity, is a member) is entitled in relation to the Minister's acquisition of that supply and is payable within 5 Business Days after the Minister (or the representative member of any GST group of which the Minister, in any capacity, is a member) has received the benefit of that input tax credit; and
 - (2) in any other case, the GST Amount is payable at the same time as any other consideration is to be first provided for that supply; and

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- (c) the Supplier must provide a tax invoice to the Recipient for that supply, no later than the time at which the GST Amount for that supply is to be paid in accordance with clause 13.3(b).

13.4 Variation

- (a) If the GST Amount properly payable in relation to a supply (as determined in accordance with clause 13.3 and clause 13.5), varies from the additional amount paid by the Recipient under clause 13.3, then the Supplier will provide a corresponding refund or credit to, or will be entitled to receive the amount of that variation from, the Recipient. Any payment, credit or refund under this clause 13.4(a) is deemed to be a payment, credit or refund of the GST Amount payable under clause 13.3.
- (b) The Supplier must issue an adjustment note to the Recipient in respect of any adjustment event occurring in relation to a supply made under or in connection with this Deed as soon as reasonably practicable after the Supplier becomes aware of the adjustment event.

13.5 Exchange of non-monetary consideration

- (a) To the extent that the consideration provided for the Supplier's taxable supply to which clause 13.3 applies is a taxable supply made by the Recipient (the Recipient Supply), the GST Amount that would otherwise be payable by the Recipient to the Supplier in accordance with clause 13.3 shall be reduced by the amount of GST payable by the Recipient on the Recipient Supply.
- (b) The Recipient must issue to the Supplier an invoice for any Recipient Supply on or before the time at which the Recipient must pay the GST Amount in accordance with clause 13.3 (or the time at which such GST Amount would have been payable in accordance with clause 13.3 but for the operation of clause 13.5(a)).

13.6 No merger

This clause will not merge on completion or termination of this Deed.

14. Explanatory Note

The Explanatory Note must not be used to assist in construing this Deed.

15. Notices

15.1 Form

Any notice, consent, information, application or request that must or may be given or made to a Party under this Deed is only given or made if it is in writing and delivered or posted to that Party at its address set out below or emailed to that Party to its email address set out below:

Minister

Contact: The Secretary
 Address: Level 22, 320 Pitt Street
 Sydney NSW 2000
 Email: planningagreements@planning.nsw.gov.au

Developer

Contact: Mick Owens, Greenfields Development Company No.2 Pty Ltd

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Address Suite 05, Cnr Peter Brock Drive & Oran Park Drive
Oran Park NSW NSW 2567
Email: mowens@greenfields.net.au

Contact: Mark Perich, Leppington Pastoral Company Pty Ltd
Address 1675, The Northern Road
Bringelly NSW 2556
Email: mark@greenfields.net.au

15.2 Change of address

If a Party gives another Party 3 Business Days' notice of a change of its address or email address, any notice, consent, information, application, or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address in accordance with this clause 15.2.

15.3 Receipt

Any notice, consent, information, application or request is to be treated as given or made at the following time:

- (a) if it is delivered, when it is delivered to the relevant address, but if delivery occurs after 5pm New South Wales time or a day that is not a Business Day, is taken to be given on the next Business Day;
- (b) if it is sent by post, 2 Business Days after it is posted; and
- (c) if it is sent by email:
 - (1) before 5 pm on a Business Day, on that day;
 - (2) after 5 pm on a Business Day, on the next Business Day after it is sent; or
 - (3) on a day that is not a Business Day, on the next Business Day after it is sent,

and the sender does not receive a delivery failure notice.

16. Bank Guarantees

16.1 Developer to provide Bank Guarantees

- (a) In order to secure the delivery of the Contributions, the Developer has agreed to provide security in the form of Bank Guarantees.
- (b) Each Bank Guarantee must:
 - (1) name the "Minister for Planning" and "Department of Planning and Environment ABN 38 755 709 681" as the relevant beneficiaries; and
 - (2) not have an expiry date.

16.2 Bank Guarantee

- (a) Upon execution of this deed, the Developer will provide security to the Minister in the form of the Bank Guarantee for a face value equivalent to \$20,000.

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- (b) From the date of execution of this deed until the date that the Developer has delivered the Contributions in full, the Minister will be entitled to retain the Bank Guarantee.

16.3 Claims under Bank Guarantees

- (a) The Minister may call upon a Bank Guarantee where:
- (1) the Developer has failed to deliver the Contributions on or before the date for payment under this Deed; or
 - (2) the Developer has failed to provide one or more Bank Guarantees to ensure that at all times the value of the security held by the Minister is for a face value equivalent to \$20,000,
 - (3) and retain and apply such monies towards the costs and expenses incurred by the Minister in rectifying any default by the Developer under this Deed.
- (b) Prior to calling upon a Bank Guarantee the Minister must give the Developer not less than 10 Business Days written notice.
- (c) If:
- (1) the Minister calls upon the Bank Guarantee; and
 - (2) applies all or part of such monies towards the costs and expenses incurred by the Minister in rectifying any default by the Developer under this Deed; and
 - (3) has notified the Developer of the call upon the Bank Guarantee in accordance with clause 16.3(b),

then the Developer must provide to the Minister a replacement Bank Guarantee to ensure that at all times until the date that the Developer has delivered the Contributions in full, the Minister is in possession of a Bank Guarantee for a face value equivalent to \$20,000.

16.4 Release of Bank Guarantee

If:

- (a) the Developer has satisfied all of its obligations under this deed secured by the Bank Guarantee; and
- (b) the whole of the monies secured by the Bank Guarantee have not been expended and the monies accounted for in accordance with clause 16.3,

then the Minister will promptly return the Bank Guarantee (less any costs, charges, duties and taxes payable), or the remainder of the monies secured by the Bank Guarantee (as the case may be), to the Developer.

17. Assignment and Dealing

17.1 Developer may not alienate

The Developer must not assign, transfer, novate, grant rights, enter into a joint venture or do anything, on terms which would prevent performance of the Developer's obligations required under this Deed.

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17.2 Developer's proposed assignment of rights

- (a) Unless the matters specified in clause 17.2(b) are satisfied, the Developer is not to assign or novate in whole or in part to any person the Developer's rights or obligations under this Deed.
- (b) The matters required to be satisfied for the purposes of clause 17.2(a) and clause 17.3(b) are as follows:
 - (1) the Developer has, at no cost to the Minister, first procured the execution by the person to whom the Developer's rights or obligations (including SIC Offset Amounts) under this Deed are to be assigned or novated, of an agreement in favour of the Minister on terms satisfactory to the Minister acting reasonably (and the Minister acknowledges that relevant terms corresponding, to the extent appropriate, with those in this Deed, would be satisfactory);
 - (2) the Minister, by notice in writing to the Developer, has stated that evidence satisfactory to the Minister has been produced to show that the assignee or novatee, is reasonably capable of performing its obligations under the agreement referred to in clause 17.2(b)(1); and
 - (3) the Developer is not in breach of this Deed or, if it is, the proposed assignee or novatee has covenanted to remedy that default.

17.3 Sale or transfer of Land by Developer

The Developer must not sell or transfer the whole or any part of the Land to which this Deed relates, unless before it sells, transfers or disposes of any such part of the Land to another person (**Transferee**):

- (a) it satisfies the Minister acting reasonably that the proposed Transferee is respectable and financially capable of complying with such of the Developer's obligations under this Deed (including, without limitation, by providing financial statements for the proposed transferee and credit standing) as the Minister acting reasonably shall nominate must be adopted by the Transferee (**Required Obligations**);
- (b) the requirements specified in clause 17.2 are satisfied; and
- (c) the rights of the Minister under this Deed are not diminished or fettered in any way.

17.4 Minister's assignment of rights

The Minister:

- (a) may assign its rights under this Deed to another Minister of the State of New South Wales or to a statutory body representing the Crown without the Developer's consent; and
- (b) must require the transferee and the Developer to enter into a deed in form and substance acceptable to the Minister and the Developer each acting reasonably containing provisions under which the transferee and the Developer agree to comply with the terms and conditions of this Deed.

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18. General Provisions**18.1 Approvals and Consent**

Except as otherwise set out in this Deed, and subject to any statutory obligations, the Minister may give or withhold an approval or consent to be given under this Deed in the Ministers absolute discretion and subject to any conditions determined by the Minister. The Minister is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

18.2 Costs relating to this Deed and its enforcement

- (a) The Developer must pay its own and the Minister's reasonable legal Costs and disbursements in connection with the negotiation, preparation, execution and carrying into effect of this deed.
- (b) The Developer must pay for all Costs associated with the giving of public notice of this deed and the Explanatory Note in accordance with the Regulation.
- (c) Without limiting clause 18.2(a), the Developer agrees to pay or reimburse the Minister within 14 days for:
 - (1) Costs of the Minister (including legal costs and disbursements) in connection with any exercise or non-exercise of rights (including, without limitation, in connection with the contemplated or actual enforcement or preservation of any rights under this Deed) waiver, variation, release or discharge in connection with this Deed; and
 - (2) Taxes and fees (including, without limitation, registration fees) and fines and penalties in respect of fees which may be payable or determined to be payable in connection with this Deed or a payment or receipt or any transaction contemplated by this Deed.

18.3 Entire agreement

The Parties intend this Deed to constitute the entire agreement and understanding between them in relation to the subject matters of this Deed and agree that any prior agreements or arrangements between them relating to the subject matter of this Deed are rescinded and have no further force or effect. No Party can rely on an earlier document, anything said or done by another Party, or by an officer, agent or employee of that Party, before the Date of this Deed, except as permitted by Law.

18.4 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Deed and all transactions incidental to it.

18.5 Governing Law and jurisdiction

This Deed is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

18.6 Enforcement

- (a) This Deed may be enforced by any Party in any court of competent jurisdiction.
- (b) For the avoidance of doubt, nothing in this Deed prevents:

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- (1) a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates; and
- (2) an Authority or the Minister from exercising any function under the EP&A Act Of any other Law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates; and
- (c) The Developer covenants with the Minister that the Developer will not rescind or terminate this Deed or make a claim that this Deed is void, voidable, illegal or unenforceable because a condition in a Development Consent requires the Developer to enter into the Planning Agreement.
- (d) The Developer indemnifies the Minister and the Department against any liability, loss, claim, damages and Costs (including legal fees, costs and disbursements on the higher of a full indemnity basis and a solicitor and own client basis, determined without taxation, assessment or similar process) arising from or incurred in connection with the Developer's breach of any of its obligations under clause 18.6(e).
- (e) The indemnity in clause 18.6(d) is a continuing obligation, separate and independent from the Developer's other obligations and survives completion, rescission or termination of this Deed.
- (f) It is not necessary for the Minister to incur expense or to make any payment before enforcing the indemnity in clause 18.6(d).
- (g) The Developer must pay within 14 days any amount it must pay under the indemnity in clause 18.6(d).

18.7 No fetter

Nothing in this Deed is to be construed as requiring an Authority (including the Minister) to do anything that would cause it to be in breach of any of its obligations at Law, and without limitation:

- (a) nothing in this Deed is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty; and
- (b) nothing in this Deed imposes any obligation on an Authority to:
 - (1) grant any Development Consent; or
 - (2) exercise any function or power under the EP&A Act in relation to a change, or a proposed change, in an environmental planning instrument.

18.8 Joint and individual liability and benefits

Except as otherwise set out in this Deed, any agreement, covenant, representation or warranty under this Deed by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

18.9 Representations and warranties

- (a) The Developer represents and warrants that:
 - (1) **(power)** it has power to enter into this Deed and comply with its obligations under the Deed;

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- (2) **(no contravention or exceeding power)** this Deed does not contravene its constituent documents (if any) or any law or obligation by which it is bound or to which any of its assets are subject, or cause a limitation on its powers or the powers of its officers to be exceeded;
 - (3) **(authorisations)** it has in full force and effect the authorisations necessary for it to enter into this Deed to which it is a Party, to comply with its obligations and exercise its rights under this Deed and to allow this Deed to be enforced;
 - (4) **(validity of obligations)** its obligations under this Deed are valid and binding and are enforceable against it in accordance with the terms of the Deed;
 - (5) **(no immunity)** does not have immunity from the jurisdiction of a court or from legal process;
 - (6) **(benefit)** it benefits by entering into this Deed to which it is a Party; and
 - (7) **(capacity)** it does not enter this Deed as an agent for any other person or as trustee of any trust or on behalf or for the benefit of any other person.
- (b) The Developer acknowledges that the Minister has entered into this Deed to which it is a Party in reliance on the representations and warranties in this clause 18.9.

18.10 Severability

- (a) If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (b) If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

18.11 Modification

No modification of this Deed will be of any force or effect unless it is in writing and signed by the Parties as a Deed.

18.12 Waiver

- (a) The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or a breach of obligation by, another Party.
- (b) A waiver by a Party is only effective if it is in writing.
- (c) A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

18.13 Confidentiality

The Parties agree that the terms of this Deed are not confidential and this Deed may be treated as a public Deed and exhibited or reported without restriction by any Party.

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18.14 Release and indemnity

- (a) The Developer agrees that satisfaction of the obligation to provide the Contributions is at the risk of the Developer. The Developer releases the Minister from any Claim, liability or loss arising from, and Costs incurred in connection with, the Developer's obligation to provide the Contributions.
- (b) The Developer indemnifies the Minister and the Department against all liabilities or loss arising from, and any Costs incurred in connection with the Minister enforcing the obligation to provide the Contributions in accordance with this Deed and/or the Minister exercising the Minister's rights under or by virtue of this Deed.
- (c) The indemnity in clause 18.14(b) is a continuing obligation, independent of the Developer's other obligations under this Deed and continues after this Deed ends.

18.15 Relationship of the Parties

Unless otherwise stated:

- (a) nothing in this Deed creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the Parties; and
- (b) no Party has the authority to bind any other Party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other Party or pledge any other Party's credit.

18.16 Changes to Planning Laws

In the event that the EP&A Act is repealed (whether in whole or part) while this Deed is in force in a manner which affects the terms used in, and interpretation of, this Deed, then:

- (a) the Parties' rights and obligations under this Deed will not be affected by the repeal;
- (b) clause 1.2(f) will apply to the definition of the EP&A Act and the SEPP;
- (c) the Draft SEPP will refer to any piece of statute or delegated legislation which has the effect of amending the SEPP for Development of the Precinct; and
- (d) the SIC Determination will continue to have full force and effect in relation to this Deed.

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Schedule 1 - Section 93F Requirements

The Parties acknowledge and agree that the table set out below provides for certain terms, conditions and procedures for the purpose of the Planning Agreement complying with the EP&A Act.

Requirement under the EP&A Act	This Planning Agreement
<p>Planning instrument and/or development application — (Section 93F(1))</p> <p>The Developer has:</p> <p>(a) sought a change to an environmental planning instrument.</p> <p>(b) made, or proposes to make, a Development Application.</p> <p>(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) and (b) applies.</p>	<p>(a) Yes</p> <p>(b) Yes</p> <p>(c) No</p>
<p>Description of land to which this Deed applies - (Section 93F(3)(a))</p>	<p>The Land described in Schedule 2.</p>
<p>Description of change to the environmental planning instrument or the development to which this Deed applies - (Section 93F(3)(b))</p> <p>Describe:</p> <p>(a) the proposed change to the environment plan to which this Deed applies; OR</p> <p>(b) the development to which this Deed applies.</p>	<p>(a) An amendment of the SEPP in accordance with the Draft SEPP.</p> <p>(b) The Development described in paragraph 1.2 of Schedule 2.</p>
<p>The scope, timing and manner of delivery of the Contributions required by this Planning Agreement — (Section 93F(3)(c))</p>	<p>Refer to clauses 3, 4, and 7.</p>
<p>Applicability of Section 94 of the EP&A Act to the Development - (Section 93F(3)(d))</p>	<p>The application of section 94 of the EP&A Act is not excluded in respect of the Development.</p>
<p>Applicability of Section 94A of the EP&A Act to the Development - (Section 93F(3)(d))</p>	<p>The application of section 94A of the EP&A Act is not excluded in respect of the Development.</p>
<p>Applicability of Section 94EF of the EP&A Act to the Development - (Section 93F(3)(d))</p>	<p>The application of section 94EF of the EP&A Act is not excluded in respect of the Development.</p>
<p>Consideration of benefits under this Deed if section 94 applies to the Development - (Section 93F(3)(e))</p>	<p>No. The Contributions to be provided by the Developer under this Deed must not be taken into consideration in determining a contribution under section 94.</p>
<p>Mechanism for Dispute resolution - (Section</p>	<p>Refer to clause 9.</p>

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Requirement under the EP&A Act	This Planning Agreement
<p>93F(3)(f) This Deed provides a mechanism for the resolution of disputes under the agreement?</p>	
<p>Enforcement of this Deed -(Section 93F(3)(g)) This Deed provides for enforcement by a suitable means in the event of a breach.</p>	Refer to clauses 5, 16, and 18.6.
<p>Registration of this Deed The Parties agree that this Deed may be registered in accordance with clause 11.</p>	Yes, refer to clause 11.
<p>No obligation to grant consent or exercise functions -(Section 93F(9)) The Parties acknowledge that this Deed does not impose an obligation on a consent authority to grant a Development Consent, Part 3A Approval or to exercise any function under the EP&A Act in relation to a change to an environmental planning instrument.</p>	Refer to clause 18.7.

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Schedule 2 - Description of the Land**Title**

Those parts of the land comprised in:

Lot	Deposited Plan	Owner
Part Lot 9070	DP 1225752	Leppington Pastoral Company Pty Limited
Part Lot C	DP 391340	Leppington Pastoral Company Pty Limited
Part Lot E	DP 438723	Leppington Pastoral Company Pty Limited
Part Lot 2	DP 1066809	Leppington Pastoral Company Pty Limited
Part Lot A	DP 420694	Leppington Pastoral Company Pty Limited
Lot 71	DP 752024	Leppington Pastoral Company Pty Limited
Part Lot 1	DP 623190	Leppington Pastoral Company Pty Limited
Lot B	DP 420694	Leppington Pastoral Company Pty Limited
Lot F	DP 420694	Leppington Pastoral Company Pty Limited

as shown by the broken blue line in the plan at Annexure A.

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Schedule 3 - Department Costs

- (a) In accordance with the requirement in the Precinct Acceleration Protocol that precinct acceleration will result in "no cost to Government", the Developer agrees to cover the following Costs of the Department and the Council, both before and after the date of this Deed.
- (1) an infrastructure analyst and any legal or probity advice needed in the planning for the Precinct;
 - (2) Costs associated with the Department's management responsibilities for Precinct Planning and Planning for the Provision of Services Infrastructure, including the Precinct Project Manager and Council(s) co-ordinator; and
 - (3) Costs associated with reviews or additional planning studies, including urban design and statutory planning costs;
- The tables below indicate the typical kinds of activities and resources to be paid for by the Developer.
- (b) The Costs of the Department or the Council relating to Precinct Planning, or Planning for the Provision of Services Infrastructure will be reimbursed by the Developer, generally in monthly intervals. The cost to the Developer will be the actual cost to the Department or Council. Costs for external services engaged by the Department or Council will be reimbursed at cost. The total monthly cost will be invoiced plus GST and paid monthly to the Department.
- (c) In order to account for the different resources, activities, commencement and conclusion dates for the accelerated development of the Precinct and Precinct Planning activities, the Costs have been split into the following categories:
- (1) "Precinct Acceleration Costs"; and
 - (2) "Precinct Planning Costs".

Table 1. Precinct Acceleration Costs

<p>Infrastructure Analyst and Precinct Project Manager</p> <p>Overall coordination of Department activities in relation to the acceleration of the Precinct. Management of communications between the Department, the Developer, Council, agencies and all other stakeholders. Internal and external reporting including Department briefing updates and presentations. Preparation and distribution of agendas and minutes as required. Records management.</p>
<p>Deputy Director General and Executive Director, Land Release</p> <p>Executive management, direction, review and sign-off of all Precinct Acceleration Protocol activities. Executive liaison, reporting and presentations. Interpretation and overview of Department protocols and procedures.</p>
<p>Legal Advice</p> <p>Interpretation and adherence with the EP&A Act and all other regulatory instruments. Review and application of this Deed. Review of Developer/agency contracts and agreements.</p>

Table 2. Precinct Planning Costs

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<p>Precinct Project Manager</p> <p>Overall coordination and management of the Precinct Planning Process and participation in the PCG and PWG. Liaison with Council, infrastructure providers and statutory bodies. Review and report on all Precinct Planning activities being undertaken by the Developer.</p>
<p>Council Costs including provision of a Precinct Project Co-ordinator</p> <p>Council assistance including technical assistance, a Precinct Project Co-ordinator for overall coordination and management of the Precinct Planning Process within Council. Implementation of the Precinct Acceleration Protocol. Participation in the PCG and PWG. Liaison with Council, infrastructure providers and statutory bodies. Review and report on all Precinct Planning activities being undertaken by the Developer.</p>
<p>Executive Director, Land Release</p> <p>Executive management of the Precinct Planning Process including review and direction of the Project Manager. Participation in PCG as deemed necessary. Executive liaison, reporting and presentations. Interpretation and overview of Department's planning protocol and procedures. Liaison with the Minister's Office.</p>
<p>Department Community Liaison Manager</p> <p>Interaction, review, liaison and reporting on Developer community liaison activities. Participation in the PCG and PWG as deemed necessary. Provide input and support to the Department's Project Manager as required.</p>
<p>Additional Investigations & Planning Studies (as required)</p> <p>Additional investigations and planning studies, including Precinct Planning related infrastructure advice, as required by the Department in order for it to manage and implement the Precinct Planning Process. These costs will also include reasonable contributions to Council agreed by the Department as well as costs associated with any independent review for advice related to planning studies considered necessary by the PCG.</p>
<p>Legal Advice</p> <p>Interpretation and adherence with the EP&A Act and all regulations and instruments. Review of Developer/agency contracts and agreements.</p>
<p>Community consultation</p> <p>Costs in connection with community consultation, including the hire of venues, printing and communications.</p>

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Schedule 4 – Process for delivery of Planning for the Provision of Services Infrastructure

1.1 Developer to prepare Services Infrastructure Strategy

- (a) Within 12 months of the date of release of the Precinct (or if the Minister declares a different date in writing, by that date), the Developer must:
- (1) prepare a draft Services Infrastructure Strategy;
 - (2) procure the unqualified written endorsement of each of the Relevant Authorities to the draft Services Infrastructure Strategy; and
 - (3) submit the draft Services Infrastructure Strategy annexing the unqualified written endorsements, to the Minister.
- (b) The Developer acknowledges and agrees that:
- (1) the draft Services Infrastructure Strategy is to be the product of a consultative and cooperative process between the Developer and the Relevant Authorities;
 - (2) the Developer must engage in early, regular and thorough consultation with the Relevant Authorities throughout each stage of preparation of the draft Services Infrastructure Strategy and pay all due regard to any comments or suggestions of the Relevant Authorities, keeping in mind that it is the Developer's responsibility to procure the unqualified written endorsement of the Relevant Authorities to the draft Services Infrastructure Strategy;
 - (3) the Developer must ensure that the draft Services Infrastructure Strategy:
 - (A) identifies the strategy to provide the Services Infrastructure necessary for the orderly and efficient delivery of infrastructure services to service the whole Precinct (once developed) and Other Development, including:
 - (1) sewerage systems;
 - (2) potable water systems;
 - (3) recycled water systems to meet future urban development of the Precinct; and
 - (4) electricity;
 - (B) identifies:
 - (1) the Services Infrastructure required to be constructed and transferred to the Relevant Authorities, including any interim Services Infrastructure;
 - (2) the timetable for the delivery of the Services Infrastructure, including the sequence of the stages of delivery of the Services Infrastructure;

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- (3) how the Services Infrastructure will be provided by the Developer at no cost to the NSW Government, and in accordance with the "no cost to Government" criteria in the Precinct Acceleration Protocol;
 - (C) contains or addresses anything else, as may be requested by a Relevant Authority; and
 - (D) complies with any and all of the requirements of the Relevant Authorities, including in relation to the operation of the Services Infrastructure.
- (c) Within 60 Days of receiving the draft Services Infrastructure Strategy and the unqualified written endorsements, the Minister may:
 - (1) determine to approve the draft Servicing Infrastructure Strategy, as provided to the Minister,
 - (2) determine to approve the draft Servicing Infrastructure Strategy, with such changes as the Minister sees fit; or
 - (3) determine not to approve the draft Servicing Infrastructure Strategy.
- (d) If the Minister determines not to approve the draft Servicing Infrastructure Strategy, the Minister will promptly provide the Developer with a written notice of the reasons for that decision.
- (e) The Developer must within 60 Business Days of receipt of a written notice of reasons, prepare and submit to the Minister a revised draft Services Infrastructure Strategy, which resolves all of the issues identified in the written notice of reasons. Clauses 1.1(a) to (d) of this Schedule 4 apply to a revised draft Services Infrastructure Strategy in the same manner that they apply to the draft Services Infrastructure Strategy, *mutatis mutandis*.

1.2 Developer to update Servicing Infrastructure Strategy

- (a) The Developer will promptly update the Services Infrastructure Strategy upon written request by the Minister or a Relevant Authority and will procure the Minister's approval to the update of the Services Infrastructure Strategy.
- (b) Clauses 1.1(a) to (e) of this Schedule 4 apply to any update of the Services Infrastructure Strategy in the same manner they apply to the draft Services Infrastructure Strategy, *mutatis mutandis*.

1.3 Developer to prepare Services Infrastructure Implementation Plan

- (a) Within 12 months of the date on which the Minister approves the Services Infrastructure Strategy (or if the Minister declares a different date in writing, by that date), the Developer:
 - (i) must prepare a draft Services Infrastructure Implementation Plan;
 - (ii) must procure the unqualified written endorsement of each of the Relevant Authorities to the draft Services Infrastructure Implementation Plan (including, the costings and plans within it); and
 - (iii) must submit the draft Services Infrastructure Implementation Plan annexing the unqualified written endorsements, to the Minister.

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- (b) The Developer acknowledges and agrees that:
- (i) the draft Services Infrastructure Implementation Plan is to be the product of a consultative and cooperative process between the Developer and the Relevant Authorities;
 - (ii) the Developer must engage in early, regular and thorough consultation with the Relevant Authorities throughout each stage of preparation of the draft Services Infrastructure Implementation Plan and pay all due regard to any comments or suggestions of the Relevant Authorities, keeping in mind that it is the Developer's responsibility to procure the unqualified written endorsement of the Relevant Authorities to the draft Services Infrastructure Implementation Plan;
 - (iii) the Developer must ensure that the draft Services Infrastructure Implementation Plan:
 - A. is consistent with:
 - 1) the Services Infrastructure Strategy; and
 - 2) the servicing plans of each of the Relevant Authorities relating to the South West Growth Centre;
 - B. contains the plans and drawings delineating the Services Infrastructure, to the level of specificity required by the Relevant Authorities;
 - C. specifies:
 - 1) how the Developer will implement the Services Infrastructure Implementation Plan, including a timetable for the orderly and efficient delivery of the Services Infrastructure to the Relevant Authorities, to the standard required by the Relevant Authorities;
 - 2) the costings for the construction of the Services Infrastructure including the cost of each stage of the Services Infrastructure identified in the Servicing Infrastructure Implementation Plan;
 - 3) how the Services Infrastructure will be provided by the Developer at no cost to the NSW Government, and in accordance with the "no cost to Government" criteria in the Precinct Acceleration Protocol;
 - 4) the areas (including areas outside the Precinct) to be serviced by the Services Infrastructure;
 - D. contains any pro forma contracts or anything else required by the Relevant Authorities to effect the transfer, from the Developer to the Relevant Authorities, of:
 - 1) the Services Infrastructure; and

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- 2) any land, and property rights, necessary to enable the effective operation and maintenance of the Services Infrastructure;
 - E. contains or addresses anything else, as may be requested by a Relevant Authority; and
 - F. complies with any and all of the requirements of the Relevant Authorities (including with respect to servicing of Other Development).
- (c) Within 60 Days of receiving the draft Services Infrastructure Implementation Plan annexing the unqualified written endorsements, the Minister may:
- (i) determine to approve the draft Services Infrastructure Implementation Plan, as provided to the Minister,
 - (ii) determine to approve the draft Services Infrastructure Implementation Plan, with such changes as the Minister sees fit; or
 - (iii) determine not to approve the Services Infrastructure Implementation Plan.
- (d) If the Minister determines not to approve the draft Services Infrastructure Implementation Plan, the Minister will promptly provide the Developer with a written notice of the reasons for that decision.
- (e) The Developer must within 60 Business Days of receipt of a written notice of reasons, prepare and submit to the Minister a revised draft Services Infrastructure Implementation Plan, which resolves all of the issues identified in the written notice of reasons. Clauses 1.3 (a) to (d) of this Schedule 4 apply to a revised draft Services Infrastructure Implementation Plan in the same manner that they apply to the draft Services Infrastructure Implementation Plan, *mutatis mutandis*.

1.4 Developer to update Services Infrastructure Implementation Plan

- (a) The Developer will promptly update the Services Infrastructure Implementation Plan upon written request by the Minister or a Relevant Authority and will procure the Minister's approval to the update of the Services Infrastructure Implementation Plan.
- (b) Clauses 1.3 (a) to (e) of this Schedule 4 apply to any update of the Services Infrastructure Implementation Plan in the same manner they apply to the draft Services Infrastructure Implementation Plan, *mutatis mutandis*.

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Execution page

Executed as a deed

Signed, sealed and delivered for and on behalf of the **Minister for Planning**, in the presence of:

.....
Signature of witness

.....
Signature of the Minister for Planning or delegate

.....
Name of witness in full

.....
Name of the Minister for Planning or delegate

.....
Address of witness

Executed by Leppington Pastoral Co Pty Limited (ACN 000 420 404) in accordance with section 127 of the *Corporations Act 2001*

.....
Signature of director

.....
Signature of director/secretary

.....
Name of director in full

.....
Name of director/secretary in full

Executed by Greenfields Development Company No.2 Pty Ltd (ACN 133 939 965) in accordance with section 127 of the *Corporations Act 2001*

.....
Signature of director

.....
Signature of director/secretary

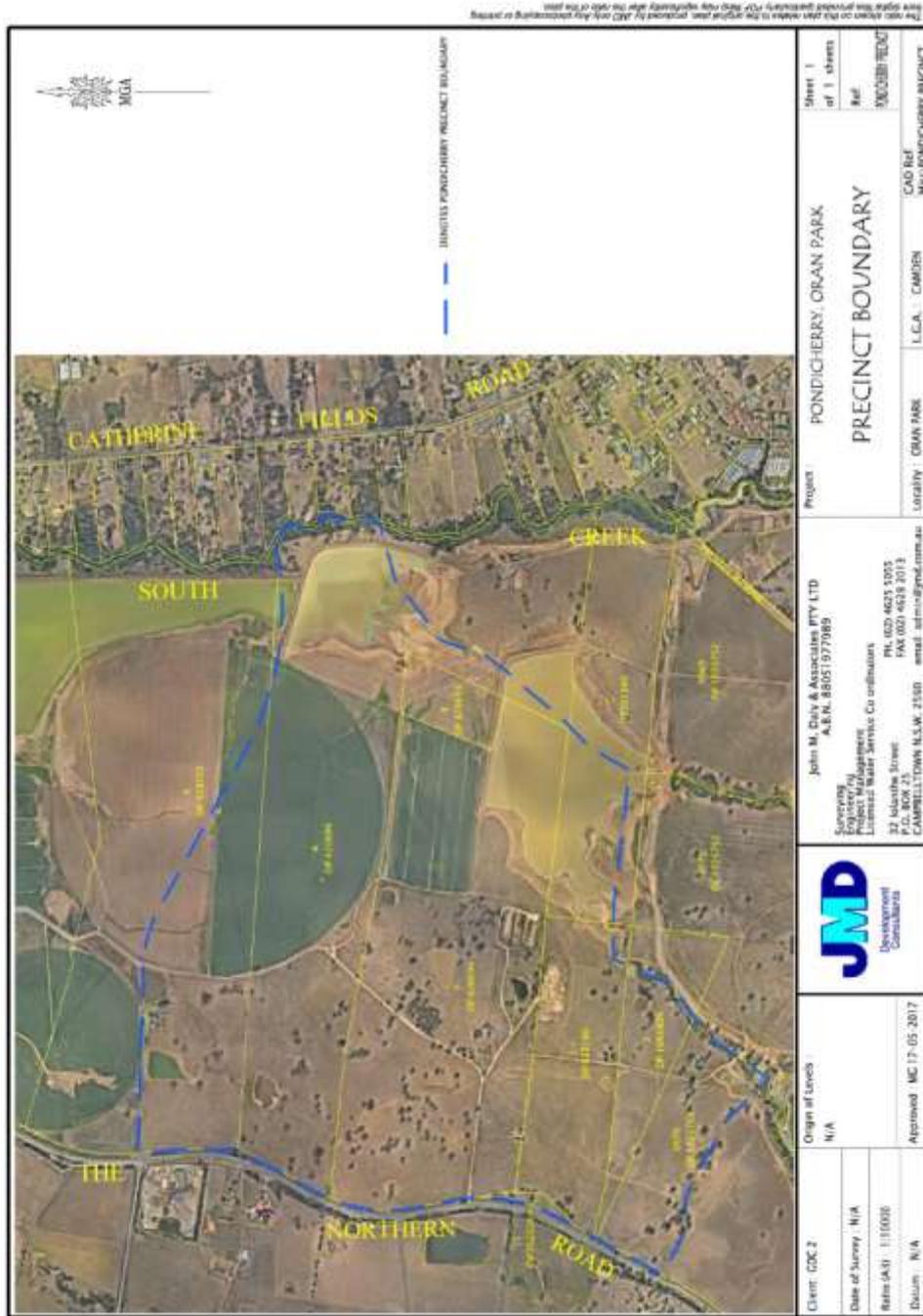
.....
Name of director in full

.....
Name of director/secretary in full

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Annexure A : Part Maryland



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Explanatory Note
Part Maryland Precinct
Precinct Planning (Pondicherry)
Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (**Planning Agreement**) prepared under Subdivision 2 of Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979 (Act)*.

This explanatory note has been prepared jointly by the parties as required by clause 25E of the Environmental Planning and Assessment Regulation 2000 (**Regulation**).

This explanatory note is not to be used to assist in construing the Planning Agreement.

Capitalised terms which are not defined in this explanatory note have the meanings given to them in the Planning Agreement, unless the context indicates otherwise.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister for Planning ABN 38 755 709 681 (**Minister**), Leppington Pastoral Co Pty Limited (ACN 000 420 404) and Greenfields Development Company No. 2 Pty Ltd (ACN 133 939 965) (together, the **Developer**).

Description of the Subject Land

The Planning Agreement applies to those parts of the land described the following table:

Lot	Deposited Plan
Part Lot 9070	DP 1225752
Part Lot C	DP 391340
Part Lot E	DP 438723
Part Lot 2	DP 1066809
Part Lot A	DP 420694
Lot 71	DP 752024
Part Lot 1	DP 623190
Lot B	DP 420694
Lot F	DP 420694

as shown in the plan at Annexure A to the Planning Agreement as the 'Pondicherry Precinct'.

Description of the Proposed Development

The Developer has sought an amendment to the *State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (SEPP)* in order to have the Part Maryland Precinct (**Precinct**) rezoned to enable Urban Development.

Before the SEPP is amended, the Precinct is intended to be released for Urban Development and planning purposes under clause 276 of the EP&A Regulation, by declaration of the Minister published in the gazette.

The Developer has offered to enter into the Planning Agreement with the Minister in order to, among other things, facilitate the accelerated release of the Precinct.

The Developer will, in the future, become liable to pay a Special Infrastructure Contribution in connection with development located in the Western Sydney Growth Areas Special Contributions Area. The Developer proposes that certain of the Contributions made pursuant to the Planning Agreement would partially offset the Developer's obligation to pay the Special Infrastructure Contribution in the Western Sydney Growth Areas Special Contributions Area.

The Developer intends to offer to enter into separate planning agreements with the Minister over the Land to provide other contributions, including contributions for the provision of regional infrastructure and essential Services Infrastructure required to meet the needs created by the future Urban Development of the Land.

Summary of Objectives, Nature and Effect of the Planning Agreement

A key objective of the NSW Government is to facilitate the timely supply of land for Urban Development in the most efficient way reasonably possible and at no additional cost to Government.

The Planning Agreement requires the Developer to, among other things:

- provide the Precinct Planning Contributions (which includes the payment of the Precinct Planning Costs);
- pay any Precinct Acceleration Costs; and
- provide the Planning for the Provision of Services Infrastructure and pay the Planning for the Provision of Services Infrastructure Costs.

The Developer may become liable to pay the Special Infrastructure Contribution in connection with the Proposed Development or other developments within the Sydney Region Growth Centres.

If the SEPP amendment is made to rezone the Precinct for urban purposes the Developer will be entitled to offset amounts for a portion of its Contributions under the Planning Agreement (as determined by the Minister), which could be applied towards its future Special Infrastructure Contribution obligations. Such entitlement will be the reasonable actual cost of the Precinct Planning Process (excluding any Precinct Acceleration Costs), as determined by the Minister, and will not exceed \$2,500,000.

Assessment of Merits of Planning Agreement

The Planning Purpose of the Planning Agreement

In accordance with section 93F(2) of the Act, the Planning Agreement has the following planning purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services; and

- the promotion and co-ordination of the orderly and economic use and development of land.

The Planning Agreement provides for the detailed planning of the Precinct and planning for the provision of the essential infrastructure that will be required to meet the demands generated by Urban Development of the Precinct and Other Development.

The Planning Agreement will:

- facilitate the release of land for Urban Development in the South West Growth centres of the Sydney Region;
- provide for comprehensive planning for the Precinct; and
- provide comprehensive planning and strategies for the orderly and economic provision of infrastructure that will be required in the Precinct.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purposes set out above. This is because the Planning Agreement describes an appropriate mechanism by which planning outcomes can be achieved without additional cost to Government from the accelerated release of the Precinct.

How the Planning Agreement Promotes the Public Interest and the Objects of the Act

The Planning Agreement promotes the public interest and following objects of the Act:

- *"the proper management, development and conservation of natural and artificial resources for the purpose of promoting the social and economic welfare of the community and a better environment"* by providing the resources needed for proper co-ordinated planning of the precinct and the essential infrastructure required for the Precinct;
- *"the promotion and co-ordination of the orderly and economic use and development of the land"* by ensuring that the land use planning and infrastructure co-ordination occurs prior to rezoning;
- *"the protection, provision and co-ordination of communication and utility services"* by identifying the land needed for State and local level infrastructure delivery and developing a detailed strategy for the coordinated provision of such services; and
- *"the provision of land for public purposes"* by undertaking detailed studies and consultation with relevant authorities to ensure that the land needed for that infrastructure can be made available within the Precinct.

The Planning Agreement promotes the objects set out above by requiring the Developer to provide the Contributions for the following purposes:

- funding for the Planning Process for the Precinct;
- funding studies to identify the services and infrastructure that will be necessary to service the Precinct, as well as plans and strategies for the staged provision of those services and infrastructure.

Each of these purposes represents an important public benefit, and the Developer's offer to contribute towards these purposes will provide an important positive impact on the public who will ultimately use the infrastructure and services to which these purposes relate.

Requirements relating to Construction, Occupation and Subdivision Certificates

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a Construction Certificate, Subdivision Certificate or Occupation Certificate.



Submission to Department of Planning & Environment

*Draft Planning Agreement – Part Maryland
Precinct – ‘Pondicherry’ – The Northern
Road, Oran Park*

November 2017

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Introduction

This document forms Camden Council's formal submission to the exhibition of the *draft State Planning Agreement for the Part Maryland Precinct – Pondicherry*.

The draft State Planning Agreement is being publicly exhibited between 11 October and 8 November 2017. Council officers have received permission from DPE to lodge a late submission pending Council endorsement of this submission.

Background

In May 2016, Greenfields Development Corporation No.2 Pty Ltd sought support from DPE to start the rezoning process for the Part Maryland Precinct known as 'Pondicherry' to enable urban development on the site.

The rezoning proposal is permitted under the State Government's Precinct Acceleration Protocol (PAP), which allows precincts to be released earlier than the State Government's precinct release program, where the developer agrees to pay the upfront costs associated with rezoning the site. It is noted that in 2015, a State Planning Agreement under the PAP was entered into to allow for the accelerated release of the Lowes Creek Maryland (Part) Precinct.

To facilitate the accelerated release of Pondicherry under PAP, Greenfields Development Corporation No.2 Pty Ltd (the Developer) and Leppington Pastoral Co Pty Ltd (the Landowner) have requested to enter into a State Planning Agreement with DPE.

Submission to the Draft State Planning Agreement Part Maryland Precinct – Pondicherry

Following a review, Council raises no objection in principle to the draft State Planning Agreement, subject to the following matters being addressed:

- Project Governance
 - Confirmation of the appointment of a Precinct Project Manager
 - Consultation with Council officers on matters of local significance
- Remuneration of Council resources
- General matters for consideration

The remainder of this submission discusses these matters below.

Project Governance

Confirmation of the appointment of a Precinct Project Manager

The draft Planning Agreement indicates that DPE may appoint a Precinct Project Manager to carry out the day to day responsibilities relating to the Project.

The submission raises concern that without certainty regarding the appointment of a project manager; Council may be relied upon to manage significant components of the Project. If this occurs, it will impact Council's resources and our ability to resource other projects.

Recommendation:

- The draft State Planning Agreement provides certainty that sufficient resourcing is available for the Project, by confirming the appointment of a Precinct Project Manager

Consultation with Council officers on matters of local significance

The draft Planning Agreement allows the Developer and DPE to nominate a point of contact for all matters concerning planning studies. The nominated contact will offer the primary source of input in the review of planning studies.

It is suggested the draft Planning Agreement recognise Council as the primary contact for all matters of local significance i.e. open space planning and provision and local infrastructure.

Council is responsible for providing advice and input into these matters during the rezoning process.

Recommendation:

- The draft State Planning Agreement to identify Camden Council as the primary contact for all matters of local significance in the rezoning process, and that these matters should be endorsed by PCG.

Cost Recovery

This submission supports the draft Planning Agreement where it allows for Council to recover costs incurred associated with resourcing this Project. Council officers request clarification on how costs will be calculated.

Recommendation:

- Clarification is requested regarding how Council's costs will be calculated, allowing recuperation of costs for the project.

General matters for consideration

It is noted the title 'Council's Precinct Project Coordinator' is referred to in the draft State Planning Agreement. This title refers to the Council officer responsible for coordinating the Project within Council.

It is suggested that in place of this title, the draft State Planning Agreement refers more generally to Council's appointed officer' instead.

This is to acknowledge that more than one Council officer will be involved in the Project (for example Council technical staff), and will provide input at different stages of the rezoning process for the Precinct.

Recommendation:

- The draft Planning Agreement removes reference to 'Council's Precinct Project Coordinator' and replaced with 'Council's appointed officer'.

Conclusion

Council has conducted a review of the exhibited draft State Planning Agreement for the Part Maryland Precinct known as Pondicherry. Council raises no objection in principle to the draft State Planning Agreement. This is subject to certain recommendations discussed in this submission relating to project governance, remuneration of Council resources and general matters of consideration regarding consistency of terminology in the text of draft Planning Agreement.



PROPOSED CAMDEN VALLEY WAY AND MACARTHUR ROAD INTERSECTION UPGRADE



