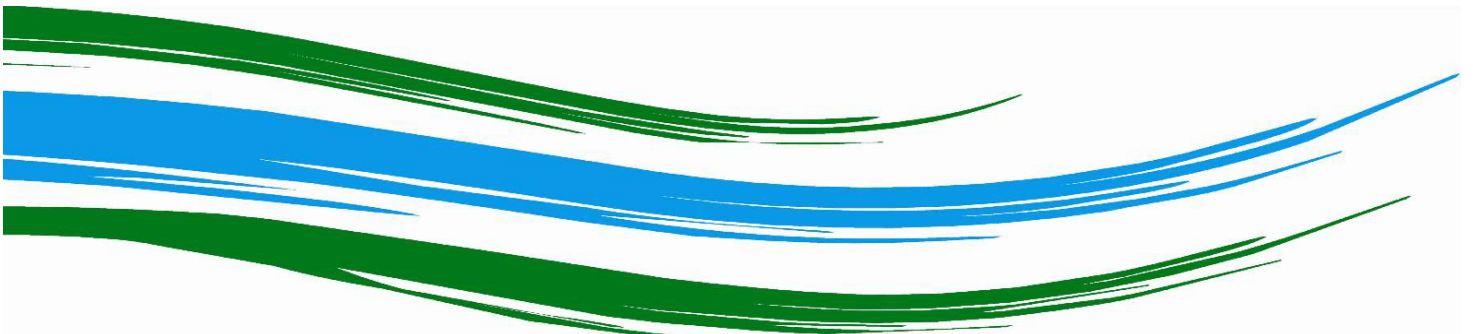




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Councillor Patterson be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD81/11

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

RESOLUTION

In relation to Item ORD11, Councillor Campbell stated that she was a Life Member of the BMX Club, but did not hold any other position with the Club and there is no conflict of interest and would participate in debate and voting on the Item.

Moved Councillor Cagney, Seconded Councillor Warren that the declarations be noted.

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

ORD82/11

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

Public Addresses are tape recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. A copy of the tape recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.

RESOLUTION

Kylie Lyons addressed the Council in relation to Wilson Crescent Parking - Traffic Committee Minutes.

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

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

James Muscat addressed the Council in relation to Item ORD01.

Mark Osbourne addressed the Council in relation to Item ORD11.

Katie Biffen addressed the Council in relation to Item ORD01.

John Cordina addressed the Council in relation to Item ORD01.

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

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

Moved Councillor Cagney, Seconded Councillor Warren that the public addresses be noted.

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

ORD83/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 19 April 2011 and the Minutes of the Local Traffic Committee Meeting, held 19 April 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 19 April 2011, and the Minutes of the Local Traffic Committee Meeting held 19 April 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Warren, Seconded Councillor Campbell that the Minutes of the Ordinary Council Meeting held 19 April 2011, and the Minutes of the Local Traffic Committee Meeting held 19 April 2011, copies of which have been circulated, be confirmed and adopted with the exception of Item TC11 of the Traffic Committee to be referred back to the Traffic Committee for reconsideration and to invite all relevant parties, businesses and residents to make submissions.

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

ORD84/11

MAYORAL MINUTE
ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - NATIONAL VOLUNTEER WEEK 9TH MAY TO 15TH MAY 2011
FROM: Mayor
FILE NO:

This week is National Volunteer Week a time to highlight the importance of volunteering and the contribution of all volunteers.

More than 5 million Australians over the age of 18 do some form of voluntary work annually contributing over 710 million hours.

Within our own community there are hundreds of people contributing in many and varied ways and examples of this are; reading helpers at school, people who help out in the hospital or aged day cares, people who contribute through their membership of service clubs, local churches, community service organisations, the coaches and committees of the local sports clubs, to name a few.

Within Council we have a number of people who sit on committees and advisory groups, help out with the home library, tourism information, work at the Town Farm garden or the Men's Shed. We rely on these volunteers across a range of services and everyone knows someone who volunteers. Volunteers give selflessly of their time and we are often inspired by the great work undertaken.

On behalf of Council I would like to take this opportunity to acknowledge National Volunteer Week and the work of all those involved in contributing to the Camden Local Government Area and to say thank you.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Symkowiak that the information be noted.

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

ORD85/11

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - ADOPT A PET PROGRAM
FROM: Mayor
FILE NO:

Councillors would recall that at its meeting of 25 January 2011, Council endorsed a strategy to reduce the euthanasia rate of Companion Animals. This strategy is now known as the Adopt a Pet Program. The program consists primarily of advertising 4 animals per week in the Camden Advertiser (2 cats and 2 dogs).

The purpose of this minute to provide Council with a progress report on the impact on impounded cats and dogs as a result of the program.

One of the purposes of the program is to raise general awareness of Renbury Farm's existence. The data that is emerging would suggest this has been successful, with staff at Renbury Farm reporting they have received more enquiries since the advertising program began and this has resulted in a higher total adoption rate.

For example, staff at the farm have advised sometimes people call to view an advertised animal but end up adopting another animal once they get to the shelter. In this instance, an animal has been adopted due to our advertising campaign, even though it is not reflected in our advertised animal statistics.

This good result can be seen by comparing the same time period in last year and this year. In the first three months of the 2010 calendar year, only 1 cat was sold. In the same period this year, with the program in place, 12 cats were sold. Similarly in the first three months of last year 12 dogs were sold, while this year, the number was 26.

The total number cats and dogs sold in the 2009/10 period can also be compared to the results for the first three months of the program. Only 12 cats were sold in total in 2009/10, while that same number was sold in just the first three months of the program. So cat sales have gone from an average of 3 per quarter to 12 per quarter, an increase of 400%.

Similarly, 65 dogs were sold in the whole of 2009/10, while 26 were sold in the first three months of the program. So dog sales have gone from an average of 16 per quarter to 26 in the first quarter of the program. This is a tremendous result.

Just as pleasing is that in 2009/10 a total of 77 animals were adopted. In the 3 months since the program began, we've had 38 animals adopted. So without the program we were seeing around 6 adopted animals per month and since the program began, we've seen over 12 animals per month. This is a 100% increase in the total adoption rate so far and a fantastic result.

Subsequent quarters of data will be similarly be collected and analysed and further updates will be provided to Council.

The initial results from the Adopt a Pet Program show that positive results are being

achieved and that the impact has been to increase the number of pets adopted, thereby reducing the number of animals that are euthanised. It is hoped this good result will continue and that euthanasia rates will continue to diminish.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Symkowiak that the information be noted.

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

ORD86/11

ORDINARY COUNCIL

ORD01

S96 MODIFICATION OF HOURS OF OPERATION AND TRUCK MOVEMENTS AT POULTRY FARM, NO 90 (LOT 262 DP612623) WESTBROOK ROAD, BICKLEY VALE

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 1999
DA NO:	DA 1112/1999 (2)
OWNER:	Muscat Hydroponics
APPLICANT:	James Muscat
ZONING:	Rural 1(a)
APPLICABLE PLANNING INSTRUMENT:	Camden LEP 48 - Rural Areas

PURPOSE OF REPORT

The purpose of this report is to seek a determination of a Section 96 Modification application to increase the operational hours of an approved poultry farm at No 90 Westbrook Road, Bickley Vale.

The application is referred to Council in accordance with its delegations, as Council previously approved the original Development Application on 26 June 2000. This application is also referred to Council as there remain four (4) unresolved objections to the development proposal.

SUMMARY OF RECOMMENDATION

It is recommended that Council in part approve the Section 96 Modification application subject to the draft Development Consent conditions provided at the end of this report.

BACKGROUND

No 90 Westbrook Road (Lot 262 of DP 612623) as it exists today was created as part of a two (2) lot subdivision registered on 14 July 1981. Subsequently , four (4) traditional sheds were erected on the site and poultry farming operations were commenced.

Development Consent was granted on 26 June 2000 to the previous owner of the land for the erection of four (4) additional modern tunnel sheds with the ability to house 130,000 chickens, expanding the overall capacity of the farm to approximately 200,000.

Eight (8) submissions were received to that application raising concerns about:

- noise generated from late night catching of chickens,
- air pollution and dust from the operations,
- water pollution, primarily seepage of chemicals and polluted water into ground

- water supplies,
- odour,
- land devaluation,
- increased traffic,
- intrusions into rural landscape,
- dead birds polluting site leading to increased number of foxes,
- close proximity to new high school, and
- laying of baits to kill foxes.

A Development Consent was subsequently issued and included a number of conditions so that the operation would not adversely impact upon the neighbouring dwellings.

In particular, condition 37 specified that a curfew of 11.00pm on pick up operations at the site be imposed in order to ensure that necessary late night operations be restricted to reduce potential noise impacts on the locality.

Correspondence was received by Council on 21 July 2000 on behalf of the applicant (previous owner). This sought to appeal condition 37 noting that during hot conditions this condition may be difficult to comply with. In response to the above, Council's assessment officer reviewed the conditions and sent a letter of response on the 3 October 2000 advising that any proposed modification was not able to be supported by Council.

Since January 2005 Council has received approximately thirty (30) submissions complaining about pick up operations going beyond midnight on particular nights, noting most commonly that the noise from trucks and fork lifts on-site was excessive.

As a result of the nature of the complaints which highlighted non compliance with the finishing times for pick ups, Council issued a Draft Prevention Notice to the current owner (J Muscat) on 17 October 2008.

Follow up Draft Notices were issued to the owner and to Cordina Poultry on 3 August 2009 which limited the pick up hours to 10.00pm in accordance with the NSW Environmental Noise Policy and Council's Noise Policy. The draft notices proposed to limit the pick up hours to 10.00pm as the permitted noise emissions are reduced at 10.00pm to the night time criteria which is a higher standard in relation to the emission of noise.

After considerable discussion with Council Officers, a Section 96 (1A) modification to the consent was lodged on 24 August 2010. That application was then amended by the applicant on 12 October 2010, and it is this application that is reported to Council for determination.

THE SITE

The subject site is located on the northern side of Westbrook Road, Bickley Vale some 900m west of Cawdor Road. The site is almost rectangular in shape, has an area of 14.71ha and a frontage of 391.4m to Westbrook Road, being the southern boundary.

On the site there currently exists a dwelling, four (4) traditional poultry sheds located in the north-western corner of the site, four (4) new tunnel sheds located to the east of the dwelling, smaller sheds and hydroponics greenhouses in the south-western portion of the site for approved horticulture activities, numerous unsealed access driveways and a large stormwater retention dam at the eastern boundary. The four (4) new tunnel sheds approved in the year 2000 measure just over 2,000m² each.

There are four (4) dwellings located within 300m of the subject site. No 104 Westbrook Road adjoins the site at its western boundary and the dwelling is located within 170m of the closest poultry sheds. Nos 65, 85 and 105 Westbrook Road are located across the road, addressing the site to the south.

The locality of Cawdor and Bickley Vale is generally characterised by its grazing lands and smaller rural residential parcels, and smaller agricultural parcels with a low night time background noise level. **A location plan is provided at the end of this report.**

THE PROPOSAL

Condition 37, as approved under the original development application, reads:

"(37) All deliveries to the site shall be made between the hours of 8.00am and 6.00pm with the exception of the collection of chickens which must be completed by 11.00pm."

The Section 96 application seeks to modify this condition in two parts:

Part 1

Vary the hours for collection of chickens from 11.00pm to 12.00midnight with the addition that on up to twenty (20) evenings in each calendar year, collection must be completed by 1.00am.

Part 2

Vary deliveries to the site from between the hours of 8.00am and 6.00pm to between the hours of 7.00am and 7.00pm.

The applicant states the need for the proposed modification to the current hours of pick up/collection is based on the fact that on many occasions the pick up of birds from the site has occurred well beyond midnight.

The collection of chickens late at night is a common industry practice carried out in order to ensure chicken welfare in respect of the time it takes to collect, cage, transport and hold the birds overnight before they are processed the next morning.

NOTIFICATION

The proposed modification was notified in accordance with Part C, Chapter 2 (Notification Processes for Development Applications) of the Camden Development Control Plan 2006, from 14 September to 28 September 2010.

A total of four (4) submissions were received by Council opposing the proposed development. These submissions are summarised later on in this report. **A copy of the submissions are provided with the Business Paper supporting documents.**

PLANNING CONTROLS

- Camden Local Environmental Plan No 48 - *Rural Areas*
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011.

ASSESSMENT

This application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. The following comments are provided in respect of the development proposal.

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

Camden Local Environmental Plan No 48

Camden Local Environmental Plan 2010 (the LEP) was gazetted on 3 September 2010. This DA was lodged before 2 September 2010. Consequently, pursuant to Clause 1.8A, this application must be determined as if LEP 2010 had been exhibited but had not commenced. To that end, the LEP is still considered, but is not the prevailing planning instrument.

The DA must be assessed under Camden Local Environmental Plan 48 "Rural Areas" which was in place before Camden LEP 2010 was gazetted.

The subject site is zoned No 1(a) Rural - 40ha in accordance with the provisions of Camden LEP 48. DA 1112/1999(1) is approved as 'an intensive horticulture or livestock keeping establishment' in accordance with the definitions of the Model Provisions 1980 and the provisions of LEP 48.

The listed objectives of the No 1(a) zone are as follows:

- (a) to provide suitable land for agricultural use,*
- (b) to promote the conservation of economic units of productive agricultural land, particularly those areas identified as having prime crop and pasture potential, by regulating subdivision to prevent the fragmentation of actual or potentially productive rural holdings,*
- (c) to enable compatible forms of development, including recreation and tourist orientated uses to be carried out, if they are in keeping with the rural character of the locality, and carried out in an environmentally sustainable manner,*
- (d) to permit the development of extractive industries to occur in an environmentally acceptable manner, and*
- (e) to ensure that development does not detract from the existing rural character of the area or create unreasonable or uneconomic demands for provision or extension of public amenities and services.*

It is considered that the extension to the current hours of pick up to midnight and 1.00am is inconsistent with the above listed objectives of the zone as:

- i) the request is unreasonable in the sense that it will directly impact upon adjoining residences beyond midnight on several occasions throughout the year;
- ii) the extension of hours will not be in keeping with the rural character of the locality which currently achieves an accepted background noise level of 30dBA as identified in the applicant's Acoustic Report;

If the proposed change of pick up hours were to be approved it is expected that generated noise would exceed the Industry Standard (background level +5dBA)

which is specified in Council's Noise Policy;

- iii) the proposed extension of hours of pick ups would be disruptive and not sustainable in its nature by way of noise and light emissions impacting upon neighbouring residents after 11.00pm.

The proposed modification to the hours of day time deliveries to the farm are however felt to be consistent with the objectives of the zone as:

- i) deliveries occurring between the hours of 7.00am and 7.00pm are considered to be consistent with those deliveries made to farms and grazing parcels throughout rural areas. The proposed delivery times will not affect the character of the rural zone;
- ii) the extension to delivery hours is not unreasonable and will not adversely impact upon the character of the rural area or the local environment.

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

Camden Local Environmental Plan 2010

Pursuant to the LEP, the subject site is zoned RU1 Primary Production. The objectives of the RU1 zone are as follows:

- (a) to encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- (b) to encourage diversity in primary industry enterprises and systems appropriate for the area.*
- (c) to minimise the fragmentation and alienation of resource lands.*
- (d) to minimise conflict between land uses within the zone and land uses within adjoining zones.*
- (e) to permit non-agricultural uses which support the primary production purposes of the zone.*
- (f) to maintain the rural landscape character of the land.*

It is considered that the extension to the current hours of pick up to midnight and 1.00am is inconsistent with the above listed objectives of the zone as:

- (i) the proposed extension to hours of pick ups would adversely conflict from a noise impact perspective, between the rural residential parcels and the farm, and
- (ii) the proposed extension to hours of pick ups will exacerbate the current late night noise pollution thereby further impacting on the quiet rural landscape that adjoining residences enjoy.

Part 2 of the proposed modification to extend the hours of daytime deliveries to the site is however considered to be generally consistent with the above listed objectives due to:

- (i) the proposed change to daytime delivery hours will not adversely impact upon the existing local environment, nor will it harm the rural character of the area,
- (ii) the modified hours are felt to be appropriate and consistent with other delivery types which occur throughout rural zones, and
- (iii) the modified hours of delivery will not cause fragmentation between the farm and the closely surrounding rural-residential uses within the locality.

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

Camden Development Control Plan 2011

Camden Development Control Plan (the DCP) came into affect on 16 February 2011, replacing Camden Development Control Plan 2006. Clause A1.11 states that the entire DCP 2011 applies from this date, however DAs lodged prior may be assessed under the provisions of Camden DCP 2006, therefore both DCPs apply.

Notwithstanding, assessment of this application against either Development Control Plan will make no material difference to the outcome of the assessment.

The Section 96 modification application was notified in accordance with Council's notification policy incorporated into Part A2 "Notification Procedures" contained in the DCP.

There are no additional chapters or provisions from the Camden Development Control Plan applying to the subject use or location of the site, hence it is considered that the relevant provision of the DCP 2006 and 2011 has been provided for.

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

There are no provisions of any Planning Agreements which will apply to the assessment of this Development Application.

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

All relevant provisions of the Environmental Planning and Assessment Regulations 2000 have been satisfied by the applicant in submitting this modification application for the alteration to the current operating hours pursuant to Clause 45.

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

In considering the potential impacts of the proposed development, the severity of the impacts of each of the two (2) modifications incorporated as part of this proposal are considered in turn.

Noise

Proposal Part 1

The applicant has submitted a Noise Report prepared by Atkins Acoustics and Associates Pty Ltd. This Acoustic Assessment identified the nearest residence as being located on the southern side of Westbrook Road (85 Westbrook Road), approximately 280m from the nearest growing sheds. Measurements were taken from outside the bedroom windows on 25 June 2009.

The Acoustic Report recommended a night time assessment goal of 35dB(A) LAeq, 15min. This was determined using an accepted background level of 30dB(A) plus 5dBA.

Council's Environmental Noise Policy 2008 recommends an acceptable dB(A) LAeq noise level night time criteria from industrial sources impacting on residences of 40dB(A) LAeq in a rural setting. This is consistent with the EPA Industrial Noise Policy 2000.

Based on the assumption there could be four (4) truck movements per hour, the predicted LAeq, 1hr was 45dB(A) at the nearest residence noted in the Atkins Acoustic Report. This predicted level exceeds the assessment goal level set by Atkins and Associates by 10dB(A) and Council's accepted maximum LAeq by 5dB(A).

Sleep Disturbance Noise Levels (SDNL) are measured in accordance with the La1, 1min reading. Council's Environmental Noise Policy specifies an acceptable maximum SDNL of background LAeq + 15dB(A). In the case of this site the maximum SDNL is 45dB(A) La1, 1min.

The results of the Atkins Acoustic Report taken from measurements outside the windows of the closest residence (85 Westbrook Road) indicated that Sleep Disturbance Noise Levels ranged between 48 - 58dB(A) La1, 1min, which exceeds Council's accepted levels by between 3 and 13dB(A).

A Management Plan was submitted by the applicant proposing a number of mitigation techniques which could potentially be instigated to reduce the evident noise impacts identified within the Atkins Acoustic Report including:

- The reduction of truck entry and exit speeds to 10km/h;
- The installation of dampers and mufflers on the fork-lifts, predicted to reduce noise output by 4 to 5 dB(A);
- Concentrating fork-lift operations to the northern portions of the property being further away from the adjoining residences.

Council's Officers have reviewed the applicant's Acoustic Report and Management Plan and do not support the proposed extension of hours to chicken collection/pick up for the following reasons:

- The proposal is inconsistent with the DECCW Noise Guide for Local Government 2010 and Council's Environmental Noise Policy, based on reported and predicted noise levels and sleep disturbance criteria;
- The applicant's Acoustic Report has identified that the noise levels and predicted levels recorded at 85 Westbrook Road on the night of Thursday, 25 June 2009 emitted from the site exceed the accepted goal LAeq levels and Sleep Disturbance Levels;
- The applicant's Acoustic Report has not identified correctly the nearest property. The applicant identified 85 Westbrook Road which is approximately 200m from the poultry sheds. 104 Westbrook Road is located approximately 70m south-west of the poultry sheds which could potentially result in a higher exceedance in noise levels submitted; and

Condition 36 of original consent 1112/1999 states that:

"An acoustic engineer's report must be obtained, once the proposed development has been commissioned, detailing that the operating noise level does not exceed 5dB(A) above the background noise level when measured at the property boundary."

The Acoustic Engineer's report assessing the combined acoustic impact of the total site facilities has not been provided.

- The suggested mitigation measures in the Management Plan will assist in reducing noise, however it is considered that the noise levels will still exceed the appropriate noise levels.

Therefore based on the results of the Atkins Acoustic Report in connection with the above listed issues raised by Council officers, the proposed extension to pick up/collection hours will adversely impact on surrounding properties and is not able to be recommended for approval.

Proposal Part 2

This is the proposed extension to the day time deliveries. The applicant proposes to modify the current delivery hours from between 8.00am - 6.00pm to between 7.00am and 7.00pm. This proposed modification to delivery hours is considered to be acceptable for the following reasons:

- All associated noise impacts from trucks and operations on the site are proposed to be contained within what are considered to be acceptable day time operating hours for rural areas, and
- The proposed extension to the delivery hours will not adversely impact upon the rural amenity by way of noise, or other disturbance beyond what is currently experienced along Westbrook Road.

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

The subject site is surrounded by four (4) neighbouring residences within a 300m radius of the eight (8) chicken sheds. It is considered that the site is suitable for the use, however it is not considered appropriate to support the extended hours during the night given the adverse impacts of noise on surrounding residences.

(1)(d) Any submissions

The Section 96 Application 1112/1999(2) was notified to adjoining owners, between 14 and 28 September 2010.

A total of four (4) submissions were received by Council opposing the proposed development. The extent of the issues raised to Council within these submissions have been summarised below accompanied by an officer comment:

1. *The operation of machinery/moving of cages late at night generates excessive volumes of noise which impacts directly upon the sleeping patterns and amenity of neighbours.*

Officer Comment: As previously addressed it is agreed that late night noise

generated from truck movements at the site entrance in conjunction with site operations will adversely impact upon the amenity of adjoining properties.

2. *Light from truck headlights and machinery penetrates front windows of neighbouring properties.*

Officer Comment: Council officers have assessed the impacts of light spillage onto surrounding properties and are satisfied that the mitigation techniques proposed within the Management Plan will be adequate to address this concern.

3. *No objection/concern with the proposed modification to the daytime delivery hours to the farm.*

Officer Comment: The assessment supports the fact that this part of the proposal is not expected to have any adverse impact on surrounding neighbours or the local environment. It is the recommendation of this report that Part 2 of the modification be approved.

(1)(e) The public interest

In considering the public interest, the two parts of this proposal need to be assessed separately due to their varying impacts as addressed above.

Part 1

The proposed modification to the existing 11.00pm curfew to provide for finishing times through until 12.00am (midnight) and on twenty (20) occasions annually 1.00am, would be conflicting with the interests of the neighbouring residents due to the issues discussed in detail in this report.

Part 2

The proposed modification to the delivery hours from 8.00am - 6.00pm to 7.00am - 7.00pm is not considered to be contrary to the interests of the public as no additional adverse impact is expected to be felt by neighbouring residents.

CONCLUSION

Development consent is sought by way of Section 96 modification of the original condition 37 of development consent 1112/1999 to incorporate the following changes to hours of operations:

1. The varying of hours for collection of chickens from 11.00pm to 12.00 midnight with the addition that on up to 20 evenings in the calendar year this pick up will be extended to 1.00am.
2. The varying of deliveries to the site from between the hours of 8.00am and 6.00pm to between the hours of 7.00am and 7.00pm.

Part 1 of the development proposal has been assessed as being inconsistent with the objectives of the zone and non-compliance with both State and Local Government Noise Policies. The proposed extension to the hours of collection from 11.00pm to 12.00am and 1.00am respectively is also considered to have potential detrimental impacts on the locality as a result of excessive late night noise upon neighbouring

residents.

Part 2 of the development proposal is considered to be consistent with the relevant objectives of the zone and satisfy Council's relevant policies. It is also envisaged that the proposed extension to delivery hours will in no way adversely impact upon the amenity of the area.

DRAFT MODIFIED CONSENT

The modification, deletion or addition of any development consent condition is identified in **bold**.

PLANS

1. **Approved Plans** – the development must comply with the conditions of approval and the approved plans numbered 6568-1 and dated 20 September 1999.

Amendments – Any required amendments to the approved plans and specifications must be submitted for approval by the Consent Authority (ie Camden Council) before the amendments are effected.

The procedure for amending the approved plans is to submit an “Amended Development Application” form pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*.

2. Prior to any works commencing on this development, it is necessary to obtain a Construction Certificate.

A Construction Certificate may be obtained from Camden Council (the Consent Authority) or from an Accredited Certifier.

SECURITY DEPOSITS and FEES

3. **Works Division Fees** – The following fees must be paid to Council **prior to a Construction Certificate being issued:**

(a) Works Department inspection fee \$196.00 (small development).

The fee must be deposited into Account No A5151.203. This fee is applicable during the 1999/2000 financial year and is adjusted annually by Council.

BUILDING DESIGN and CONSTRUCTION

4. **Comply with all Conditions** – The following conditions of the consent must be complied with or addressed **prior to the issue of a Construction Certificate by the Principal Certifying Authority**. In many cases the conditions require certain details to be included with, or incorporated in, the detailed plans and specifications which accompany any Construction Certificate Application.
5. **Appointment of a Principal Certifying Authority (PCA)** – It is a requirement of the *Environmental Planning and Assessment Act* that the owner/builder /applicant appoint a Principal Certifying Authority (PCA) and that Camden Council be advised of such **prior to the commencement of works**. The PCA can be either Camden Council or an Accredited Certifier.

6. If Camden Council is not nominated as the authority to issue the Construction Certificate, the nominated Certifying Authority must within seven (7) days after the date of determining the Construction Certificate, provide the Consent Authority (ie Camden Council) with copies of the following information:
- (a) the determination, together with the application to which it relates;
 - (b) any Construction Certificate issued as a result of the determination;
 - (c) any plans and specifications in relation to which such a Construction Certificate has been issued, including a copy of the endorsed (stamped) plans and specifications;
 - (d) any Fire Safety Schedule attached to such a Construction Certificate; and
 - (e) any other documents that were lodged with the application for the certificate (such as any relevant decision on an objection under clause 80(h) or 80(i) or submitted to the Certifying Authority under clause 79(b) (*Environmental Planning and Assessment Act Regs*) (clause 79D(2) of the *Environmental Planning and Assessment Act Regs*).
7. **Notifying Council of Commencement of Works** – It is a requirement of the *Environmental Planning and Assessment Act* that you notify Camden Council at least two (2) days **prior to your intention to commence work**, the subject of this approval.
8. **Project Management** – The applicant, builder, owner or Principal Certifying Authority must ensure that the project is adequately managed and the following requirements and facilities provided and maintained throughout the duration of activities on the site:
- (a) **Building Code of Australia** – all building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
 - (b) **Excavation and Backfilling** – all excavations and backfilling associated with the erection or demolition of a building must be:
 - (i) executed safely to professional standards; and be
 - (ii) guarded and protected to prevent them from being dangerous to life or property.
 - (c) **Toilet Facilities** – toilet facilities must be provided for each site where a building is being erected in accordance with the requirements of Section 78.1 of the *Environmental Planning and Assessment Act 1979*.
 - (d) **Storage of Building Materials and Equipment** – Building materials and toilet receptacles must not be stored or placed upon public footpaths, roads or reserves.
 - (e) **Trade Waste Storage** – All builders' refuse must be contained within the confines of the subject allotment so as to prevent nuisance and all such waste shall be removed from the site at or prior to completion and occupation of the project.

To minimise the opportunity for wind blown nuisance, the site shall be provided with a waste receptacle to contain all plastic, paper, cardboard and other lightweight wastes. The waste receptacle shall be installed at initial site works. All wastes capable of being windblown shall be placed within the waste receptacle.

The provision of an industrial waste container, or alternatively, an enclosure consisting of four (4) star posts driven into the ground at 2m centres with 1m high shade cloth stretched around the posts would meet Council's current requirements.

- (f) **Erosion and Sediment Control** – Approved erosion and sediment control provisions must be installed on the site **prior** to any soil disturbance or site works commencing.

All such works must be undertaken in strict compliance with the Camden Council's adopted "Erosion and Sediment Control Policy" dated October 1995. Copies are available from Council on request.

Sediment control fencing must be maintained during the construction process and left in an operational manner on site when the building is complete or until such time as turf has been established.

- (g) **Burning Waste** – The burning of builder's trade waste is prohibited. All waste must be regularly taken to an approved trade waste/recycling depot.

Compliance with the above requirements satisfies prescribed requirements of Section 78 of the *Environmental Planning and Assessment Act*, the *Local Government Act 1993* and *Protection of the Environmental Operations Act 1997*.

9. **Building Classification** – The proposed development has been assessed under the provision of the *Building Code of Australia* as:

Class – 7
Rise – one (1) storey
Type – C Construction

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

10. **Hours of Operation** – All construction work must be restricted to between:

- (a) 7.00am and 6.00pm, Mondays to Fridays (inclusive);
- (b) 7.00am to 4.00pm, Saturdays, provided construction noise is inaudible to adjoining residential properties, otherwise 8.00am to 4.00pm;
- (c) and is prohibited on Sundays and Public Holidays.

11. **Building Inspections** – The Principal Certifying Authority (PCA) must determine when inspections and Compliance Certificates are required. Where the Consent Authority (ie Camden Council) is nominated as the PCA, the following stages must be inspected and passed **prior to proceeding to the subsequent stages of construction.**

- (a) **Pier Holes** – Pier holes prior to placement of concrete.

- (b) **Foundation Preparation** - The foundation prior to the placement of slab preparation (ie prior to plastic and sand being placed).
 - (c) **Wall and Roof Framing** – When the wall and roof frame work have been completed (with plumbing and electrical wiring installed), brick work complete (internal and external) and the roof loaded with its covering material. **See note 1.**
 - (d) **Final** – The development is completed and **before occupation or use** is commenced. Furthermore, any required Fire Safety Certificate/s (in accordance with Part 7B Divisions 1 to 5 of the *Environmental Planning and Assessment Amendment Regulations, 1998*) and nominated Compliance Certificate must also be submitted to the Consent Authority (ie Camden Council) before use or occupation.
12. **Civil Engineering Compliance Certificate** – Inspections by the Works Department of Camden Council must be at the following stages and subject to payment of appropriate inspection fee to Council or Compliance Certificates from an Accredited Certifier including documentary evidence/ plans:
- (a) Prior to installation of erosion and sediment control structures.
 - (b) Prior to backfilling pipelines, subsoil drains and dams.
 - (c) Proof roller test of subgrade and sub-base.
 - (d) Final inspection after all works are completed.
13. **Structural Engineering Plans** – Where the Consent Authority (ie Camden Council) is nominated by the applicant to be the Principal Certifying Authority (PCA) certified Structural Engineering details must be submitted to Council for the undermentioned nominated works before a Construction Certificate can be issued:
- (a) structural steelwork;
 - (b) wall and roofing framework bracing details.
14. **Structural Certification (Completed Building)** – A Compliance Certificate from a practising Structural Engineer must be submitted to Camden Council upon completion and **prior to occupation of the building** certifying that the building has been erected in accordance with the approved structural details and is structurally adequate for the imposed loads.
15. The building must be finished in a mist green colour.
16. The maximum height of the proposed silos shall be 5m, measured from the finished ground level.
17. The chicken sheds must be a fully enclosed building constructed of insulated panels with mechanical ventilation and artificial lighting.

ROADWORKS/FOOTPATHS/TRAFFIC

18. **Civil Engineering Plans** – Indicating drainage, driveways and carparking areas

must be prepared in accordance with Council's standards as contained in the document "Guidelines for Preparation of Plans and Design Principles Relevant to Engineering Construction Works (Subdivision and Development Works)" and submitted for approval to the Certifying Authority **prior to the Engineering Construction Certificate being issued.** The fees for the Engineering Construction Certificate is fixed at \$ for 1st submission and \$ for 2nd submission, and hourly rate \$ for any subsequent submissions. The payment must be paid into Account No.

19. **Design Standards** – All civil engineering work associated with the development must be carried out in accordance with the requirements of Council's standards contained in the document – "Construction Specifications for Road Work, Drainage and Other Work Associated with Subdivision and Other Developments", available for purchase for \$20 from Council.
20. The access way must be provided in accordance with the Plan submitted with the Development Application.
21. The proposed access to the property shall incorporate sealed tapers for semi-trailers to enter and exit with minimum damage to Westbrook Road. Details shall be submitted with the Civil Engineering Plans.
22. The entry gate shall be located 25m from the front boundary, and the roadway between the gate and Westbrook Road must be sealed. Details to be provided with the Civil Engineering Plans.

STORMWATER

23. All stormwater from the site shall be directed to the proposed dam on the site.
24. The proposed dam must be fitted with a release mechanism which ensures that the flow of water from the site after the development has been established is equal to or less than the discharge rate prior to the development commencing. Details to be provided with the Civil Engineering Plans.
25. Seepage and surface water must be collected and diverted clear of the sheds by a subsurface/surface drainage system.

SITE LANDSCAPING

26. **Required Plans** – A detailed Landscape Plan must be prepared and certified by a qualified landscape architect or suitable qualified persons knowledgeable in the field. Landscape plans must contain the following information:
 - (a) outline of the proposed building;
 - (b) provide for the embellishment of the site with suitable ground covers, shrubs and trees to complement the height, scale, design and function of the approved development;
 - (c) proposed planting (quantity, species and expected mature height);
 - (d) include measures designed to enable the easy term maintenance of the property;

(e) include provision for the planting of a combination of 35 litre , 75 litre and 100 litre.

The landscaping must involve screen plantings along the southern, eastern and northern boundaries and the proposed roadway to ensure full screening of the proposed sheds.

27. **Landscaping** – Site landscaping must be undertaken in accordance with the Camden Council approved plans, and any amendments made thereto.

Landscaping areas must be maintained at all times and dead plants, shrubs or trees replaced immediately.

Approved plant species must not be replaced with other varieties unless the **prior written approval of Camden Council has been obtained.**

All landscaping must be provided prior to a Construction Certificate being issued for the building works.

28. A watering system must be provided to all required landscaped areas.

ENVIRONMENTAL CONTROLS

29. **Management Plan** – An Environmental Management Plan which addresses the manner in which the existing and proposed operations are to be conducted and monitored must be prepared by a suitably qualified person. The plan must be submitted to Camden Council for consideration **prior to the Construction Certificate being issued.**

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

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

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

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

(a) existing and final contours.

(b) the location of all earthworks including roads, areas of cut and fill and re-grading.

(c) location of impervious areas other than roads.

(d) location and design criteria of erosion and sediment control structures.

- (e) location of topsoil or other stockpiles.
 - (f) diversion of uncontaminated upper catchment around areas to be disturbed.
 - (g) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
 - (h) procedures for maintenance of erosion and sediment controls.
 - (i) details and procedures for dust control.
32. **Re-vegetation** – Re-vegetation to the Consent Authority’s (ie Camden Council) specification must be applied to all disturbed areas as soon as practical and within fourteen (14) days after completion of earthworks.
33. **Truck Shaker Required** – Adequate precautions must be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition. In this regard a “truck shaker ramp” must be provided at the Westbrook Road frontage. Details of the “**cattle grid style**” shaker must be shown on the Sediment Control Plans.
34. **Maintenance of Soil Erosion Measures** – All required soil erosion and sediment control measures must be maintained during the entire construction period until all disturbed areas are restored by turfing, paving or re-vegetation.
- Infringement Notices, incurring a monetary **penalty of \$600.00**, may be issued by the Consent Authority (ie Camden Council) where the maintenance of measures is inadequate.
35. The proposed development must be constructed and operated in accordance with the requirements contained in the report prepared for the development by Dick Benbow & Associates Pty Ltd, Environmental and Occupational Health Engineers.
36. **Acoustic Engineer’s Report Required** – An Acoustic Engineer’s Report must be obtained once the proposed development has been commissioned, detailing that the operating noise level does not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises.

SITE OPERATIONS

37. **Site Operations: All deliveries to the site shall be made between the hours of 7.00am and 7.00pm. The collection of chickens must be completed by 11.00pm.**
38. All dead birds are to be collected of a morning and evening and stored in a refrigerated container until collected by an external contractor.
39. No manure or shed litter is to be stored on-site. All manure and shed litter is to be deposited directly into trucks and removed from the site.
40. All vehicles entering and leaving the property are to be suitably covered.
41. The farm and poultry shed areas must be kept in a clean and tidy manner at all times. The farm grounds shall be kept free from rubbish, long grass and other material.

42. All detergents utilised in the wash down of the sheds shall be biodegradable .
43. Industry Best Management Practises shall be employed at all times in the operation of the existing farm and the proposed development.

EARTHWORKS

44. **Drainage Patterns Not to be Affected** – Filling must be undertaken in accordance with the approved plans and in such a manner that the drainage pattern on the site and on adjoining properties is not altered.
45. **Desilting Dams or Creeks** – A Geotechnical Report must be submitted detailing works required to desilt any existing dams or creek beds in conjunction with the engineering drawings **prior to the Construction Certificate being issued.** Such report must be prepared by a suitably qualified and experienced Geotechnical Engineer.

COMPLETION/ OCCUPATION CERTIFICATE

46. **Occupation Certificate** – A final Occupation Certificate must be issued by the Principal Certifying Authority (PCA) **prior to the occupation or use of the development.** In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 109H of the *Environmental Planning and Assessment Act 1997* have been satisfied.

END OF CONDITIONS

RECOMMENDED

That Council approve in part the Section 96 modification application DA1112/1999 by way of a modification to Condition No 37 to read:

(37) Site Operations: All deliveries to the site shall be made between the hours of 7.00am and 7.00pm. The collection of chickens which must be completed by 11.00pm.

ATTACHMENTS

1. Location plan
2. Submissions (sup doc)



DA1112-1999 Submissions.pdf Location Plan - 90 Westbrook Rd Cawdor.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Cagney that:

- i Council approve the Section 96 modification application DA1112/1999 by way of a modification to Condition No 37 to read:

(37) Site Operations: All deliveries to the site shall be made between the hours of

7.00am and 7.00pm. The collection of chickens which must be completed by 12.00pm midnight, with collection being permitted by this consent up to 1.00am for a maximum of twenty times each year.

- ii. Council officers enter into discussions with the owners of the Poultry Farm with the objective of identifying and implementing modifications to the Site Management Plan which would further reduce and manage noise levels from the Poultry Farm.
- iii. a new condition (37a) be inserted into the Consent, to read:

A Site Management Plan, relating to site operations must be prepared and submitted to Council for its concurrence within three (3) months of this Consent. All site operations are to be undertaken in accordance with the Site Management Plan.

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

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

Councillor Anderson voted against the Motion).

ORD87/11

ORDINARY COUNCIL

ORD02

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

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	985(6)/2009
OWNER:	Dart West E P Pty Ltd and Marist Brothers
APPLICANT:	Dart West Developments Pty Ltd
ZONING:	B5 Business Development, IN1 General Industrial and R1 General Residential
APPLICABLE PLANNING INSTRUMENT:	State Environmental Planning Policy (Sydney Region Growth Centres) 2006

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Section 96 Modification application to a previously approved industrial/commercial subdivision at Nos 630 (Lot 90, DP 1137298) and 630 A (Lot 1184, DP 1153632) Camden Valley Way, Gregory Hills. The modification is a relatively minor change to the sizes of lots 201, 202, 203 and 401. The application is referred to Council in accordance with its delegations as Council previously approved the original development application.

SUMMARY OF RECOMMENDATION

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

BACKGROUND

The South West Growth Centre was initially announced in 2005 and the Turner Road precinct was rezoned for development on 21 December 2007. The Part B DCP for the Turner Road Precinct employment area allowing development to be approved on the subject sites was adopted on 26 August 2009. These sites are located in the Turner Road precinct of the South West Growth Centre.

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

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

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

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

Council received a second Section 96 Modification application (985(3)/2009) on 19 October 2010. This application sought to reduce Section 94 Contributions payable for this development and was ultimately withdrawn by the applicant.

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

At the meeting of 22 February 2011, Council subsequently approved a fifth Section 96 Modification application (985(5)/2009) to this development which approved an additional subdivision stage and a modified subdivision layout.

The subject modification application (modification 5) was received on 28 March 2011. This application was not publicly exhibited as it is not required by Camden Development Control Plan 2011. This proposal is for increasing the area of proposed lot 201 from 2,606m² to 3,210m²; increasing the area of proposed lot 202 from 2,600m² to 2,983m²; increasing the area of proposed lot 203 from 2,800m² to 3,580m²; and reducing the area of proposed lot 401 from 20,000m² to 18,231m² as a consequence of the above increases.

The application has been assessed and is now able to be referred to Council for determination, subject to the draft modified development consent conditions provided at the end of this report.

THE SITE

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

The sites are largely vacant and have undergone bulk earthworks following the approval of the original industrial/commercial subdivision application.

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

The subject Development Application relates to a substantial part of the Turner Road employment land. It is envisaged that the employment area will contain a wide range

of employment generating businesses including 40,000m² of bulky goods floor space with service and business developments adjacent to Camden Valley Way and Gregory Hills Road. A significant part of the employment area is also zoned for industrial and storage development.

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

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

THE PROPOSAL

A Section 96 Modification application to Development Consent 985/2009 is sought to make minor adjustments to the approved lot layout by:

- increasing the area of proposed lot 201 from 2,606m² to 3,210m²;
- increasing the area of proposed lot 202 from 2,600m² to 2,983m²;
- increasing the area of proposed lot 203 from 2,800m² to 3,580m²; and
- reducing the area of proposed lot 401 from 20,000m² to 18,231m² as a consequence of the above increases.

The variation of 2m² between the total increases and total decreases in area above are understood to be a result of total areas being rounded off and has no effect on the final formation of the lots.

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

NOTIFICATION

Public notification was not carried out for this modification application as it is not required by Camden Development Control Plan 2011. No public submissions have been received.

PLANNING CONTROLS

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

- Turner Road Development Control Plan 2007.

ASSESSMENT

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

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

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

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

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

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

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

Part B3: Turner Road Employment Area

3.2 - Subdivision

The modified subdivision will still fully comply with the DCP requirements in terms of minimum lot sizes and orientation. The lot adjustments are very minor in nature and will have no impact upon any surrounding properties or the environment.

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

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

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

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

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

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

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

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

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

(1)(d) Any submissions

Public notification was not carried out for this modification application as it is not required by Camden Development Control Plan 2011. No public submissions have been received.

(1)(e) The public interest

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

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

CONCLUSION

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

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

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

DRAFT MODIFIED CONDITIONS

This Section 96 Modification approves the following modifications subject to and specifically referred to in the modified Development Consent Conditions set out below:

- a minor adjustment to the approved lot layout by increasing the area of proposed lot 201 from 2,606m² to 3,210m², proposed lot 202 from 2,600m² to 2,983m² and proposed lot 203 from 2,800m² to 3,580m². These adjustments consequently reduce the area of proposed lot 401 from 20,000m² to 18,231m².

Development Consent Conditions:

The modification, deletion or addition of any development consent condition is identified in **bold**.

1.0 - General Requirements

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

The Applicant and Consent Authority (ie. Camden Council) are to agree on the Date of Practical Completion of the Landscaping Works, prior to the commencement of the 24 month maintenance period.

At the completion of the 24 month landscaping maintenance period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, garden areas or lawn areas in a state of decline,

damaged or missing are to be replaced or restored to a healthy and vigorous condition.

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

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

- (2) **Residual Soil from Area of Environmental Concern 18** – All residual soil that is to be used on site as fill shall meet the contamination criteria (HIL's) for that proposed use. **(This condition was modified by Section 96 Modification 985(4)/2009).**

- (3) **Noxious Weeds** - As per the requirements of the Noxious Weeds Act 1993, the applicant must fully and continuously suppress and destroy, by appropriate means, the following noxious weeds found to be present on the property.

- African Boxthorn (*Lycium ferocissimum*)
- African Olive (*Olea europaea* subsp *cuspidate*)
- Fire Weed (*Senecio astertaceae*)

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

The applicant must also ensure other noxious or invasive weed infestations that occur during or after subdivision and prior to sale of the new lots, must be reported to Council and fully eradicated by appropriate means.

The applicant must ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

- (4) **Stormwater Quality/Quantity** - All water quality and quantity facilities are to be designed, constructed and operated in accordance with the Turner Road Development Control Plan 2007 and Camden Council's Engineering Specifications.

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

Subdivision/Staging/Road Layout Plans

- Plan of proposed subdivision (stage one A) dwg. no. 58913 STAGE 1A rev. C dated 24 March 2011 by Lean Lackenby & Hayward.
- Plan of proposed subdivision (stage one B) dwg. no. 58913 STAGE B rev. B dated 12 January 2011 by Lean Lackenby & Hayward.
- Plan of proposed subdivision (stage two) dwg. no. 58913 SUB STAGE 2 rev. B dated 24 March 2011 by Lean Lackenby & Hayward.
- Plan of proposed subdivision (stage three) dwg. no. 58913 STAGE 3 rev. A dated 17 December 2010 by Lean Lackenby & Hayward.
- Plan of proposed subdivision (stage four) dwg. no. 58913 STAGE 4 rev. A

- dated 24 March 2011 by Lean Lackenby & Hayward.
- Plan of proposed subdivision (stage five) dwg. no. 58913 STAGE 5 rev. B dated 12 January 2011 by Lean Lackenby & Hayward.
- Plan of proposed subdivision (stage six) dwg. no. 58913 STAGE 6 rev. A dated 17 December 2010 by Lean Lackenby & Hayward.
- Cross Section Locality Plan – Central Hills Business Park by Development Planning Strategies.*
- Road Cross Sections – Central Hills Business Park by Development Planning Strategies.*

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

Landscape Plans

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

Civil Engineering Plans

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

Reports

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

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

Council hereunder.

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

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

(This condition was modified by Section 96 Modification 985(6)/2009).

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

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

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

(This condition was modified by Section 96 Modification 985(2)/2009).

- (7) **Median Strips** – The approved median strip along the centre of approved road 1501 must be completely unbroken with no gaps/turning bays.
- (8) **Entry Sign** - This Development Consent only approves 1 entry sign to be located on the corner of proposed road 1501 and the future Gregory Hills Drive wholly within proposed lot 408.

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

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

No illumination of this sign by any means is permitted.

(This condition was modified by Section 96 Modification 985(2)/2009).

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

Notwithstanding, electrical pad-mounted substations and sewer access chambers/mains, **MUST NOT** be located within any proposed/existing section of public road, **EXCEPT** where such subsurface plant/infrastructure is required to traverse the proposed/existing public road. In such circumstances the traverse length must be minimal with the final location of the traverse being confirmed by the Principal Certifying Authority/Roads Authority **prior to the commencement of any**

associated work.

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

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

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

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

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

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

The certified copies of traffic signal design and civil design plans shall be submitted to the RTA for consideration and approval **prior to the issue of a Construction Certificate and commencement of any road works.**

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

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

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

2. The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
3. Land shall be dedicated by the developer to provide the intersections and a minimum 3.5m footway width on Camden Valley Way along the site frontage.
4. If any excavation works are to occur adjacent to Camden Valley Way, the RTA requires the submission of civil design plans which provide details on the level of excavation and a geotechnical report to the RTA for approval prior to the

commencement of excavation on the site.

5. A separate RTA letter dated 9 March 2010 was sent to Council with regard to the approval of traffic signals on Gregory Hills Drive which includes the intersection of Gregory Hills Drive/proposed road 1501/proposed road 1601.

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

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

(This condition was modified by Section 96 Modification 985(2)/2009).

- (13) **Roundabout** - The proposed roundabout at the intersection of proposed roads 1902, 1903 and 1904 is only approved as a three leg roundabout. The proposed fourth leg extending into proposed lot 204 is not approved and must be subject to a further development application to Council. **(This condition was added by Section 96 Modification 985(2)/2009).**

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

2.0 - Construction Certificate Requirements

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

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

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

- (a) Clearly show the deletion from the Concept Landscaping Plan of the proposed street tree planting of *Casuarina cunninghamia* and replacing that variety with *Pyrus calleryana* 'Chanticleer' and/or *Pyrus calleryana* 'Glens Form' and/or *Pyrus calleryana* 'Capital'.
- (b) All street trees must have well constructed and appropriate tree guard protection. As a minimum standard requirement, each street tree must have at least 4 bollards affording appropriate protection. The bollards are to be centrally located between the path and kerb and installed 1m from the tree stem. The bollards are to be sourced in 1.8m lengths which will allow for 1.2m above ground exposure and 0.6m buried support. The timber bollards are to be

150mm x 150mm , pointed and double routed. The bollards are to be at a durability minimum of H4 CCA treated.

- (c) All landscape elements such as seating, entry statements, entry signage, bubblers, signage, shade structures, paths , cycle ways, dog and litter bins and furniture elements.
- (d) A detailed Planting Schedule, which includes species listed by botanical and common names, quantities, planting sizes and the estimated size of the plant at maturity. The detailed planting schedule should clearly indicate that all street trees are not to be planted closer than 1m to the roadside kerb.
- (e) The Planting Schedule must clearly indicate that all street trees are to be sourced in 75 to 100 lt container size.
- (f) Street trees must have root guard protection installed fronting the kerbside of any road and any footpath/ shareway side. The detailed Landscaping Plans for CC issue must provide complete details regarding type, installation, specifications and required maintenance of the proposed root guard protection installation.
- (g) The following proposed street tree selections nominated in the DA lodged Concept Landscape Plans are not to be used as street trees: *Corymbia maculata*, *Brachychiton acerifolius*, *Casuarina* species, or any type of *Eucalyptus* species. The detailed Landscaping Plans for CC issue must show appropriate street tree selections and those selections must be agreed upon by the Consent Authority (ie. Camden Council) prior to installation in Council Nature Strip or Road Verge areas.
- (h) The road median strips and splitter islands are not to be planted out or have soft Landscaping installed as nominated in the DA lodged Concept landscape Plans. The detailed Landscaping Plans for CC issue must show appropriate hard surface material to be used in the road median strips and splitter islands.
- (i) Council Nature Strip and Road Verge areas are not to have garden beds or any type of gardens installed as nominated in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must clearly show that garden areas or garden beds are not to be installed in Council Nature Strip or Road Verge areas.
- (j) Council Nature Strip and Road Verge areas are not to have any type of permanent landscaping features or fixtures, feature walls or entry signage installed as shown in the DA lodged Concept Landscape Plans. The detailed Landscaping Plans for CC issue must clearly show that no permanent features, feature walls or entry signage are to be installed in Council Nature Strip and Road Verge areas.
- (k) All exposed Nature Strip and Road Verge areas are to be turfed. The detailed Landscaping Plans for CC issue must clearly show the lawn type, installation details and proposed 24-month maintenance regime for all turfing installed in Council Nature Strip and Road Verge areas.
- (l) Signage banners are not to be installed in road median strips or splitter islands as shown on the DA lodged Landscape Concept Plans. The detailed Landscaping Plans for CC issue must clearly show that signage banners are

not proposed for any road median strips or splitter islands.

(This condition was modified by Section 96 Modification 985(2)/2009).

- (2) **Site Validation Report** - A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's contaminated sites adopted policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works.
- (3) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Turner Road Development Control Plan and Camden Council's Engineering Specifications and are to be submitted for approval to a Certifying Authority **prior to a Construction Certificate being issued.**
- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

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

- (4) **Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:
- (a) All matters associated with Council's Erosion and Sediment Control Policy.
 - (b) All matters associated with Occupational Health and Safety.
 - (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
 - (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
 - (e) Any construction work which involved access to public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.
- (5) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to Council **prior to the issue of a Construction Certificate.**

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

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

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

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

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

- (8) **Temporary Turning Head** - A temporary sealed turning head must be provided at the end of all staged road construction in accordance with the current edition of Austroads Design Vehicles and Turning Path Templates, and specifically the B-Double design vehicle. The pavement must be constructed to the ultimate road levels and pavement depth. Any additional land required for such works must be provided for the ultimate road alignment by way of a Right of Way to be extinguished upon extension of the road.

- (9) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the Roads and Traffic Authority). Plans and proposals must be approved by Camden Council and the Roads and Traffic Authority **prior to a Construction Certificate being issued.**

- (10) **Public Risk Insurance Policy - Prior to the issue of the Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided.

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

- (11) **Drainage Design** - A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future

developments of land adjoining the site and overland flow from adjoining properties.

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

Details must be forwarded to:

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

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the civil works requirements please contact the RTA's Project Engineer, External Works ph: 9949 2114 or fax: 8849 2766.

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

Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed where sewer is proposed adjacent to inter-allotment drains.
- (16) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this

development. If necessary an on site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the Certifying Authority for approval with the Construction Certificate.

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

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

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

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

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

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

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

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

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

- (a) existing and final contours

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

(18) **This condition was deleted by Section 96 Modification 985(2)/2009.**

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

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

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

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

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

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

- i) within any proposed public road and/or drainage reserve contained within the site,

- ii) within any proposed residue lot contained within the site,
- iii) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.

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

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

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

and must not concentrate final discharge flows from the facility.

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

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

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

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

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

(26) **Site Regrading** – All site regarding areas must be shown on the engineering plans and ensure that:

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

(This condition was modified by Section 96 Modification 985(2)/3009).

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

(28) **Horizontal Curves** – The size of all horizontal curves is to be determined by the

turning path requirements of the B-Double design vehicle in accordance with the current edition of Austroads - Design Vehicles and Turning Path Templates.

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

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

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

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

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

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

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

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

- (35) **Retaining Walls** - All retaining walls must be designed and certified by a suitably qualified Structural Engineer. Retaining walls shall incorporate all necessary easements for support and maintenance or be designed to transfer any loads so that no adjoining easement, public road/reserve or property is burdened or restricted by the presence of the retaining wall.

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

(This condition was added by Section 96 Modification 985(2)/2009).

3.0 - Prior To Works Commencing

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.
- (2) **Single Access Point** - A single access point must be provided to the site **prior to commencing construction work.**
- (3) **Modified “Construction” On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual** - Prior to the completion of the modified “construction” on-site detention/sediment control basin and water quality facility, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for approval.
- (4) The manual must be prepared by a suitably qualified professional in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom and must provide detailed information regarding the following:
 - iii) method of desilting
 - iv) method of removal of sediment and gross pollutants
 - v) method of removal of noxious weeds.

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

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

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

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

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

must be lodged with Camden Council.

The bond:

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

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

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the Turner Road Development Control Plan and must provide detailed information regarding the following:

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

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

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

Methodology for attainment of the required water quality discharge parameters.

Discussion of sampling results. A comparison of results with respect to the level of

compliance with water quality targets/ criteria will be required and include recommendations for corrective action where non-compliance is determined.

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

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

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

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

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

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

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

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

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

The water quality component must have the following:

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

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

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

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

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

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

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

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

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

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

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

The sign must be:

- (i) located within the site,
- (ii) clearly visible and legible from the carriageway of any adjacent public road,
- (iii) a minimum size of 300mm x 400mm,

- (iv) erected prior to the commencement of any work, and
- (v) maintained throughout the duration of the construction works.

Note:

- 1 The Certifying Authority and principal contractor must ensure that the sign/s required by this condition are erected and maintained.
- 2 Any such sign may only be removed when the Department of Lands - Land and Property Information have registered the Subdivision Certificate/Plan of Subdivision.

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

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

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

Note:

- 1 No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted **by a Certifying Authority**.
- 2 Public thoroughfares must not be obstructed in any manner whatsoever during the works.

4.0 - During Construction

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

- (1) The validation of the fill material must be done prior to use of any fill material and a validation report must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- (2) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards, protective bollards if applicable which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (3) **Salinity Management Plan** – All development approved by this Development

Consent shall be designed and constructed in accordance with the Salinity Management plan prepared by Douglas Partners project 40741 .14 Revision 2 dated January 2010.

- (4) **Asbestos Removal** – The removal of asbestos shall be carried out in accordance with the Asbestos Code of Practise for the Safe Removal of Asbestos (National Occupational Health and Safety Commission, 2005).
- (5) **Asbestos Waste** – All asbestos waste must be lawfully transported to a waste facility that is classified for the disposal of asbestos and a copy of the tipping receipts being submitted to Council at the completion of remediation works and prior to the issue of the Construction Certificate.
- (6) **Surface Rubbish** – The surface rubbish (i.e. building rubbish) that was encountered on the site shall be appropriately disposed of to a DECW approved landfill.
- (7) **Potential For Contamination** – Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earthworks / site preparation / construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

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

- (8) **Excavated Material** - All excavated material from AEC 18 shall be mechanically screened to remove any rubble, building materials, metals, bricks, concrete and timber to ensure that the residual soil that is going to be used as fill is free of contaminants. The screened material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlns/index.htm).

Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

(This condition was modified by Section 96 Modification 985(4)/2009).

- (9) **Protection of the Environment Operations Act 1997** – All work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the property boundary.
- (10) **Sediment and Erosion Control Measures** - Sediment and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.
- (11) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably

covered to prevent dust and odour nuisance.

- (12) **Noise Levels** - Noise Levels emitted during construction and remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

- (13) **Compaction** - Any filling up to 1.0m on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material and a validation report must be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications must be submitted to Council **prior to the issue of any Subdivision Certificate.**

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

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

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

The validation report and sampling location plan must be prepared:

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

ii) in accordance with:

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

iii) and confirm that the fill material:

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

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

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

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

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

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

- (20) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (21) **Fencing of the "Construction" On-site Detention /Sediment Control Basin** – Any "construction" on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.
- (22) **Unexpected Finds (Relics)** - Should any relics be discovered during any stage of the approved works, all works must cease immediately and the Heritage Branch of the Department of Planning must be contacted regarding the finds.
- (23) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Engineering Specifications.

5.0 - Subdivision Certificate

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

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

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

Note:

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

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

The bond period is to commence on the date of issue of Subdivision Certificate and the work is required to be held for 5 years from completion or upon at least 80% of the subdivision occupancy.

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

Note:

- 1 In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash/cheque or bank guarantees is applicable.
 - 2 It should be noted that Council will not refund/release the maintenance bond, unless a suitable replacement bond is submitted.
- (4) **Value of Works - Prior to issue of any Subdivision Certificate** the applicant must submit an itemised value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request.
- (5) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate** lot numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

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

- 1 Lot numbers:

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

2. Street names:

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

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

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

Note:

- 1 In accordance with Council's current Fees and Charges an administration fee for processing of bonds into form of cash/cheque or bank guarantees is applicable.
 - 2 It should be noted that Council will not refund/release the maintenance bond unless a suitable performance bond is submitted.
- (7) **Surveyor's Report - Prior to the issue of any Subdivision Certificate** a certificate from a registered surveyor must be submitted to the Certifying Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (8) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Integral Energy approval and the satisfaction of Council. All physical works must be completed **prior to the issue of any Subdivision Certificate**.
- (9) **Services** - All services (water, sewer, electricity, telephone and gas) (including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

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

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
- Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

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

- A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
- A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.

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

construction.

- (10) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (11) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (12) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (13) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.
- (14) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
- (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.
 - (d) Easement for on-site detention.
 - (e) Easement for water quality.
 - (f) Easement for support.
 - (g) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-of-Way shall be responsible for ongoing maintenance and the Public Liability of the Right-of-Way.
 - (h) Restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type.
 - (i) Restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council.
 - (j) Restriction as to user on all lots requiring that all buildings, landscaping and associated works must be constructed in accordance with the Salinity Management Plan project no. 40741 .14 revision 2 dated January 2010 by Douglas Partners.
 - (k) Restriction as to user on lot 1184, DP 1153632 specifying that lots 101-105 (inclusive) and lots 111-114 (inclusive) may access the 2.5m wide area at the rear of those lots for the purposes of building/landscape maintenance.
 - (l) Restriction as to user on lots 101-105 (inclusive) and lots 111-114 (inclusive) specifying that the rear façades of future buildings on these lots must be permanently maintained. Maintenance access may be gained through the 2.5m wide area at the rear of these lots however each maintenance access event

must first be approved by Camden Council before occurring.

The instrument must also indicate that Camden Council is the only authority permitted to modify, vary or extinguish such easements and restrictions as to user.

(This condition was modified by Section 96 Modification 985(5)/2009).

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

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

(a) in accordance with the approved plans,

(b) to the requirements of Camden Council,

(c) when Occupation Certificates for dwellings associated with 70-80% of the lots have been issued.

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

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

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

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

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

(19) **Public Road Access** – No Subdivision Certificate for any of the approved subdivision stages will be issued until such time as the subject lots are connected, via public road reserve, to a portion of Badgally Road which is publicly dedicated in accordance with the location of that road as shown on the adopted ILP for the Turner Road Precinct.

(20) **Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision stage 1A of the approved development and pursuant to **Oran Park**

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

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$95,893		
Transport management – project management	\$2,187		
Transport management – sub total	\$98,080		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$98,080		

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

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

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

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

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

(This condition was modified by Section 96 Modification 985(6)/2009).

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

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$86,866		
Transport management – project management	\$1,982		
Transport management – sub total	\$88,868		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$88,686		

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

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

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

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

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

dedicated to Council free of cost.

(This condition was modified by Section 96 Modification 985(6)/2009).

(22) **Section 94 Contributions – Prior to the issue of any Subdivision Certificate** for subdivision stage 3 of the approved development and pursuant to **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$33,173		
Transport management – project management	\$757		
Transport management – sub total	\$33,930		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$33,930		

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

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

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

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

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

(This condition was modified by Section 96 Modification 985(6)/2009).

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

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$55,218		
Transport management – project management	\$1,260		
Transport management – sub total	\$56,478		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$56,478		

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

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

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

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

with compensation to be agreed in writing between Council and the developer, such as through a Works In Kind Agreement.

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

(This condition was modified by Section 96 Modification 985(6)/2009).

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

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$95,241		
Transport management – project management	\$2,173		
Transport management – sub total	\$97,414		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$97,414		

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

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

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

(c) Additional Land Area. The Indicative Layout Plan in the Oran Park

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

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

(This condition was modified by Section 96 Modification 985(6)/2009).

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

Infrastructure Type	Monetary Amount (a)	Land Area (m²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$139,970		
Transport management – project management	\$3,193		
Transport management – sub total	\$143,163		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$143,163		

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

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

(b) Land Area. The amount of land specified in the Land Area column of the

above table must be dedicated to Council free of cost.

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

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

(This condition was modified by Section 96 Modification 985(2)/2009).

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

(This condition was added by Section 96 Modification 985(5)/2009).

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

Infrastructure Type	Monetary Amount (a)	Land Area (m ²) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$0		
Open space and recreation – works	\$0		
Open space and recreation – project management	\$0		
Open Space and recreation – sub total	\$0		
Community facilities – land	\$0		
Community facilities – works	\$0		
Community facilities – project management	\$0		
Community facilities – sub total	\$0		
Transport management – land	\$0		
Transport management – works	\$29,878		
Transport management – project management	\$682		
Transport management – sub total	\$30,560		
Water cycle management – land	\$0		
Water cycle management – works	\$0		
Water cycle management – project management	\$0		
Water cycle management – sub total	\$0		
Total	\$30,560		

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

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

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

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

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

(This condition was added by Section 96 Modification 985(6)/2009).

END OF CONDITIONS

RECOMMENDED

That Council approve Section 96 Modification 985(6)/2009 for a modified industrial/commercial subdivision at Nos 630 (Lot 90, DP 1137298) and 630A (Lot 1184, DP 1153632) Camden Valley Way , Gregory Hills subject to the draft development consent conditions shown above.

ATTACHMENTS

1. Location plan
2. Amended plans



Amended Plans DA985-2009 (6).pdf



Location map - DA985(6) 2009.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that Council approve Section 96 Modification 985(6)/2009 for a modified industrial/commercial subdivision at Nos 630 (Lot 90, DP 1137298) and 630A (Lot 1184, DP 1153632) Camden Valley Way, Gregory Hills subject to the draft development consent conditions shown above.

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

(Councillors Anderson, Campbell, Cagney, Cottrell , Dewbery, Funnell , Symkowiak,

Warren voted in favour of the Motion.
No Councillor voted against the Motion).

ORD88/11

ORDINARY COUNCIL

ORD03

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

PURPOSE OF REPORT

The purpose of this report is to seek Council's further direction in relation to a proposed list of street names within the Mater Dei release area.

BACKGROUND

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

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

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

The developer acting on behalf of the Sisters of Good Samaritan, has put forward a list of names to be considered by the community to be used in new roads on their land. The list of names are of people who worked at Wivenhoe in the 1800's.

The new roads are part of a proposed subdivision within Precinct B in Mater Dei. This development (DA192/2008) was approved on 24 July 2009 for a 210 lot subdivision, which is being marketed as "Kirkham Rise".

At the meeting of 22 February 2011, Council resolved to endorse a list of new road names for use in the Mater Dei release area; to proceed with the new road naming process; and be provided with a further report detailing the results of a 30 day public exhibition period.

The exhibition period is now completed and the outcome is able to be reported.

MAIN REPORT

The Geographic Names Board of NSW (the GNB) has advised Council that the following process is required to be followed by the relevant roads authority in respect of having new road names approved. In this instance, Council is the road names authority:

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

Steps 1 to 7 have been completed and this report has been prepared in accordance with **Step 8**.

During the notification period, no submission were received.

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

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

If Council adopts the above list of proposed new road names, the list will be published in the NSW Government Gazette and in the local newspapers. Also, Council will inform Australia Post, the Registrar General, Surveyor General and the RTA.

The list will then be able to be used as street names within the Mater Dei release area.

CONCLUSION

A proposed list of road names for the Mater Dei development has been assessed by

Council officers in accordance with the criteria of the GNB. The list satisfies the guidelines for the naming of roads.

The list has been publicly exhibited for 30 days, however no submissions were received raising concern over the names.

The list is now able to be referred to Council, with a recommendation for adoption.

RECOMMENDED

That Council:

- i. endorse the final list of new road names within this report, for use in the Mater Dei release area;**
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and**
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of the approved names.**

ATTACHMENTS

1. Location plan



Locality plan Mater Dei 229 Macquarie Grove Rd.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Warren that Council:

- i. endorse the final list of new road names within this report, for use in the Mater Dei release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of the approved names.

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

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

No Councillor voted against the Motion).

ORD89/11

ORDINARY COUNCIL

ORD04

SUBJECT: PUBLIC EXHIBITION OF A DISCUSSION PAPER ON THE
NSW GENERAL EXEMPT DEVELOPMENT CODE
(EXPANSION TO INCLUDE SIGNAGE)
FROM: Director Development and Health
FILE NO: Binder: General Manager/Government Relations/Government
Departments/NSW State Government

PURPOSE OF REPORT

The purpose of this report is to inform Council of a discussion paper for the NSW General Exempt Development Code (Expansion to include signage) (the Code) that is currently being publicly exhibited by the Department of Planning and Infrastructure (DPI). The report also seeks Council endorsement of a draft submission on the Code prepared by Council staff.

BACKGROUND

The DPI is publicly exhibiting the Code from 3 March to 6 May 2011. The DPI will accept a submission from Council up to 12 May 2011.

The Code proposes to expand State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the SEPP) to include provisions that will class many types of signage as exempt development.

Exempt development is normally development that has only minor environmental impact and does not require development consent from Council where it meets predetermined development standards.

A draft submission to the DPI regarding the Code has been prepared by Council staff and prior to the lodging of the submission, the endorsement of Council is sought. **A copy of the Code is provided with the Business Paper supporting documents and Council staff's draft submission is provided at the end of this report.**

MAIN REPORT

The submission prepared by Council staff contains recommendations on several of the signage types the Code proposes to be classed as Exempt Development. These are:

General Requirements - All Signage Types

This section of the Code sets out general criteria that all signs must meet in order to be classed as Exempt Development, and includes obtaining the consent of the property owner and not attaching signs to trees.

Officer Comment:

It is recommended that this section of the Code be expanded to require that all illuminated signage must comply with AS 4282 - Control of Obtrusive Effects of Outdoor Lighting. This will ensure that all illumination is properly controlled to avoid

undesirable light spillage and glare upon surrounding properties and public road reserves.

It is also recommended that this section of the Code be expanded to prohibit any signs that are located within a Heritage Conservation Area, or are attached to/within the property boundaries of a heritage item, from being classed as Exempt Development. This will ensure that signage cannot be erected without Council approval in sensitive heritage conservation areas or on heritage items. The only exception to this should be temporary real estate signs that are a common and necessary feature of all areas at some point.

Free Standing Signboards Including A-Frames/Retractable Signs

This section of the Code sets out criteria that free standing signboards including A-frames/retractable signs must meet in order to be classed as Exempt Development, including prohibiting their display on a classified road, and any illumination.

Officer Comment:

It is recommended that this section of the Code be deleted. Camden Council's previous Development Control Plan (DCP 2006) prohibited the use of A-Frame signs in public road reserves. The primary reasons for this were pedestrian safety, vehicle safety (during strong wind conditions) and aesthetics (the appearance of clutter that can result from multiple A-Frame signs). These conditions have not changed, therefore it is proposed that this section of the Code not be supported.

Pole and Pylon Signs Including Directory Board Signs in Industrial Zones

This section of the Code sets out criteria that pole and pylon signs, including directory board signs in industrial zones, must meet in order to be classed as Exempt Development, including restricting their height to a maximum of 6m, and only having one (1) per occupancy.

Officer Comment:

It is recommended that this section of the Code be clarified to specifically state that only one (1) such sign is permitted per building/industrial complex. This is to ensure that a building or complex that contains multiple business occupancies all share only one (1) pole or pylon sign. Further, the diagrams on pages 12 and 13 of the Code need to be amended to make clear that these signs are to be wholly contained within the subject site property boundary.

Real Estate Signs

This section of the Code sets out criteria that real estate signs must meet in order to be classed as Exempt Development, including having one (1) sign per occupancy and prohibiting illumination.

Officer Comment:

It is recommended that this section of the Code is modified to restrict the maximum height of a real estate sign to 3m in residential zones and 6m high in commercial and industrial zones. It is considered that the proposed maximum height of 8m for all areas is too high and that such signs, in residential areas in particular, should be no higher than 3m to keep them in scale with the residential character of the surrounding area.

CONCLUSION

The DPI has publicly exhibited a discussion paper on the General Exempt Development Code (Expansion to include signage). Council staff have reviewed the Code and prepared a draft submission on its contents.

The concept of allowing several types of signage to be displayed without development consent from Council, where those signs have only very minimal environmental impact, is supported.

It is recognised that removing the need for Council approval of very minor development types will help free up Council's resources to focus on development types that will have more significant environmental impact. Additionally, the Code will make it easier and quicker for business operators, sporting organisations and community events to display minor signage.

However concerns are raised regarding some types of signs that will not undergo Council assessment. These concerns have been detailed throughout this report.

Consequently it is recommended that Council endorse the Officer's draft submission on the Code and that it be forwarded to the DPI for consideration.

RECOMMENDED

That:

- i. Council endorse the draft submission on the NSW General Exempt Development Code (Expansion to include signage); and**
- ii. the submission be forwarded to the DPI for consideration.**

ATTACHMENTS

1. Copy of the Code (sup doc)
2. Submission to DPI



Submission letter to DPI.doc Exempt Code including Signage.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that:

- i. Council endorse the draft submission on the NSW General Exempt Development Code (Expansion to include signage); and
- ii. the submission be forwarded to the DPI for consideration.

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

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

No Councillor voted against the Motion).

ORD90/11

ORDINARY COUNCIL

ORD05

SUBJECT: AMENDMENT TO LEP TEMPLATE AND CAMDEN LEP 2010

FROM: Director Governance

FILE NO: Camden LEP 2010

PURPOSE OF REPORT

The purpose of this report is to inform Council of an amendment to the LEP template undertaken by the Department of Planning and Infrastructure (DP & I), and to seek Council's resolution to adopt a corresponding schedule of amendments to Camden LEP 2010 which will be implemented by the DPI.

BACKGROUND

The DP & I introduced the original LEP template on 31 March 2006. The LEP template provides a standardised format for all new LEPs across NSW, including standard zones, clauses and definitions. Councils are able to customise the template within certain parameters to suit their LGA. The Camden LEP 2010 was prepared in accordance with the LEP template and was gazetted on 3 September 2010.

The DP & I exhibited an 'options paper' during October 2010 which includes various amendments to the clauses and definitions in the LEP template. These amendments were intended to clarify and improve the LEP template and resolve the confusion that exists surrounding the hierarchy and grouping of land use definitions. The amended LEP template was gazetted on 25 February 2011.

The DP & I will automatically amend all LEPs prepared under the LEP template by including the necessary changes to the LEPs in a State Environmental Planning Policy (SEPP). The DP & I has prepared a schedule of amendments in consultation with Council officers which outlines the changes to be made to the Camden LEP 2010. The schedule is discussed in further detail below.

MAIN REPORT

Changes to LEP template

The changes to the LEP template fall into two (2) categories:

- a. mandatory changes to the template which are of a technical nature and will all be included in an amendment to Camden LEP 2010; and
- b. non-mandatory changes to the template where Council can decide whether or not to include the proposed amendments to Camden LEP 2010.

Mandatory changes

The following mandatory changes will be included in Camden LEP 2010:

- a. the RU4 Rural Small Holdings zone has been renamed RU4 Primary Production

Small Lots and a minor change has been made to the zone objectives. There will be no changes to land use permissibility in this zone.

- b. clauses 2.6, 5.4 and 5.10 have been updated to address minor legal anomalies and improve the functionality of these clauses.
- c. the dictionary has been amended by clarifying the hierarchy/grouping of land use definitions, and some existing land use definitions have been split into multiple new land use definitions to provide greater control over the permissibility of certain land uses. The DP & I has prepared a schedule of amendments to the land use table in Camden LEP 2010 which maintains the 'status quo' for land use permissibility in each zone, whilst complying with the amended LEP template dictionary.

Non-mandatory changes

The following changes are non-mandatory, therefore Council can determine whether or not to include these changes in Camden LEP 2010. Council officers have reviewed the non-mandatory changes in conjunction with DPI officers, and a recommendation is made for each of the non-mandatory changes as discussed below:

- a. clause 4.1AA Minimum Lot Size for Community Title Schemes is a new optional clause which ensures that the minimum lot size maps also apply to community title subdivision. The DP & I has recently advised Council officers that this clause is being further reviewed, therefore it is proposed that this clause will not be adopted in Camden LEP 2010 at this time.
- b. clause 5.9 Preservation of Trees or Vegetation includes a new subclause (9) which ensures that development consent is required for the removal of certain native vegetation in the R5 Large Lot Residential, E2 Environmental Conservation and E4 Environmental Living zones. This addresses an anomaly in the *Native Vegetation Act 2003*. It is proposed that this clause will be adopted in Camden LEP 2010.
- c. clause 5.13 Eco-tourist Facilities is a new clause that must be included if Council proposes to include the new land use 'eco-tourist facilities' in the land use table. Eco-tourist Facilities is a new land use introduced in the amendment to the LEP template and is defined as follows:

Eco-tourist facility means a building or place that:

- a. provides temporary or short-term accommodation to visitors on a commercial basis, and*
- b. is located in or adjacent to an area with special ecological or cultural features, and*
- c. is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

It may include facilities that are used to provide information and education to visitors and to exhibit or display items.

The above definition is quite specific regarding the location and nature of this land use. A review of the Camden LGA indicates that there is no land suitable for such a use, therefore it is proposed that this clause not be adopted in Camden LEP 2010.

Schedule of amendments to Camden LEP 2010

The DP & I, in conjunction with Council officers, have prepared a detailed schedule of proposed amendments to Camden LEP 2010. The schedule incorporates the

mandatory and non-mandatory changes to Camden LEP 2010 as outlined above. **The schedule of amendments is included as Attachment 1 to this report.**

Process from here

The proposed amendments to Camden LEP 2010 outlined in this report will address anomalies of a technical nature and will ensure that the land use table is formatted in a manner which preserves the status-quo regarding land use permissibility in each zone.

As outlined earlier in this report, the DP & I will prepare a SEPP which implements the proposed amendments to Camden LEP 2010 and the other LEP's across the State which have been prepared under the LEP template. The DP & I may decide to exhibit this SEPP in future, however this is not a matter for Council involvement.

CONCLUSION

The amendment to the LEP template has made several important changes of a technical nature which will improve the legibility and robustness of Camden LEP 2010. The schedule of amendments prepared by the DP & I and Council officer's is thorough, and following its adoption by Council, the DP & I will proceed with the amendment process for Camden LEP 2010.

RECOMMENDED

That Council:

- i. **adopt the schedule of amendments to Camden LEP 2010 as prepared by the DPI, and**
- ii. **notify the DP & I of the adoption of the schedule of amendments so that the DP & I can proceed with the amendment process.**

ATTACHMENTS

Attachment 1 - Schedule of Amendments to Camden LEP 2010



Schedule of amendments to Camden LEP 2010.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Anderson that Council:

- i. adopt the schedule of amendments to Camden LEP 2010 as prepared by the DPI, and
- ii. notify the DP & I of the adoption of the schedule of amendments so that the DP & I can proceed with the amendment process.

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

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

No Councillor voted against the Motion).

ORD91/11

ORDINARY COUNCIL

ORD06

SUBJECT: ADOPTION OF CAMDEN AIRPORT MASTER PLAN 2010
FROM: Director Governance
FILE NO: Camden Airport

PURPOSE OF REPORT

The purpose of this report is to outline the changes to the exhibited draft Camden Airport Master Plan that has now been adopted by the Minister for Infrastructure, Transport, Regional Development and Local Government as Camden Airport Master Plan 2010 and provided as a **Supporting Document**.

BACKGROUND

At its meeting of 24 November 2009 Council resolved to forward its submission to the exhibition of the draft Camden Airport Master Plan to the Bankstown and Camden Airport Project Team. Council's submission is provided as a **Supporting Document**.

Council's submission to the draft Camden Airport Master Plan covered issues such as: aircraft movements; ANEF (Australian Noise Exposure Forecast) contours; general airport noise in the community; internal zones within the airport site; off-site impacts/funding for infrastructure; the development process; access; heritage; water quality; biodiversity/natural resources; and sewer.

Council also resolved that a further report be prepared when the draft Master Plan was finalised to advise Council of the final Master Plan and what changes have been incorporated following public exhibition and consultation.

MAIN REPORT

Camden Airport Master Plan 2010 has now been adopted. It is important to note that Council does not have an assessment role in the Master Plan process nor in the development process. The matters raised in Council's submission have been addressed in the following way:

General Airport Noise and Aircraft Movements

Council's submission requested that there be a reduction in the current aircraft training hours and establishment of appropriate management strategies to limit impact on residents.

The Master Plan addresses the general airport noise and aircraft movements in the following way:

- Establishment of a Camden Airport Community Consultation Forum (CACCF) with membership from appropriate stakeholders, including Council. Cr Symkowiak and Council Officer Chris Lalor will represent Council on this forum. This will provide a forum to discuss noise issues (among other concerns).

- Continue to monitor Camden Airport Limited (CAL) and Airservices Australia noise complaints and report routinely to CACCF and report quarterly to (Civil Aviation Safety Authority (CASA), Airservices Australia and CACCF quarterly meetings). This more formal protocol, as a means of identifying problem areas and investigating solutions in consultation with the community. CAL will also work with the Aircraft Noise Ombudsman within Airservices Australia.
- Preparation of a Noise Management Plan - this was scheduled to be discussed at the CACCFs first meeting on 7 April 2011. This will include a *Fly Friendly* programme to encourage pilots to minimise noise impact.
- Relocation of helicopter training away from residential areas.
- Notification requirements on operators and consultation with CACCF on noise impacts of adventure flight operations.
- CAL will be seeking greater involvement and input to CACCF by Airservices Australia and CASA in recognition that these agencies are accountable for the establishment of, and compliance with, aircraft flight paths, the use of aircraft transponders (beacon radar) for safety monitoring and for regulation of noise emissions from aircraft.

The Master Plan doesn't specifically respond to Council's submission, however specific accountability steps have been put in place to monitor and address airport noise and aircraft movements. The changes in the Master Plan to address these issues are supported.

Further Development on the Site and the Development Process

Council's submission noted its concern over change of zones for two (2) areas on the airport site and the proposed uses. The submission also requested that Council be consulted as part of any further development of the Airport.

The Master Plan has responded to Council's concerns in the following way:

- Bulky goods retailing, motor showrooms, hotels, aged care facilities and residential dwellings are no longer permissible in the Mixed Use zone.
- A range of other permissible uses Council considered inappropriate have remained permissible in this zone. These uses are: road transport terminal; transport depot; transport terminal; warehouse; plant nursery; child care facility (except for families of airport employees); business/commercial premises (except for aviation purposes); industry (except for aviation purposes); motel; education establishment (except for aviation purposes); hospital; and residential dwelling. It is important to note that very little development has occurred on the airport site in recent years and Council is unaware of any current proposals regarding the range of permissible uses.
- An area previously zoned Rural (note all reference to zoning is under the Master Plan and not Camden LEP 2010) will remain zoned Airport Support as indicated on the draft Master Plan. However, in discussions with the Chief Executive Officer of Bankstown and Camden Airports Limited it was outlined that effectively the use of this area will remain the same as it has been under the Rural zoning.
- development applications for major development will trigger the set up of a

Planning Coordination Forum, which acts as a consultative body with representation from Council.

- principles of aims of the Camden LEP 2010 will be considered in the airport development process.
- developments are to be planned taking into account Local and State planning regulations.

The changes in the Master Plan to address these issues are supported. However there is some concern about the permissible uses, that Council has previously believed inappropriate, in the Mixed Use zone. Accordingly it is recommended that CAL notify Council of any proposed development within the Camden Airport site.

Access

Council's submission noted that if further development of the site occurs, flood free access will be required. This development would need to be assessed in terms of traffic generation. The capacity of the existing intersection on Macquarie Grove Road would also need to be assessed. There would need to be provision of appropriate traffic management facilities to accommodate ultimate traffic generation from the site.

The Master Plan outlines two (2) primary improvements to access/internal roads if development increases (these were also proposed in the draft Master Plan) and has addressed Council's concerns in the following way:

- Upgrade of Aerodrome Road (entry road) - the upgrade is also proposed to address periodic flooding issues. Camden Airport will also continue to investigate an alternative entrance on less flood prone land.
- Internal roads - a new internal road, servicing the aviation and mixed use will be developed.
- Developments will be prepared to take into account traffic impacts on external road systems and on residential areas to the north of the Airport site.
- The development assessment process of flood liable land on the site will include the consideration of the guiding principles contained within the relevant flood management controls adopted by Camden Council and the NSW Floodplain Management Manual.

It is considered that the Master Plan addresses the issues Council raised in its submission.

Heritage

Council's submission requested that: particular attention be given to avoiding disturbance of aboriginal sites and artifacts; the relationship and significance of the open space to Hassall Cottage/Macquarie Grove cottage be determined; the airport site not be assessed in isolation of the broader landscape/historical relationship; development/design guidelines for the site need to be reflective of the heritage items on the site and their context; any development in the Mixed Use zone should be low scale rural structures sensitively located, with consideration given to issues such as scale, form, siting, materials and colour.

The general principle noted in the Master Plan is:

- consideration will be given to heritage items on the site listed under Schedule 5 Environmental Heritage of the Camden LEP 2010 and Heritage Management Plans will be prepared for specific development.

Whilst Council, in its submission, wanted a heritage assessment upfront, CAL are committed to heritage assessments when development proceeds.

Water Quality

Council's submission requested that for any further development drainage design requirements should be addressed in a broad concept such a Water Sensitive Urban Design.

General principles in the Master Plan are:

- Any property developments are to adopt high standards of environmental sustainability by striving to utilise resources in an efficient manner while meeting the expectations of the stakeholders and the broader community with regard to financial, social and environmental performance.
- Developments will need to be planned taking into account Local and State planning regulations.

The Master Plan addressed this issue in a satisfactory way.

Biodiversity/Natural Resources

Council's submission requested that the Management Plan for the Remnant River-Flat Eucalypt Forest and the threatened species be adhered to.

The Master Plan requires that the Management Plan be adhered to.

Sewer

Council's submission noted that the current sewerage system is inadequate to support any significant increase in activity on the site. Further, any development which requires onsite septic disposal within the 1 in 20 year flood plain is contrary to Council's Flood Plain Management Policy and the State Government's Policy.

General principles in the Master Plan are:

- Developments to be planned taking into account Local and State planning regulations.
- Property developments to adopt high standards of environmental sustainability.

The Master Plan does not specifically address Council's concerns. It is recommended that Council write to CAL and again advise that any increase in development will require an upgrade of the existing sewerage system.

Salinity

Council's submission noted there was no reference to salinity; that a salinity

investigation of the site would assist in determining the level of affectation; consideration should be given to all relevant Australian Standards and to the provisions of the NSW Building Code of Australia that relate to the type and method of construction for all private/public assets proposed to be constructed within saline environments.

General principles in the Master Plan are:

- Developments to be planned taking into account Local and State planning regulations.
- Property developments to adopt high standards of environmental sustainability.

While the Master Plan doesn't specifically address Council's concerns it is considered that the general principles in the Master Plan ensure that any proposed development will need to address the salinity issue.

ANEFs

Council's submission requested that noise attenuation costs and report costs for lots in 20+ ANEF contours be met by Camden Airport Limited (CAL) and that offers of purchase be made by CAL for lots not built on in the 25+ ANEF contours.

The Master Plan hasn't addressed Council's specific request in its submission. It has been indicated verbally by the Chief Executive Officer of Bankstown and Camden Airports that noise attenuation costs, airport noise reports and purchase of lots will not occur. How the Master Plan addresses aircraft noise is outlined previously in this report.

The ANEF contours have changed shape since the last forecast. This is partly due to better modelling techniques and inclusion of helicopter movements. This means that the new ANEFs better reflect the reality of aircraft noise exposure than previously. Notwithstanding, the new ANEFs also reflect a forecast of increased aircraft movement.

Affect on properties located in 20-25 ANEF contour

Housing is only acceptable in these areas conditionally. This means new dwellings would require an acoustic report and noise attenuation measures. Consents for additions to existing dwellings will generally have an advisory condition regarding noise attenuation, and may require additional measures to be undertaken.

There are a total of 211 lots within the 20 to 25 ANEF contour, 139 of these are new additions resulting from the recent amendments. There are seven (7) vacant properties.

Affect on properties located in 25+ ANEF contour

Housing is not acceptable in this area. There are a total of 43 lots within the 25+ ANEF contour, 25 of these are new additions resulting from the recent amendments. There is only 1 vacant property, all other lots have existing dwellings. Only part of this vacant property is within the 25+ ANEF contour and any development application will be assessed on its merits. No retrospective measures to attenuate existing dwellings are required. However, extensions to existing dwellings would be considered on its merits and noise attenuation measures would apply.

Communicating ANEF changes to residents

An ANEF Communication Plan was implemented by CAL during the exhibition period of the draft Master Plan. This included advertisements in local papers and a letter to owners of land no longer in ANEF 20 to 25 contours. This communication however, failed to individually notify those owners now located within ANEF 20+ contours.

As part of managing aircraft noise expectations of its residents, Council needs to give consideration to the way the new ANEF contours will be communicated to the affected residents. CAL has advised that they will not be undertaking such communication. It is therefore recommended that Council write to owners of lots that are newly within the 20+ ANEF contours following the adoption of the Camden Airport Master Plan 2010.

Section 149 certificates have recently been amended to include a notation for all properties effected by both 20-25 and 25+ ANEF contours.

Further review of Camden Airport Master Plan

The *Airports Act 1996* requires that the Master Plan be reviewed by Camden Airport Limited (CAL) every five (5) years. Part of this review process requires consultation with Camden Council.

CONCLUSION

The changes in the Master Plan are generally supported. However, some issues need careful monitoring.

While there is still some concern about permissible uses in the Mixed Use zone, very little development is expected to occur on the site in the future. Any major development will now trigger the establishment of a Planning Coordination Forum which will offer Council an opportunity to have key input. This Forum will also allow Council to have input into issues of access to the site if major development occurs. It is also recommended that Council write to CAL requesting that it notifies Council of any proposed development within the Camden Airport site.

Given that the current sewerage system is inadequate to support any significant increase in activity on the site, it is also advised that an increase in development will require an upgrade of the existing sewerage system.

One of the major issues with the Master Plan is the changes to the ANEF contours and how this impacts residents. Given that CAL will not be communicating this information directly to landowners, it is recommended that Council write to all owners of lots that are newly within the 20+ ANEF contours following the adoption of the Camden Airport Master plan 2010.

RECOMMENDED

That Council resolve to:

- i. write to CAL requesting that they notify Council of any proposed development within the Camden Airport site;**
- ii. write to CAL advising that any increase in development will require an upgrade of the existing sewage system; and**

- ii. **write to owners of lots now affected by the ANEF contour changes following the adoption of the Camden Airport Master Plan 2010.**

ATTACHMENTS

Adopted Camden Airport Master Plan 2010 - Supporting Document
Submission - Supporting Document



Supporting Document - _submission.doc Supporting Document - Adopted Camden Airport Master Plan 2010.pdf

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Campbell that Council resolve to:

- i. write to CAL requesting that they notify Council of any proposed development within the Camden Airport site;
- ii. write to CAL advising that any increase in development will require an upgrade of the existing sewage system; and
- ii. write to owners of lots now affected by the ANEF contour changes following the adoption of the Camden Airport Master Plan 2010.

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

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

No Councillor voted against the Motion).

ORD92/11

ORDINARY COUNCIL

ORD07

SUBJECT: PUBLIC EXHIBITION OF AMENDMENTS TO THE MATER DEI (WIVENHOE) VOLUNTARY PLANNING AGREEMENT
FROM: Director Governance
FILE NO: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to seek approval for the public exhibition of the amended Voluntary Planning Agreement (VPA) for 229 Macquarie Grove Road, Kirkham (Wivenhoe).

BACKGROUND

At its meeting on 24 February 2009 Council resolved to adopt the exhibited draft Wivenhoe VPA for Mater Dei property. The developer's obligations to the heritage homestead (Wivenhoe), bushland conservation, contribution works and financial contributions are outlined in the VPA..

MAIN REPORT

VPA Amendments

Since the adoption of the VPA a planning proposal to rezone one (1) of the four (4) development precincts to R2 Low Density Residential zone to accommodate a seniors living village, has been undertaken and the rezoning is now in effect.

This rezoning has meant that some minor changes are required to Schedule 2 of the VPA. These amendments were negotiated between the proponents and Council officers and agreed to by the proponents. The amendments are highlighted in an "edited" copy of the VPA **provided in attachment 1**. These amendments are:

- A new table in Schedule 2 Part A outlining the seniors living contribution rate based on a 1.5 occupancy rate per dwelling rather than the 3.1 occupancy rate used for residential dwellings;
- Item 1 says 'Final Lot', It will now read 'residential Final Lot' - in Schedule 2 Part A Financial Contributions;
- A new Item 2 in Schedule 2 Part A Financial Contributions will be added to reflect the seniors living addition and will read as 'Monetary contribution in the amount of \$3,149 per dwelling' and 'The amount per dwelling must be paid prior to the issue of the Occupation Certificate'; The reduced rate per dwelling reflects the seniors living contribution based on a rate of 1.5 occupancies per dwelling.
- In Item 7 there is an addition of a new park (Park I) in Precinct C which compensates for the removal of a park (Park F) in Precinct D.
- Item 9 is added to include new communal recreation space and facilities for the

seniors living village in Precinct D. Park F is offset by the creation of this communal recreation space.

While the changes proposed are considered minor in nature, given the legal nature of a VPA, any change requires a formal amendment process. In order to facilitate such amendments in the future in a more timely fashion, legal advice was sought in regards to inserting the following clause to permit variations to the Wivenhoe VPA. In the past, Council has resolved to add this clause to the Harrington Grove VPA. This clause is as follows:

Clause 4.7 Variation to Contributions Works:

"The Contribution Works may be varied without the need for variation to this Agreement provided that the Council is satisfied that the variations to scope of the Contribution Works are consistent with the intent and objectives of this agreement".

The amendments to Schedule 2 of the VPA and the addition of the new clause within the VPA (Clause 4.7) do not change the intent or the objectives of the Agreement. The developer's heritage and bushland obligations remain the same as the current VPA and the financial contributions are in line with the type of dwellings that will be provided on the site.

Public Exhibition

The amended VPA will be exhibited for a period of 28 days once the resolution to exhibit is received. The exhibition will be conducted as follows:

- The exhibition material will be displayed at Narellan and Camden Customer Service Centres, and Narellan and Camden Libraries;
- An advertisement will be placed in the Camden Advertiser for weeks one (1) and three (3) of the exhibition period;
- The exhibition material will be available on Council's website for the length of the exhibition period.

At the conclusion of the four (4) week exhibition period a report will be submitted back to Council detailing submissions received.

CONCLUSION

The proposed amendment to the Mater Dei (Wivenhoe) VPA provides for necessary changes to the Agreement due to the rezoning of Precinct D to allow a seniors living village. These amendments were negotiated between the proponents and Council officers and agreed to by the proponents. The intent and objectives of the VPA will remain the same and continues to achieve a good level of community facilities within the development and the wider community.

RECOMMENDED

That Council:

- i. resolve to exhibit the amended Mater Dei (Wivenhoe) Voluntary Planning Agreement; and**
- ii. a report be brought back to Council at the conclusion of the public**

exhibition period.

ATTACHMENTS

Attachment 1 - VPA with track changes



Attachment 1 - Mater Dei tracked changes copy VPA.doc

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Warren that Council:

- i. resolve to exhibit the amended Mater Dei (Wivenhoe) Voluntary Planning Agreement; and
- ii. a report be brought back to Council at the conclusion of the public exhibition period.

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

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

No Councillor voted against the Motion).

ORD93/11

ORDINARY COUNCIL

ORD08

SUBJECT: COUNCIL SEAL - ELECTRICITY EASEMENT - THOMAS DONOVAN
PARK GREGORY HILLS - LOT 1178 DP 1153632
FROM: Director Governance
FILE NO: Council Property Easements

PURPOSE OF REPORT

To obtain a Council resolution to agree to the creation of an easement on Council land and to affix the Council Seal to the necessary documents.

MAIN REPORT

Council has been approached by one of the developers of Gregory Hills, Dart West Developments Pty Ltd, for approval for the creation of an easement for electricity over part of Council owned land, Thomas Donovan Reserve (Lot 1178 DP 1153632).

The land in question is classified as "community" land under the *Local Government Act 1993* and Council is permitted to grant easements for the provision of public utilities and works associated with public utilities. This easement would fall into this category.

During the rezoning of the overall Turner Road Precinct, a corridor was created for the purposes of realigning an existing 132kV line crossing the subject property to link up with future subdivisions. **The attached plan** shows the proposed alignment of the line and easement. It should also be noted, in order to release the next stage of the Gregory Hills residential subdivision, Dart West must now proceed with the relocation of the 132kV power line in accordance with the rezoning masterplans. The power line is one that traverses Gregory Hills, rather than servicing Gregory Hills, and as such there is limited flexibility in choosing a route for the line and the line is to be relocated into a corridor which has been explicitly contemplated for this purpose.

The easement could not be established at the time of the creation of the park in 2010 as the final design had not yet been undertaken by Integral Energy, hence the request to Council at this time.

Council is now required to approve the easement and to authorise the signing of the necessary documents under Council Seal.

CONCLUSION

Council Officers have examined the request and while the creation of the easement across a public park is not entirely desirable, it is acknowledged the relocation of the power line in question was identified in the Indicative Layout Plan for the Turner Road Precinct and is consistent with the masterplanning previously adopted by all parties associated with the Gregory Hills development. The relocation of the power line is also required for the future development of Gregory Hills.

In addition, Dart West have undertaken in writing to cover all costs associated with the

creation of the easement, including survey, linen plan preparation, registration and all legal costs.

Given all of the above circumstances, it is recommended Council should approve the easement.

RECOMMENDED

That Council:

i. approve the creation of an easement for electricity purposes as requested by Dart West Developments Pty Ltd over part of Lot 1178 DP 1253632;

ii. the applicant, Dart West Developments Pty Ltd, undertake to pay all costs associated with the creation of the easement; and

iii. the Council Seal be affixed to any documents required associated with the creation of the easement.

ATTACHMENTS



Gregory Hills_easement.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Cagney that Council:

i. approve the creation of an easement for electricity purposes as requested by Dart West Developments Pty Ltd over part of Lot 1178 DP 1253632;

ii. the applicant, Dart West Developments Pty Ltd, undertake to pay all costs associated with the creation of the easement; and

iii. the Council Seal be affixed to any documents required associated with the creation of the easement.

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

(Councillor Campbell voted against the Motion).

ORD94/11

ORDINARY COUNCIL

ORD09

SUBJECT: GST COMPLIANCE CERTIFICATE 2010/2011
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

The purpose of this report is to inform Council that the 2010/11 GST Certificate is to be forwarded to the Division of Local Government (DLG) by 31 May 2011.

BACKGROUND

Since the introduction of the Goods and Services Tax (GST) in July 2000, Council has been required to have an independent GST review undertaken by an external auditor and lodged with the DLG each year.

However, the requirement for an external auditor to undertake this review was removed by the DLG in 2006/07.

MAIN REPORT

The new approach requires Council to supply a GST Certificate to the DLG annually.
Provided at the end of this report is a certificate that meets the requirements of the DLG.

The Certificate states that Council has complied with the requirements of Section 114 of the Commonwealth Constitution and covers the period 1 May 2010 to 30 April 2011.

The Certificate is due for lodgement by 31 May 2011.

The Certificate is to be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer (if the Responsible Accounting Officer is not the General Manager).

CONCLUSION

Council employs a full-time Taxation Accountant whose role is to ensure Council is compliant with all taxation matters including GST. Council has policies, procedures and systems in place to ensure GST is properly accounted for. These policies, procedures and systems assist Council in complying with the GST requirements as prescribed by the DLG.

RECOMMENDED

That Council submit a 'Goods and Service Tax Certificate' to the Division of Local Government for the period 1 May 2010 to 30 April 2011.

ATTACHMENTS



GST Certificate.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council submit a 'Goods and Service Tax Certificate' to the Division of Local Government for the period 1 May 2010 to 30 April 2011.

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

ORD95/11

ORDINARY COUNCIL

ORD10

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

Purpose Of Report

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 March 2011 is provided.

Main Report

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

It should be noted that a recent change to the Minister's Investment Order no longer authorises Councils to invest funds with Local Government Financial Services (LGFS). Council currently has \$8.2 million with LGFS which will be re-invested with other institutions upon maturity. Council's last investment with LGFS matures 16 June 2011.

The removal of LGFS from the Minister's Order has nothing to do with the financial health of the Institution, Council's funds are completely safe and secure. LGFS was removed from the Order as a result of its sale by the Local Government and Shires Association to Local Government Super. The sale means that LGFS is no longer considered a Local Government owned enterprise and therefore should not qualify for special inclusion within the Minister's Investment Order.

The weighted average return on all investments was 5.97% p.a. for the month of March 2011.

The Principal Accounting Officer is the Manager Corporate Services.

RECOMMENDED

That:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy.**
- ii. the list of investments for March 2011 be noted.**
- iii. the weighted average interest rate return of 5.97% p.a. for the month of March 2011 be noted.**

ATTACHMENTS



Report March 2011.pdf Report March 2011.xls

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Campbell that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.
- ii. the list of investments for March 2011 be noted.
- iii. the weighted average interest rate return of 5.97% p.a. for the month of March 2011 be noted.

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

ORD96/11

ORDINARY COUNCIL

ORD11

SUBJECT: COMMUNITY FACILITIES - RENEWAL OF LICENCE AGREEMENT
WITH MACARTHUR BMX CLUB
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

This report seeks Council approval to renew the licence agreement with Macarthur BMX Club Inc. for use of the Kirkham Park BMX track (Part Lot 101 DP 631430).

BACKGROUND

The Macarthur BMX Club Inc. has had a licence agreement for the Kirkham Park BMX track from Council for the past ten (10) years since its opening in October 2001. The licence allows the Club to have exclusive use of the facility for training nights and competition races. At all remaining times, the track is open to the general public.

MAIN REPORT

The land in question forms part of the overall Kirkham Park sports fields and is "community" land under the *Local Government Act, 1993*. The Plan of Management permits Council to enter into a licence over the land.

The Macarthur BMX Club Inc. is a not-for-profit community club formed in 1998. It has approximately 120 male and female riders aged between 4 years and 60 years.

For the last ten (10) years the Club has had a licence agreement with Council for use of the Kirkham Park BMX track. This has been at a peppercorn rent with the Club responsible for the maintenance and upkeep of both the track and surrounding grass areas.

This responsibility includes maintenance and major upgrades to the track, equipment purchases and maintaining the grass areas surrounding the track. Over the past 18 months the Club has expended funds in excess of \$10,000 in maintaining the facility.

Council at present covers the electricity costs associated with the track lighting and waste removal costs at the site. These two costs for the past 12 months were \$983 and \$3,175 respectively.

The Club has exclusive use of the BMX track for training and on competition race meetings. Outside of Club competitions and training days the track is able to be used by the general public. Historically the Club has used the venue on Thursday nights for training and once a fortnight for race meetings. Race meetings are held on weekends.

It is recommended that the previous agreement be extended for an additional five (5) year period with a five (5) year option. The licence conditions will remain the same with the exception of electricity costs, which will be charged to the Club in line with Council's

fees and charges for floodlighting at Council's sports fields - (currently these fees are \$200 per field per season, so an annual charge of \$400 would be payable by the Club). This floodlighting charge relates directly to the Thursday night usage of the facility by the BMX Club. While the Club would prefer not to pay any additional costs, this is in line with cost charged to other groups who use lighting at playing fields.

CONCLUSION

The Kirkham Park BMX track provides a valuable resource to the Camden community, particularly its youth. The Macarthur BMX Club has maintained and improved the facility to the benefit of Club and the community as a whole, as such it is considered appropriate to extend the licence agreement with the club.

RECOMMENDED

That Council:

- i. renew the licence agreement for the Kirkham Park BMX track with the Macarthur BMX Club Inc. on a five (5) year plus five (5) year option agreement under the same terms as the previous agreement with the exception of electricity which will be charged in line with Council's fees and charges for sports field floodlighting; and,**
- ii. the Council Seal be affixed to the necessary licence documentation.**

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Campbell that Council:

- i. renew the licence agreement for the Kirkham Park BMX track with the Macarthur BMX Club Inc. on a five (5) year plus five (5) year option agreement under the same terms as the previous agreement with the exception of electricity which will be charged in line with Council's fees and charges for sports field floodlighting; and,**
- ii. the Council Seal be affixed to the necessary licence documentation.**

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

ORD97/11

ORDINARY COUNCIL

ORD12

SUBJECT: CAMDEN TOWN FARM COMMUNITY MANAGEMENT
COMMITTEE PURCHASE OF MOWER AND CAMDEN
BICENTENNIAL EQUESTRIAN PARK COMMUNITY
MANAGEMENT COMMITTEE PURCHASE OF A TRACTOR
WITH ATTACHMENTS

FROM: Director Works and Services

FILE NO:

PURPOSE OF REPORT

This report seeks Council approval for the Camden Town Farm Community Management Committee (Town Farm Committee) to purchase a zero turn mower and for the Camden Bicentennial Equestrian Park Community Management Committee (BEP Committee) to purchase a diesel tractor with attachments.

BACKGROUND

As a committee with delegated powers under Section 355 of the *Local Government Act*, these Committees must seek Council approval for any purchase over \$5,000.

MAIN REPORT

The Town Farm Committee has requested approval to purchase a zero turn mower to be used to assist them in the care and control of the Town Farm and have obtained three (3) quotations as **provided in the Supporting Document**.

The BEP Committee successfully obtained a NSW Government Grant, (previously reported to Council), to purchase a tractor and invited quotations from a range of local providers, receiving four (4) quotations as **provided in the Supporting Document**.

The BEP Committee has outlined plans to manage the equipment, its use, storage, operating costs, including OH&S training for operators and maintenance. The Town Farm Committee has still to address some of these details, however it has indicated its awareness of the need to address these issues prior to purchase - **refer to Supporting Document**.

The Town Farm Committee is requesting approval to purchase a Husqvarna 30HP Twin Kohler and 61 inch Tunnelram deck for a total price of \$14,950 inc . GST. This recommendation, along with the other quotes received, was referred to Council's Assets Branch for comment and the Branch has no objection to the mower recommended. The Town Farm Committee's funds will be used for this purchase.

The BEP Committee is requesting approval to purchase a MX Kubota 4WD diesel tractor with attachments at a cost of \$51,513 inc. GST which has also been referred to the Assets Branch for comment and advice, again no objection has been raised to the recommended tractor. The purchase will be funded by the grant of \$23,750 and available Committee's funds of \$27,763.

Both the tractor and mower are required to be registered and insured in Council's name as they are to be used in public places.

CONCLUSION

The Town Farm Committee and BEP Committee are required to seek Council's approval to expend funds greater than \$5,000 and as the tractor and mower are going to help these committees in maintaining their grounds it is recommended Council approve the purchases.

RECOMMENDED

That:

- i. approval be given to Camden Town Farm Community Management Committee to purchase a Husqvarna LZ03XP and TRD61 from Macarthur Mowers and Marine at a total price of \$14,950 inc. GST subject to the Committee providing a plan to Council for the use, storage and management of this equipment prior to purchase; and
- ii. approval be given to the Camden Bicentennial Equestrian Park Community Management Committee to purchase a MX 5100 Kubota 4WD diesel tractor with attachment from Camden Machinery and Tractors for a total price of \$51,513 inc. GST.

ATTACHMENTS

SUPPORTING DOCUMENTS



Town Farm & BEP Quotations.pdf BEP Tractor use.doc

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Campbell that:

- i. approval be given to Camden Town Farm Community Management Committee to purchase a Husqvarna LZ03XP and TRD61 from Macarthur Mowers and Marine at a total price of \$14,950 inc. GST subject to the Committee providing a plan to Council for the use, storage and management of this equipment prior to purchase; and
- ii. approval be given to the Camden Bicentennial Equestrian Park Community Management Committee to purchase a MX 5100 Kubota 4WD diesel tractor with attachment from Camden Machinery and Tractors for a total price of \$51,513 inc. GST.

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

THE MEETING CLOSED AT 7.25PM.

ORD98/11

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that Councillor Funnell be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD72/11

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

RESOLUTION

There were no declarations to be noted.

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

ORD73/11

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

Public Addresses are tape recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. A copy of the tape recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.

RESOLUTION

There were no public addresses to be noted.

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

ORD74/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 5 April 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 5 April 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Symkowiak that the Minutes of the Ordinary Council Meeting held 5 April 2011, copies of which have been circulated, be confirmed and adopted.

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

ORD75/11

ORDINARY COUNCIL

ORD01

S96 MODIFICATION OF DEVELOPMENT CONSENT FOR A RESTAURANT, NO 15 (LOT 103 DP 805050) ARGYLE STREET, CAMDEN

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2008
DA NO:	959/2008.5
OWNER:	McDonalds Australia Limited
APPLICANT:	JBA Urban Planning Consultants
ZONING:	B4 Mixed Use
APPLICABLE PLANNING INSTRUMENT:	Camden LEP 2010

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Section 96 Modification application to a previously approved restaurant (McDonald's) at No 15 (Lot 103, DP 805050) Argyle Street, Camden.

The application is for:

- deletion of Condition 5 which requires payment of S94 contributions for a deficit in on site car parking,
- modification of Condition 22 to replace the required car parking spaces from 68 to 59.

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

SUMMARY OF RECOMMENDATION

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

BACKGROUND

On 26 May 2009 Council considered an application for a restaurant (McDonald's) at this site. The application was determined by Council as there were non-compliance with the car parking requirements as provided under Development Control Plan 2006 (the DCP), as well as unresolved matters raised in submissions received from the public.

The non-compliance matter related to the car parking provisions of the DCP which required a total of 68 parking spaces for the proposed development. The application proposed the provision of 59 parking spaces which created a deficiency of nine (9) spaces.

The applicant contended that when using the 'Guide to Traffic Generating Developments', produced by the Roads and Traffic Authority (RTA), the application of parking rates resulted in a requirement for 45 spaces. Therefore, the applicant suggested, that based on the RTA guidelines, the proposed number of spaces would be adequate for the efficient operation of the restaurant.

Council, at the meeting of 26 May 2009, determined that a trial period of twelve (12) months be permitted to allow monitoring of the applicant's proposed parking facilities. After this period, should it be established that the parking provisions were inadequate, a monetary contribution pursuant to S94 of the *Environmental Planning and Assessment Act, 1979* would be required in lieu of the off-street parking deficiency.

The restaurant was completed late 2009 with the restaurant commencing operation shortly before Christmas 2009.

On 15 December 2010 the applicant submitted a Section 96 Modification application accompanied with a parking survey.

This application has been assessed and is now able to be referred to Council for determination, subject to the draft modified development consent conditions provided at the end of this report.

THE SITE

The site, identified as No 15 (Lot 103 DP 805050) is located on the western corner of the intersection of Argyle and Edward Streets, Camden and is zoned B4 Mixed Use under Camden Local Environmental Plan 2010 (CLEP).

Currently the land is occupied by a commercial building for use as a family restaurant and carpark. The entrance to the site is from Edward Street. The land is adjacent to another car dealership on the northern boundary and a commercial building with mixed uses to the western boundary. Across the road to the eastern corner of Argyle and Edward Streets is the Old Dairy Farmers Co-Op building previously used as a motor cycle dealership.

The land to the south on the opposite side of Argyle Street is occupied with mixed businesses such as a restaurant, take-away food shop, dry cleaner and real estate agency. **A site location plan is provided at the end of this report.**

THE PROPOSAL

The proposal is in two parts. Firstly, the applicant seeks to delete the following condition:

Condition No 5 (Car Parking Space Contribution) under heading '1.0 - General Requirements',

'Car Parking Space Contribution - Pursuant to Camden Contributions Plan adopted in November 2003, a contribution must be paid to Council of \$29,745.95 per car space, total \$267,713.55, for nine (9) car parking spaces.

The contribution must be indexed to the Consumer Price Index and paid within twelve (12) months of the development commencing operation and prior to the issue of a final occupation certificate.

The monetary contribution may be offset by the value of land transferred to Council or by works-in-kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the expiry of twelve (12) months from the date of the development commencing operation.

Advice

Prior to the expiry of this twelve (12) month period the applicant may choose to lodge a Section 96 Modification to this development consent with Camden Council requesting modification of the parking requirements. Any such application must be accompanied with a Traffic Report addressing the modification.

Should the applicant choose to lodge such Section 96 Modification with Council, it is advised that this be done at least two (2) months prior to the expiry of the twelve (12) month period.'

The second part of the proposal is to modify the following condition to require only 59 parking spaces:

Condition No 22 (Parking Spaces) under heading '2.0 - Construction Certificate Requirements' :

'Parking Spaces - A minimum of 68 car parking spaces are required on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2006), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**

NOTIFICATION

Due to the public interest and the number of submissions received at the time of the original application, the Section 96 Modification was notified in accordance with Part C, Chapter 2 (Notification Processes for Development Applications) of Camden Development Control Plan 2006, from 6 January 2011 until 11 February 2011.

A total of three (3) submissions were received by Council staff raising issues regarding the proposed development. Those submissions are addressed further in this report.

Copies of the submissions are provided with the Business Paper supporting documents.

PLANNING CONTROLS

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

- Local Environmental Plan 2010
- Development Control Plan 2011.

ASSESSMENT

This application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. The following comments are provided in respect of the development proposal:

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

Camden Local Environmental Plan 2010

The land is zoned B4 Mixed Business under CLEP. The development meets the objectives of the zone which are:

- *to provide a mixture of compatible land uses,*
- *to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,*
- *to minimise conflict between land uses within the zone and land uses within adjoining zones,*
- *to encourage development that supports or compliments the primary office and retail functions of the local centre zone.*

It is considered that the proposed modification of the consent conditions is consistent with these objectives.

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

There is no draft environmental planning instrument applicable to this application

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

Camden Development Control Plan 2011

The original development application was lodged prior to the DCP coming into affect on 16 February 2011. The application was assessed under Camden Development Control Plan 2006. The provisions for car parking requirements under the 2006 DCP are identical to those as required under the 2011 DCP.

In accordance with the DCP, the requirements for drive-in/take-away food outlets are as follows:

- One (1) space per 8.3 square metres gross floor area; plus
- One (1) space per 5 seats (internal and external).

Further, for drive-through facilities:

- an exclusive area for queuing of cars is required (queue length of five (5) to twelve (12) cars measured from pick-up point). There should also be minimum of four (4) car spaces for cars queued from the ordering point, plus two (2) car spaces for cars waiting for orders past the pick-up point area.

The car parking requirement under the DCP is the sum of two parts:

Part 1 - The gross floor area of the restaurant is 357.3m². Under the DCP, this would require 43 parking spaces.

Part 2 - The number of seats is 125 (internal and external). This would require 25 parking spaces.

Therefore, under these provisions, the development would require a total of 68 parking spaces plus two (2) waiting bays.

The original application proposed provision for 59 parking spaces plus two (2) waiting bays, indicating a deficiency of nine (9) spaces.

As discussed previously, the applicant contended that when using the 'Guide to Traffic Generating Developments' produced by the Roads and Traffic Authority (RTA) which contains surveys of actual McDonald's restaurants, the application of parking rates results in a requirement for 45 spaces.

Based on these guidelines the proposed number of spaces (59) would be adequate for the efficient operation of the restaurant.

With this in mind, Council determined that a trial period of twelve (12) months be permitted to allow Council staff to monitor the operation of the proposed parking facilities and determine its adequacy. After the twelve (12) month period, if the parking provisions were found to be inadequate, a contribution pursuant to S94 of the *Environmental Planning and Assessment Act, 1979* would be required in lieu of the off-street parking.

To ensure objective methodology, Council staff provided the applicant with the following criteria for the parking study:

- *The survey is to be conducted a minimum of six (6) months after the issue of the interim Occupation Certificate:*
- *Parked vehicles using the McDonald's restaurant are to be counted at 15 minute intervals from 10.15am to 10.00pm on two (2) Fridays and two (2) Saturdays at the following locations:*
 1. *inside the McDonald's car park,*
 2. *Argyle Street, along the McDonald's frontage,*
 3. *Edward Street, along the McDonalds frontage.*
- *If the surveyed off-street + on-street parking exceeds 56 cars for up to five percent (5%) of the surveyed times, the difference shall be attributed to a requirement for parking contributions. The maximum contribution shall be for nine (9) parking spaces.*
- *The surveys are to be undertaken by an appropriately qualified Traffic Engineer.*

Council staff have reviewed the parking surveys provided with this modification application and, in addition, have maintained regular monitoring of the site over that period.

The parking surveys were undertaken of Council's specified areas by the Traffic Consultant at the following times:

- Friday, 13 August 2010 between 10.00am and 10:00pm,
- Saturday, 14 August 2010 between 10.00am and 10:00pm,
- Friday, 20 August 2010 between 10.00am and 10:00pm,
- Saturday, 21 August 2010 between 10.00am and 10:00pm.

Fridays and Saturdays are the busiest days at McDonald's. Also, one of the Saturdays, 14 August 2010, coincided with sporting activities occurring nearby.

The results of the surveys are summarised as follows:

- On three of the four days, parking demands were always less than 59 spaces;
- On the day of the sporting activities, 61 and 62 vehicles were observed on two occasions and exceeded the 59 provided spaces for approximately 30 minutes;
- Parking demands exceeded the survey area for approximately one percent (1%) of the surveyed time. Council's criteria allows up to five percent (5%).

Having assessed the parking survey, it is considered Council's criteria has been met and that deletion of Condition No 5 (Car Parking Space Contribution) under heading '1.0 – General Requirements', and modification of Condition No 22 (Parking Spaces) under heading '2.0 – Construction Certificate Requirements', is justified. **A copy of the parking study is provided with the Business Paper supporting documents.**

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

There are no provisions of any Planning Agreements which apply to the assessment of this modification development application.

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

All relevant provisions of the *Environmental Planning and Assessment Regulations 2000* have been satisfied by the applicant in submitting this application for the modification of two development consent conditions.

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

Particular consideration has been given to the potential impact of any consent modification on both on-site and street parking. The results of the parking survey, together with the monitoring of the site, suggests that the provision of 59 car parking spaces would be adequate.

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

The site is located within the Camden Town Centre and meets the objectives of CLEP. As discussed, the applicant has demonstrated that the parking provisions are adequate for the existing development. No change to the building or hours of operation are proposed. Therefore, the site is considered suitable for the proposed use.

(1)(d) Any submissions

At the close of the notification period, three (3) submissions were received raising

concerns regarding the proposed modification. The issues raised by the submissions have been investigated by Council staff and are discussed as follows:

1. *There would be additional impact on street parking due to insufficient parking on site.*

Officer Comment:

Observations provided by the parking survey indicate that not all vehicles parked on the street adjacent to the McDonald's store were associated with McDonald's. It was also noted that vehicles park in McDonald's with the occupants walking to nearby businesses. The survey has provided that parking demands during the survey period (as specified by Council staff) exceeded 59 parking spaces for approximately one percent (1%) of the surveyed time. This is significantly less than the five percent (5%) allowed in Council's criteria.

2. *The application proposes the purchase of parking spaces on Argyle/Edward Streets which denies ratepayers the right to park and shop.*

Officer Comment:

There is no proposal for the purchase of on-street parking spaces.

3. *The application proposes the re-opening of access off Argyle Street which would impact on traffic flow in Argyle Street.*

Officer Comment:

There is no proposal to re-open access from Argyle Street.

4. *The parking survey has no validity as it was paid for by the applicant and therefore cannot be considered properly independent.*

Officer Comment:

Council staff provided the applicant with specific criteria regarding the methodology of the surveys. In particular, that the surveys be undertaken by an appropriately qualified Traffic Engineer. The surveys were reviewed by Council staff and were considered to meet Council's criteria.

5. *The development has increased the amount of traffic in Edward Street and is compromising pedestrian safety.*

Officer Comment:

The impact on traffic and pedestrian safety was properly considered and addressed during the assessment of the original development application. It was determined that the land is an established site for active commercial premises with Edward Street designed to operate with such levels of service.

6. *Street parking in Edward Street has reduced the ability for large trucks to leave properties in the vicinity. No Stopping signs should be installed on the western side of Edward Street between the Argyle/Edward Streets roundabout and the restaurant entry point.*

Officer Comment:

The current street parking provisions in Edward Street were in existence prior to McDonald's and have not changed due to the construction of the restaurant. It would appear that the issue of large vehicles being able to exit a site and manoeuvre onto Edward Street is a separate matter to the modification application.

It is suggested that this concern is unable to be addressed as part of this application, and that it could be forwarded to the Local Traffic Committee.

(1)(e) The public interest

The traffic survey has demonstrated that the current parking provisions are adequate. Therefore, the modification of the development consent is not anticipated to have an adverse impact on the public interest.

CONCLUSION

Council has received an application for a Section 96 Modification of development consent 959/2008 for a restaurant at No 15 Argyle Street, Camden (McDonald's).

The application seeks to delete Condition No 5 and modify Condition No 22 to require 59 parking spaces. The applicant has provided supporting documentation in the form of a parking study seeking to justify the modification.

Following public exhibition, Council is in receipt of three (3) submissions. The issues raised in the submissions have been investigated by Council staff and have been addressed in this report.

Council staff have reviewed the parking study and maintained regular monitoring of the site since the restaurant's commencement of operation in December 2009.

It is considered that the approved development provides an adequate number of parking spaces and that the payment of a car parking space contribution is not warranted.

Consequently, the proposed Section 96 Modification application is recommended for approval.

DRAFT MODIFIED CONSENT

The modification, deletion or addition of any development consent condition is identified in **bold**.

1.0 - General Requirements

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

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

- Plans prepared by Richmond & Ross Pty Ltd, Site Plan numbered A001 Amdt A, modified 9/6/2009; Plans numbered A002, A003, A005, A100; Advertising plans numbered SG20 Amdt A, dated July 2008, SG10 Amdt B dated July 2008, SG21 dated July 2008, SG 22, dated July 2008,
- Plans prepared by Villa & Villa, submitted on 23 October 2008
- Phase 2 Environmental Site Assessment, prepared by WSP, Ref 109034RP01, dated May 2009
- Statement of Environmental Effects, prepared by JBA Urban Planning

- Consultants, dated October 2008
- Heritage Assessment prepared by Clive Lucas, Stapleton & Partners Pty Ltd, dated 3 October 2008
- Landscape Plan prepared by Clouston Associates 8/9/2008
- Acoustic Assessment prepared by Atkins Acoustics, report No.38.6350.R1:GACD03 Rev00.

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

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

- (2) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .
- (3) **Demolition (Tree Preservation)** – Trees on the footpath reserve must be protected with fencing to prevent damage during demolition, and retained in accordance with Council's Tree Preservation Order.
- (4) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992* , and the applicant/owner is therefore advised to investigate their liability under the Act.

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

- (5) **Car Parking Space Contribution - DELETED**
- (6) **Commencement of Operation - Acoustic Attenuation Report Compliance** – A report from a qualified Acoustic Engineer that contains a certifying statement confirming that the provisions and noise criteria for the consent conditions have been implemented and are compliant must be submitted to the Principal Certifying Authority. The acoustic compliance assessment (that leads to the issue of the certifying statement) must be undertaken between three (3) months and six (6) months from the commencement of operation of the Restaurant. The acoustic compliance assessment must be submitted within one (1) month of completion of the assessment.

The acoustic consultant must conduct sufficient inspections to verify that all construction aspects of the noise attenuation components/measures have been carried out in accordance with the “Noise Assessment McDonalds Mod Series Restaurant Argyle Street Camden, dated **October 2008**, prepared by Atkins Acoustics.”

Should the acoustic consultant confirm that:

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

The acoustic consultant must advise the applicant and the Principal Certifying Authority of such non-compliance . The applicant must arrange for the submission

of an application pursuant to s.96 of the *Environmental Planning and Assessment Act 1979* for the modification of the issued development consent to the Consent Authority, Camden Council, for determination.

- (7) **Food Codes and Regulations Compliance** - The construction and fit-out of the premises or any part thereof to be used for the manufacture, preparation or storage of food for sale, must comply with Camden Council's Food Premises Code, the *Food Act, 2003* and the *Food Regulations 2004* (incorporating the Food Standards Code).
- (8) **Plans** - The premises, fittings and fixtures must be constructed and installed in accordance with the approved plans unless otherwise specified in these conditions of approval.
- (9) **Asbestos** - That all demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (restricted) Asbestos Licence".

That all asbestos must be removed by a NSW WorkCover licensed contractor/s prior to the commencement of any work. Removal must be carried out in accordance with NOHSC: 2002 (2005) "Code of Practice for the Safe Removal of Asbestos". (NOHSC- National Occupational Health and Safety commission)

- (10) **Stormwater Tanks** - As per Part D, Chapter 3 of Council's DCP, a stormwater tank(s) with a minimum volume of 5,000 litres must be provided for this development. This tank(s) must capture a minimum of 80% of the stormwater runoff from the development's roof area and not impact on car parking spaces, accesses, driveways or landscaping areas. The stored stormwater must also be reticulated across the site as needed.

2.0 - Construction Certificate Requirements

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

- (1) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.72 per square metre, total \$3,116.00 for **Community Facilities**.

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

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

- (2) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,009.00 per hectare, total \$1,371.00 for **s.94 Administration and Management**.

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

- (3) **Blade Wall Sign** – The height of the blade wall at the front of the building shall be reduced to 6m. Details shall be provided in the plans submitted with the application for a Construction Certificate.
- (4) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council’s assets shall be rectified prior to the commencement of use or occupation of a building.

A security deposit of \$10,000.00 shall be lodged with the Council prior to the issue of the Construction Certificate

- (5) **Energy Efficiency** - Prior to issue of the Construction Certificate, an Energy Efficiency Report shall be submitted to and approved by Camden Council. The report shall analyse all relevant matters affecting the energy efficiency of the proposed building/structure to ensure that the energy targets in Camden Development Control Plan 2006 (DCP 2006) are achieved.
- (6) **Structural Engineer’s Certificate** - A certificate must be prepared by a practising Structural Engineer and must be submitted to Council attesting that the building design is capable of withstanding the effects of water and water pressure due to flooding **prior to the Construction Certificate being issued.**
- (7) **Evacuation Plan Required** - A detailed plan must be submitted to Council 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.
- (8) **Water Resisting Construction** - All external and internal partitions, framework, services and flooring must be constructed using flood compatible material.

Details shall be evident in the Construction Certificate application.

- (9) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority’s (ie Camden Council) “Soil Erosion and Sediment Control Policy”.

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

Plans must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued.**

- (10) **Fire Safety Measures** – Prior to the issue of the Construction Certificate a list of the fire safety measures proposed to be implemented in the building, or on the land on which the building is situated, shall be submitted to the Principal Certifying Authority for consideration and approval.
- (11) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the *Building Code of Australia*. Details shall be submitted with the application for the Construction Certificate.
- (12) **Acoustic Screen Wall Design** – The acoustic wall design that includes construction materials must replicate the façade treatment and material selection

used in the proposed development. The design and construction shall incorporate as a minimum:

- (i) A base of brick construction to continue from the Argyle Street frontage back into the site as far as possible, to replicate the design of the Argyle and Edward Street corners;
- (ii) Wall elements shall be placed on the brick base and for the first 8-10 metres from Argyle Street reflect the façade of the building and use materials including painted steel U-beams, rendered wall panels, grey mini orb and timber battens. The remainder of the wall shall use painted steel and timber cladding similar to the proposed building parapet.

The final design must be assessed by a qualified Acoustic Consultant to ensure noise integrity is maintained and be reflected in amended site plans and be submitted to Camden Council for review and written approval prior to the issue of a construction certificate.

(13)**Food Premises Fit out Plans** – detailed scaled fit out plans are to be provided for the kitchen and ancillary areas that demonstrates compliance with Camden Council's Food Premises Code, *The Food Act 2003* and the *Food Regulation 2004* (Incorporating the Food Standards Code). The plans are to be provided to the PCA for approval **prior to the issue of the construction certificate.**

(14)**Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a grease trap and a trade waste agreement.

A written response must be submitted to the Consent Authority (ie: Camden Council) **prior to the Construction Certificate being issued.**

(15)**WorkCover** - If gas is to be utilised, the requirements of WorkCover must be sought in relation to the provision of gas for cooking purposes and any other particular requirement they may have for this development.

A written response must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**

(16)**Waste Management Strategy (WMS)** – Waste management shall be conducted in accordance with the provided "McDonalds Australia Limited Waste Management" strategy. The strategy is to be signed off by a Company Director and should be resubmitted to the Principle Certifying Authority **prior to the issue of the Construction Certificate.**

(17)**Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued.**

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

works.

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

(18)**Development Certification** - As the allotment is flood affected, the following information must be submitted **prior to the Construction Certificate being issued:**

- (a) a survey report indicating the position and level of the 1:100 year flood level (1% AEP) affecting the allotment and the proposed floor level of the buildings in relation thereto.
- (b) a Structural Engineer's Certificate or Compliance Certificate certifying that "the buildings as designed will withstand and resist the effects of water and water pressure due to possible flooding".

(19)**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 shall be evident in the Construction Certificate application.

(20)**Retaining Wall Details** - All retaining wall details must be certified by a practising structural engineer.

(21)**Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:

- (a) All matters associated with Council's Erosion and Sediment Control Policy.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involved access to public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

(22)**Parking Spaces** - A minimum of 59 car parking spaces are required on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Camden Development Control Plan (DCP) 2006), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier /suitably qualified person must be submitted to the Principal Certifying Authority prior to the Construction

Certificate being issued.

Wheel stops are to be provided for all parking spaces.

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

(24)**Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval **prior to a Construction Certificate being issued.**

(25)**Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council (and the Roads and Traffic Authority). Plans and proposals must be approved by Council (and the Roads and Traffic Authority) **prior to the Construction Certificate being issued.**

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

(26)**Earthworks** - Proposed earthwork shall be designed to provide a cut and fill balance in order to achieve no loss of flood storage within the site. All proposed filling on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material from external sources and a validation report must be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(27)**Public Risk Insurance Policy** - **Prior to the issue of the Construction Certificate**, the owner or contractor is to take out a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a Certificate of Currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer.

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

(28)**Drainage Design** - A Stormwater Management Plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved

by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

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

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

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

(31)**Flood Risk Management Policy** - The development shall be constructed and operated in accordance with the Council's Flood Risk Management Policy and appropriate design details shall be incorporated into the construction plans prior to the release of the Construction Certificate.

(32)**Delivery Management Plan** – Prior to the issue of the Construction Certificate a Management Plan shall be submitted to the Principal Certifying Authority detailing staff procedures to enable trucks to enter and leave the site in a safe manner.

3.0 - Prior To Works Commencing

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

(1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.

(2) **Signs To Be Erected On Building And Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000* , a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and

(b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

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

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

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

- (3) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.

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

- (4) **Notice Of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a Certifying Authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.

- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of the *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (6) **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and, where appropriate, to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.

- (7) **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:

(i) written notice indicating the date when demolition of the building is to commence;

(ii) details of name, licence, address and business hours contact number;

(iii) a copy of the demolishers current Public Liability/Risk Insurance Policy indicating cover of at least \$5,000,000.

- (8) **Notice to Adjoining Owners of Demolition** - The following matters must be satisfied prior to and during demolition:

(a) the applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of demolition, advising of commencement date;

(b) safe access to and from adjoining buildings shall be maintained at all times;

(c) no demolition activity shall cause damage to, or adversely affect, the structural integrity of any adjoining building;

- (d) consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the demolition, and appropriate measures implemented;
 - (e) the affects of vibration and concussion on adjoining buildings and their occupants must be minimised;
 - (f) where the surface of an adjoining building is exposed by demolition, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate;
 - (g) the demolition of below ground walls which support the adjoining ground shall not be undertaken until it is established that demolition will not cause the collapse of the adjoining ground, or effective lateral support is provided to prevent collapse.
- (9) **WorkCover Approval** - It is the responsibility of the owner to contact the WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (10) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the *Occupational Health and Safety (Demolition Licensing) Regulation 1995*. WorkCover issue demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (11) **Protection of Council Property** - All reasonable care must be taken to protect Council's roads, including the made footway, kerbs, trees, etc when plant and vehicles enter the site. The footway shall be protected against damage by deep sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.
- (12) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (13) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (14) **Public Road Activity** - An approval under *Public Road Act* shall be obtained prior to the commencement of any work in a public road subject to lodgement of application and relevant fees. Such application must include an appropriate Traffic Control Plans which provides details of Traffic Control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such Control Plan must be prepared by a RTA Accredited Certifier

4.0 - During Construction

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

- (1) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards if applicable, protective bollards if applicable, which are disturbed, removed or damaged during the development and maintenance works, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired or replaced with the same type, species and maturity.
- (2) **DC Salinity Management Plan** - All proposed construction on site must be built in accordance with the Salinity Management Plan, Section 8 in the report titled "*Phase 2 Environmental Site Assessment: 15 Argyle Street Camden NSW, Prepared for McDonalds Australia Limited, Prepared by WSP, Ref 109034RP01, Dated May 2009.*" and comply with the requirements of Council's current Engineering Design and Construction Specifications.
- (3) **Survey Report (Peg Out)** - The building must be set out by a Registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (4) **Hours Of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (5) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- The delivery of material shall only be carried out between the hours of 7.00am - 6.00pm Monday to Friday, and between 8.00am - 4.00pm on Saturdays.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
 - Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - Waste must not be burnt on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Unit.
 - A waste control container shall be located on the development site.
- (6) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the

following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

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

1. **Commencement of Building Works** - When environmental controls are in place.
2. **Pier Holes** – Excavated pier holes prior to pouring of concrete.
3. **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
4. **Slab On Ground** – When steel reinforcement and associated form work has been provided, prior to the slab being poured with concrete.
5. **Wall and Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
6. **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
7. **Drainage Line-work** - When drainage lines have been laid prior to backfilling of lines.
8. **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

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

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

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

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

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

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

- (8) **External Materials and Finishes** - The development shall be completed in

accordance with the approved schedule of external materials, colours and finishes.

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

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

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

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

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

(13) Demolition Access Not to Obstruct Footpath - Any access to the site by way of temporary gates or movement of the fencing shall be directed into the site and shall not obstruct Council's footway.

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

(15) Wall Finish - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.

(16) Floor Finish - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.

(17) Coving - Intersections of the floor with walls and plinths shall be coved so that the area can be easily cleaned.

(18) Ceilings - Ceilings are to be constructed of a rigid, smooth faced, non absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.

(19) Drop In Panels - Drop in panels for ceilings are prohibited over food preparation areas.

(20) Storage Cupboards - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.

(21)**Dishwashing Facilities** - The premises must be provided with a:

- (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77°C that is fitted with a temperature thermometer or gauge; and
- (b) at least one (1) single bowl cleaning sink or tub containing at least one (1) compartment.

(22)**Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffuses.

(23)**Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

or

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

(24)**Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 and 2.

(25)**Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively a 25mm clearance is required to allow the area to be cleaned.

(26)**Fixtures and Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.

(27)**Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.

(28)**Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.

(29)**Floor Waste** - The floor of the food preparation area shall be graded to a sanitary floor waste.

(30)**Wall Tiles** - The walls behind the benches, sinks, tubs, hand basins, cupboards and similar fittings shall be tiled to a height of 450mm with glazed ceramic tiles.

(31)**Self-Closing Doors To Toilet Area** - The air locks to WC compartments must be fitted with self-closing doors at all access doorways.

(32)**Partition Walls** - All timber partition walls must be vermin-proofed by the provision of flat galvanised iron or similar material under the bottom plates and extending at least 450mm up from the floor on both sides of the wall. Alternatively, where

practical, such partitions or screen walls must be supported on round metal supports at least 200mm above the floor level.

- (33)**Coolroom Shelving** - Shelving within the low temperature freezer/coolroom must be constructed of galvanised pipe, angle iron, "T" iron, channel iron, flat metal or other approved materials, all of which should be treated to prevent corrosion.
- (34)**Wall Construction** - All walls must be of a solid impervious construction and closed jointed. Walls may be constructed of brick, concrete , concrete blocks, structural fibrous cement or other similar homogenous material.
- (35)**Cleaner's Sink** - Premises where floors are wet washed must have a suitable cleaner's sink to be located in an area away from where food is prepared.
- (36)**Hand Washing Facilities** – Hand basins shall be provided in accessible locations within each food preparation and food service area. (Note: *AS4674-2004 requires that hand basins are accessible and no further than 5m from any place where food handlers are handling open food*).
- (37)**Fill Material** – Prior to the importation and/or placement of any fill material on the subject site a Validation Report and Sampling Location Plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence.

The Validation Report and Sampling Location Plan must be prepared: -

- i) by a practicing engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- ii) in accordance with:
 - a) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) The Department of Environment and Conservation – Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW".
- iii) and confirm that the fill material:
 - a) provides no unacceptable risk to human health and the environment;
 - b) is free of contaminants;
 - c) has had salinity characteristics identified in the report;
 - d) is suitable for its intended purpose and land use, and
 - e) has been lawfully obtained.

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

The sampling for contamination is to be undertaken in accordance with the

following table:-

Classification of Fill Material	No. of samples per volume	Volume of fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000

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

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

(39)**Demolition (On Site Burning)** - The burning of any demolished material on the site is not permitted. Offenders will be prosecuted under the *Environmental Protection Operations Act*.

(40)**Waste Management Plan (WMP)** – All demolition materials shall be treated in accordance with the approved Waste Management Plan.

(41)**Demolition and Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of four (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 four (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).

(42)**Compaction** - Any filling up to 1.0m on the site must be compacted to 95% standard compaction and be tested in accordance with Camden Council's Engineering Construction Specification and AS 1289 by a NATA registered laboratory. The validation of the fill material must be done prior to use of any fill material and Validation Report must be submitted to the Principal Certifying Authority prior to the issues of the Construction Certificate.

5.0 - Prior To Issue Of Occupation Certificate

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

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

- (2) **Graffiti Management** - Any graffiti or vandalism shall be removed or repaired within 48 hours of the offence.
- (3) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

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

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

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

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (5) **Section 94 Contribution** – Prior to the issue of a final Occupation Certificate the S94 Contribution for Car Parking shall be paid to Camden Council.

The contribution must be indexed to the Consumer Price Index (CPI) and it is advised that Council be contacted to confirm the amount prior to the payment of the Contribution.

- (6) **Acoustic Barriers** – Prior to the issue of any Occupation Certificate an acoustic screen wall of 3.5 metres high (above the finished kerb level) is to be constructed along the length of the western boundary and an acoustic screen wall of 3.0 metres high (above the finished kerb level) is to be constructed along part of the western and northern boundary in accordance with “Attachment 2: Proposed Site Layout” plan contained within the report titled: “Noise Assessment McDonalds Mod Series Restaurant Argyle Street Camden, dated **October 2008**, prepared by Atkins Acoustics.”

- (7) **Noise Controls** – All recommendations of “Section 7.1 - Noise Control Recommendations” contained within the report titled: “Noise Assessment McDonalds Mod Series Restaurant Argyle Street Camden, dated **October 2008**, prepared by Atkins Acoustics.” must be selected/constructed/installed as part of the development **prior to the issue of any occupation certificate**.
- (8) **Registration and Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The Registration Form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (9) **Certification of Exhaust System** - Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the kitchen exhaust system as installed, has been tested and complies with Australian Standard 1668 – 1991 Parts 1 and 2 and the *Building Code of Australia*.
- (10) **Thermometers** - Any appliance used for the storage of hot and cold food must be provided with a numerically scaled and accurate thermometer.
- (11) **Compliance Letter** - Where the Consent Authority is not the Principal Certifying Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority **prior to the issue of an Occupation Certificate**. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.
- (12) **Gutter Crossings** - All services within 1.0m of the crossing and all affected services due to the proposed work shall be adjusted in consultation with the appropriate Service Authority.
- (13) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a Registered Surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (14) **Reinstate Gutter Crossings** - All redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.
- (15) **Lighting Upgrade** – Prior to the issue of any Occupation Certificate the applicant shall assess the existing lighting and carry out the appropriate upgrading of lighting in Edward Street and the overall car park in accordance with the Australian Standard 1158 in order to improve the safety of the customers.
- (16) **Footpath Upgrade** - Prior to the issue of any Occupation Certificate the pedestrian footpaths in Argyle and Edward Streets shall be upgraded and match the proposed driveway in Edward Street to the requirement of the Camden Town Centre Strategy in consultation with the Urban Designer of the Council.

6.0 - Operational Conditions

The following Conditions of Consent are operational conditions applying to the

development.

- (1) **Truck deliveries** – Truck deliveries and waste collection will be restricted to the following hours:

Monday to Saturday: 7.00am to 6.00pm
Sunday and Public Holiday: 8.00am to 5.00pm

- (2) **No Additional Signs** - The approval of this sign application does not suggest that additional signs may be erected without the prior written approval of Camden Council.

- (3) **Bunting** - Bunting must not be used to attract customers.

- (4) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.

- (5) **Historical Significance** – Given the location of the subject site and its proximity to other sites and buildings of historical significance, no alterations to the external appearance of the building including painting must be carried out unless the **prior written approval** of the Consent Authority has been obtained.

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

Monday to Friday:	5.00am to 11.00pm
Saturday:	5.00am to 11.00pm
Sunday and Public Holidays:	5.00am to 11.00pm

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.

- (7) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.

- (8) **Annual Fire Safety Statement** – An Annual Fire Safety Statement acceptable to the Council, certifying that the nominated essential fire safety measures, which have been installed in the building:

(a) have been inspected and tested by a person (chosen by the owner of the building) who is properly qualified to carry out such an inspection and test; and

(b) are capable of operating to a standard, not less than that to which they were originally designed and installed,

must be submitted to the Council by the owner or owner's agent annually. A further copy of the Statement (together with a copy of the current Fire Safety Schedule) must also be given to the Fire Commissioner and be prominently displayed in the building.

- (9) **Grey Water Reuse** – The reuse of grey water for any purpose on the site is prohibited.

- (10) **Hot Storage** - 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.

- (11)**Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (12)**Storage Of Stock** - Floors throughout the premises must be maintained free of stored stock so as to allow cleaning and removal of waste.
- (13)**Cleanliness Of Toilet Area** - Toilet areas must be thoroughly cleaned and maintained in a clean condition at all times.
- (14)**Clothing** - Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.
- (15)**Hand Basins** - The hand basins must be:
- a) Provided with water at least 40°C from a mixed hot and cold supply;
 - b) Supplied with a sufficient supply of liquid soap and single-use towels or other suitable hand drying facilities located adjacent to the hand basin;
 - c) Kept in a clean and sanitary condition and in good repair at all times;
 - d) Not used for any other purpose other than the washing of hands.
- (16)**Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.
- (17)**Plant and Operational Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary and must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy.
- (18)**Activities** - All activities associated with the development must be carried out within the property, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the *Protection of the Environment Operation Act 1997*.
- (19)**Emission Requirements** - All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises must be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system must comply with the requirements of the *Protection of the Environment Act, 1997* as amended and Regulations made thereunder.
- (21)**Trade Waste Bins** - The trade waste bins must be stored inside the building on the premises and be emptied on a regular basis.

To ensure compliance with Environmental Legislation, all waste containers are to be labelled, with waste stored in a manner that prevents the escape of pollutants to the environment.

The Business Proprietor shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this Agreement shall be held on the premises at all times.

- (22)**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.
- (23)**Litter Patrols** – Litter patrols shall be carried out twice daily around midday and immediately upon cessation of trade on each day. The area to be patrolled shall extend along both sides of Argyle Street to the bridge, and the block bounded by Argyle Street, John Street, Larkin Place and Elizabeth Street.
- (24)**Carpark Gates** – The gates to the carpark shall be closed each day within 30 minutes of close of trading.

7.0 - Subdivision Certificate

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

- (1) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Councils Development Control Plan 2007 and Engineering Specifications for road works drainage and other works associated with subdivisions and other developments.

RECOMMENDED

That the application for a Section 96 Modification to development consent 959/2008 for the deletion of Condition No 5 (Car Parking Space Contribution) under heading '1.0 - General Requirements', and the modification of Condition No 22 (Parking Spaces) under heading '2.0 - Construction Certificate Requirements' to require only 59 parking spaces, be approved.

ATTACHMENTS

1. Location plan
2. Submissions (sup doc)
3. Parking Survey (sup doc)



Location plan 15 Argyle Street Camden.pdf



McDonalds Parking Survey.pdf



Submissions - McDonalds s96 DA959-2008.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Dewbery that the application for a Section 96 Modification to development consent 959/2008 for the deletion of Condition No 5 (Car Parking Space Contribution) under heading '1.0 - General Requirements', and the modification of Condition No 22 (Parking Spaces) under heading '2.0 - Construction Certificate Requirements' to require only 59 parking spaces, be approved.

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

(Councillors Anderson, Cottrell, Cagney, Dewbery, Symkowiak, Patterson and Warren voted in favour of the Motion.
Councillor Campbell voted against the Motion).

ORD76/11

ORDINARY COUNCIL

ORD02

SUBJECT: POTENTIAL LEGAL ACTION FOR ALLEGED
NON-COMPLIANCE WITH DEVELOPMENT CONSENT AT
NO 955 (LOT 10 DP 27602) CAMDEN VALLEY WAY,
CATHERINE FIELD

FROM: Director Development and Health

FILE NO: Binder: Development Applications 2008/DA701/2008

PURPOSE OF REPORT

The purpose of this report is to seek a resolution from Council to commence legal proceedings against the owners of 955 Camden Valley Way, Catherine Field for the continued failure to comply with Conditions of Development Consent 701/2008 issued by Council on 22 October 2008, and carrying out development that is prohibited by Camden LEP 2010 (LEP).

BACKGROUND

No 955 (Lot 10 DP 27602) Camden Valley Way, Catherine Field has an area of 2.13ha. It is situated on the north-western corner of Camden Valley Way and Deepfields Road, with the frontage being located on Deepfields Road. The property is currently owned by Mr and Mrs Rafailidis.

The block is generally clear of vegetation with a few trees along the Camden Valley Way boundary (south-east).

Located just below the centre of the block (towards south-west) is a fibro cottage. The age of the cottage has not been established, however it is believed that the cottage has been tenanted for over 17 years. A new dwelling has been constructed in the centre of the block. **A location plan is provided at the end of this report.**

The block is serviced by town water. The old dwelling is serviced by an old Aerated Wastewater Treatment System (AWTS) and the new dwelling is serviced by a new Aerated Wastewater Treatment System (AWTS).

MAIN REPORT

In March 2010 Council Officers became aware that a new dwelling on the property was being occupied in the absence of an Occupation Certificate and that the original dwelling had not been demolished as required by the consent.

Investigation commenced into the reported breaches which revealed that in February 2007 Council issued an approval to install a new Aerated Wastewater Treatment System (AWTS).

An application for the construction of a two-storey dwelling was submitted to Council on 6 August 2008. The application was submitted with associated documents including a letter from Masterton Homes (the builder), on behalf of the owners, stating that the "existing fibro clad dwelling will remain on site until the completion of the proposed

home and will be demolished by the owner."

The Section 79C assessment was carried out by Council's Building Surveyor on 22 October 2008 and the development consent was issued that same day.

The consent issued by Council contains a number of conditions relating to the demolition of the existing dwelling (including the decommissioning of the existing AWTS) before occupation of the new two-storey dwelling.

Relevant Condition 5.6 states:

"Existing dwelling removal or demolition - The existing single storey dwelling on the site shall be demolished and/or removed from the site within 28 days of the completion of the proposed dwelling."

The reason for this condition is to ensure that the proposed development complies with the requirements of the *Environmental Planning & Assessment Act 1979* (the Act) and to ensure that the development meets the aims, objectives and requirements of Camden Council's *Local Environment Plan* and *Camden Development Control Plan 2006* which relate to the subject land.

Section 76A of the Act states that *the development must be carried out in accordance with the consent and the instrument.*

The aims and objectives of the CLEP and DCP include preservation of the lifestyles and amenities of the people living in the Municipality of Camden by controlling the type and magnitude of development within the rural areas.

These standards need to be maintained so as not to erode the achievement of these aims and objectives.

An inspection on 11 March 2010 confirmed that the original dwelling had not been demolished and was being occupied, and that the new dwelling was also being occupied. A check of Council records confirmed that no Occupation Certificate has been issued for the new dwelling.

Subsequent to this inspection Council issued a Notice of Proposed Order 1 requiring compliance with Development Consent 701/2008 dated 11 March 2010. No representations were received within the specified time and accordingly Council issued an Order 1 under the provisions of Section 121B of the *Environmental Planning and Assessment Act 1979* to require the owner of the premises to comply with the relevant conditions of Development Consent 701/2008.

On 22 April 2010 the period for compliance with Order 1 expired and there had been no contact or representations received by Council.

On 21 May 2010 a further inspection confirmed that the original dwelling was still on the property and was still being occupied. Given the non-compliance with Order 1, it was considered appropriate at the time that a Penalty Infringement Notice (of \$1,500) be issued.

Given the continued non-compliance, Notice of Proposed Order 2 was issued on 20 May 2010.

Council issued Order 2 requiring compliance with Development Consent 701/2008 on

22 June 2010. The period requiring compliance with the Order 2 expired on 20 July 2010.

Subsequent to Order 1 being issued, Mrs Koula Rafailidis corresponded with Council via letter and telephone on 7 April 2010 and 26 May 2010 respectively. During this correspondence she admitted that the cottage is occupied by tenants and that she is occupying the new dwelling in the absence of an Occupation Certificate. She has not indicated any intention to comply with Council's requirements.

Since the expiry of Order 2 Mrs Rafailidis has appealed against the Penalty Infringement Notice to the State Debt Recovery Office and has appealed against Council's Orders to the State Member, who in turn, referred the appeal to the Minister for Local Government.

Mrs Rafailidis has also appealed to the NSW Ombudsman.

Council has responded to all government and authority enquiries.

Council has not received any further correspondence from the State Member, the Minister for Local Government or the NSW Ombudsman in relation to this matter.

STATUTORY PROVISIONS

The Environmental planning and Assessment Act, 1979 (the Act)

Section 76A of the Act, 1979 cites *'if an environmental planning instrument provides that specified development may not be carried out except with development consent, a person must not carry the development out on land to which the provision applies unless:*

(a) such a consent has been obtained and is in force, and

(b) the development is carried out in accordance with the consent and the instrument.'

As neither condition in (a) or (b) above exist, the development may not be carried out except with development consent. No such consent exists.

Section 109M of the Act cites " *A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 109H) unless an Occupation Certificate has been issued in relation to the building or part.*"

As no Occupation Certificate has been issued, occupation may not commence. Council officers are aware such occupation has occurred. Development Consent 701/2008 has been breached and a significant amount of correspondence has occurred with the owner in relation to this breach.

Development Consent was issued in 2008. The current applicable statutory controls have been considered to determine whether the breach would be approvable were it submitted as a development application today.

The subject property comprises an area of approximately 2.13ha and is Zoned RU4 Rural Small Holdings under the LEP. Permitted land uses within the RU4 zone relevantly include attached dual occupancies, dwelling houses and secondary dwellings. Detached dual occupancies are prohibited.

The dictionary within the LEP includes the following definitions:

dual occupancy means two (2) dwellings (whether attached or detached) on one (1) lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

CLEP 2010 Part 5 5.4 provides:

(9) **Secondary dwellings** - If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

The original and new dwelling are not attached and therefore are prohibited within the zone.

The original dwelling has a floor area of approximately 129m², therefore cannot be called a Secondary Dwelling. The new dwelling has a floor area of 379.9m², therefore cannot be called a Secondary Dwelling.

This is a numerical standard. Some numerical standards in CLEP 2010 are able to be varied. Clause 4.6 of the LEP list those clauses which are not able to be varied. Clause 5.4 is one of those clauses not able to be varied. Therefore the numbers in the clause above relating to secondary dwellings may not be varied.

Therefore this breach would not be able to be approved, even if considered under the present LEP provisions.

It is considered that a breach of Section 125 of the Act has been committed in so far as the development consent conditions, lawfully issued by Council, have not been complied with. Section 127 of the Act allows Council to begin prosecution proceedings for an offence under the Act. The proceedings can be brought before either the Local Court or the Land and Environment Court.

CONCLUSION

Mr and Mrs Rafailidis have been made aware of the conditions of Development Consent 701/2008 on a number of occasions throughout the orders process and have chosen not to comply. Council has provided sufficient time for Mr and Mrs Rafailidis to issue notice to the tenants of the first dwelling to vacate.

It is the failure of the owners to demolish the cottage and to comply with other regulatory requirements that form the basis of Council's action to date. Council has followed an orders process to maintain development standards.

The orders process available to Council to remedy the situation has been exhausted and the owner's continued failure to comply with relevant regulations means that the only course of action left available to Council is to pursue the matter to a Court of competent jurisdiction.

Mr and Mrs Rafailidis have not informed Council at any time, of a time in which they propose to comply with the Development Consent or the Order issued requiring compliance with that consent.

To allow the original dwelling to remain, or allow Mr and Mrs Rafailidis to continue to occupy the new two-storey dwelling, is not only an offence under the Act it would also create an undesirable precedent. Consequently, it is recommended that Council pursue legal action in this case.

RECOMMENDED

That the matter be referred to Council's Solicitors to commence legal proceedings against Efrem and Koula Rafailidis of No 955 (Lot 10 DP 27602) Camden Valley Way, Catherine Field, for the offences of carrying out a development non-compliant with conditions of Development Consent and development that is prohibited under Camden LEP 2010.

ATTACHMENTS

1. Location plan



Location Plan 955 Camden Valley Way.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that the matter be referred to Council's Solicitors to commence legal proceedings against Efrem and Koula Rafailidis of No 955 (Lot 10 DP 27602) Camden Valley Way, Catherine Field, for the offences of carrying out a development non-compliant with conditions of Development Consent and development that is prohibited under Camden LEP 2010.

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

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

No Councillor voted against the Motion.)

ORD77/11

ORDINARY COUNCIL

ORD03

SUBJECT: DRAFT INTEGRATED PLANNING AND REPORTING PACKAGE
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

The purpose of this report is to inform Council that the Draft Integrated Planning and Reporting (IP&R) Package is now in a position to be formally considered by Council and, if endorsed, placed on public exhibition.

BACKGROUND

The Local Government Amendment (Planning and Reporting) Act 2009 was passed as legislation on 9 October 2009. The amendments to the Act give effect to the IP&R Package.

At its meeting of 10 November 2009, Council nominated itself as a Group 2 Council, meaning it would undertake to adopt the new IP&R Package by 30 June 2011.

Council's Draft IP&R Package fully complies with the requirements of the new legislation and includes four (4) key components:

1. Community Strategic Plan
2. Resourcing Strategy
3. Delivery Program, and
4. Operational Plan

At its meeting of 14 December 2010, Council adopted a new Community Strategic Plan: Camden 2040. In doing so, Council has completed one (1) of the components of the IP&R Package. The other three (3) components are now in a position where they can be presented to Council for consideration, and the public for comment.

A copy of the Draft IP&R Package has been previously distributed to Councillors under separate cover.

MAIN REPORT

At the core of the new IP&R framework is the creation of a strong link between all the components to demonstrate that what Council does is driven in the main by community priorities (from Camden 2040) and that sufficient resources have been allocated to these programs and services so that service outcomes can be delivered on time in a sustainable manner.

Council and its community should be able to see a strong connection between strategy, resourcing needs, service delivery and ultimately monitoring and review. The focus

during the development of the IP&R Package has been on making these links as clear as possible and ensuring alignment of resourcing strategies and programs in an affordable way.

The community engagement process that Council is about to embark on will test whether we have appropriately addressed the key priorities of the community.

Why is Integrated Planning and Reporting so Important?

The IP&R process is considered important for a number of reasons, including;

- Enabling the community to have a greater say in the direction of their community
- Creating more informed discussion in the community on priorities and an understanding of the resources required to successfully achieve these priorities
- Providing the Council with a greater mandate for its decision making
- Service delivery can focus on agreed community priorities
- Taking a long term sustainable view of the cost and implications of delivery of agreed service levels so that the 'big picture' is clear over time
- Enabling an informed debate on priorities and options where services or programs are not sustainable, and
- Ensuring progress is regularly measured and reported.

Transforming Community Vision into Action

Transforming Community Vision into Action is the term proposed to encompass the body of work that makes up the IP&R Package. It is intended to emphasise that Council is acknowledging the Community Vision in Camden 2040 and now focused on making it happen. The following diagram summarises the interrelationships within the document.



The plan is a compilation of various workshops, interviews, substantial research and analysis by senior staff across the organisation. The process to develop the Resourcing Strategies and Delivery Program started well before Camden 2040 was adopted and culminated in an integration process throughout February and March 2011.

Transforming Community Vision into Action addresses a number of key challenges within Camden 2040, The major challenges are summarised addressing each one by

stating the challenge, what this means for the community and what Council plans to do about it. An example is below;

- *We are growing and the State has set requirements about how much growth we need to plan for. We must plan for growth – today we have 55,000 residents. By 2040, we expect to have 250,000 residents.*
- This means there will be a significant strain on the services Council provides to a rapidly growing community. One of the key concerns will be the strain on infrastructure (roads , drainage , bridges , carparks , footpaths , transport etc) and support services for the community. There are also some opportunities that transpire from growth of this magnitude. For example, a higher level of urban facilities is distinctly possible. So we need to address impact of growth on our services at the same time as realising the many opportunities that growth presents .
- We plan to focus on creating quality places and integrate them with those that exist today. We also plan to grow in a sustainable manner – in an economic, environmental and social sense. We can only do this through careful and deliberate planning.

A table is also included identifying each of the community's priorities and Councils Response

Key priorities	Our Response
Maintaining Camden's feel and character through managing urban growth	We have allocated additional resources towards managing urban growth within a new quality management system. We will continue to focus on preserving Camden's heritage through DA referral and by overseeing the continued preparation of conservation management plans on properties of State significance. We are also committed to protecting Camden Town and associated scenic and cultural landscapes.
Better roads and road related infrastructure	We are committed to a community infrastructure renewal program that was approved via a 4.5% Special Rate increase in 2010/11. This program will see a total of \$3.7m spent on urgent renewal works throughout the Camden LGA by the end of 2012/13. It is proposed that Council will seek an extension of this program in 2013/14 to make further inroads into the infrastructure backlog dilemma we currently face.
Better recreation, community and health services and infrastructure	In terms of expansion of existing services, Council is planning the staged development of Mount Annan Leisure Centre, improvements to the Camden Civic Centre building, expansion of the Children's and Families facilities in Narellan and a new community garden at the Camden Town Farm. With respect to new infrastructure in new release areas, Council either has or will be adopting plans for new recreation and Community facilities. It should be noted however, that the State Government's 'cap' on developer contributions will severely impact on Council's ability to levy developers sufficient funds to build all the facilities required in new release areas.

More environmental activities	We are planning to continue our water and energy action plans, targeting those facilities that consume the most resources. We also plan to continue our Waste and Sustainability Improvement Payment Program, targeting a range of activities to help minimise waste (including education) and promote sustainability.
More community and road safety programs	We plan to continue our recurrent community and road safety programs (subject to available State Government funding) as well as explore funding opportunities to support our road safety strategic plan initiatives.
Better community engagement and consultation	We have allocated additional resources (2013/14) towards improving our focus in this area. In the meantime, we will be pursuing ways and means to better engage the community in strategic and policy discussions.

Options and Implications

The Draft IP&R Package also outlines options Council has for applying its resources sustainably to Resourcing Strategy and the delivery of key programs. These options are centred on either increasing revenue to fund service levels or deferring service improvements to later in the 10 year planning horizon when they are more affordable. Often the preferred solution is a mixture of both. Council has already undertaken a number of efficiency improvements and will continue this process over the next two years to ensure it has optimised its service delivery processes.

Transforming Community Vision into Action proposes three different resourcing scenarios to achieve the program of works outlined in the Delivery Program and Operational Plan.

	Features	Result	Cost
Option One	All Essential Services & Asset Requirements Funded	Current Service levels maintained (or improved) with new service introduced as required Continue to reduce asset backlog and begin to fund full life cycle cost of its assets Council has sufficient resources to meet the demands of a growing population	A 26% rate increase over four years. (above IPART annual rate determination)
Option Two	Limited Funding for Services. Asset Requirements funded through a 4.50% rate increase in 2013/14	Current Service levels maintained Continue to reduce asset backlog but the full life cycle cost of assets will remain unfunded Council will have competing priorities in terms of its resources to meet the demands of a growing population	IPART Approved Increases for the next four years + the continuation of the Community Infrastructure Renewal Program in 2013/14 at 4.50%.

Option Three	Limited Funding for Services. No additional funding for Asset Requirements, with no rate increase in 2013/14	Current Service levels maintained Asset backlog will continue to grow to unsustainable levels, Assets may become unavailable for various reasons, including safety Council will have limited resources to meet the demands of a growing population	IPART Approved Increases for the next four years
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Recommended Option

Option 2 (the continuation of the 4.5% Community Infrastructure Renewal Program (CIRP) in 2013/14) is recommended as the most appropriate option available. It is considered a practical solution which will allow Council to address urgent infrastructure renewal works from 2013/14 onwards and ensure essential services keep pace with population growth.

The Delivery Program has been prepared based on Option 2. Under each Key Direction in the Delivery Program the plan also highlights programs that can't be funded in the four year program so that during the engagement process the community understands the challenge in funding competing priorities and can provide feedback on the preferred option.

Financial Implications

In preparing a balanced budget of \$102,954,800 for 2011/12, Council has prudently considered both the needs of the community and the long term financial sustainability of the organisation. It is not recommended that Council seek a special rate increase ahead of the suggested 4.5% rate increase in 2013/14 to continue the CIRP.

However, there are plans to increase Council's loan borrowings by \$700,000 to \$2,300,000 to ensure appropriate levels of infrastructure are provided to the community. The debt servicing associated with this increase in loan borrowings is funded primarily through additional rates.

For a comprehensive dissection of Council's income and expenditure, please refer to the *Local Service Funding Summaries* located in Part D - Delivery Program of the IP&R Package.

The funding strategies proposed over the next 4 years will allow existing services to be maintained and deliver outcomes supported by Camden 2040.

Workforce Implications

In order to satisfy all community priorities it was estimated that an additional 153 positions would need to be created over the next 10 years. This represents a 50% increase in our current staff establishment and would go some way towards Camden having a staff establishment/population ratio on par with the NSW State average.

Option 2 provides for an additional 114 positions to be created over the next 10 years. This represents a 38% increase in our current staff establishment. Clearly, the shortfall of 39 positions over the next 10 years will have an impact on Council's ability to maintain existing services during a phase of unprecedented growth.

Council's Workforce Plan anticipates many of these challenges and puts in place a range of strategies and actions that will assist with the ongoing attraction and retention of staff.

Asset Management Implications

As Camden continues to grow, so too does our responsibility to manage and maintain assets that come with this growth. It is already acknowledged that Council has some work to do with its existing assets. To some extent, this was addressed by Council's successful bid for a 4.5% rate increase for a Community Infrastructure Renewal Program (CIRP) in 2010/11 for a period of 3 years. An infrastructure backlog of \$24.5m was identified as part of Council's bid for a 4.5% rate increase in perpetuity (forever). Having been granted a 4.5% rate increase for only 3 years, Council estimates the asset backlog will still be at least \$20m in 2013/14.

As opposed to reducing rates in 2013/14 by 4.5%, it is recommended that Council pursue a continuation of the 4.5% rate increase in 2013/14 in order to make further inroads into the infrastructure asset backlog issue.

It should be noted that Option 2 (the continuation of the 4.5% rate increase to fund the CIRP) is by no means the 'ideal' asset management scenario. In order to cover all asset management costs (asset renewal, maintenance and operational costs), a 26% rate increase over the next 4 years would be required. At this stage, Council believes this figure is an unrealistic burden on the community.

It is likely the community will see some minor reductions in service levels as a result of limited funds available for asset management. Having said that, Council is determined to carefully prioritise critical asset renewal and maintenance works so as to not compromise public safety.

Community Engagement Strategy

The consultation for the suite of plans and policies in *Transforming Community Vision into Action* will not be as extensive as Camden 2040. Focus will be on engagement tools that help validate the translation of Camden 2040 into a prioritised four year work program and the resources required to deliver this program.

The engagement process will use a variety of the following techniques;

- Focus Groups
- Targeted Stakeholder Groups
- Open Houses
- Website
- Statutory written submission processes

A copy of the full engagement strategy is attached at the end of this report.

CONCLUSION

The development of the IP&R Package is the culmination of one the most comprehensive strategy development and integration exercises undertaken by Council that impacts not only the community but all of Council staff and services.

RECOMMENDED

That Council:

- i. adopt the Draft Integrated Planning and Reporting Package, comprising**
 - a. Resource Strategy , including Asset Management Policy , Asset Management Strategy and Asset Management Plans, Workforce Plan and Long Term Financial Plan;**
 - b. Delivery Program;**
 - c. Operational Plan, and**
 - d. Revenue and Pricing Policy , including Draft Fees and Charges and proposed continuation of the Stormwater Management Levy for 2011/12**

for the purposes of public exhibition.
- ii. adopt the attached Community Engagement Strategy for the purposes of consulting with the public during the exhibition period 2 May to 30 May 2011.**

ATTACHMENTS



DP-OP Engagement Strategy.doc

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council:

- i. adopt the Draft Integrated Planning and Reporting Package, comprising**
 - a. Resource Strategy, including Asset Management Policy, Asset Management Strategy and Asset Management Plans, Workforce Plan and Long Term Financial Plan;**
 - b. Delivery Program;**
 - c. Operational Plan, and**
 - d. Revenue and Pricing Policy, including Draft Fees and Charges and proposed continuation of the Stormwater Management Levy for 2011/12**

for the purposes of public exhibition.
- ii. adopt the attached Community Engagement Strategy for the purposes of consulting with the public during the exhibition period 2 May to 30 May 2011.**

THE MOTION ON BEING PUT WAS CARRIED.

ORD78/11

ORDINARY COUNCIL

ORD04

SUBJECT: COUNCIL SEAL - ROAD WIDENING - RICHARDSON ROAD, SPRING FARM
FROM: Director Governance
FILE NO: Council Properties

PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a Deposited Plan for road widening purposes.

MAIN REPORT

Council approved a 25 Lot subdivision in Richardson Road, Spring Farm at the meeting on 19 January 2010 (DA 894/2008). As a result of that approval, Council became the registered owner of Lot 21 DP1120602 - 1A Hampshire Boulevard Spring Farm (Council's land).

As part of the development requirements of the subdivision and the adopted Master Plan Road Layout, a roundabout is required to be constructed adjacent to Council's land. The exact location and area of land required for the roundabout over Council's land has only recently been determined and an amended Deposited Plan has been prepared which now excises the land required for the construction of the roundabout.

A copy of the relevant section of the Deposited Plan is **attached to this Report** showing the portion of land subject to the roundabout and marked "RW". The new lot number will be Lot 201.

Council is now required to sign the Deposited Plan under Council Seal to enable registration with the Land and Property Information Management Authority (LPMA) to give effect to the adjusted land requirements.

CONCLUSION

Council officers have examined the Deposited Plan and have no objection to the proposals. The land in question is zoned for "Road Reserve" and these adjustments are in accordance with the Master Plan for Spring Farm. This is a procedural resolution required to formalise the development requirements.

RECOMMENDED

That the Council Seal be affixed to the Deposited Plan in order to formalise the road widening requirements affecting Lot 21 DP 1120602 in Richardson Road, Spring Farm as outlined in this report.

ATTACHMENTS



Location Plan - Richardson Road.pdf

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Dewbery that the Council Seal be affixed to the Deposited Plan in order to formalise the road widening requirements affecting Lot 21 DP 1120602 in Richardson Road, Spring Farm as outlined in this report.

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

ORD79/11

ORDINARY COUNCIL

ORD05

SUBJECT: CIFA DONATION TO KASHIWA INTERNATIONAL
RELATIONSHIP ASSOCIATION
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To seek Council approval following a request from Camden International Friendship Association (CIFA) to donate to the Kashiwa International Relationship Association (KIRA) an amount of \$5,000 following the recent earthquakes and subsequent disaster in Japan.

BACKGROUND

CIFA is a Community Management Committee of Council and is not delegated the authority to make any donations without Council approval. Council allocates \$5,000 annually to the operations of CIFA. CIFA are not sending a group of school children to Japan this year due to the disaster and wish to support KIRA and its members who are adversely affected by the earthquakes.

MAIN REPORT

Families are housing relatives and friends from the north that are directly displaced from these events. KIRA is also housing 200 people in a public hall.

CONCLUSION

CIFA seeks Council's approval to use their funds to support their friends in Kashiwa, Japan.

RECOMMENDED

That Council approve the donation of \$5,000 from Camden International Friendship Association (CIFA) to Kashiwa International Relationship Association (KIRA) on behalf of Camden Council.

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Dewbery that Council approve the donation of \$5,000 from Camden International Friendship Association (CIFA) to Kashiwa International Relationship Association (KIRA) on behalf of Camden Council.

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

THE MEETING CLOSED AT 6.20PM.

ORD80/11

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Councillor Symkowiak be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD64/11

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

RESOLUTION

There were no declarations to be noted.

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

ORD65/11

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

Public Addresses are tape recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. A copy of the tape recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.

RESOLUTION

There were no public addresses to be noted.

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

ORD66/11

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 22 March 2011.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 22 March 2011, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 22 March 2011, copies of which have been circulated, be confirmed and adopted.

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

ORD67/11

MAYORAL MINUTE
ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - CAMDEN SHOW ASSISTANCE
FROM: Mayor
FILE NO:

The annual Camden Show scheduled for this weekend is celebrating its 125th anniversary and is to be officially opened on Saturday 9 April by Her Excellency Ms Quentin Bryce AC, Governor-General of the Commonwealth of Australia.

Proudly known and branded as 'Still a Country Show', Camden Show is a well loved and eagerly anticipated event that each year draws large crowds to our area.

Camden Show Society, a non profit volunteer organisation dedicated to ensuring the continued success of the Show, recently contacted me seeking assistance with this year's event.

Upon receiving the Show Society's request for assistance I discussed the matter with my fellow Councillors who have agreed in principle that given the importance of this annual event and the fact that it is the 125th anniversary a monetary donation would be in order.

It was further discussed that in addition to a monetary donation, in kind assistance be provided in the form of advertising and promotion of the event and the Governor-General's visit via Council's weekly advertisement and the website.

RECOMMENDED

That Council:

- i donate \$3000.00 from Councillor Ward Funds to the Camden Show Society to assist in the staging of this year's Camden Show; and**
- ii endorse in kind support in the form of advertising and promotion of the Show through Council's weekly advertisement and the website.**

RESOLUTION

Moved Councillor Patterson that Council:

- i donate \$3000 .00 from Councillor Ward Funds to the Camden Show Society to assist in the staging of this year's Camden Show; and**
- ii endorse in kind support in the form of advertising and promotion of the Show through Council's weekly advertisement and the website.**

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

ORD68/11

ORDINARY COUNCIL

ORD01

SUBJECT: PROPOSED ROAD NAMING - HARRINGTON GROVE,
HARRINGTON PARK
FROM: Director Development and Health
FILE NO: Binder: Landuse & Planning/GLIS/Land Information/Naming of
Roads

PURPOSE OF REPORT

The purpose of this report is to seek Council's further direction in relation to a proposed list of street names within the Harrington Grove release area.

BACKGROUND

The Harrington Grove release area consists of two parts. The first part is bounded to the north by Cobbitty Road, Cobbitty, to the south by Narellan Creek, to the east by The Northern Road and to the west by The Lanes and Kirkham estates.

The second part is bounded to the west by The Northern Road, to the east by Camden Valley Way, to the north by Cobbitty Road and Oran Park Drive and to the south by the suburb of Harrington Park. **A location plan is provided at the end of the report.**

The developer of Harrington Grove originally advised Council of its desire to use ecological names which were in keeping with the theme of natural environmental outcomes intended as part of the Harrington Grove development.

Council officers considered this would conflict with the guidelines developed by the Geographic Name Board (GNB) as an Australian flora theme exists within Mount Annan and advised the developer that such a theme would therefore not be suitable. A list of alternative themes was provided to the developer which related to Australian heritage and culture. Notwithstanding the choice from this list of a bushranger related theme, the developer has indicated they would still prefer an ecological theme given the importance of the ecology and the role this plays in the development of Harrington Grove.

The developer is further of the opinion that ecological names should not be restricted to Mount Annan and has advised the bushranger theme was chosen as it considered the alternate themes were less appropriate.

Subsequently, a list of names was prepared by the developer using the bushrangers theme. This list was reviewed by Council officers and subsequently was referred to the GNB which raised no objections to the proposed list of names.

Council, at the meeting of 9 November 2010, considered a report and resolved to endorse a list of new road names for use in the Harrington Grove release area; to proceed with the new road naming process; and be provided with a further report detailing the results of a 30 day public exhibition period.

MAIN REPORT

The GNB has advised Council that the following process is required to be followed by the relevant roads authority (Council) in respect of having new road names approved.

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

Steps 1 to 7 have now been completed and this report has now been prepared in accordance with **Step 8**.

NOTIFICATION

The proposed road names were notified in accordance with the GNB guidelines. Three (3) submissions were received each raising concern over the use of the bushranger related theme. **A copy of the submissions are provided with the Business Paper supporting documents.**

Below is a summary of the submissions and comments.

- (a) These criminals were "bloodthirsty murderers who do not deserve to be honoured for their crimes against humanity".

Officer comments:

The comment is understood and appreciated. It should be noted that not all names are those of bushrangers. Rather, some are general names, such as place names and names of other people relevant to the theme.

- (b) "Given that Harrington Grove is close to Oran Park, the street names should be named after car types".

Officer comments:

Oran Park is a different suburb by a different developer who chose to use a motor racing theme. The bushranger related theme was put forward by the developer of Harrington Grove and assessed against the GNB's guidelines.

- (c) "These criminal bushrangers who broke the law, shot and killed the policemen, are therefore not worthy citizens, why have streets named after them".

Officer comments:

In reflection bushrangers were criminal, however their acts highlight previous living standards for the unemployed, poor and in some cases uneducated but still represent part of Australian history.

Bushranger Related Names

The proposed list of new road names to be used in the Harrington Grove release area, for which adoption is sought by the developer, is as follows:

ABERCROMBIE	Abercrombie caves - hideout of Ribbon gang
ATTERALL	James Atterall
BEECHWORTH	VIC town famous for Kelly Gang activity
BENALLA	VIC town where Ned Kelly was imprisoned
BIGGA	NSW town - location of crimes by John Peisley
BINDA	NSW town - location of crimes by Ben Hall
BOBIN	Bobin Creek - place where Jimmy Governor was captured
BOGONG	Bogong Jack
BOW	Charles Bow
BREZA	NSW town - birthplace of Ben Hall
BRYANT	Richard Bryant
BUGG	Mary Ann Bugg
CAMERON	"Cameron letter"
CAESAR	John Caesar
CASH	Martin Cash
CASTLEMAINE	Birthplace of Jack Doolan from song "Wild Colonial Boy"
CHAMBERLAIN	George Chamberlain
COGRINGTON	Cogington Revingstone
COLLECTOR	NSW town - location of Ben Hall's robberies
COLT	Colt revolvers
COMERFORD	George Comerford
CROOKWELL	NSW town of Larry Cummins' crimes
CUMMINS	Larry Cummins
DALEY	Patrick Daley
DALTON	James Dalton
DARGIN	Billy Dargin
DONAHUE	John Donahue
DOOLAN	John Doolan
DOUGLAS	Black Douglas
EGERTON	Mount Egerton Bank - robbed by

	Captain Moonlite
ELLEN	Ellen Kelly - Ned Kelly's mother
ENTWISTLE	Ralph Entwistle
EUGOWRA	NSW town - famous gold robbery
EUROA	Euroa Bank - robbed by Kelly Gang
FLINTLOCK	Flintlock rifles
FOLEY	John Foley
GOVERNOR	Jimmy and Joe Governor
GRETA	VIC town - birthplace of Ned Kelly
HALL	Ben Hall
HART	Steve Hart
HAWTHORNE	John Hawthorne
HOWE	Michael Howe
HUGHES	Thomas Hughes
JENOLAN	Jenolan Caves - used as safehaven by bushrangers
JERILDERIE	"Jerilderie Letter" penned for famous Kelly Gang bank robbery
KATE	Kate Kelly - Ned Kelly's sister
KEYS	Joseph Keys
LAGGAN	NSW town - location of Ben Hall's crimes
LONGARM	Reference to long rifles used by bushrangers
LONIGAN	Constable Lonigan
LOWRY	Fred Lowry
MAWBHEY	Mawbey Family
MIDNITE	Thomas Smith "Captain Midnite"
MOONLITE	Captain Moonlite
O'MEALLY	Johnny O'Meally
OURA	Oura Hotel - robbed by Captain Moonlite
PAID	John Paid - Wolloo Jack
PEISLEY	John Peisley
PENTRIDGE	Pentridge Prison
PIGEON	Aboriginal Bushranger
RAMMER	Rammer Gang
REDFORD	Harry Redford
REIVINGSTONE	Codrington Reivingstone
RIBBON	Ribbon Gang
ROGAN	Thomas Rogan
RUTHERFORD	Charles Rutherford
SCANLON	Constable Scanlon - killed by Kelly Gang
SHERRIT	Aaron Sherrit
SORELL	Lieutenant Governor Sorell
STARLIGHT	Captain Starlight
STRINGYBARK	Stringybark Creek, location of Kelly Gang gunfight
TENTERFIELD	Tenterfield Races - robbed by Captain

	Thunderbolt
THUNDERBOLT	Captain Thunderbolt
UNDERWOOD	Jacky Underwood
URALLA	NSW town of Captain Thunderbolt's death
VANE	John Vane
WANTABADGERY	Wantabadgery Station - robbed by Captain Moonlite
WELLINGTON	Wellington Caves, used as a hideout
WERNICKE	Augustus Wernicke - 15 year old member of Captain Moonlite's gang
WESTWOOD	William Westwood - Jackey
WHITTEN	Thomas Whitten
WINGHAM	NSW town where Jimmy Governor was imprisoned
WOLLOO	John Paid - Wolloo Jack
YELLILONG	Captain Thunderbolt's wife
YOUNGHUSBAND	Location of Kelly Gang raid and hideout

Council at the meeting of 9 November 2010 approved the following five (5) names, which have now been amended in the above list to correct the spelling:

Crokwell - now Crookwell
 Peosley - now Peisley
 Sheerit - now Sherrit
 Staingybark - now Stringybark
 Flintock - now Flintlock.

If Council adopts the above list of proposed new road names, the list will be published in the NSW Government Gazette and in the local newspapers. Also, Council will inform Australia Post, the Registrar General, Surveyor General and the RTA.

The list will then be able to be formally used as street names within the Harrington Grove release area.

CONCLUSION

A proposed list of road names for the Harrington Grove development has been assessed by Council officers in accordance with the criteria of the GNB. The list has been publicly exhibited for 30 days. Three (3) submissions were received raising concern over the bushranger theme. The names satisfy the guidelines for the naming of roads.

The list is now able to be referred to Council for further consideration. If the list is adopted by Council, the required road naming procedure will continue.

RECOMMENDED

That Council:

- i. endorse the final list of new road names within this report, for use in the Harrington Grove release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of these approved names.

ATTACHMENTS

1. Location plan
2. Submissions (sup doc)



Submissions - Harrington Grove Road Naming.pdf Site Location Map - Harrington Grove.pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council:

- i. endorse the final list of new road names within this report, for use in the Harrington Grove release area;
- ii. publish the approved names in the NSW Government Gazette and in the local paper; and
- iii. inform Australia Post, the Registrar General, Surveyor General and the RTA of these approved names.

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

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

Councillors Dewbery and Cottrell voted against the Motion)

ORD69/11

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Ironbark Avenue and Former Bus Depot Camden

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition of the planning proposal for the former Camden bus depot at South Camden. A copy of the planning proposal is provided as an **Attachment 1 to this report**.

BACKGROUND

Currently, the old bus depot is zoned IN2 Light Industrial. The former bus depot planning proposal is seeking to rezone the site to R3 Medium Density. At its meeting of the 8 February 2011, Council resolved to place on public exhibition for 28 days the planning proposal and supporting documents.

MAIN REPORT

Gateway Determination for the planning proposal was received on 21 June 2010. The determination required public exhibition of the proposal for 28 days and consultation with the Department of Environment, Climate Change and Water (DECCW). Public exhibition of the planning proposal was delayed until February 2011 because of further contamination assessments being undertaken and the development of a Remediation Action Plan (RAP) for the contamination.

The planning proposal is underpinned by supporting studies. These include, as outlined above, a RAP that was required by previous contamination assessments, and salinity investigations. These documents formed part of the exhibition and are **provided in the Supporting Documents**.

Development Control Plans

Development controls for the former bus depot and the wider Ironbark Avenue area also formed part of the supporting documents to the planning proposal, and were part of the exhibition.

The development controls are based on design principles outlined in a planning review commissioned for the whole of Ironbark Avenue. These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area. The draft development controls are **provided as Attachment 2 to this report** and if adopted by Council, will be incorporated into Camden DCP 2011. It should be noted that the amendment to Camden DCP 2011 cannot be formalised until after the rezoning has been published.

Exhibition

The public exhibition period was from 16 February 2011 to 16 March 2011. Exhibition

of the proposal and supporting documents included:

- Static displays at:
 - Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan
 - Camden Customer Service Centre and Camden Library, John Street, Camden
 - Camden Council's website www.camden.nsw.gov.au;
- Notice of exhibition in the local paper on 16 February 2011 and 2 March 2011;
- Letters to residents within a 200m radius of the site;
- A letter and the exhibition material was sent to DECCW seeking comment.

A submission was received from DECCW and is **provided as Attachment 3 to this report**. DECCW, in its submission, provided no objections to the planning proposal but included a list of considerations to limit the risk of impact of saline groundwater conditions. Management of salinity is addressed in the draft development controls for Ironbark Avenue. Accordingly, a Salinity Management Plan will be required to be submitted with any development application for the site. Further requirements for building in a saline environment are addressed in Part B of the Camden DCP 2011 and Camden Council's policy 'Building in a Salinity Prone Environment'. There are also Australian Standards that need to be complied with when building in a saline environment.

No other submissions were received.

CONCLUSION

During the exhibition period one submission from DECCW was received with matters for consideration. The rezoning to medium density of the site has merit and will assist in remediation of the site.

If Council resolves to adopt the planning proposal and supporting documents, the next step is to forward these to the Department of Planning for making of the plan. If the rezoning/plan is made there will be a further report to Council to advise of the rezoning and to seek a resolution to incorporate the development controls for Ironbark Avenue into Camden DCP 2011.

RECOMMENDED








That Council:

- i. **adopt the former bus depot site planning proposal as exhibited;**
- ii. **send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;**
- iii. **adopt the development controls for the former bus depot and the wider Ironbark Avenue area;**
- iv. **advise the proponent of the above and of the considerations listed in the submission by DECCW; and**
- v. **write to DECCW advising of the above.**

ATTACHMENTS

Attachment 1 - planning proposal

Attachment 2 - Draft Development Controls - Bus Depot & Ironbark
Attachment 3 - DECCW comment
Supporting Document - Supporting Studies

 Supporting Doc 10044 L02 Interim Advice 2 - Review of Revised 8 Dec 10.pdf
 Supporting Doc 110066_RAP_Rev2 8 Dec 10 cm.pdf  Supporting Doc 110066_Salinity_Cover Page.pdf
 Attachment 1 - Planning Proposal .doc  Attachment 2 DCP - D2 3 8 Bus depot site x 2.doc
 Attachment 2 DCP - D4 5 3 - Ironbark Ave Camden South x 2.doc
 Attachment 3 DECCW comment on Planning Proposal.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. adopt the former bus depot site planning proposal as exhibited;
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and
- v. write to DECCW advising of the above.

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

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

ORD70/11

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSAL TO REZONE LAND AT 11 IRONBARK AVENUE, CAMDEN (OLD CAMDEN BUS DEPOT SITE)
FROM: Director Governance
FILE NO: Binder: Ironbark Avenue and Former Bus Depot Camden

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition of the planning proposal for the former Camden bus depot at South Camden. A copy of the planning proposal is provided as an **Attachment 1 to this report**.

BACKGROUND

Currently, the old bus depot is zoned IN2 Light Industrial. The former bus depot planning proposal is seeking to rezone the site to R3 Medium Density. At its meeting of the 8 February 2011, Council resolved to place on public exhibition for 28 days the planning proposal and supporting documents.

MAIN REPORT

Gateway Determination for the planning proposal was received on 21 June 2010. The determination required public exhibition of the proposal for 28 days and consultation with the Department of Environment, Climate Change and Water (DECCW). Public exhibition of the planning proposal was delayed until February 2011 because of further contamination assessments being undertaken and the development of a Remediation Action Plan (RAP) for the contamination.

The planning proposal is underpinned by supporting studies. These include, as outlined above, a RAP that was required by previous contamination assessments, and salinity investigations. These documents formed part of the exhibition and are **provided in the Supporting Documents**.

Development Control Plans

Development controls for the former bus depot and the wider Ironbark Avenue area also formed part of the supporting documents to the planning proposal, and were part of the exhibition.

The development controls are based on design principles outlined in a planning review commissioned for the whole of Ironbark Avenue. These design principles address issues such as landscaping, building articulation, driveway access and interface issues with adjoining residential areas and the existing light industrial area. The draft development controls are **provided as Attachment 2 to this report** and if adopted by Council, will be incorporated into Camden DCP 2011. It should be noted that the amendment to Camden DCP 2011 cannot be formalised until after the rezoning has been published.

Exhibition

The public exhibition period was from 16 February 2011 to 16 March 2011. Exhibition

of the proposal and supporting documents included:

- Static displays at:
 - Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan
 - Camden Customer Service Centre and Camden Library, John Street, Camden
 - Camden Council's website www.camden.nsw.gov.au;
- Notice of exhibition in the local paper on 16 February 2011 and 2 March 2011;
- Letters to residents within a 200m radius of the site;
- A letter and the exhibition material was sent to DECCW seeking comment.

A submission was received from DECCW and is **provided as Attachment 3 to this report**. DECCW, in its submission, provided no objections to the planning proposal but included a list of considerations to limit the risk of impact of saline groundwater conditions. Management of salinity is addressed in the draft development controls for Ironbark Avenue. Accordingly, a Salinity Management Plan will be required to be submitted with any development application for the site. Further requirements for building in a saline environment are addressed in Part B of the Camden DCP 2011 and Camden Council's policy 'Building in a Salinity Prone Environment'. There are also Australian Standards that need to be complied with when building in a saline environment.

No other submissions were received.

CONCLUSION

During the exhibition period one submission from DECCW was received with matters for consideration. The rezoning to medium density of the site has merit and will assist in remediation of the site.

If Council resolves to adopt the planning proposal and supporting documents, the next step is to forward these to the Department of Planning for making of the plan. If the rezoning/plan is made there will be a further report to Council to advise of the rezoning and to seek a resolution to incorporate the development controls for Ironbark Avenue into Camden DCP 2011.

RECOMMENDED








That Council:

- i. adopt the former bus depot site planning proposal as exhibited;**
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;**
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;**
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and**
- v. write to DECCW advising of the above.**

ATTACHMENTS

Attachment 1 - planning proposal

Attachment 2 - Draft Development Controls - Bus Depot & Ironbark
Attachment 3 - DECCW comment
Supporting Document - Supporting Studies

 Supporting Doc 10044 L02 Interim Advice 2 - Review of Revised 8 Dec 10.pdf
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 Attachment 1 - Planning Proposal .doc  Attachment 2 DCP - D2 3 8 Bus depot site x 2.doc
 Attachment 2 DCP - D4 5 3 - Ironbark Ave Camden South x 2.doc
 Attachment 3 DECCW comment on Planning Proposal.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. adopt the former bus depot site planning proposal as exhibited;
- ii. send the adopted planning proposal and supporting studies to the Department of Planning so that the plan can be made;
- iii. adopt the development controls for the former bus depot and the wider Ironbark Avenue area;
- iv. advise the proponent of the above and of the considerations listed in the submission by DECCW; and
- v. write to DECCW advising of the above.

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

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

ORD70/11

ORDINARY COUNCIL

ORD03

SUBJECT: COUNCIL SEAL - EASEMENT FOR ELECTRICITY - LOT 57 DP239467
AND LOT 22 DP17988 KING BUSH RESERVE FORREST CRESCENT
CAMDEN
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

To obtain a Council resolution to approve the grant of an easement over Council land and to affix the Council Seal to a Linen Plan and Section 88B Instrument.

MAIN REPORT

Council is the owner of Lot 57 DP239467 and Lot 22 DP17988. The land is public reserve, known as "Kings Bush" Reserve. **A plan depicting the land is provided at the end of this report.**

Endeavour Energy is currently upgrading services in order to improve the reliability of electricity provision in the Camden area. In order to facilitate the upgrade, Endeavour Energy is seeking the creation of an easement over the above described Council land for underground electricity cabling.

The land in question is classified as "community" land under the Local Government Act, 1993 and Council is permitted to grant easements for the provision of public utilities and works associated with public utilities. This easement would fall into this category.

Council staff met with Endeavour Energy representatives on site to determine the exact location of the easement and to ensure minimal impact on the reserve. Agreement has been reached with Endeavour Energy on these issues and staff have no objection to the location of the easement.

Whilst the easement route has little impact on the vegetation in the reserve, the terms of the easement have been amended to include a requirement that Endeavour Energy will "reinstatement the land surface of the lot burdened as nearly as practicable to its original condition and to the satisfaction of the owner". As can be seen from the attached plan, the route of the underground easement avoids any significant vegetation and trees in the location and will have no impact on the amenity of the reserve. The cabling also travels underground within the footpath reserve of Forrest Crescent to an existing substation on the corner of Alpha Road.

As landowner, Council can seek payment for the granting of the easement on its land. After discussions with Council's valuer regarding the land in question, it was felt that the initial offer of \$6,500 plus GST from Endeavour Energy was conservative. As such Council requested a higher compensation amount of \$10,000 plus GST for the granting of the easement. This amount has been agreed to by Endeavour Energy.

Endeavour Energy will also be responsible for payment of all associated costs, including legal, lodgement costs and registration of the easement on the Title.

This is a procedural requirement in order to obtain Council approval for the easement and authorisation to affix the Council Seal to the necessary Linen Plan and Section 88B instrument to allow the registration at the Land and Property Information Division.

RECOMMENDED

That Council:

- i. approve the grant of easement for the purpose of providing underground electricity cabling at Lot 57 DP239467 and Lot 22 DP17988 (Kings Bush Reserve) Forrest Crescent, Camden; and**
- ii. authorise the affixing of the Council Seal to the Linen Plan, Section 88B Instrument and any other relevant documentation necessary to create the proposed easement.**

ATTACHMENTS



Kings Bush Reserve location plan.pdf

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that Council:

- i. approve the grant of easement for the purpose of providing underground electricity cabling at Lot 57 DP239467 and Lot 22 DP17988 (Kings Bush Reserve) Forrest Crescent, Camden; and**
- ii. authorise the affixing of the Council Seal to the Linen Plan, Section 88B Instrument and any other relevant documentation necessary to create the proposed easement.**

THE MOTION ON BEING PUT WAS CARRIED.

THE MEETING CLOSED AT 6.23PM.

ORD71/11

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 10 MAY 2011
WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 24 MAY 2011
MIN. NO. ORD 102/11**

A handwritten signature in black ink, appearing to read "L. Symkoak". The signature is written in a cursive style with a long horizontal flourish at the end.

CHAIRPERSON