



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**9 October 2012**

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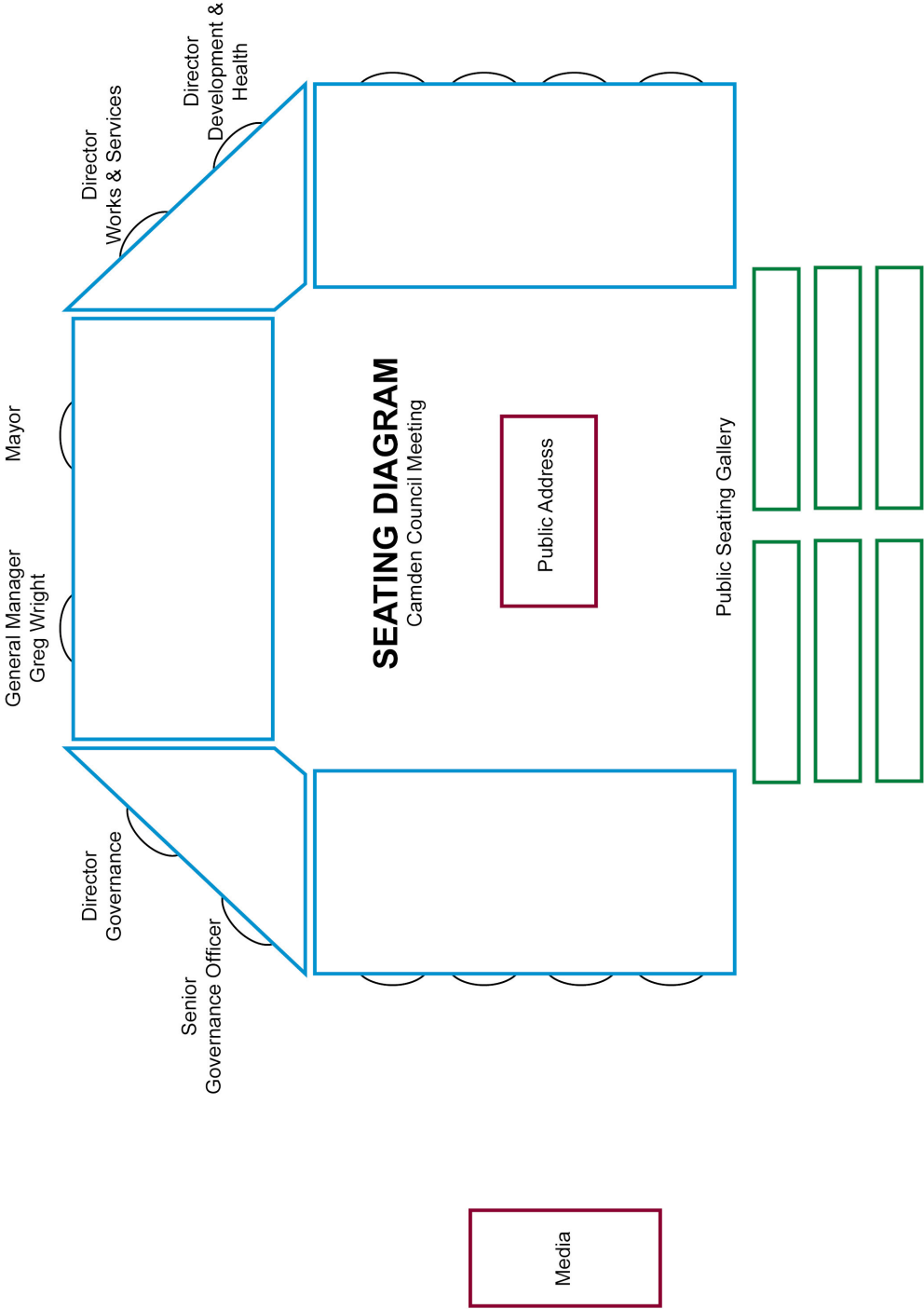
**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## COMMON ABBREVIATIONS

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

Councillor Seating to be determined at Council Meeting



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



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# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

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## **ORDINARY COUNCIL**

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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



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## ORDINARY COUNCIL

**SUBJECT: APOLOGIES**

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

**RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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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.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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

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

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

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

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

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

### **RECOMMENDED**

**That the public addresses be noted.**



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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 25 September 2012

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 25 September 2012, copies of which have been circulated, be confirmed and adopted.**



## ORDINARY COUNCIL

ORD01

ORD01

**SUBJECT:** ELECTION OF MAYOR 2012/2013  
**FROM:** General Manager  
**BINDER:** Mayoral Election

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This item was deferred for consideration from the Council meeting on 25 September 2012.

The procedures to be followed in respect of the election of the Mayor are set out in Section 290 of the Local Government Act, 1993 (Timing), Clause 394 of the Local Government (General) Regulation 2005 (method) and Schedule 7 of that Regulation.

Nominations for the position of Mayor closed at 4pm on Tuesday 25 September 2012.

If more than one nomination is received, Council will be required to resolve the method of voting. Three methods are available under the Regulations:

- Show of hands (self-explanatory - Open voting)
- Ordinary Ballot
- Preferential Ballot

Once the method of voting is determined, with the exception of show of hands, voting ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure they are formal votes. Informal votes, i.e. those completed contrary to instructions, are excluded from the election count. In the event of a tied vote, i.e. two candidates with the same number of votes, the election is determined by the draw from a box. In the case of an exclusion to reduce the number of candidates to two, the first name drawn is excluded. In the case of a two candidate draw, the name drawn is declared the elected candidate.

Action required:

- (a) If only one candidate nominated - The General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting as per the Report.

**RECOMMENDED**

**That Council:**

- i. Determine the method of voting, if required; and**
- ii. An election be held at the Council Meeting of 9 October 2012 and once the result is known, the General Manager to declare the candidate with the majority, elected as Mayor for the 2012/2013 term.**

**ORDINARY COUNCIL****ORD02**

**SUBJECT: DEPUTY MAYOR ELECTION 2012/2013**  
**FROM:** General Manager  
**BINDER:** Deputy Mayor Election

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This item was deferred for consideration from the 25 September 2012 Council meeting.

Unlike the position of Mayor, which is required by statute under Section 225 of the Local Government Act, 1993, the position of Deputy Mayor is optional (Section 231).

The position of Deputy Mayor does not involve any additional responsibilities or functional authorities beyond the normal role of a Councillor, except when requested by the Mayor or at times, when the Mayor is prevented by illness, absence or otherwise from carrying out the duties of office. In such times, the Deputy Mayor assumes the role and authorities of the Mayor as specified under Section 226 of the Act. Although optional, past practice has been to retain the position of Deputy Mayor each year.

The procedures required to be followed in respect of the election of Deputy Mayor are the same as that for the election of the Mayor. The same methods of voting apply and a decision is required to be made, if applicable.

Nominations for the position of Deputy Mayor closed at 4pm on Tuesday 25 September 2012.

Action required:

- (a) If only one candidate - The General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting.

**RECOMMENDED**

**That Council:**

- i. Determine the appointment of the position of Deputy Mayor;**
- ii. Determine the method of voting, if required; and**
- iii. Following the election at the Council Meeting of 9 October 2012, and once the result is known, the General Manager to declare the candidate with the majority, elected as Deputy Mayor for the 2012/13 term.**



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## ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT: PECUNIARY INTEREST ORDINARY RETURNS - 1 JULY 2011 TO 30 JUNE 2012 AND PRIMARY RETURNS AS AT 30 SEPTEMBER 2012**

**FROM:** Director Governance

**BINDER:** Pecuniary Interest Returns

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Under Section 450A of the Local Government Act 1993, completed Pecuniary Interest Ordinary and Primary Returns are required to be tabled at the first meeting of Council held after the lodgement date, 30 September 2012.

All Councillors and staff required to fill out the Pecuniary Interest Ordinary and Primary Returns have complied, except one staff member who is on extended leave and will complete the disclosure upon her return. The completed Ordinary Returns for the period 1 July 2011 to 30 June 2012 and completed Primary Returns as at 30 September 2012 are tabled and available to view. Please note these returns apply to previous term Councillors as at 30 June 2012.

### **RECOMMENDED**

**That the information be noted.**





ORD04

## ORDINARY COUNCIL

ORD04

**SUBJECT:** STAGED SUBDIVISION (2 STAGES) TO CREATE A TOTAL OF 34 RESIDENTIAL LOTS, 1 RESIDUE LOT, 1 RIPARIAN CORRIDOR LOT AND CONSTRUCTION OF ROADS, DRAINAGE, LANDSCAPING AND ASSOCIATED SITE WORKS

**FROM:** Director, Development and Health

**BINDER:** DA 1387/2011

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**APPLICATION NO:** 1387/2011  
**PROPOSAL:** Staged subdivision (2 stages) to create a total of 34 residential lots, 1 residue lot, 1 riparian corridor lot and construction of roads, drainage, landscaping and associated site works  
**PROPERTY ADDRESS:** 65 Hilder Street, Elderslie  
**PROPERTY DESCRIPTION:** Lot 1, DP 612821  
**ZONING:** R1 General Residential  
**OWNER:** Corfield Developments  
**APPLICANT:** Saxons Property Group C/- Corfield Developments

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a staged subdivision of land (2 stages) to create a total of 34 residential lots, 1 residue lot, 1 riparian corridor lot and construction of roads, drainage, landscaping and associated site works at No 65 Hilder Street, Elderslie.

The DA is referred to Council for determination in accordance with its delegations due to unresolved issues in submissions received from the public and a variation to Camden Development Control Plan 2011.

### SUMMARY OF RECOMMENDATION

That Council determine Development Application No 1387/2011 for a staged subdivision of land (2 stages) to create a total of 34 residential lots, 1 residue lot, 1 riparian corridor lot and construction of roads, drainage, landscaping and associated site works, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting of consent subject to conditions contained in this report.

### EXECUTIVE SUMMARY

Council is in receipt of a DA for a staged subdivision of land (2 stages) to create a total of 34 residential lots, 1 residue lot, 1 riparian corridor lot and construction of roads, drainage, landscaping and associated site works at 65 Hilder Street, Elderslie.

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

In its original form (consisting of 3 stages and 84 residential lots), the DA was notified in accordance with Camden Development Control Plan 2011 and 16 submissions were received (all objecting to the proposal).

Following this, the application was amended by reducing the number of residential lots from 84 lots to 73 lots, in 3 stages. The amended plans were renotified and 5 new submissions were received (also all objecting to the proposal).

The application was assessed and a report was prepared for determination by Council at its Ordinary meeting of 28 August 2012 however, the application was withdrawn from consideration at the request of the applicant.

Since that time, the DA has been amended further to include only Stage 1 and Stage 3 (now known as Stage 2), resulting in a total of 34 residential lots. The submissions previously received mostly related to non-compliant lot sizes within the former Stage 2 of the development. As this stage has since been deleted from the proposal, it was not considered necessary to renotify the application for a third time.

The application in its final form is compliant with all relevant planning controls, with the exception of the average lot size prescribed by the Elderslie Master Plan in the DCP. The area proposed to be subdivided requires an average lot size of 525m<sup>2</sup> however the proposal only provides an average lot size of 481m<sup>2</sup>.

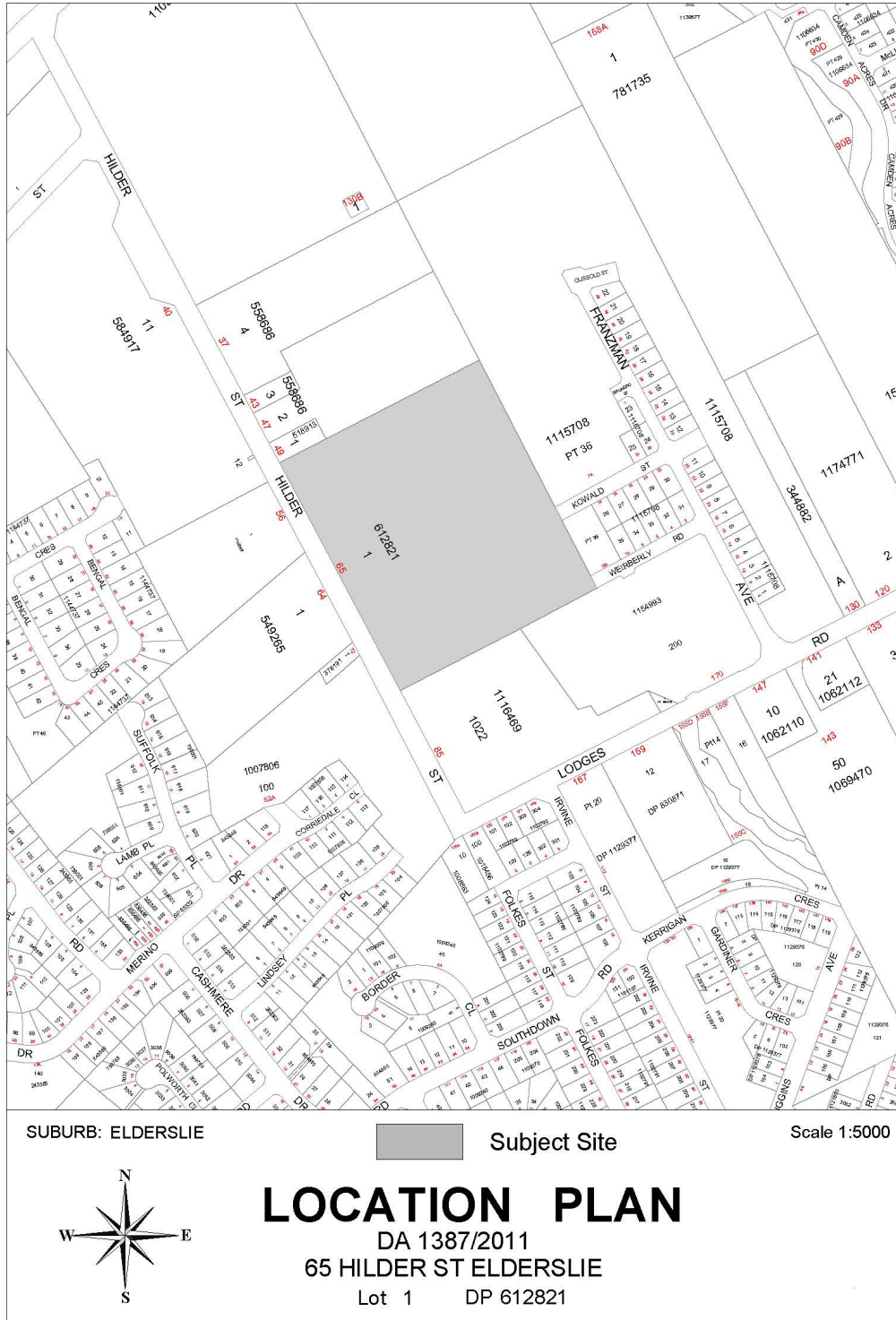
Council staff have assessed this DCP variation and recommend that it be supported. The application complies with the minimum lot size and lot width controls prescribed by the Master Plan, therefore providing sufficient site area for future dwellings. Council has previously approved other applications both over and below the average lot size control. As this application represents only part of the urban release area, it is expected that overall, the required average lot sizes can still be met in Elderslie.

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

### **SITE LOCATION PLAN**

A Site Location Plan is provided in **Figure 1** below:

**ORD04**



**FIGURE 1: SITE LOCATION PLAN**

**THE SITE**

The subject site is commonly known as No 65 Hilder Street, Elderslie and is legally described as Lot 1, DP 612821.

The site has a frontage of 265m to Hilder Street, a depth on 230m and an overall site area of 6.084ha.

The subject site is currently vacant and slopes from both the western front and eastern rear boundaries towards the riparian corridor running through the middle of the site, known as the "Oxley Rivulet".

The surrounding area is characterised by a mixture of residential and recreational land uses, with the developing Elderslie urban release area to the east, Elderslie Public School to the south east, the existing portion of Elderslie to the south and west, Elderslie High School to the west and the public recreation areas known as Harrington Green and Kirkham Park to the north west and north.

## HISTORY

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

Date	Development
17/11/1980	Lot 1, DP 612821 (65 Hilder Street) was created.
30/6/2005	DA 1025/2003 was approved for new utilities/services (trunk drainage works within the riparian corridor).
11/1/2008	DA 1174/2007 was approved for the demolition of 2 dwellings.
9/3/2011	DA 1165/2006 was approved for the subdivision of land to create 16 residential lots, 2 residue lots and a drainage reserve (it is noted that these works have not yet commenced).

## THE PROPOSAL

Development Application No. 1387/2011 (as amended) seeks approval for a staged subdivision of land (2 stages) to create 34 residential lots with site areas ranging between 450m<sup>2</sup> to 595.2m<sup>2</sup>, 1 residue lot with an area of 2.176ha (lot 35) and 1 riparian lot with an area of 1.702ha (lot 34).

Specifically the proposed development involves:

- bulk earthworks
- construction of roads, drainage, services and landscaping, and
- removal of 3 mature trees and various shrubs/vegetation.

This application involves the construction of temporary detention basins within the riparian corridor (proposed lot 34) during the construction of Stage 1.

A previous development consent (DA 1025/2003) approved trunk drainage works within the riparian corridor (proposed lot 34), including the construction of 9 rain gardens and associated revegetation works.

The area to the east of the riparian corridor (proposed residue lot 35) will be subject to a further DA for subdivision. Following the completion of all subdivision works across the entire site (including Stages 1 and 2 under this DA, and any subdivision of residue lot 35 under a separate future DA), the corridor will be embellished with the structured rain gardens and vegetation, as approved under DA 1025/2003. This is deemed to be

the appropriate time for such revegetation to occur as all civil works will have been completed and therefore will not damage any revegetated areas.

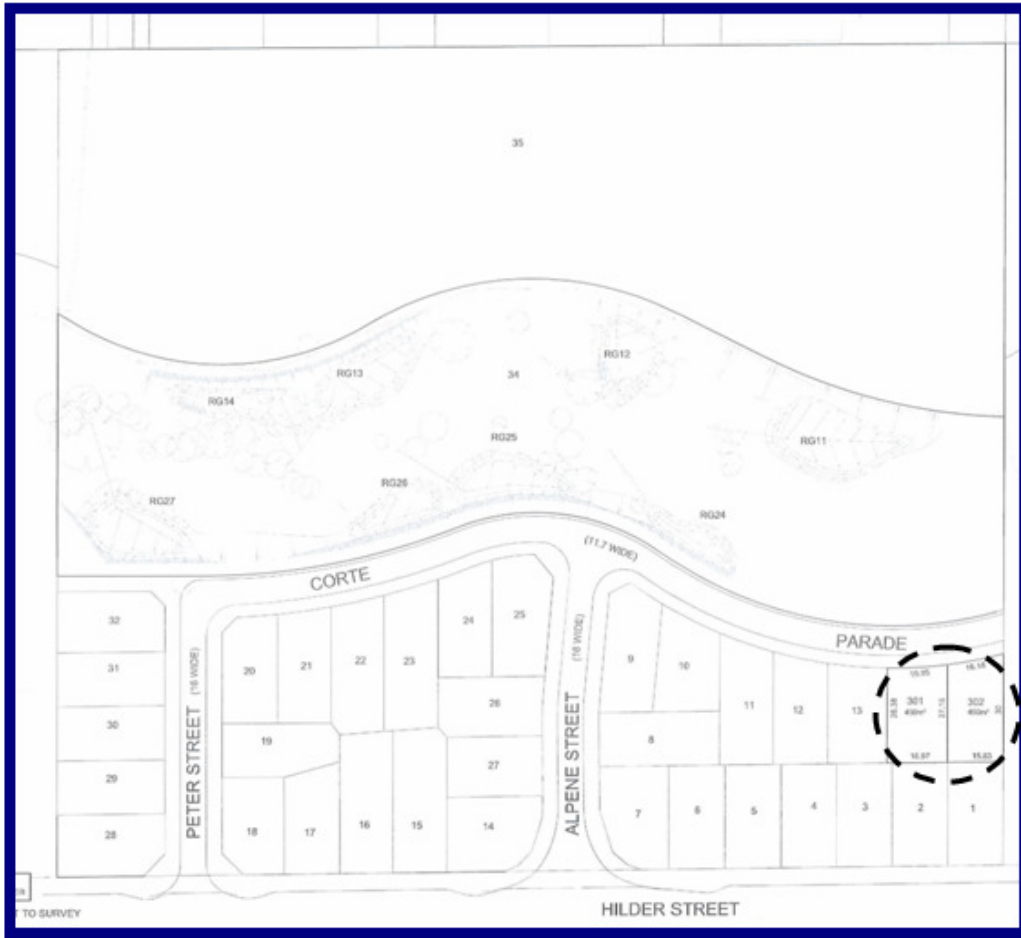
Rain gardens 11 to 14 and the associated revegetation works approved under DA 1025/2003 on the eastern side of the riparian corridor will be constructed by a separate developer under a works-in-kind (WIK) agreement with Council.

Council is currently collecting Section 94 contributions for the construction of rain gardens 24 to 27 and the associated revegetation works approved under DA 1025/2003 on the western side of the riparian corridor. The subject applicant may also negotiate a WIK agreement with Council should they wish to construct these works in lieu of paying Section 94 contributions.

A copy of the proposed plans is provided in **figures 2 and 3** below.



**FIGURE 2: STAGE 1**



**FIGURE 3: STAGE 2**

**ASSESSMENT**

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

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

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

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- Deemed State Environmental Planning Policy No. 20 – Hawkesbury/Nepean River
- Camden Local Environmental Plan 2010

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



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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting development consent. The applicant submitted a phase 1 contamination assessment prepared in 2007, which identified potential contamination from the removal of two dwellings and some stockpiles on the site. The applicant was requested to confirm that the results found in 2007 were the same as the current conditions in 2012.

An updated contamination report was submitted to Council on 15 August 2012 which confirmed that the site can be made suitable subject to testing of the areas where the previous dwellings were removed and testing of the stockpiles. It is a recommended development consent condition that the development is carried out in accordance with the updated contamination report. Should any contamination be identified, remedial works shall be undertaken and a clearance certificate issued by a qualified consultant prior to the issue of a Construction Certificate for this development. Subject to this occurring, the site will be made suitable for its intended residential use.

### Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. Water pollution control devices will be provided as part of the development.

The proposal requires works within 40m of a watercourse and is therefore classed as Nominated Integrated Development. The application was referred to the NSW Office of Water (NOW), who provided General Terms of Approval, compliance with which is a recommended development consent condition. In order to obtain a Controlled Activity Approval (CAA), a vegetation management plan, erosion and sediment control plan and soil and water management plan are required to be submitted to NOW. These plans will further protect the river system from the proposed subdivision works.

### Camden Local Environmental Plan 2010 (LEP)

#### *Permissibility*

The subject site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as a subdivision of land and is permissible with consent in the R1 zone.

#### *Zone Objectives*

The objectives of the R1 General Residential are as follows:

- To provide for the housing needs of the community.

The development will provide the opportunity for housing, subject to future DAs or complying development applications for dwellings.

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

The development consists of a variety of lot sizes ranging from 450m<sup>2</sup> to 595.2m<sup>2</sup> which will permit a variety of house types and sizes within this subdivision.

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

This objective is not relevant to the proposal as it only consists of the subdivision of land for residential purposes.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

The riparian corridor will provide recreational opportunities for local residents in terms of walking or cycling past the area, as well as scenic views for lots adjacent to the corridor.

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

The development has been assessed and it is not considered that it will have any unacceptable environmental impacts upon any land uses within the zone or in adjoining zones.

*Relevant Clauses*

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

Clause	Requirement	Provided	Compliance
4.1 Minimum Lot Size	Minimum 300m <sup>2</sup> lot area	Minimum lot size of 450m <sup>2</sup> proposed.	Yes
5.9 Preservation of Trees or Vegetation	Development consent required to remove trees	The DA proposes the removal of 3 trees, which has been assessed by Council officers as supportable.	Yes
5.10 Heritage Conservation	Heritage assessment required for development within vicinity of heritage item	The site is in the vicinity of 3 local heritage items. A heritage impact assessment has been provided and assessed by Council officers as satisfactory, subject to the imposition of appropriate conditions.	Yes
Part 6 Urban Release Area	Public utility infrastructure available	Services available to site and conditions recommended	Yes
7.1 Flood Planning	Development to be compatible with flood hazard, not adversely affect flood behaviour or the environment, and not result in major social/economic costs	Only part of the riparian corridor is flood affected. No residential lots proposed below the 1 in 100 year flood level.	Yes
7.4 Earthworks	Council to consider impacts of fill on adjoining land and waterways	Proposed 13,000m <sup>3</sup> of fill in Stage 1 and conditions recommended.	Yes



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

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

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

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP. Discussion of any variations of the standards is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Yes – provided and appropriate conditions recommended	Yes
B1.2 Earthworks	Details of fill required for subdivision	Yes – provided and condition	Yes
B1.3 Salinity Management	Salinity resistant construction	Yes – a salinity management plan has been submitted and is supported subject to appropriate conditions	Yes
B1.4 Water Management	Compliance with Council's Engineering Specification and use of Water Sensitive Urban Design measures	Yes – provided and condition	Yes
B1.5 Trees and Vegetation	Removal of trees higher than 3m requires consent	Yes – the DA proposes the removal of 3 trees, which has been assessed by Council officers as supportable.	Yes
B1.6 Environmentally Sensitive Land	Address impacts to vegetation, habitats and threatened species	Yes – Temporary drainage basin in riparian corridor. Works considered acceptable subject to appropriate conditions.	Yes
B1.7 Riparian Corridors	Fencing/barriers to control access for maintenance to corridor, pedestrian and cycle paths located outside core riparian area	Yes – provided	Yes
B1.8 Environmental and Declared Noxious Weeds	Weed management plan	Yes – provided and condition	Yes
B1.9 Waste Management Plan for Subdivision	Waste management plan required (WMP)	Yes – a WMP was lodged with this DA. The WMP is accepted subject to appropriate conditions.	Yes
B1.10 Bushfire Risk Management	Bushfire assessment in accordance with NSW Rural Fire Service (RFS) guidelines	The site is not bush fire affected but embellishment works approved under DA 1025/2003 may increase	Yes

Control	Requirement	Provided	Compliance
		bushfire risk. The DA was referred to RFS and no objection was raised.	
B1.11 Flood Hazard Management	Compliance with Council's Engineering Specification and Flood Risk Management Policy	Yes – provided and condition	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation	Yes – see assessment under SEPP 55. Appropriate conditions to be imposed	Yes
B1.13 Mine Subsidence	Approval from Mine Subsidence Board	Yes – written approval from the Mine Subsidence Board was lodged with the DA.	Yes
B2 Landscape Design	Landscape plan	Yes – provided and condition	Yes
B3 Environmental Heritage	Heritage impact assessment	Yes – the site is vicinity of 3 local heritage items. A heritage impact assessment has been provided and assessed as satisfactory, subject to the imposition of appropriate conditions.	Yes
C5 Subdivision in Urban Release Areas	Street blocks a maximum of 250m long and 70m wide, avoid cul-de-sacs, provision of infrastructure (roads, drainage etc.)	Yes – the amended proposal complies with the DCP in relation to street block length and widths.	Yes
C6.1 Introduction to Elderslie release Area	Compliance with Elderslie Master Plan, including:  Minimum lot size = 450m <sup>2</sup>  Average lot size = 525m <sup>2</sup>  Minimum lot width = 15m	The amended DA involves:  Minimum lot size = 450m <sup>2</sup>  Average lot size = 481m <sup>2</sup>  Minimum lot width = 15m	Yes  <b>No</b>  Yes
C6.2 Neighbourhood and Subdivision Design	Minimum lot size of 300m <sup>2</sup> for dwelling houses types, protect view corridors, preserve mature vegetation	Yes - provided	Yes
C6.3 Street Network and Design	Comply with streets in Elderslie Master Plan and use of local access road and riparian corridor road specifications	Yes – the proposed street layout and design comply with the Elderslie Master Plans. Appropriate conditions recommended.	Yes
C6.4 Pedestrian and Cycle Network	Comply with Elderslie pedestrian and cycle network map	Yes – provided and condition	Yes
C6.5 Public Transport Network	Bus stops required within 400m of dwellings	Yes – Public transport links in the form of bus routes and stops are available in Hilder Street and Lodges Road.	Yes
C6.6 Parks and Open Space	Management Plan for riparian corridor	Yes – provided and condition	Yes

### DCP Variation 1 – Average Lot Sizes

Stages 1 and 2 are both located within Area 3 of the Elderslie Master Plan, which requires an average lot size of 525m<sup>2</sup>.

**A copy of the Elderslie Masterplan is provided as an attachment to this report.**

The proposal does not comply with the Elderslie Master Plan as the average lot size is 481m<sup>2</sup>, which is 44m<sup>2</sup> less than the average lot size required.

Whilst the proposal does not comply with the average lot size, all of the proposed lots meet the required minimum lot sizes and widths, therefore providing sufficient site area for future dwellings. In addition, the proposal provides a range of lot sizes from 450m<sup>2</sup> to 595.2m<sup>2</sup>.

It is noted that the average lot size requirement is intended to be achieved across the entire Elderslie urban release area and it is difficult to achieve compliance with each individual subdivision proposal. As this DA represents only a part of the urban release area, it is expected that overall, the required average lot sizes can still be met in Elderslie.

Council has previously supported variations to the average lot size requirement, both in respect to applications that are above and below the average lot size requirement, as shown in the table below.

Table: Average Lot Size variations recently approved by Council in Elderslie

DA	Average Lot Size Under or Over	Council Meeting Determined
1542/2010	17.4m <sup>2</sup> under 525m <sup>2</sup> average required	25/10/11
1543/2010	17.4m <sup>2</sup> under 525m <sup>2</sup> average required	25/10/11
1426/2011	74m <sup>2</sup> over 375m <sup>2</sup> average required; and 157m <sup>2</sup> over 525m <sup>2</sup> average required	22/5/12
474/2012	37.9m <sup>2</sup> over 375m <sup>2</sup> average required	10/7/12

Considering the merits of this proposal, it is recommended that Council support the variation to the average lot size.

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

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

***(a)(iv) The Regulations***

The Regulations prescribe several development consent conditions that will be included in any development consent issued for this development.

The public notification required by the Regulations for Nominated Integrated Development has been carried out.

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

The likely impacts of this development include:

1. Safer by design considerations/security issues.

Council has considered the safety of the riparian corridor for residents of the proposed subdivision. The embellishment works approved under Development Consent 1025/2003 do not include public footpaths or cycling tracks within the corridor itself, as it's primary function is for drainage. Residents would be discouraged from entering the corridor due to the steep rock embankment and bicycle fence erected along the corridor.

The 2.5m wide pedestrian and cycling paths proposed adjacent to the corridor in the road proposed to be named "Corte Parade" will be illuminated at night by street lights and overlooked by dwellings, which will provide passive surveillance of these public thoroughfares. It is therefore considered that the design of the embellishment works approved under Development Consent 1025/2003 and proposed subdivision layout will ensure that the pedestrian and cycling paths along the corridor are safe for residents.

**(c) The suitability of the site**

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

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

In its original form (consisting of 3 stages and 84 residential lots), the DA was notified for 30 days between 11 April and 11 May 2012 and 16 submissions were received (all objecting to the proposal).

Following this, the application was amended by reducing the number of residential lots from 84 lots to 73 lots, in 3 stages. The amended plans were renotified for 7 days between 9 and 16 August 2012 and 5 new submissions were received (also all objecting to the proposal).

Therefore, as a result of the public notification carried out for this DA, a total of 21 submissions were received (all objecting to the proposal), with 11 of these being in the form of a pro-forma letter.

The following is a list of the issues raised and an assessment of them however it is noted that since the public notification the applicant has reduced the development, including the deletion of the former Stage 2, located on the eastern side of the riparian corridor, which had lot sizes of 300m<sup>2</sup> proposed.

1. *The size of the blocks and the street frontages are far too small and do not meet the DCPs average block size of 525m<sup>2</sup>.*

Officer Comment:

The plans originally submitted with this application did not meet the DCP controls for minimum lot size, average lot size, or minimum widths. Following the notification

period, the plans were amended to comply with the minimum lot size and lot width controls.

The variation to the average lot size control is considered acceptable, based on the proposal complying with the minimum lot size and width control and the provision of a variety of lot sizes.

2. *If Council approves this application, future developers will demand small lot sizes and street frontages.*

Officer Comment:

The amended application is consistent with the minimum lot sizes required for Area 3 in the Elderslie Master Plan.

Future applications (including for any relating to proposed residue lot 35, located on the eastern side of the riparian corridor) will be required to comply with the DCP. Council will only consider variations to the Master Plan where an applicant can demonstrate that the proposed development is consistent with the objectives and desired future character of the release area. Significant variations to the Master Plan may require an amendment of the DCP.

3. *Smaller lots will result in more residents and an increase in cars/traffic, particularly at the Lodges Road/Franzman Avenue entrance.*

Officer Comment:

The amended proposal does not include new residential lots accessed from Franzman Ave. Under the amended proposal, the 34 residential lots are accessed off Hilder Street, on the western side of the riparian corridor.

The amended proposal is consistent with the minimum lot size control and road layout and widths prescribed by the DCP. The overall road network has been designed to cater for density targets in the Elderslie release area.

4. *Small lots will lead to high density housing (such as town houses). Smaller lot widths will not be able to accommodate double garages or the amount of cars that most families will own. There may also be an increase in accidents with people reversing out of driveways and cars being parked in the road. Children will no longer be able to play outside safely.*

Officer Comment:

The DCP prescribes a range of lot sizes to accommodate a variety of housing forms and densities. Area 3 of the Elderslie Master Plan is identified as being a “small lot housing form to accommodate smaller single dwellings”, as opposed to Area 1 and the multi-dwelling housing site, which is for higher density living (duplexes or larger).

The DCP requires a minimum lot size of 600m<sup>2</sup> for dual occupancies and the largest lot proposed by this application is 595.2m<sup>2</sup>, not meeting this requirement. Regardless, any applications for dual occupancies or multi dwelling housing would be subject to future DAs and the DCPs controls for these housing types (including parking and private open space).

It is noted that the lot widths of the former Stage 2 were small, however this stage of the development has been deleted from the proposal and subdivision of residue lot 35 will be subject to a separate future DA.

5. *The mature "open" feel to the estate (created by larger lots and wide frontages) will be lost and an "uneven" and "untidy" look to the road will be created. The proportions of the estate will be ruined and it will become like a "concrete jungle".*

Officer Comment:

The DCP prescribes a range of lot sizes to encourage a variety of housing forms and types. Whilst some of the surrounding area has been developed to include slightly larger lots, the proposed development complies with the DCP's minimum lot size controls for this area and will provide an acceptable level of variation to the existing streetscapes.

6. *Council has previously made developers increase lot sizes in the area to preserve what was originally created.*

Officer Comment:

It is noted that a number of separate DAs for subdivision in the surrounding area received objections due to the applications not meeting the minimum lot sizes prescribed in the DCP. There have been instances where the lot sizes were increased to comply with the DCP.

In this instance, the amended application now complies with the DCP's minimum lot size controls.

7. *The developers promised that the estate would be small, quiet and would consist of like housing blocks around 520m<sup>2</sup>.*

Officer Comment:

The amended proposal and minimum lot sizes now comply with the requirements for Areas 3 in the Elderslie Master Plan, which has been in Council's Development Control Plan since 2006.

8. *The value of existing homes in the estate will be decreased as small lots and/or townhouses will open the market for renters who do not take as much care of their properties. Values will also decrease as the area will turn into a "slum" due to overcrowding.*

Officer Comment:

There is no evidence to suggest that the proposal will impact on property values. In any case, the potential impact on property values is not an issue that can be considered as part of this assessment.

9. *The small size of the blocks proposed and construction of the development in general will have an impact on the heritage item (cottage) at 49 Hilder Street, Elderslie. Double storey homes on the lots along the northern boundary of Stage 1 will intrude on their privacy. The development is also out of character with the other two heritage properties located in close proximity to the site.*

Officer Comment:

The site is located within the vicinity of three heritage items being a house at 43 Hilder Street, a house at 49 Hilder Street, and 'Hilsyde' homestead at 56 Hilder Street. Council officers have reviewed the heritage impact statement submitted with the DA and have recommended conditions requiring the imposition of 88B Instrument restrictions which limit the design and materials of dwellings and fences on lots 28 to 32 inclusive (adjoining 49 Hilder Street).

The proposed development has been assessed and is generally consistent with the Elderslie Master Plan and the desired character of the area. Council staff do not consider that the proposed lot configurations will have any unreasonable impacts on the privacy of any other surrounding heritage properties.

10. *With so many homes being built, the development in general will increase noise and crime in the area.*

Officer Comment:

The amended proposal is generally consistent with the Elderslie Master Plan and will contribute to the overall density targets for the area. Council staff have assessed the proposal and do not consider that the proposed development will unreasonably increase noise or crime in the area.

11. *The laneway proposed in Stage 1 is unnecessary and could be an opportunity for criminals to access surrounding properties.*

Officer Comment:

This application no longer seeks consent for any laneways within Stage 1 and the plans have been amended to reflect this.

**(e) The public interest**

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

**EXTERNAL REFERRALS**

The DA was referred to the NSW Office of Water (NOW) for assessment. NOW raised no objections to the proposed development subject to general terms of approval requiring a Controlled Activity Approval and the preparation of a vegetation management plan, erosion and sediment control plan and a soil and water management plan, to ensure the riparian corridor is protected during the carrying out of works for this development.

The DA was also referred to the NSW Rural Fire Service for assessment. The RFS raised no objections to the proposal.

**CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental*



*Planning and Assessment Act 1979* and all relevant instruments, plans and policies, with the exception of 1 variation to Camden Development Control Plan 2011, in relation to the average lot size. This DCP variation and the issues raised in the 21 public submissions received have been assessed by Council staff. Accordingly, DA No 1387/2011 is recommended for approval subject to the conditions listed in this report.

**DRAFT CONDITIONS OF CONSENT**

**1.0 - General Requirements**

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

Plan / Development No.	Description	Prepared by	Dated
08078SP2 – Rev H	Staging Pan – Stage 1	JMD Development Consultants	20 September 2012
08078SP2 – Rev H	Staging Pan – Stage 2	JMD Development Consultants	20 September 2012
08078 E3 – Rev A	Cover Sheet	JMD Development Consultants	13 March 2012
08078 E3 – Rev A	General Plan	JMD Development Consultants	13 March 2012
08078 E3 – Rev A	Road Longitudinal Sections & Typical Section (Peter, Alpene & Corte)	JMD Development Consultants	13 March 2012
08078LS1 – Rev A	Landscape Plan	JMD Development Consultants	29 Feb 2012

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

- (2) **General Terms of Approval** – The development must be carried out in accordance with the following General Terms of Approval from Authorities, including NSW Office of Water General Terms of Approval dated 16 April 2012.
- (3) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.
- (4) **Landscaping Maintenance and Establishment Period for the Public Open Space Road Verge Areas and Nature Strip Installed Street Trees** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all the landscaping in the road verge and nature strip areas and for the street trees installed.

The 12 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care, repair and replacement if applicable, of all street trees relating to this Consent.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment, initial weed control, successful



completion of all planting, turfing, tree guard installation and street tree installation.

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

At the completion of the 12 month maintenance and establishment period, the road verge and nature strip landscaping works, including the street trees, must comply with the Consent and Construction Certificate approved Landscaping Plans.

- (5) **Landscaping Installation, Establishment And Maintenance Costs** - The applicant will pay for all costs involved with the landscaping and Waterfront rehabilitation works and their installation, establishment and maintenance expenditure. The costs involved will include, but not limited to, such items as electricity costs and water usage.
- (6) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- (a) no additional works or access/parking routes, transecting any protected vegetation shall be undertaken without Council approval;
  - (b) pedestrian and vehicular access within and through any protected vegetation shall be restricted to Council approved access routes.
- (7) **Noxious and Environmental Weed Control** -
    - 1.The applicant must fully and continuously suppress and destroy, by appropriate means, any other noxious or environmentally invasive weed infestations that occur during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
    - 2.As per the requirements of the Noxious Weeds Act 1993, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.
    - 3.Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occur during subdivision, and prior to sale of the new lots, must be reported to Council and fully and continuously suppressed and destroyed, by appropriate means.
  - (8) **Noxious Weeds** - All noxious weeds identified on the site must be disposed of in accordance with the Noxious Weeds Act 1993. No noxious weeds green waste is permitted to be mulched and reused on site for stabilisation of disturbed or landscaping areas.

- (9) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
- (a) Camden Council's current Engineering Specifications; and
  - (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads and Maritime Services, Camden Council prior to the issue of any Construction Certificate

## 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 the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Design Ecologist, must be submitted with the Construction Certificate application and must be in accordance with Camden Council's current Engineering Design Specifications and will include the following items.

The following items and amendments required must be clearly shown and detailed in the amended Landscaping Plans prepared for the Construction Certificate issue:

- (a) Nature Strip Street Trees:
  - (i) The proposed streetscape planting of 14 Magnolia grandifolia trees to Hilder St, as proposed in the concept Landscaping Plan, must be amended in the detailed Landscaping Plan to show the smaller growing cultivated varieties only of the Magnolia grandifolia (eg 'Exmouth' or 'Little Gem') are installed.
  - (ii) The proposed streetscape planting selection of the 93 large growing and significant lateral spreading Ulmus parvifolia 'Todd' must be deleted and replaced with a more appropriate street tree selection for the limited space areas of the Nature Strips applicable to this Consent. Some examples for replacement consideration could be Lagerstromia, Lophostmon confertus, Hymenosporum, Koelreuteria, Acmena, Cupaniopsis anarcardiodes, Elaeocarpus reticulatus, the dwarf growing variety only of the cultivated Eucalyptus, such as 'Wildfire' or 'Summer Red' or/and the cultivated variety only of the Ginko biloba (i.e.the dwarf conical growing habit 'Princeton Sentry') or other appropriate selections.
  - (iii) Clearly detail, show and demonstrate that there will not be any planting's of Eucalyptus or Angophora varieties, or other very large trees in any Waterfront/Riparian area that forms part of any Road Verge or Nature Strip area. More appropriate selections for

these Nature Strip areas that are aligned to the Waterfront areas could be *Melaleuca decora* or *Melaleuca linariifolia* or other such smaller growing tree varieties of The Cumberland Plain Woodland Ecological Community.

- (iv) Ensure that the necessary Street Tree installation and their proposed establishment schedules are clearly shown in the detailed Landscaping Plans.
  - (v) That all Street Trees have at time of planting, well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.
  - (vi) That all the Street Trees are sourced in a minimum 75 litre container size, are not multi-stemmed and can stand alone without the need for staking.
  - (vii) That all the Street Trees are installed with appropriate root barrier guard to the roadside kerb.
- (b) The detailed Landscaping Plans must clearly show that any planting of *Lomandra* varieties will not be installed within 1m of any proposed path or cycleway. Other low growing and non intrusive sub shrubs are to be installed within 1m of any proposed path or cycleway.
  - (c) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 12 years maturity. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.
  - (d) If applicable, the detailed Landscaping Plans must clearly show any proposed road verge Estate Entry Feature, Statement Feature Wall, or Entry Statement Signage. These works are not to be positioned on any Public Open Space areas such as the Nature Strip, Waterfront/Riparian areas or other Council maintained area. Any Entry Statement Wall or Entry Feature is to be positioned wholly within the boundaries of private open space areas.
- (2) **Protection for Existing Trees and Other Landscape Features On-site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

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

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

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

- (3) **Waterfront Construction Works** - A Construction Certificate will not be issued over any part of the site that requires a Controlled Activity Approval (CAA) issued by NSW Office of Water (NOW) until a copy of the CAA has been provided to the Consent Authority (ie, Camden Council).
- (4) **Waste Bin Collection** – A waste bin collection point for each residence must be shown on the plans prior to the issue of a Construction Certificate. This area is to be 3 metres long x 0.9 metres wide and allow 3.9 metres clear vertical space to allow for the truck lifting arm.

The plans must also indicate that the waste bin collection point is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures.

All turning heads, including the temporary turning head proposed in Stage 1, are to be constructed in accordance with the dimensions contained within Council's Engineering Specification.

- (5) **Stormwater Disposal** - Stormwater runoff from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (6) **Easement Creation** - Where the disposal of drainage involves the provision of drains across land owned by others and is not within a watercourse, drainage easements must be provided. The width of such drainage easements must be in accordance with Camden Council's current Engineering Specifications. Documentary evidence of creation of the easement/s must be submitted to Council (for information purposes) prior to the issue of a Construction Certificate.

The easement must be obtained over downstream properties and such easement must be registered with the Land and Property Information prior to the release of the Subdivision Certificate or issue of an Occupation Certificate.

- (7) **Inter-Allotment Drainage Construction** – Inter-allotment drainage lines must be installed in accordance with Camden Council's current Engineering Specifications. Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed, where sewer is proposed adjacent to inter-allotment drains.

- (8) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

**Note:**

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (9) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (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; and
- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (10) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of **10% value of works** must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (11) **Cut and Fill Policy** - Any excavation or filling of any residential building site in excess of 1m cut and 600mm fill must only be carried out in accordance with Council's Development Control Plan 2011. The required details must be submitted to Council prior to the Construction Certificate being issued.
- (12) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots. Such kerb outlets shall be:
- (a) located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
- (b) constructed in accordance with Camden Council's current Engineering Specification/s; and

- (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.
- (13) **Location of Drainage Pits** – Shall be in accordance with Camden Council's current Engineering Design Specifications and Engineering Construction Specifications.
- (14) **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 in accordance with Camden Council's current Engineering Design Specifications.
- (15) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sacs, etc. shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (16) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of the Elderslie Water Cycle Master 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.

- (17) **Design of "Construction" On-site Detention/Sediment Control Basin** - The design of the "construction" on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:
- (a) for sediment control generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (b) Camden Council's current Engineering Design Specification,
- (c) and must not concentrate final discharge flows from the facility.

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

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

- (18) **Temporary Turning Facility** – A temporary turning/manoeuvring facility shall be provided at the southern end of proposed Corte Parade. The facility shall be designed in accordance with:
- (a) the current edition of AS 2890.2 and more specifically the Heavy Rigid Vehicle (HRV) swept turning path contained within that document; and
- (b) Camden Council's Development Control Plan 2011.

The manoeuvring area within the facility shall incorporate the pavement and wearing course design associated with the adjoining proposed public road and there shall be no kerb and gutter of any type within the facility. Any additional

land required to accommodate the facility, adjacent to the proposed public road, shall be provided with such land being dedicated as a temporary public road in accordance with s.9, 39 and 40 of the *Roads Act 1993*. The status of the facility shall remain as a temporary public road until such time as:

- (a) an alternative facility has been provided and dedicated as either:
  - i. public road, or
  - ii. temporary public road.

- (19) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate.

- (20) **Road Design Criteria** - Dimensions and pavement design details for proposed roads must align with the following (measurements are in metres):

Road No.	Road Reserve	Carriageway	Footway	Design E.S.A's	Comments
Peter St	16	7.2	4.4	5 x10 <sup>5</sup>	
Alpene St	16	7.2	4.4	5 x10 <sup>5</sup>	
Corte Parade	11.7	7.2	3.5	5 x10 <sup>5</sup>	2.5m cycleway on Basin Side

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

Design parameters shall also comply with the provisions of Camden Council's current Engineering Design Specification and be submitted to the Certifying Authority.



- (21) **Connection to Existing Public Roads** - The proposed road construction must connect with the existing public roads. The connection at such locations must be carried out in accordance with the provisions and requirements of Camden Council's issued Public Road Activity (Roadworks) approval. Further, all such work must be completed to the satisfaction of the Roads and Maritime Services, Camden Council, prior to the issue of any Subdivision Certificate.
- (22) **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.
- (23) **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:
- (a) within any proposed public road and/or drainage reserve contained within the site,
  - (b) within any proposed residue lot contained within the site,
  - (c) 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.
- (24) **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.
- (25) **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.
- (26) **Updated Salinity Management Plan** – The findings of the Salinity Management Plan contained in Section 2 of the report titled *Soil Contamination Assessment and Salinity Management Plan, Lot 1 Hilder Street, Elderslie*, prepared by Harvest Scientific Services Pty Ltd, Job Reference 200904, dated 01/05/2007 shall be updated to reflect the changes made to Australian Standards relevant to building in salinity prone environments so that appropriate s.149 Certificate notations can be made.
- (27) **Compliance with Contamination Report Recommendations** - Prior to the issuing of a Construction Certificate, the applicant shall submit for review to Camden Council a report from a suitably qualified consultant confirming the recommendations set out in Table 3 of the report titled *"Review of Site Conditions, Proposed Residential Development, 65 Hilder Street, ELDESLIE"* prepared by Harvest Scientific Services Pty Ltd, job reference 201357, dated 14 August 2012, have been fully implemented and complied with.
- (28) **Mine Subsidence Board Approval** – Approval must be granted from the Mine Subsidence Board for Stages 1 and 2 as detailed on the plans prepared by JMD Development Consultants, dated 20 September 2012, revision H. This approval



must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### 3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the 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) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (3) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (4) **Site Signage and Contact Numbers** - A sign displaying the contact details of the remediation contractor (and site supervisor if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- (5) **Community Consultation** - Owners and/or occupants of premises adjoining and across the road from the site must be notified at least two days prior to the commencement of remediation works.
- (6) **Site Security** - The site shall be secured to ensure against unauthorised access by means of an appropriate fence.

### 4.0 - During Construction

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

- (1) **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 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (2) **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.
- (3) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

(v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

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

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

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

**Note 1:** Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (4) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance to owners and occupiers of adjacent properties by the generation of unreasonable noise dust or other activity.
- (5) **Hours of Work** - All remedial work shall be conducted within the following hours:

Construction works shall be restricted to within the hours of 7.00am to 5.00pm, Monday to Friday, and on Saturday within the hours of 8.00am to 4.00pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00am to 5.00pm, Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

The site supervisor and excavator shall display, on-site, their twenty-four (24) hour contact telephone number which is to be clearly visible and legible from any public place adjoining the site.

- (6) **Soil and Water Management** - All remedial works shall be conducted in accordance with a Soil and Water Management Plan. A copy of the Plan shall be kept on-site and made available to Council officers on request. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works. Erosion and sediment controls shall be implemented in accordance with the “Managing Urban Stormwater Soils and Construction” manual and Council’s policy”.

- (7) **Noise** - Remediation work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Remediation work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual for the control of construction site noise that specifies that:

- (a) for a cumulative period of exposure to construction activity noise of up to 4 weeks, the Laeq (15 minute) emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dBA;
- (b) for a cumulative construction noise exposure period of between 4 to 26 weeks, the emitted Laeq (15 minutes) noise level should not exceed the LA90 level by more than 10 dBA;
- (c) for a cumulative construction noise exposure period greater than 26 weeks, the emitted Laeq (15 minute) noise level should not exceed the LA90 level by more than 5 dBA.
- (8) **Air Quality (Dust and Odours)** - Dust emissions shall be confined within the site boundary.
- (9) **Remediation Works Inspection** - A qualified Environmental Consultant or Scientist will be required to frequently inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (10) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan as contained under Section 2 of the report titled *Soil Contamination Assessment and Salinity Management Plan, Lot 1 Hilder Street, Elderslie*, prepared by Harvest Scientific Services Pty Ltd, Job Reference 200904, dated 01/05/2007.
- (11) **Construction Noise Levels** – Noise levels emitted during Construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

- (12) **Dust Control** - Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (13) **Unexpected Finds Contingency (General)** - 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 has 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.

- (14) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes remediation, excavation, stockpiling, on-site and off-site disposal; and that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security must be undertaken in accordance with the report titled Remediation Action Plan, Oxley and Herbert Rivulets - Riparian Zone, Camden Valley Way, Hilder Street and Camden By-Pass, Elderslie Release Area, prepared by GeoEnviro Consultancy Pty Ltd, reference JE04210A-r2, dated August 2004. .

Any variation or modification to the Remedial Action Plan in terms of compliance work must be requested from the Consent Authority (Camden Council) in writing prior to validation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.

## 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) Section 94 Contributions – Stage 1:

- (a) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110 per additional lot or dwelling, total \$234,630 for **Open Space, Recreation & Community Land**.

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

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

- (b) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$9,486 per additional lot or dwelling, total \$313,038 for **Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.**

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

- (c) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$39,795 per additional lot or dwelling, total \$1,313,235 for **Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.**

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

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

(2) **Section 94 Contributions – Stage 2:**

- (a) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110 per additional lot or dwelling, total \$7,110 for **Open Space, Recreation & Community Land.**

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

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

- (b) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$9,486 per additional lot or dwelling, total \$9,486 for **Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services.**

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

- (c) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$39,795 per additional lot or dwelling, total \$39,795 for **Drainage,**

### **Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.**

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

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

- (3) **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) Easement for water quality.
  - (d) Restriction as to user of Lots 28 to 32 (inclusive) – The boundary fences of lots 28 to 32 (inclusive) with Lot 2, DP 558686 and Lot 1, DP 518913 are to be a timber paling fence only. Variations (i.e. Colorbond) are not acceptable.
  - (e) Restriction as to user of Lot 28:
    - (i) Any dwellings on this lot must be designed to have frontage and address the street frontages of both Hilder Street and the road proposed to be named “Peter Street” on the approved subdivision plan;
    - (ii) Any fence fronting Hilder Street on this lot is to be a low, plain open fence and must return along the boundary of Lot 1, DP 518913 until the front façade of the dwelling located on Lot 1, DP 518913;
    - (iii) Any dwelling façade on this lot addressing Hilder Street must have an asymmetrical appearance, with either a gable or hipped roof or a combination of both, and a verandah; and
    - (iv) Garage and driveway access to the property is only permitted from the road proposed to be named “Peter Street” on the approved subdivision plan.
  - (f) Restriction as to user of Lots 28 to 30:
    - (v) Any two storey component of dwellings on these lots is to be positioned predominantly toward the road proposed to be named “Peter Street” on the approved subdivision plan, maintaining a



- minimum setback of 6m from the boundary adjoining Lot 1, DP 518913; and
- (vi) Any two storey component of dwellings on these lots is to be coloured in neutral earth tones to blend into the background.
- (g) 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.
- (h) Restriction as to user of all lots within Stages 1 and 2 that all proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be built in accordance with the Salinity Management Plan as contained under Section 2 of the report titled *Soil Contamination Assessment and Salinity Management Plan, Lot 1 Hilder Street, Elderslie*, prepared by Harvest Scientific Services Pty Ltd, Job Reference 200904, dated 01/05/2007. Compliance with the Plan must be demonstrated for each residential development Application.
- (4) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment. Application for such a certificate must be made through an authorised Water Servicing Co-ordinator;
  - (b) a Notification of Arrangements from Endeavour Energy;
  - (c) written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (5) **Show Easements On The Plan Of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (6) **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.
- (7) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council’s current Engineering Design Specifications.
- (8) **Surveyor’s Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying



Authority, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

- (9) **Value Of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (10) **Bond for Final Layer of Asphaltic Concrete** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

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

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

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

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

**Note 2:** It should be noted that Council will not refund/release the bond until;

- (a) the work has been completed to the requirements of Camden Council, and/or
  - (b) where applicable a suitable replacement bond is submitted.
- (11) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications must be provided.
- (12) **Final Layer Asphaltic Concrete (Roads)** - The final asphaltic concrete wearing course layer must not be placed on the carriageway of any road until:
- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
  - (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,

- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads and Maritime Services and Camden Council, and
  - (d) a Public Road Activity (Roadworks) application has been submitted to and approved by the Roads and Maritime Services and Camden Council.
- (13) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.
- (14) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (15) **Construction of Permanent Water Quality Facilities** – A permanent water quality facility must be constructed: -
- (a) in accordance with the approved plans and Elderslie Water Cycle Master Plan,
  - (b) to the requirements of Camden Council,
  - (c) when Occupation Certificates for dwellings associated with 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.

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

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the approved Water Cycle Master Plan for Elderslie 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 approved "Water Cycle Master Plan". Samples are to be taken from the inlet point of the "on-site detention / sediment Control Basin" and the outlet point of the "Water Quality Facility".

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.

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.

- (17) **Modified “Construction” On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual** - Prior to the completion of the modified “construction” on-site detention/sediment control basin and water quality facility, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for approval.

The manual must be prepared by a suitably qualified professional in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom and must provide detailed information regarding the following:

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

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

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

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

- (18) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council’s current Engineering Design Specifications.
- (19) **Bond for the Decommissioning of the Modified “Construction” On-site Detention/ Sediment Control Basin and Water Quality Facility** - Prior to the

issue of any Subdivision Certificate a bond for:

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

The bond:

- (a) applies only where such a facility is located in existing and/or proposed public land,
  - (b) has been determined at an amount of 150% of the total value of works, 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.
- (20) **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.
- (21) **Street Lighting** - Street lighting associated with the subdivision, Hilder Street and the future round about must be provided in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative **prior to the issue of the Subdivision Certificate.**
- (22) **Services** - All services (water, sewer, electricity, telephone and gas) to all allotments are to be installed and fully operational prior to the subdivision certificate being issued.

- (23) **Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks, construction works or other development works relating to this Consent, the Applicant is advised:
- (a) that any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred;
  - (b) any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
- (24) **Installation of Street Trees and Their Protective Guards and Bollards** -
- (a) The Applicant is advised that all nature strip street trees are to be installed with the following installation requirements.
  - (b) All street trees are to have well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.
  - (c) All street trees are to have appropriate root barrier installation to the kerb.
  - (d) Prior to the issue of the Subdivision Certificate, any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored.
  - (e) Any repairs, relocations, installations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
  - (f) All street trees are to be sourced in a minimum 75 litre container size, are not multi-stemmed and can stand alone without the need for staking.
- (25) **Works-As-Executed Plan** - A works as executed plan in .dwg format or equivalent that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.

- (26) **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 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. The validation report must be reviewed by an Officer of the Environment and Health Branch and be approved in writing prior to the issue of any subdivision certificate applicable to the land covered by the RAP.
- (27) **Hilder Street Connection and Service Relocation** – Prior to the issue of any Subdivision Certificate the works associated with the connection with Hilder Street must be completed for that area adjacent to, and for the full length of, the development site, including the intersection with proposed Peter St and Alpeng Street.
- The reconstruction shall:
- (a) be in accordance with Council's design plans for Hilder Street;
  - (b) include all required road transitions at the extremities;
  - (c) include all associated drainage infrastructure & Public Utility Service installation/adjustment/undergrounding;
  - (d) all existing overhead powerlines adjoining the site within Hilder Street must be removed and placed underground;
  - (e) include the kerb returns associated with the roundabout and connection designed in the above-mentioned plans;
- (28) **Dedication of Land** - Proposed lot 34 must not be dedicated to Council as part of this development consent.
- (29) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council (including any modifications to the existing kerb and drainage pits at the intersections of proposed Peter and Alpeng Streets with Hilder Street).

#### END OF CONDITIONS

#### RECOMMENDED

**That Council approve Development Application 1387/2011 for a staged subdivision of land (2 stages) to create a total of 34 residential lots, 1 residue lot, 1 riparian corridor lot and construction of roads, drainage, landscaping and associated site works at No 65 (Lot 1, DP 612821) Hilder Street, Elderslie, subject to the conditions listed above.**

#### ATTACHMENTS

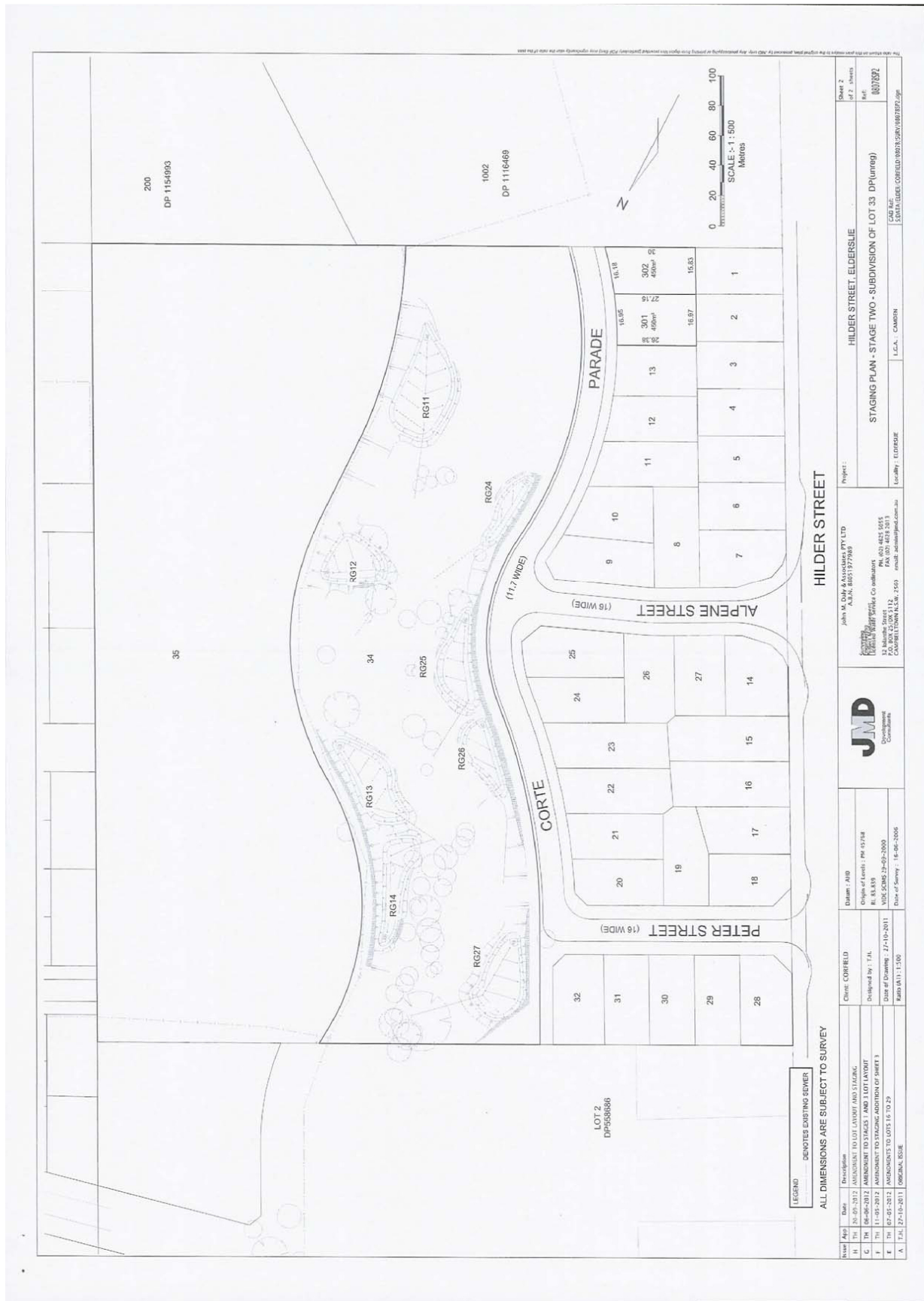
1. Proposed plans
2. Elderslie Master Plan
3. Submissions - *Supporting Document*
4. Addresses of Submissions - *Supporting Document*



Attachment 1

ORD04





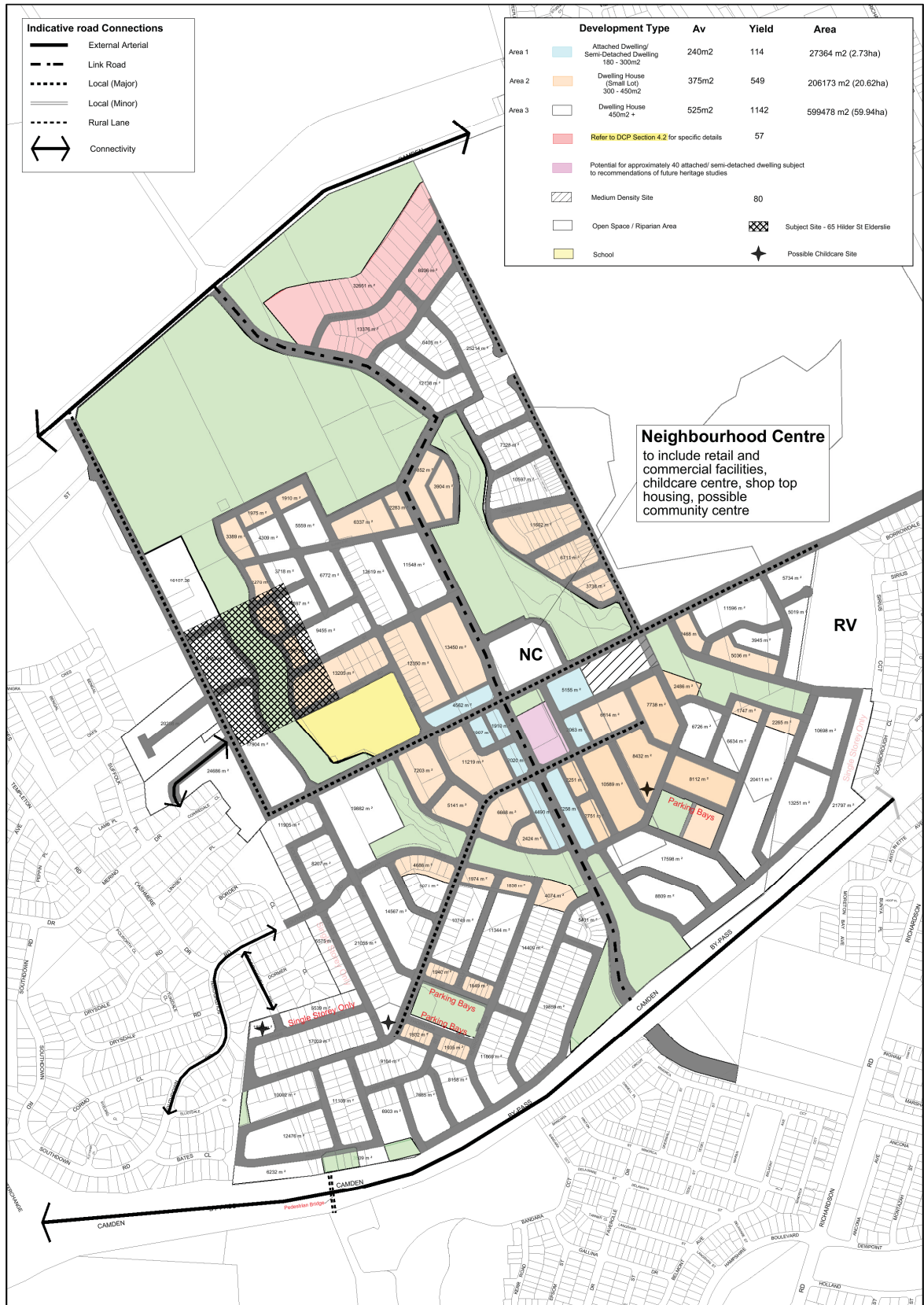
ORD04

Attachment 1



ORD04

Attachment 2



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## ORDINARY COUNCIL

ORD05

ORD05

**SUBJECT:** RETENTION OF ONE EXISTING HORIZONTAL PROJECTING SIGN  
**FROM:** Director, Development and Health  
**BINDER:** DA 837/2012

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**APPLICATION NO:** 837/2012  
**PROPOSAL:** Retention of one existing horizontal projecting sign  
**PROPERTY ADDRESS:** 125–127 Argyle Street, Camden  
**PROPERTY DESCRIPTION:** Lot 1, DP 1173785  
**ZONING:** B2 Local Centre  
**OWNER:** Menuko Pty Ltd  
**APPLICANT:** Mr G McCourt

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the retention of one existing horizontal projecting sign on this site.

The DA is referred to Council for determination as it proposes two variations to Camden Development Control Plan 2011 (DCP). Council's current delegations require DAs involving variations of this nature to be determined by Council.

### SUMMARY OF RECOMMENDATION

That Council determine Development Application No 837/2011, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting of consent subject to conditions contained in this report.

### EXECUTIVE SUMMARY

Council is in receipt of a DA for the retention of one existing horizontal projecting sign at 125 – 127 Argyle Street, Camden.

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

This DA was not required to be publicly notified by the DCP.

The proposal involves two variations to the DCP namely:

- the sign projects over the Argyle Street footpath and is not underneath an awning as required by the DCP; and
- approval of this sign will result in three signs visible on the tenancy's Argyle Street elevation which exceeds the DCP maximum of two per elevation. Two signs have previously been approved for this tenancy's Argyle Street elevation.

It is recommended that the DCP variations be supported. The size and location of the sign is consistent with existing signs in the immediate area. The sign is requested to improve the visibility of the business when travelling north-east along Argyle Street. It

ORD05

is recommended that the DA be approved subject to the conditions contained in this report.

**SITE LOCATION MAP/AERIAL PHOTO**



**THE SITE**

The subject site is commonly known as No 125 – 127 Argyle Street, Camden and is legally described as Lot 1, DP 1173785.

The site fronts Argyle Street but can also be accessed from John Street. The building on which the sign will be located is a single storey building containing several commercial tenancies. The tenancy for which this sign will be displayed is the Michel's patisserie café.

The site is listed as a local heritage item and is located within the Camden Heritage Conservation area. The site contains the heritage listed National Australia Bank building, however the sign is located on the adjoining commercial building.

The surrounding area is generally characterised by single and two storey commercial developments with associated shop fronts and signage.

**HISTORY**

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

<b>Date</b>	<b>Development</b>
2 September 2008	DA 368/2008 approved a new commercial building and conservation works to an existing building on the site.
20 July 2012	DA 637/2012 approved the use of tenancy 1 for Michel's Patisserie.

**THE PROPOSAL**

DA No 837/2012 seeks approval for the retention of one existing horizontal projecting sign to advertise the approved Michel's Patisserie tenancy. The sign is located on the tenancy's Argyle Street frontage. The sign projects 1000mm from the tenancy's front elevation and has a depth of 430mm. The sign is non-illuminated.



**ASSESSMENT**

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

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

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

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

- State Environmental Planning policy No 64 – Advertising Signage
- Camden Local Environmental Plan 2010

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

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

Pursuant to Clause 4(1) of the SEPP, the sign is considered a “business identification sign” as the sign identifies the business and does not include the general advertising of products, goods or services.

The sign has been assessed against the Schedule 1 assessment criteria of the SEPP. The sign is considered acceptable on the basis that:

- the sign is deemed compatible with the existing and desired future character of the area, being reflective of typical signage in the area and complementary to the use of the site;
- the proposed protruding wall sign will reflect existing signage in the area. Its position on the tenancy’s frontage will ensure that it will not dominate the local skyline or unacceptably detract from views into, out of or through the area;
- the proposed sign will provide some visual interest to the Argyle Street streetscape, is of an appropriate scale and form for this area and will not protrude above buildings or significant landscape features in the area;
- the scale and proportions of the sign is considered acceptable, having regard to its identification functions, the proposed building for the site, the surrounding landform and landscape features;
- the sign will not be illuminated and therefore it will not cause any unreasonable light spillage or glare; and
- given the sign’s proposed location and design, it is not considered that it will reduce safety for passing pedestrians or motorists or that it will obscure any sight lines.

The proposed sign is consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

Camden Local Environmental Plan 2010 (LEP)



*Permissibility*

The subject site is zoned B2 Local Centre under the provisions of the LEP. The sign is defined as a “business identification sign” under the LEP and is permissible with development consent in this zone.

*Zone Objectives*

The objectives of the B2 Local Centre are as follows:

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

The sign relates to an approved business use in this tenancy and is therefore consistent with this objective.

- To encourage employment opportunities in accessible locations.

The sign supports a business use that provides employment opportunities.

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

This objective is not relevant to the proposed development as the proposal is for a sign.

- To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.

The location of the sign will help to activate the Argyle Street frontage by way of identifying an approved business from all viewpoints.

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

The sign will not conflict with surrounding land uses given that it is relatively small and generally consistent with existing signage in the area.

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

The sign is complementary to the approved business use in this tenancy and will not detract from the viability of surrounding developments.

*Relevant Clauses*

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

Clause	Requirement	Provided	Compliance
5.10 Heritage conservation	To conserve the environmental heritage of Camden	The proposed sign does not detract from, or have an adverse effect on the heritage significance of the heritage item or Camden Heritage	Yes

Clause	Requirement	Provided	Compliance
		Conservation Area	

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

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

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

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP. Discussion of any variations of the standards is provided after the compliance table.

Control	Requirement	Provided	Compliance
B3.1.2 Camden Heritage Conservation Area	Seeks to foster a balance between historic character and sensitive contemporary development	Yes - the sign is appropriate for the area	Yes
B4.1 General Requirements for Signs	Location, type, colour, design and size shall not detract from the amenity and character of the land to which it relates	Yes - the sign's size and location is consistent with surrounding developments	Yes
B4.2 Signs on Heritage items or in Heritage Conservation Areas	Encourages well designed signage which complements and enhances the character of the heritage conservation area	Yes – the sign complements and enhances the existing character of the area	Yes
B4.4 Commercial and Mixed Use Zones	Number of signs limited to 2 per elevation.  With the exception of under awning signs, all signs shall be located wholly within the property boundary	No – DCP variation 1  No – DCP variation 2	No  No

DCP Variations 1 and 2 – Signage Locations and Numbers

The sign does not comply with the DCP controls for signage in commercial and mixed use zones. The DCP requires that all signs be located wholly within the property boundary unless they are located under an awning. The sign projects over the Argyle Street footpath but is not located under an awning.

In addition, approval of this sign will result in a total of three signs visible on the tenancy's Argyle Street elevation which exceeds the DCP maximum of two per elevation. This is due to two signs already having been approved for this tenancy's Argyle Street elevation.

The applicant has requested variations to these DCP controls on the basis that:

- although non-compliant with the DCP controls, the sign will be located in line with a similar projecting sign on the underside of an awning on an adjacent neighbouring building;
- the sign will match the dimensions of the adjacent projecting wall sign; and
- the sign will complement the development as well as giving the business a more noticeable street presence. The location of the proposed sign will appropriately identify the businesses from both east and west directions along Argyle Street.

Officer comment:

There are existing horizontal projecting signs in the surrounding area that are not located under awnings. Examples of these include the National Australia Bank building (on this site) and Camden Dental Practice (on the southern side of Oxley Street).

It is considered that the subject horizontal projecting sign is in a location that does not detract from the surrounding area and is not prominent in the streetscape, as it is in line with the under side of the awning on the adjacent St George bank building.

The sign in this location is also supported to effectively identify the business to pedestrians travelling north-east along Argyle Street. Due to the recessed frontage of this tenancy along its Argyle Street frontage, without such a sign the business will not be easily visible from the south-west.

Consequently the applicant's request to vary the DCP is supported and approval of the horizontal projecting sign is recommended.

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

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

***(a)(iv) The Regulations***

There are no matters prescribed by the Regulations that apply to this development.

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

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

***(c) The suitability of the site***

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



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

This DA was not required to be publicly notified by the Camden DCP.

**(e) The public interest**

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

**EXTERNAL REFERRALS**

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

**CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA No 837/2012 is recommended for approval subject to the conditions listed in this report.

**DRAFT CONDITIONS OF CONSENT**

**1.0 - General Requirements**

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

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

Plan / Development No.	Description	Prepared by	Dated
RFG 1131 pg 26	Michel's Landscape Static Sign	Retail Food Group Ltd	20.04.2012
RFG 1131 pg 05	Floor Plan	Retail Food Group Ltd	17.05.2012

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

- (2) **No Additional Signs** - The approval of this sign application does not suggest that additional signs may be erected without the prior written approval of the Camden Council.
- (3) **Horizontal Projecting Sign Size** - The existing horizontal projecting wall sign is approved to project 1000mm from the wall of its parent building and have a vertical depth of 430mm.

- 
- (4) **Maintenance** - The subject sign must be maintained in good order at all times. The approved design, colour scheme and wording of the sign must not be altered without the prior written approval of the Consent Authority (ie Camden Council).
  - (5) **Structural Certification** - Structural certification of the existing sign must be obtained certifying that the sign is structurally sound. A copy of this certification must be provided to Council.
  - (6) The sign must be permanently maintained in a structurally sound condition.

**END OF CONDITIONS**

**RECOMMENDED**

**That Council approve Development Application 837/2012 for the retention of one existing horizontal projecting sign at No 125-127 (Lot 1 DP 1173785) Argyle Street, Camden subject to the conditions listed above.**

**ATTACHMENTS**

1. Plans

ORD05

Attachment 1

**NOT TO SCALE**  
1:50 @ A2

**RETAIL FOOD GROUP**  
STRENGTH IN BRANDS

**PROJECT**  
MICHEL'S PATISSERIE  
SHOP 1  
125-127 ARGYLE STREET,  
CAMDEN, NSW, 2570

**REVISIONS**

REV	DATE	COMMENTS
1	23.07.12	CONCEPT
2	23.07.12	CONCEPT
3	23.07.12	CONCEPT
4	12.09.12	CONCEPT
5	19.04.12	CONCEPT
6	05.04.12	CONCEPT
7	30.04.12	CONCEPT
8	28.05.12	CONCEPT

**STATUS** DRAFT CONCEPT  
**DATE** 17/05/2012  
**DRAWN** TS  
**SCALE** as shown  
**REVISION** J  
**DRAWING NO.** RFG 1131  
**PAGE NO.** 05

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CONSTRUCTION.**

**Retail Food Group Ltd.**  
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Southport QLD  
Australia 4215  
phone (07) 5591 3242  
fax (07) 5591 9021  
website www.rfg.com.au

P.O. Box 1548  
Southport QLD 4215

**NEW MICHEL'S PATISSERIE SIGNAGE TO BE INSTALLED  
AS SHOWN IN WALL. SEE WALL PLAN FOR SIGNAGE  
LOCATION. SEE WALL PLAN FOR SIGNAGE LOCATION.**

**TENANCY AREA - 140m<sup>2</sup>**

**FLOOR PLAN 1:50**

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phone (07) 5591 3242  
fax (07) 5591 9021  
website www.rfg.com.au

**CLIENT**  
RETAIL FOOD GROUP

**PROJECT**  
MICHEL'S PATISSERIE SHOP 1  
135-137 ARGENT STREET,  
CAMDEN, NSW, 2570

**DRAWING No.** RFG 1131 **PAGE No.** 26

**STATUS**  
DRAFT CONCEPT

REVISION	DATE	BY	DESCRIPTION
A	23.04.12		CONCEPT
B	09.05.12		CONCEPT
C	17.05.12		CONCEPT
I	16.07.12		CONCEPT

DATE: 20.04.12 DRAWN: TS REVISION: I

SCALE: as shown @ A1

# Michel's

patisserie

10mm ACRYLIC MICHEL'S PATISSERIE CUTOUTS WITH 2PAC SPRAY FINISH IN CORPORATE BROWN (PMS 479)

APPLIED 'BEIGE' VINYL FILM TO MATCH PMS 468

10mm ACRYLIC CHEF HEAD CUTOUTS WITH 2 PAC SPRAY FINISH IN CORPORATE BROWN

STRUCTURAL STEEL MOUNTED FRAME TO EXISTING WALL

BROWN COLOUR TO MATCH PMS 479

RED COLOUR TO MATCH PMS 187

RED COLOUR TO MATCH PMS 485

PLEASE NOTE: SIGN TO BE IN SHOPFRONT POSITION TO BE DECIDED ON SITE.

NOTE: SIGNAGE SHALL BE NON-ILLUMINATED

430

1000

28 MICHEL'S LANDSCAPE STATIC SIGN 1:10

## ORDINARY COUNCIL

ORD06

**SUBJECT:** ERECTION OF A TELSTRA TELECOMMUNICATIONS FACILITY INCLUDING A 41 METRE HIGH MONOPOLE, PANEL ANTENNAE AND ANCILLARY EQUIPMENT SHELTER  
**FROM:** Director, Development and Health  
**BINDER:** DA 586/2012

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**APPLICATION NO:** 586/2012  
**PROPOSAL:** Erection of a 41m high monopole, flush panel antennae and ancillary equipment shelter  
**PROPERTY ADDRESS:** 279 Richardson Road, Spring Farm  
**PROPERTY DESCRIPTION:** Lot 20, DP 632825  
**ZONING:** B1 Neighbourhood Centre  
**OWNER:** Cornish Group  
**APPLICANT:** Telstra Corporation Limited C/- Urbis

---

### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a new telecommunications facility at No 279 Richardson Road, Spring Farm.

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

### SUMMARY OF RECOMMENDATION

That Council determine Development Application No 586/2012 pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting of consent subject to conditions contained in this report.

### EXECUTIVE SUMMARY

Council is in receipt of a DA for a telecommunications facility at No 279 Richardson Road, Spring Farm.

Many telecommunications facilities do not require development consent from Council as they are exempt under both Federal legislation and State environmental planning policies. To be exempt, they must meet certain size and location requirements. The proposed facility does not meet these exemption requirements and therefore requires development consent from Council.

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

---

The DA was notified in accordance with Camden Development Control Plan 2011 and one submission was received which raised concern about the visual impact and site selection.

During the assessment of the DA, Council staff requested the applicant to consider other locations for the proposed facility outside of the future Spring Farm neighbourhood centre. The applicant provided Council with justification for this site which included network coverage requirements and future co-location opportunities.

The visual impacts of the proposed development have been considered. At 41m in height, the proposed monopole will be visible, however its slimline design and “pale eucalypt” colour finish have been selected to minimise the visual impacts and help it blend into its surroundings (both currently and when the Spring Farm urban release area is further developed).

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

**ORD06**





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## **THE SITE**

The subject site is commonly known as No 279 Richardson Road, Spring Farm and is legally described as Lot 20, DP 632825.

The site has a frontage of approximately 51m to Richardson Road, a depth of approximately 234m and an overall site area of approximately 1.2 ha.

The subject site currently accommodates a single dwelling and detached garage at the north-western side of the site. Along the site's rear boundary is an Endeavour Energy easement for underground cables. The remainder of the lot is largely vegetated with mature trees.

The surrounding properties are characterised by vacant lots, an electrical substation and residential subdivision development associated with the Spring Farm urban release area. The nearest existing residential dwelling is located approximately 430m to the north-east.

This site is located in the future Spring Farm neighbourhood centre. It is envisaged that this centre will include a range of land uses including public open space, retail and community land uses. Currently, no part of the neighbourhood centre has been developed.

**ORD06**





**FIGURE 2: SPRING FARM MASTER PLAN**

**HISTORY**

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

Date	Development
4 February 1997	DA No 99/1999 for the excavation and removal of sand and soil was withdrawn.
14 May 2001	DA No 1617/2000 for the extraction of sand and removal off-site for processing was refused.
3 September 2008	DA No 1028/2007 for bulk earthworks was approved.

On 12 June 2012, the applicant briefed Council on Telstra’s network upgrade program for Camden.

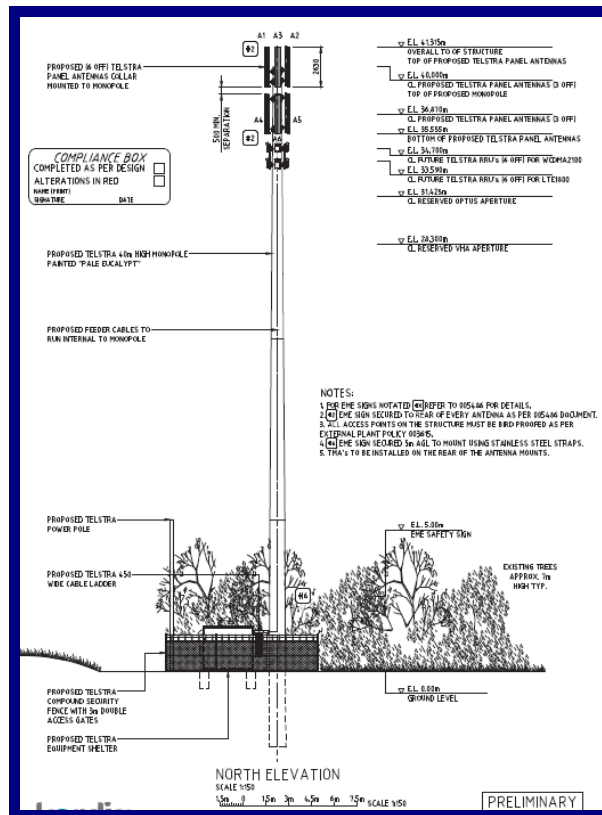
## THE PROPOSAL

Development Application No 586/2012 seeks approval for a new telecommunications facility. **A copy of the proposed plans are provided at the end of this report.**

Specifically the proposed development involves:

- installation of a 40m high monopole with a “pale eucalypt” colour finish;
- 6 antennae (each with the following dimensions - 2630mm x 370mm x 120mm) which will add an additional 1.35m to the height of the facility. The overall height will therefore be 41.35m;
- provision for future antennae at 28.3m high and 31.425m high for Optus and Vodafone services (not subject to this development application);
- clearing of 60m<sup>2</sup> of land including removal of 9 trees;
- an ancillary equipment shelter (3.28m long x 2.28m wide x 2.995m high) within a 60m<sup>2</sup> fenced off area with 3m wide double access gates;
- 450mm wide by 2.7m high cable ladder mounted against proposed monopole;
- a power pole to source overhead power supply from an existing power pole south of Glenlee Road; and
- provision for a future underground fibre cable route.

ORD06



**FIGURE 3: PROPOSED MONOPOLE ELEVATION**

## ASSESSMENT

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

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

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

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

- State Environmental Planning Policy (Infrastructure) 2007
- Deemed State Environmental Planning Policy No 9 – Extractive Industries
- Deemed State Environmental Planning Policy No 20 – Hawkesbury / Nepean River
- Camden Local Environmental Plan 2010

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

#### State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

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

The SEPP also contains principles for telecommunication facilities which must be considered in the assessment of a DA:

- Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact.

The telecommunication facility is proposed in a slimline arrangement in the form of a monopole with almost flush antennae in comparison to traditional lattice type structures with bulky head frames, which is considered to minimise the potential visual impact of the facility.

- Principle 2: Telecommunications facilities should be collocated wherever practical.

Prior to the application being made to Council, the applicant undertook a site selection process which has been detailed in the submitted statement of environment effects. Co-location was considered as part of this process but was deemed not to be appropriate due to network coverage requirements. However the proposed facility will provide for co-location opportunities in the future by other providers including Optus and Vodafone.

- Principle 3: Health standards for exposure to radio emissions will be met.

Health standards for telecommunication facilities are administered by the Australian Communications and Media Authority (ACMA) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). An assessment of the proposed telecommunication facility against the standards and guidelines of ACMA and ARPANSA has been detailed in the application. The proposed facility has a maximum

level of radiofrequency EME of 0.11% which is 909 times less than the standard's maximum exposure level.

- Principle 4: Minimise disturbance and risk, and maximise compliance.

The proposed development generally complies with all requirements of the Commonwealth *Telecommunications Act 1997*, the ACIF Industry Code for the Deployment of Mobile Phone Network Infrastructure, the Australian Communications and Media Authority guidelines, the standards of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and Council's development controls.

#### Deemed State Environmental Planning Policy No 9 – Extractive Industries (SEPP)

As the Spring Farm area has been mined for sand and soil, the SEPP requires that this DA be referred to the Department of Primary Industries (DPI) for comment. DPI has raised no objection to the proposed development.

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

It is considered that the aims and objectives of the SEPP will not be prejudiced by the proposed development and there will be no detrimental impacts upon the Hawkesbury / Nepean River system as a result of it. Conditions relating to erosion control are recommended to ensure that the aims and objectives of the SEPP are met.

#### Camden Local Environmental Plan 2010 (LEP)

##### *Permissibility*

The subject site is zoned B1 Neighbourhood Centre under the provisions of the LEP. The proposed development is defined as a "telecommunications facility" by the LEP and is permitted with development consent.

##### *Zone Objectives*

The objectives of the B1 Neighbourhood Centre are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

This objective is not relevant as the proposed development is not for a retail, business or community use. However, it is considered that the proposed facility will serve the needs of such uses within the zone.

- To encourage mixed use developments to present an active frontage to the street by locating business, retail and community uses at ground level.

The proposed facility will introduce a support facility use into the B1 zone. It is considered that the proposed development will not hinder the development of mixed uses and the generation of active frontages in the zone. The provision of reliable telecommunications facilities will only enhance such uses.

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

The proposed development is located in a Neighbourhood Centre zone which provides for a range of uses. It is considered that the proposed facility will not interfere with other land uses in this or adjoining zones.

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

The proposed telecommunications facility is considered to be a land use which is complementary to retail, business and community uses within the B1 zone and one that will not detract from the viability of such uses.

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

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

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

Camden Development Control Plan 2011 (DCP)

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

<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
B1.1 Erosion and Sedimentation	Soil conservation measures are required to control soil erosion and siltation during and following the completion of the development.	Excavation and filling works are not proposed, therefore this control is not applicable, however during construction soil erosion and sediment control measures are recommended as a condition.	Yes
B1.5 Trees and Vegetation	A DA must be lodged for the removal of trees which are 3 metres or more in height, minimum 300mm diameter and branch span of 3 metres or more.	This application proposes to remove 9 trees. The removal of these trees has been assessed and is deemed to be acceptable, particularly given the significant bush regeneration that is occurring in the surrounding area.	Yes
B1.13 Mine Subsidence	Mine Subsidence Board (MSB) approval must be provided at lodgement.	Plans of the proposed development have been approved in-principle by the MSB prior to lodgement with Council.	Yes
B3.1.5 Cultural and Visual Landscapes	Optimise cultural and visual landscapes.	The proposed facility does not obstruct cultural and visual landscapes as identified by the DCP.	Yes

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

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

**(a)(iv) The Regulations**

There are no matters prescribed by the Regulations that apply to this development.

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

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

Health Impacts

Under Commonwealth legislation, mobile phone carriers are required to adhere to regulations administered by the Australian Communications and Media Authority (ACMA).

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

The standard limits the amount of electromagnetic energy (EME) that can be emitted from telecommunication facilities and sets out an appropriate maximum level designed to protect people when in the vicinity of such facilities.

The use of this standard has been tested and supported in decisions made by the NSW Land and Environment Court (LEC). On 24 March 2006, an appeal was upheld in the LEC in the case of *Telstra Corporation Limited Vs Hornsby Shire Council [2006]* in which the Court ruled in favour of Telstra for the reason that the standards which are set by the ACMA are considered to be an appropriate health standard for such facilities to comply with.

The proposed development has a maximum level of radiofrequency EME of 0.11% of the standard's maximum exposure level. The maximum EME levels achieved by the proposed development are significantly less than the mandated exposure limit and therefore comply with the relevant health standard.

Visual Impacts

The proposed telecommunications facility has an overall height of 41.35m. The height for the proposed development was determined based on two factors. Firstly, the height is necessary to achieve target service coverage which takes into account the surrounding topography, vegetation and structures. Secondly, the facility provides for co-location by other service providers in the future.

Whilst the proposed development is high and will be visible, the applicant has attempted to minimise the visual impacts through proposing a monopole with a slimline design combined with a “pale eucalypt” colour finish and an almost flush antennae arrangement.

It is considered that the slimline design will be less obtrusive and will blend more effectively with its surroundings compared to the traditional lattice design of telecommunication facilities. Furthermore, the “pale eucalypt” colour of the proposed facility will allow for more effective camouflaging of the facility.

If the monopole was proposed at a lower height, provision for Optus and Vodafone services would require either a height extension to the proposed facility, or the installation of separate facilities by means of additional telecommunication facilities in the same area. One telecommunication facility with the opportunity for co-location is preferred, rather than multiple telecommunication facilities within the one coverage area.

Spring Farm is currently undergoing significant urban development. With the ongoing development of the urban release area including the town centre, residential areas and bush corridor, the facility will become less prominent visually and will blend further into the suburban character of the area.

On balance, it is considered that the proposed facility achieves an acceptable visual outcome for the following reasons:

- the proposed telecommunications facility will co-locate three service providers onto the one facility, therefore limiting the need for additional facilities for other service providers within the coverage area in the future;
- the slimline monopole design with the proposed antennae will be less obtrusive to sightlines in and out of the area compared to the traditional lattice type structure with mounted bulky head frame;
- the colour of the proposed facility will allow for the monopole to easily blend in with the natural background; and
- future development of the neighbourhood centre and the establishment of the bush corridor in Spring Farm’s west village will provide a visual buffer to part of the telecommunications facility.

The following table lists examples of other telecommunication facilities in the Camden Local Government Area which have a height of 25m or more:

<b>Location</b>	<b>Height of the facility</b>	<b>Service Provider</b>
810 Camden Valley Way, Catherine Field	30m monopole	Optus, Vodafone, 3GIS
21 Bellingham Street, Narellan	30m monopole	Telstra, Optus, 3GIS
Studley Park Golf Course - 50 Lodges Road, Narellan	32m monopole	Telstra, Optus, Vodafone, 3GIS
194 Heath Road, Leppington	30m monopole	Telstra
730 The Northern Road, Oran Park	25m monopole	Telstra
46 Woolgen Park Road, Leppington	30m monopole	Telstra, Optus, Vodafone



Location	Height of the facility	Service Provider
15 Jackey Drive, Camden South	40m steel lattice tower	Telstra, Optus, Vodafone, 3GIS

**(c) The suitability of the site**

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

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

The DA was publicly exhibited for a period of 14 days, between 27 June and 11 July 2012. The DA was notified extensively with approximately 630 notification letters sent. One submission was received in objection to the proposal.

**A copy of the submission is provided with the Business Paper supporting documents.**

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

*1. The visual impact of the facility will affect the amenity of the area.*

Officer comment:

The visual impact of the proposed development has been assessed in the “likely impacts of the development” section of this report. As assessed previously, the visual impacts of the proposed development will be minimised with the monopole’s slimline design, its colour finish to help it blend into its surroundings and the proposed antennae arrangement. Approval of such a facility will also provide co-location opportunities which will help to reduce the need for additional telecommunications facilities in the future.

*2. Flawed site selection: It is too close to a residential area and is it really necessary to improve telecommunication coverage for this new suburb?*

Officer comment:

It is considered that the site selection process has been adequately undertaken. The submitted statement of environmental effects (SEE) lodged with this application includes a site selection process which was undertaken as part of the preliminary application process.

An assessment of existing telecommunications infrastructure surrounding Spring Farm was reviewed as part of the site selection process. The sites reviewed include Roads and Maritime Services land adjacent to the Camden Bypass in Elderslie, Studley Park Golf Course in Narellan, and Springs Road, Mount Annan. These sites were not considered to be appropriate as they already housed Telstra facilities and co-locating at these sites would not reach or improve service coverage in Spring Farm.

Three new sites were subsequently looked at within the coverage area to accommodate a new telecommunications facility. The criteria set for identifying new sites detailed that the site should be located away from residential development, and not in a prominently located / viewed area. The new sites identified and reviewed include the corner of Richardson Road and Springs Road – future retail centre roof top

(Site A), 148 Springs Road – Endeavour Energy substation (Site B), and 279 Richardson Road – the subject site (Site C).

Sites A and B were considered to be appropriate sites for the proposed development, however the land owners did not indicate interest in housing a telecommunications facility as it could compromise future development potential of the land. Site C was considered to be a candidate as it would provide the necessary coverage for the surrounding area. Site C was selected as the subject site for the proposed development.

During the assessment of the DA, Council requested the applicant consider the bush corridor adjacent to the Camden Bypass in addition to the sites considered in the SEE. The applicant provided reasons as to why the site was not considered suitable for the proposed telecommunications tower. Firstly, the site is located on the edge of the target service coverage area and would require additional facilities in other locations of the target area in future. Secondly, the site is relatively close to an existing Telstra facility adjacent to the Camden Bypass in Elderslie and would interfere with the coverage from the existing site rather than providing greater service coverage.

Based on the site selection process detailed by the SEE and the additional information response it is considered that the site selection was adequately undertaken.

The SEE lodged with this application indicates that currently, the wireless demand is doubling every year and as the Spring Farm area develops and the population increases, service capacity issues will arise. The SEE states that the proposed facility will accommodate the current and the growing future demand of wireless service for the new population.

#### **(e) The public interest**

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

### **EXTERNAL REFERRALS**

As the Spring Farm area has been mined for sand and soil, the SEPP requires that this DA be referred to the Department of Primary Industries (DPI) for comment. DPI raised no objections to the proposed development.

### **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA No 586/2012 is recommended for approval subject to the conditions listed in this report.

### **DRAFT CONDITIONS OF CONSENT**

#### **1.0 - General Requirements**

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

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

Plan / Development No.	Description	Prepared by	Dated
NA09330.01	Planning Report	Urbis	June 2012
N109417-DC	Cover Page	Kordia	17 May 2012
N109417-S1	Site Layout and Access		17 May 2012
N109417-S1-1	Site Layout	Kordia	17 May 2012
N109417-S3	Site Elevation	Kordia	17 May 2012
N109417-S3-1	Antenna Configuration Table	Kordia	17 May 2012
N109417-G2	Site Detail Survey	Sureline Geomatics	7 February 2012
76788.01.P03	Spring Farm Neighbourhood Master Plan	Lean & Hayward	7 June 2011
-	EME Precautionary Approach Checklist	Mobile Carriers Forum	10 April 2012
-	EME Report	Telstra	11 May 2012
N109147	Photomontage	Pixelwise	5 May 2012

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

- (2) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Approved Facility Height** – The approved monopole must not exceed a maximum height of 40 metres with the approved flush antennae which bring the overall height of the facility to a maximum of 41.35 metres high.

## 2.0 - Prior To Works Commencing

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

- (1) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (2) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (3) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (4) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (5) **Soil Erosion And Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

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

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

### 3.0 - During Construction

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

- (1) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);

- (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
  - (c) work on Sunday and Public Holidays is prohibited.
- (2) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
  - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
  - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
  - (e) a waste control container shall be located on the development site.
- (3) **External Materials and Finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes.
- (4) **Delivery Register** - The Applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (5) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance to owners and occupiers of adjacent properties by the generation of unreasonable noise dust or other activity.
- (6) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

(c) be prepared in accordance with:

For Virgin Excavated Natural Material (VENM):

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

(d) confirm that the fill material:

- (i) provides no unacceptable risk to human health and the environment;
- (ii) is free of contaminants;
- (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- (iv) is suitable for its intended purpose and land use; and
- (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

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

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

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

**Note 1:** Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (7) **Prevention of Nuisance to Inhabitants** - All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like.
- (8) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.

- (9) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land must be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of the Final Occupation Certificate.

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

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

#### 4.0 - Prior To Issue Of Occupation Certificate

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

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

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



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

- (2) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings ( $LA_{eq}$ ) (measured for at least 15 minutes) must not exceed the relevant criteria contained within Councils "Environmental Noise Policy" when measured at any point on the boundary.

### 5.0 - Operational Conditions

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

- (1) **Vehicles that Service the Site** - Vehicles that service the site must comply with the following requirements at all times:
- (a) All vehicles must enter and exit the site in a forward direction.
  - (b) All vehicles awaiting loading, unloading or servicing must be parked on-site and not on adjacent or nearby public roads.
  - (c) Articulated or heavy rigid vehicles in excess of 11 metres in length shall not service the premises due to the limited manoeuvring capabilities of the site.
- (2) **Hours of Maintenance** – The facility must only be accessed for maintenance between 9.00 am and 5.30 pm. However, 24 hour access is permitted in the event of essential / emergency maintenance.

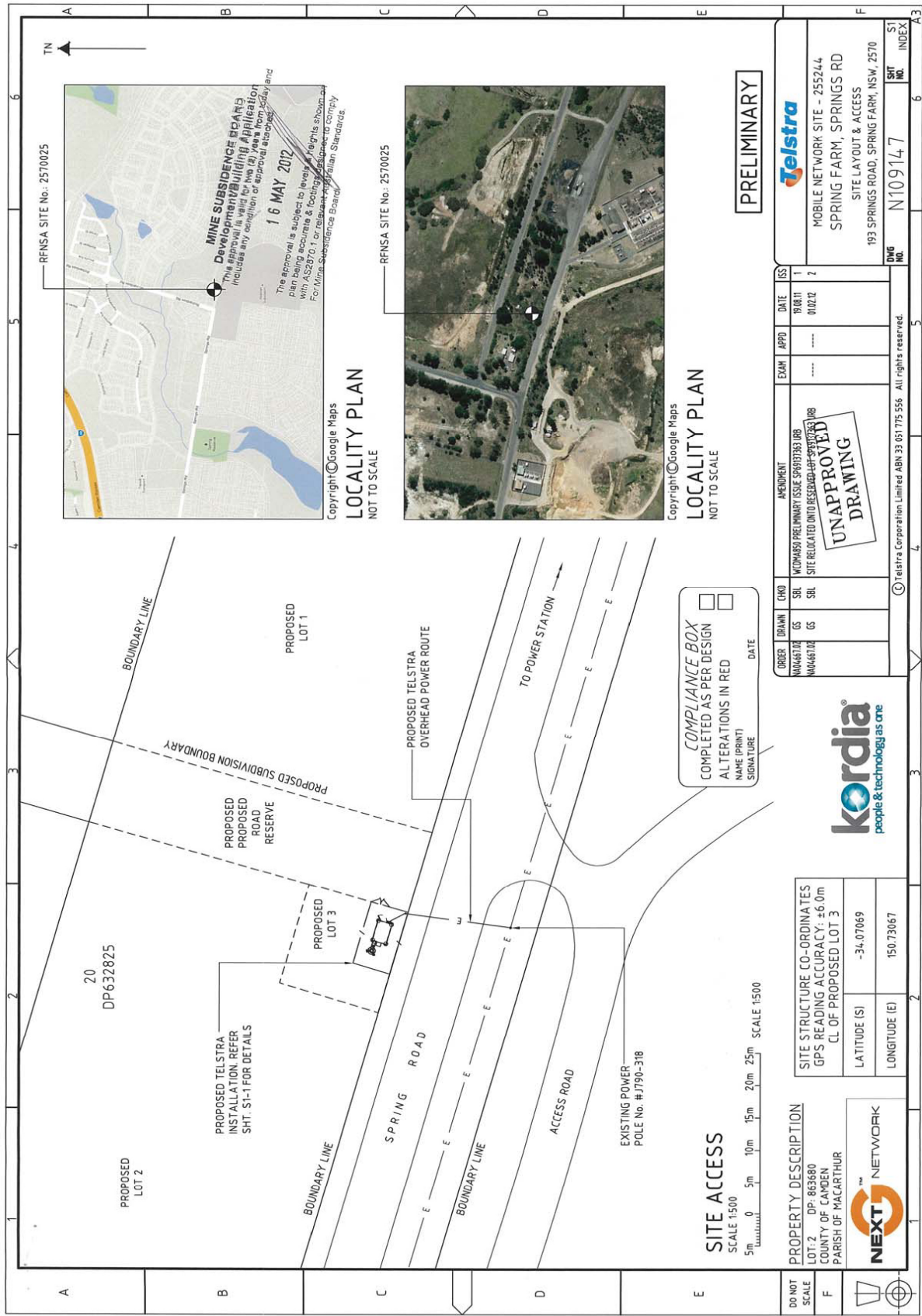
### END OF CONDITIONS

### RECOMMENDED

**That Council approve Development Application 586/2012 for the erection of a 41m high monopole, flush panel antennae and ancillary equipment shelter at No 279 Richardson Road, Spring Farm subject to the conditions listed above.**

### ATTACHMENTS

1. Plans
2. Submission - *Supporting Document*

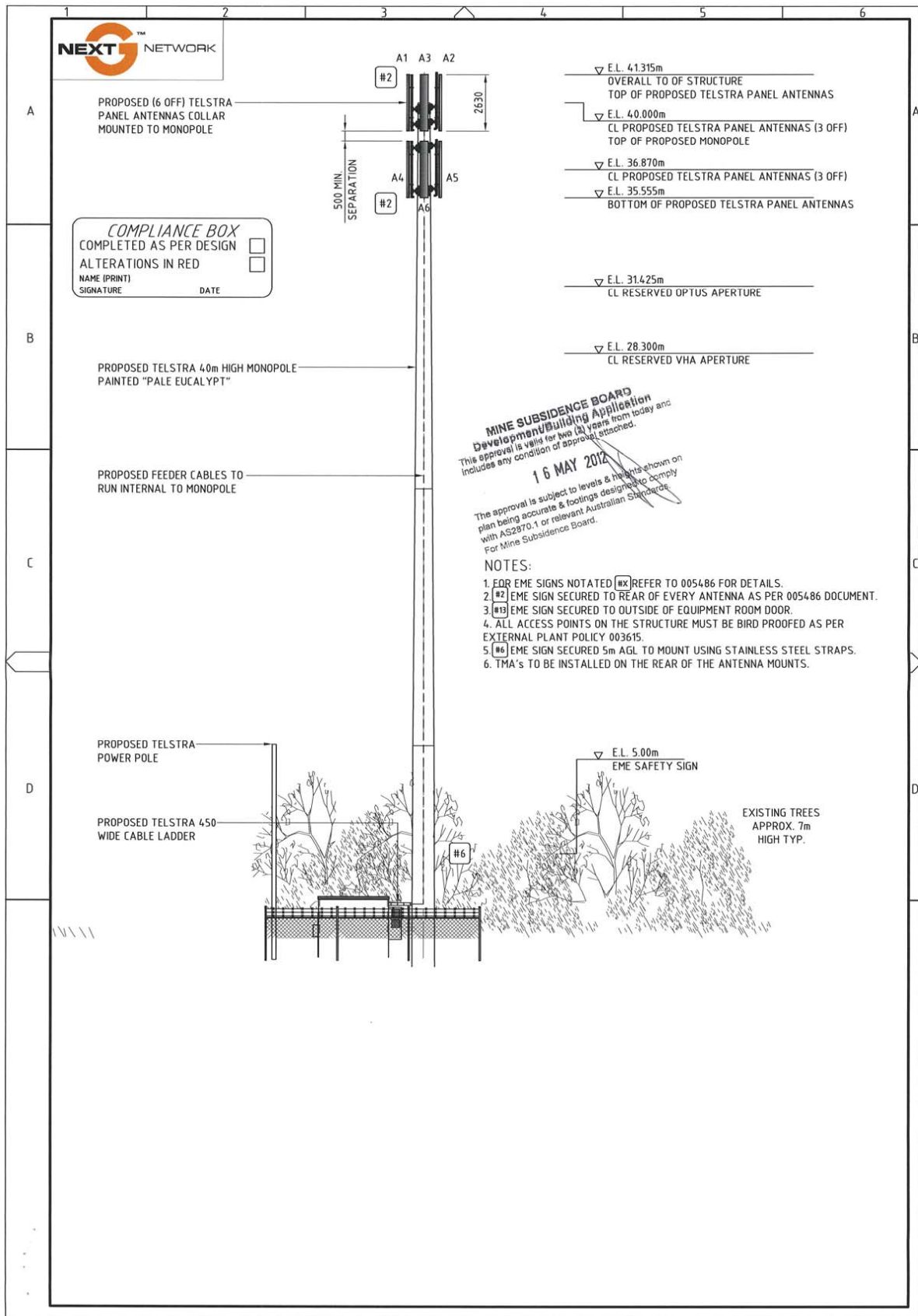


Attachment 1

ORD06







ORD06

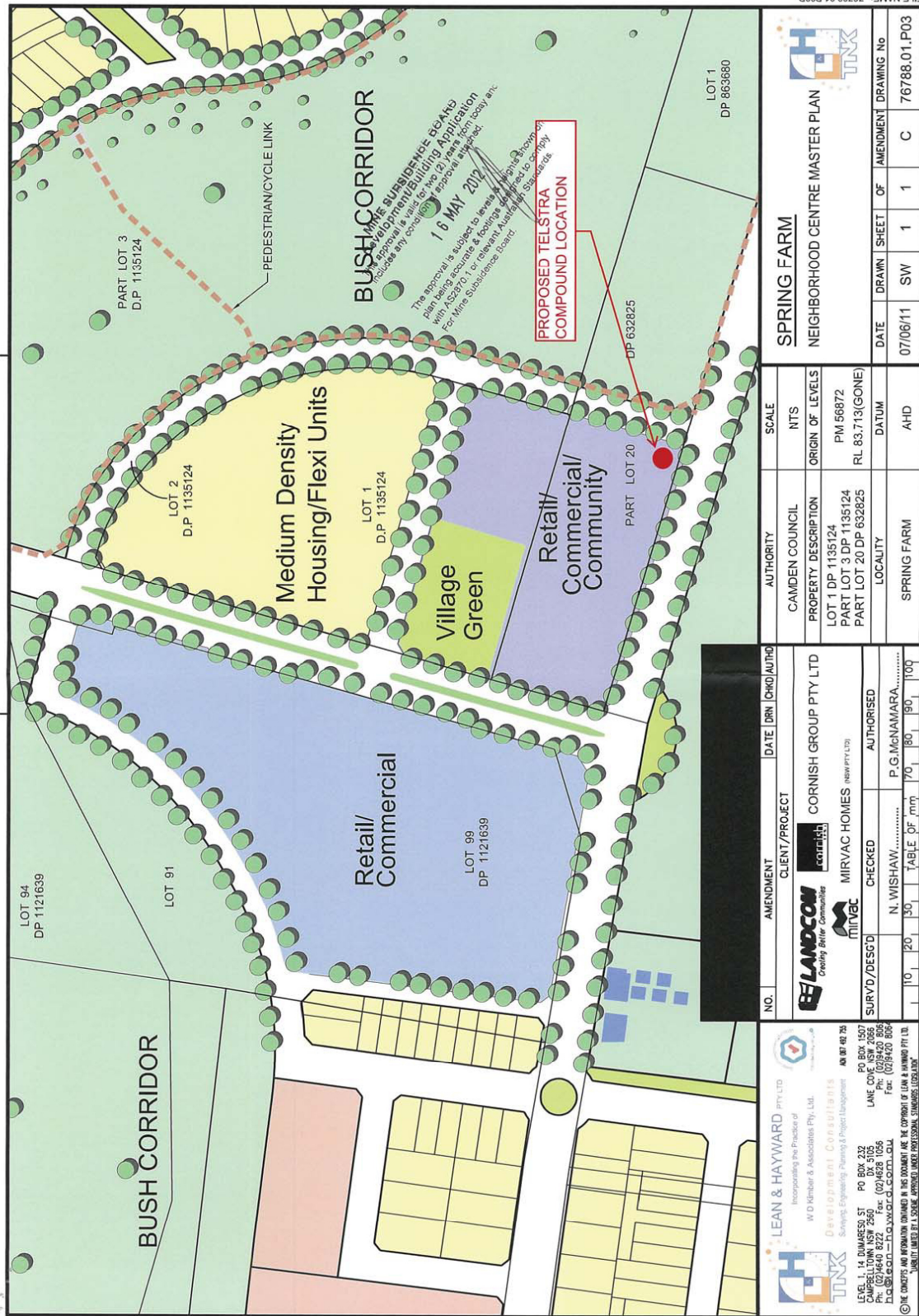
Attachment 1

**MINE SUBSIDENCE BOARD**  
**Development/Building Application**  
 This approval is valid for two (2) years from today and includes any condition of approval attached.  
**16 MAY 2012**  
 The approval is subject to levels & heights shown on plan being accurate & footings designed to comply with AS2970.1 or relevant Australian Standards.  
 For Mine Subsidence Board.

- NOTES:**
1. EOR EME SIGNS NOTATED #1 REFER TO 005486 FOR DETAILS.
  2. #2 EME SIGN SECURED TO REAR OF EVERY ANTENNA AS PER 005486 DOCUMENT.
  3. #13 EME SIGN SECURED TO OUTSIDE OF EQUIPMENT ROOM DOOR.
  4. ALL ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
  5. #6 EME SIGN SECURED 5m AGL TO MOUNT USING STAINLESS STEEL STRAPS.
  6. TMA's TO BE INSTALLED ON THE REAR OF THE ANTENNA MOUNTS.

Attachment 1

ORD06



FILE NAME: 76788.01.P03



<b>SPRING FARM</b>	
NEIGHBORHOOD CENTRE MASTER PLAN	
DATE	07/06/11
DRAWN	SW
SHEET	1
OF	1
AMENDMENT	C
DRAWING NO	76788.01.P03

SCALE	NTS
ORIGIN OF LEVELS	PM 56872
PROPERTY DESCRIPTION	LOT 1 DP 1135124
LOCALITY	SPRING FARM
DATUM	AHD

AMENDMENT NO.	DATE	DRN	CHKD	AUTH'D						
CLIENT/PROJECT	MIRVAC HOMES (NEW PTY LTD)									
CAMDEN COUNCIL	CORNISH GROUP PTY LTD									
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TABLE OF mm	70 80 90 100									

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**BE LANDCOM**  
 Creating Better Communities

**MIRVAC HOMES** (NEW PTY LTD)

**CORNISH GROUP PTY LTD**

**CONTRACTOR**

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A3

## ORDINARY COUNCIL

ORD07

ORD07

**SUBJECT:** LICENCE TO CAMDEN RSL YOUTH CLUB INC - 47 CAWDOR ROAD, CAMDEN  
**FROM:** Director Governance  
**BINDER:** Council Properties

---

### PURPOSE OF REPORT

To obtain Council approval to sign a licence agreement with the Camden RSL Youth Club for the occupation of part Lot 4 DP 601081, 47 Cawdor Road, Camden.

### BACKGROUND

The Camden RSL Youth Club currently occupies the hall and surrounding land of 47 Cawdor Road, Camden for the purpose of RSL Youth Club activities.

The land is Crown Land for which Camden Council is trustee and under that trusteeship has care and control of the reserve. The RSL Youth Club originally secured a grant to construct the facility and has had tenure ever since.

The current licence agreement commenced in 2006 and expired on 17 July 2011. The RSL Club have been occupying the land under a monthly holding over period whilst negotiations have been carried out with Council, the RSL Youth Club and the Catchments and Lands Department of Primary Industries to renew the licence agreement.

### MAIN REPORT

Council Officers have inspected the property and met with the representatives of the Camden RSL Youth Club to discuss options with regard to the renewal of the licence agreement.

The Club has maintained the property in good condition and has provided an undeniable public service to the youth of Camden, for many years. It is therefore recommended that a five year licence with a five year option be entered into in order to retain this service.

The amount of rental for the term of the licence is in accordance with the Catchments and Lands Department of Primary Industries fees for licences.

The details of the proposed licence are as follows:

- Term of the Licence – Five (5) years commencing on 18 July 2011 and expiring on 17 July 2016 with an option to renew for a further five (5) year term.
- Rent - \$500.00 per annum in the first year and \$750.00 per annum in the subsequent years.
- Insurance – The licensee must take out and keep up to date insurance policies for public liability, contents and workers compensation.
- Conditions and Repairs – The licensee will be responsible for all general repairs and maintenance including ground maintenance and mowing. Council will be

responsible for all structural repairs and maintenance as well as clearing gutters, down pipes and external drains.

- Outgoings – The licensee will be responsible for the payment of all water, grease trap, sewerage, electricity, gas, telephone and effluent removal services supplied to the property.
- Permitted use – RSL youth club activities.

The Club has agreed to the terms and conditions of the new licence, which are in accordance with the current agreement. The agreed draft licence agreement was forwarded to the Catchments and Lands Department of Primary Industries, who has authorised the licence.

As this land is classified as Crown Land, there is no requirement under the Local Government Act 1993 to advertise the proposal.

### **RECOMMENDED**

#### **That Council:**

- as Manager of The Common (R.85736) Reserve Trust, consent to the renewal of the licence agreement with Camden RSL Youth Club Incorporated for the occupation of part Lot 4 DP 601081, 47 Cawdor Road, Camden for a period of five years with a five year option; and**
- authorise the seal of Council to be affixed to the licence agreement for the occupation of part Lot 4 DP 601081, 47 Cawdor Road, Camden to Camden RSL Youth Club Incorporated.**

#### ATTACHMENTS

1. Licenced area





Camden RSL Youth Club  
 Licensed area - part Lot 4 DP 601081 Cawdor Road,  
 Camden

This map has been prepared from Council records by the Land Information section. If you intend to rely on this information you should have this verified.

Camden Council accepts no responsibility for any errors or omissions. This map should not be reproduced without the permission of Camden Council.

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## ORDINARY COUNCIL

ORD08

**SUBJECT: ANNUAL FINANCIAL STATEMENT OF ACCOUNTS - YEAR ENDING  
30 JUNE 2012**  
**FROM: Director Governance**  
**BINDER: 2012 Financial Statements**

---

### PURPOSE OF REPORT

The purpose of this report is three-fold:

- to inform Council that the Annual Financial Statement of Accounts for year ending 30 June 2012 has been completed;
- to inform Council of the management representation made to Council's auditor, Pitcher Partners, in accordance with Section 413(2)(c) of the Local Government Act; and
- to set a date for presentation of the 'Audit Report' to Council and give public notice of the date so fixed in accordance with Section 418 (1a) & (1b) of the Local Government Act.

### ANNUAL FINANCIAL STATEMENT OF ACCOUNTS

The Annual Financial Statement of Accounts has been completed and is in the final stages of audit.

A copy of the management representation made to Council's auditor, Pitcher Partners, **is provided as an attachment to this report.** Upon signing, this representation acknowledges Council's responsibility for ensuring that the Annual Financial Statement of Accounts has been prepared in accordance with relevant Australian Accounting Standards and the Code of Accounting Practice and Financial Reporting.

Council's auditor will present a summary of his findings to Council at the meeting of 13 November 2012. Public notice of this meeting will appear in the local newspaper (Advertiser) and placed on Council's website from Wednesday 7 November 2012.

The Annual Financial Statement of Accounts will be distributed, under separate cover, to Councillors on 8 November 2012 for consideration at the meeting of 13 November 2012 in accordance with the notice provisions of the Local Government Act.

### RECOMMENDED

**That:**

- i. **Council note the management representation letters which are to be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer; and**

- ii. **the public be notified that the Annual Financial Statement of Accounts and Audit Report will be presented to Council on 13 November 2012.**

ATTACHMENTS

1. General Purpose Financial Statements
2. Special Purpose Financial Statments

**ORD08**

ORD08

**Camden Council**

General Purpose Financial Statements  
for the financial year ended 30 June 2012

**Statement by Councillors and Management**  
made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

**The attached General Purpose Financial Statements have been prepared in accordance with:**

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

**To the best of our knowledge and belief, these Financial Statements:**

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

**We are not aware of any matter that would render the Reports false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 09 October 2012.**

\_\_\_\_\_  
to be advised  
MAYOR

\_\_\_\_\_  
to be advised  
DEPUTY MAYOR

\_\_\_\_\_  
Greg Wright  
GENERAL MANAGER

\_\_\_\_\_  
Paul Rofe  
RESPONSIBLE ACCOUNTING OFFICER

## Camden Council

### Special Purpose Financial Statements for the financial year ended 30 June 2012

### Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

**The attached Special Purpose Financial Statements have been prepared in accordance with:**

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.

**To the best of our knowledge and belief, these Financial Statements:**

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

**We are not aware of any matter that would render these Statements false or misleading in any way.**

**Signed in accordance with a resolution of Council made on 09 October 2012.**

\_\_\_\_\_  
to be advised  
**MAYOR**

\_\_\_\_\_  
to be advised  
**DEPUTY MAYOR**

\_\_\_\_\_  
Greg Wright  
**GENERAL MANAGER**

\_\_\_\_\_  
Paul Rofe  
**RESPONSIBLE ACCOUNTING OFFICER**



## ORDINARY COUNCIL

ORD09

**SUBJECT:** INVESTMENT MONIES - AUGUST 2012  
**FROM:** Director Governance  
**BINDER:** Investment Monies

---

### 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 August 2012 is provided.

### MAIN REPORT

Council's new Investment Report is an **attachment to this report**. The new report has been developed with the help of Council's investment advisor Oakvale Capital. This report provides a clear understanding of how Council invests public money, outlines how Council's investments are performing against benchmark and demonstrates compliance with Council's adopted investment policy.

The weighted average return on all investments was 5.28% p.a. for the month of August 2012.

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

The Principal Accounting Officer is the Manager Corporate Services.

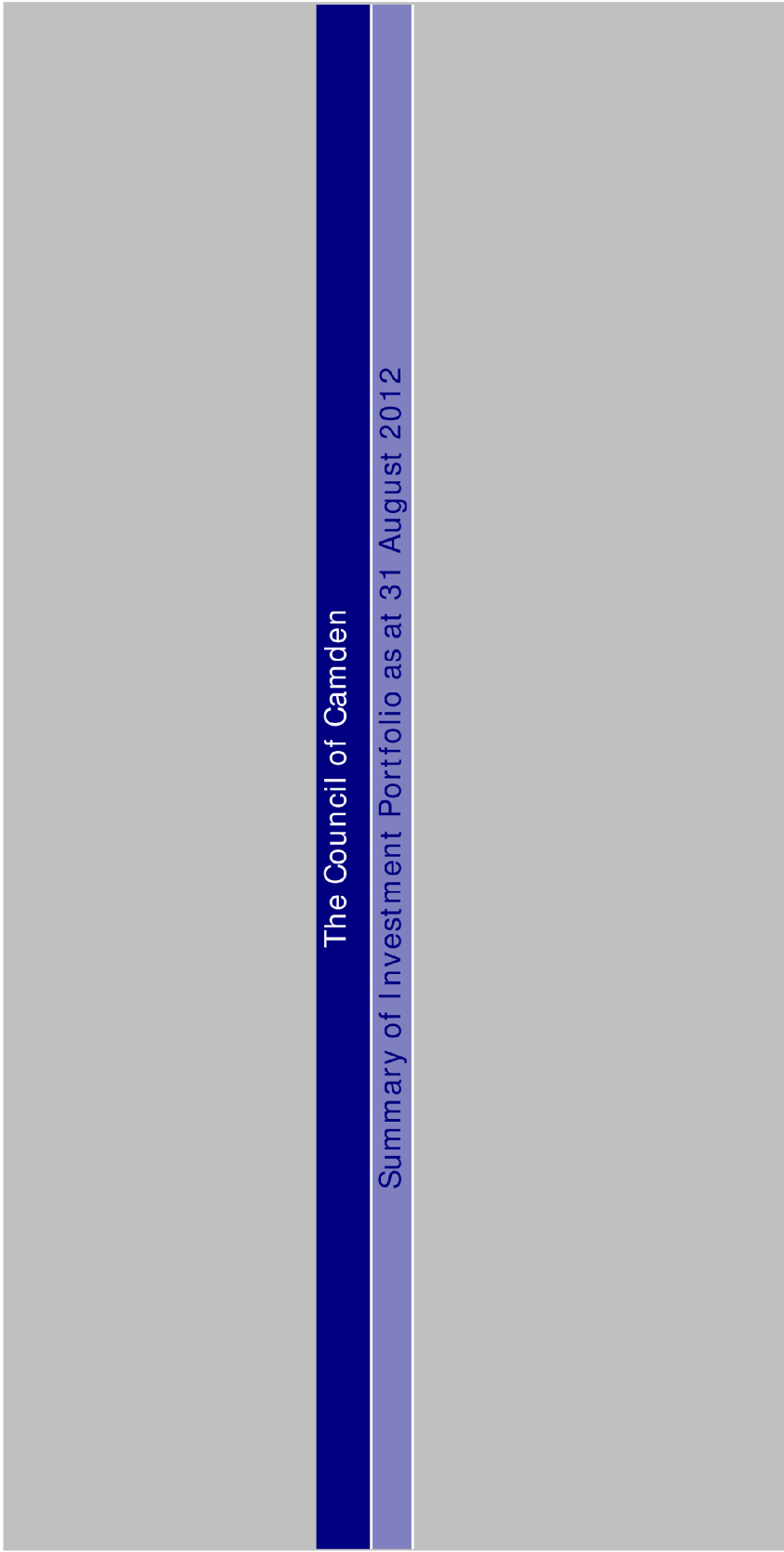
### RECOMMENDED

**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 August 2012 be noted; and**
- iii. the weighted average interest rate return of 5.28% p.a. for the month of August 2012 be noted.**

### ATTACHMENTS

1. Investment Report



**ORD09**

**Attachment 1**



ORD09

Attachment 1

The Council of Camden  
Investment Summary

Purchase Date	Institution	Rating	Purchase Price	Face Value	Type	Term	Maturity	Interest Rate	Accrued Interest	Reference
21-Mar-12	ING Bank (Australia) Limited	A-1	\$1,500,000	\$1,500,000	Term Deposits	211 days	18-Oct-12	6.10%	\$41,112.33	2511
29-Mar-12	National Australia Bank Limited	A-1+	\$1,000,000	\$1,000,000	Term Deposits	161 days	06-Sep-12	5.90%	\$25,216.44	2512
26-Apr-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	140 days	13-Sep-12	5.50%	\$19,287.67	2516
3-May-12	Credit Union Australia	BBB	\$1,000,000	\$1,000,000	Term Deposits	728 days	1-May-14	5.95%	\$19,724.66	2518
10-May-12	Credit Union Australia	BBB	\$1,000,000	\$1,000,000	Term Deposits	728 days	8-May-14	5.95%	\$18,583.56	2519
17-May-12	Members Equity Bank Melbourne	A-2	\$1,500,000	\$1,500,000	Term Deposits	126 days	20-Sep-12	5.50%	\$24,184.93	2520
23-May-12	Heritage Bank Ltd	*	\$1,500,000	\$1,500,000	Term Deposits	127 days	27-Sep-12	5.40%	\$22,413.70	2521
24-May-12	National Australia Bank Ltd	A-1+	\$1,000,000	\$1,000,000	Term Deposits	133 days	04-Oct-12	5.21%	\$14,273.97	2522
31-May-12	National Australia Bank Ltd	A-1+	\$2,000,000	\$2,000,000	Term Deposits	133 days	11-Oct-12	5.20%	\$26,498.63	2523
6-Jun-12	National Australia Bank Ltd	A-1+	\$2,000,000	\$2,000,000	Term Deposits	141 days	25-Oct-12	5.10%	\$24,312.33	2524
8-Jun-12	Bank of Queensland	A-2	\$1,500,000	\$1,500,000	Term Deposits	146 days	01-Nov-12	5.25%	\$18,339.04	2525
14-Jun-12	Bank of Queensland	A-2	\$3,000,000	\$3,000,000	Term Deposits	147 days	08-Nov-12	5.20%	\$33,764.39	2526
15-Jun-12	Westpac Banking Corporation	A-1+	\$2,000,000	\$2,000,000	Term Deposits	153 days	15-Nov-12	5.05%	\$21,583.56	2527
28-Jun-12	National Australia Bank Limited	A-1+	\$3,000,000	\$3,000,000	Term Deposits	175 days	20-Dec-12	5.20%	\$27,780.82	2528
4-Jul-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	141 days	22-Nov-12	5.11%	\$12,390.00	2530
4-Jul-12	National Australia Bank Limited	A-1+	\$1,500,000	\$1,500,000	Term Deposits	148 days	29-Nov-12	5.11%	\$12,390.00	2531
5-Jul-12	Westpac Banking Corporation	A-1+	\$1,500,000	\$1,500,000	Term Deposits	154 days	06-Dec-12	5.05%	\$12,036.98	2531
11-Jul-12	Bank of Western Australia	A-1+	\$2,000,000	\$2,000,000	Term Deposits	148 days	06-Dec-12	4.85%	\$13,819.18	2532
12-Jul-12	Westpac Banking Corporation	A-1+	\$1,500,000	\$1,500,000	Term Deposits	154 days	13-Dec-12	5.05%	\$10,584.25	2533
19-Jul-12	Westpac Banking Corporation	A-1+	\$1,500,000	\$1,500,000	Term Deposits	153 days	19-Dec-12	5.00%	\$9,041.10	2534
25-Jul-12	Bank of Western Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	105 days	07-Nov-12	5.05%	\$7,866.30	2535
27-Jul-12	Westpac Banking Corporation	A-1+	\$1,000,000	\$1,000,000	Term Deposits	160 days	03-Jan-13	5.00%	\$4,931.51	2536
27-Jul-12	Suncorp Metway	A+	\$1,000,000	\$1,000,000	Term Deposits	734 days	31-Jul-14	5.14%	\$5,069.59	2537
1-Aug-12	Bank of Western Australia	A-1+	\$3,000,000	\$3,000,000	Term Deposits	176 days	24-Jan-13	5.10%	\$12,994.52	2538
2-Aug-12	Westpac Banking Corporation	A-1+	\$2,500,000	\$2,500,000	Term Deposits	189 days	07-Feb-13	5.10%	\$10,479.45	2539
9-Aug-12	Bank of Western Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	154 days	10-Jan-13	5.08%	\$4,801.64	2540
17-Aug-12	Bank of Western Australia	A-1+	\$1,500,000	\$1,500,000	Term Deposits	105 days	30-Nov-12	5.10%	\$3,143.84	2541
23-Aug-12	Suncorp Metway	A-1	\$1,500,000	\$1,500,000	Term Deposits	147 days	17-Jan-13	5.02%	\$1,856.71	2542
24-Aug-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	160 days	31-Jan-13	5.00%	\$1,095.89	2543
27-Aug-12	Suncorp Metway	A-1	\$1,000,000	\$1,000,000	Term Deposits	171 days	14-Feb-13	5.00%	\$684.93	2544
30-Aug-12	Suncorp Metway	A-1	\$2,000,000	\$2,000,000	Term Deposits	175 days	21-Feb-13	4.95%	\$542.47	2545
31-Aug-12	Commonwealth Bank of Australia	A-1+	\$1,900,000	\$1,900,000	Term Deposits	209 days	28-Mar-13	5.00%	\$260.27	2546
Totals various	Commonwealth Bank of Australia	A-1+	\$51,900,000	\$51,900,000	Call Account			4.00%	\$461,084.66	At Call
Totals			\$1,520,000	\$1,520,000						
Totals			Total Face Value	\$53,420,000						

\* Heritage Bank have requested S&P no longer provide a credit rating in relation to the bank. However, Heritage is still rated by Moody's (A3 long term, P2 short term) and by Fitch (BBB+ longer term, F2 short term). Council's investment in Heritage continues to fully comply with the current Investment Policy.

As at 31 August 2012





## The Council of Camden Investment Summary

<b>Compliance with Council's adopted investment policy</b>						
<b>Distribution of Funds by Financial Institution</b>						
Financial Institution	Investment Balance	Current Weighting	Investment Policy Limit	Investment Policy Compliance	Short/Long Term Rating	
Bank of Western Australia	\$9,500,000	17.79%	25%	Yes	A1+	AA-
Commonwealth Bank of Australia	\$3,420,000	6.40%	25%	Yes	A1+	AA-
National Australia Bank	\$12,000,000	22.46%	25%	Yes	A1+	AA-
Westpac Banking Corporation	\$10,000,000	18.72%	25%	Yes	A1+	AA-
Suncorp Bank	\$7,500,000	14.04%	15%	Yes	A1	A+
ING Bank (Australia) Limited	\$1,500,000	2.81%	5%**	Yes	A1	A
Bank of Queensland	\$4,500,000	8.42%	10%	Yes	A2	BBB+
Credit Union Australia	\$2,000,000	3.74%	5%*	Yes	A2	BBB
Members Equity Bank	\$1,500,000	2.81%	10%	Yes	A2	BBB
Heritage Bank	\$1,500,000	2.81%	5%	Yes	A3	BBB-
<b>Total Investment</b>	<b>\$53,420,000</b>	<b>100.00%</b>				
<b>Exposure to Rating Categories</b>						
AAA / A1+ Category	\$34,920,000	65.37%	100%	Yes		
AA / A1 Category	\$8,000,000	14.98%	75%	Yes		
A / A2 Category	\$7,000,000	13.10%	30%	Yes		
BBB / A3 Category	\$3,500,000	6.55%	10%	Yes		
<b>Other</b>						
NSW T-Corp Cash Facilities (unrated)	\$0	0.00%	30%	Yes		
<b>Total Investment</b>	<b>\$53,420,000</b>	<b>100.00%</b>				
<b>Term to Maturity Limits</b>						
Portfolio % < 1 yr	\$50,420,000	94.38%	min 40%	Yes		
Portfolio % > 1 yr < 3 yrs	\$3,000,000	5.62%	60%	Yes		
Portfolio % > 3 yrs < 5 yrs	\$0	0.00%	30%	Yes		
* Credit Union Australia (CUA) has a 5% investment policy limit as all investments with CUA are long term investments						
** ING Bank (Australia) has a 5% investment policy limit as it is an authorised depository institution that is a foreign subsidiary bank						

As at 31 August 2012

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Attachment 1 **ORD09**

**The Council of Camden**  
**Investment Summary**

Maturity Profile	Investment	Percentage
Less than 30 days	\$6,520,000	12.21%
Between 30 days and 60 days	\$6,500,000	12.17%
Between 60 days and 90 days	\$9,500,000	17.78%
Between 90 days and 180 days	\$26,000,000	48.67%
Between 180 days and 365 days	\$1,900,000	3.55%
Between 365 days and 2 years	\$3,000,000	5.62%
<b>Total Investment</b>	<b>\$53,420,000</b>	<b>100.00%</b>

SOURCE OF FUNDS INVESTED	
SEC 94 DEVELOPER CONTRIBUTIONS	\$21,290,700
RESTRICTED GRANT INCOME	\$1,781,400
EXTERNALLY RESTRICTED RESERVES	\$12,353,000
INTERNALLY RESTRICTED RESERVES	\$16,078,000
GENERAL FUND	\$1,916,900
<b>TOTAL</b>	<b>\$53,420,000</b>

The source of funds invested are indicative only, due to Council's annual financial reports still being finalised for 30 June 2012.

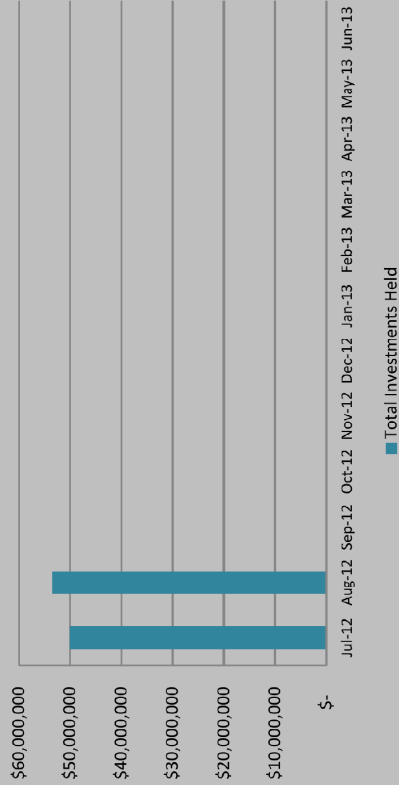
NUMBER OF INVESTMENTS	32
AVERAGE DAYS HELD	207
AVERAGE PERCENTAGE	5.23%
WEIGHTED PORTFOLIO	5.28%
CBA CALL ACCOUNT	4.00%
OFFICIAL CASH RATE	3.50%
HIGHEST RATE	6.10%
LOWEST RATE	4.85%
BUDGET RATE	5.30%
AVERAGE BBSW (30 Day)	3.63%
AVERAGE BBSW (90 Day)	3.65%
AVERAGE BBSW (120 Day)	3.62%



The Council of Camden

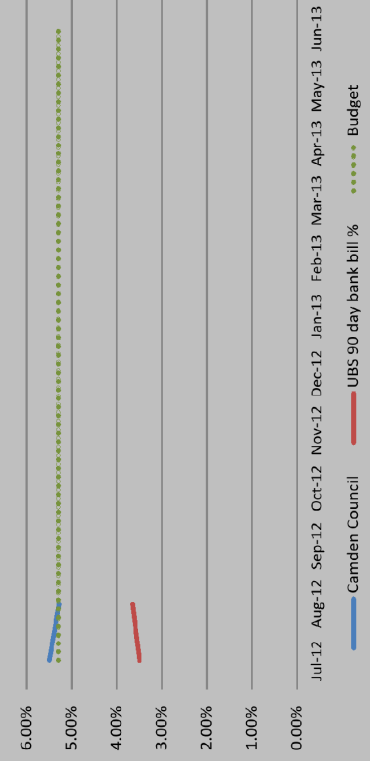
Investment Summary

Investment Portfolio Balance



Council's investment portfolio has increased by \$3,385,000 since the July reporting period. The increase primarily relates to the receipt of the first instalment of rate payments for the 2012/13 financial year.

Performance vs Benchmark



Council's portfolio had a weighted average yield of 5.28%pa for the month of August, strongly outperforming the UBS 90 day Bank Bill Swap Rate of 3.65%pa.

INTEREST RECEIVED DURING 2012/13 FINANCIAL YEAR

	August	Cumulative (since 1 July)
General Fund	\$118,497	\$205,325
Restricted	\$104,284	\$246,005
<b>TOTAL</b>	<b>\$222,781</b>	<b>\$451,330</b>
2012/13 Projected Interest		\$1,882,000
2012/13 Original Budget Interest		\$1,882,000

As at 31 August 2012

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# Attachment 1

## ORD09

### The Council of Camden Investment Summary

#### Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation — based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment.
  - Nature and provisions of the obligation.
  - Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights.
- The issue rating definitions are expressed in terms of default risk.

#### S&P Short-Term Obligation Ratings are:

**A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

**A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

**A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters.

However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

#### S&P Long-Term Obligations Ratings are:

**AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

**AA:** An obligation/obligor rated AA differs from the highest rated obligations only in a small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

**A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligor in higher rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.

**BBB:** An obligation/obligor rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to the obligor to meet its financial commitment on the obligation.

**Unrated:** Financial institutions do not necessarily require a credit rating from the various ratings agencies such as Standard and Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building Societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all Authorised Deposit Taking Institutions (Banks, Building Societies and Credit Unions).

**Plus (+) or Minus (-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories. Each new investment and investment recall requires two authorised signatories.

As at 31 August 2012

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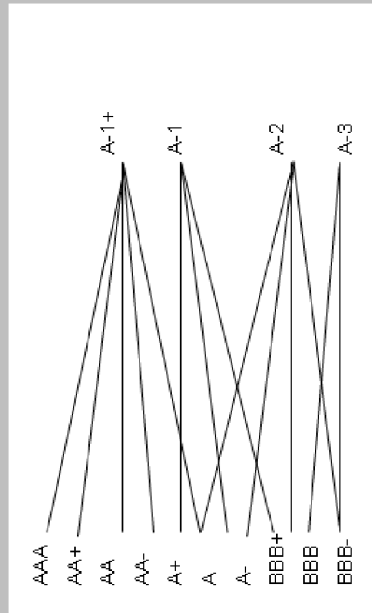
The Council of Camden  
Investment Summary

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

**S&P Ratings Correlations**

The standard correlation of short-term ratings with long-term ratings is shown below.



**Profile of Recently Invested Institutions**  
**CUA (S&P: A2/BBB)** – CUA is Australia's largest credit union with over \$9b in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements. Its latest profit was \$24m (6 months to Dec 2011) and its Tier 1 Capital Adequacy Ratio was 13.8% (Dec 2011).

**ME Bank: (S&P: A2/BBB)** – ME Bank is owned by industry super funds and has assets of around \$8.7b. ME Bank has a heavy reliance on securitisation (59% of funding as of Sep 30 2011) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 25% of its funding). Its latest profit was \$26m (12 months to June 2011) and its Tier 1 Capital Adequacy Ratio was 12.73% (Mar 2012).

**Bank of Queensland: (S&P: A2/BBB+)** – BoQ is a nationwide bank that is listed on the Australian stock exchange with around \$40b in assets. Deposits make up 57% of total funding, wholesale funds 31%, and securitisation 12%. Its latest profit was -\$91m (6 months to Feb 2012), however this included a \$327.7m impairment on loans and its Tier 1 Capital Adequacy Ratio was 9.4% (May 2012).

**Heritage Bank (Moody's: P2/A3)** – Queensland based bank that has over \$8b in assets. Heritage relies on customer deposits for about 50% of its funding, securitisation makes up 23% and wholesale funds around 20%. Its latest profit was \$31m (12 months to June 2012) and its Tier 1 Capital Adequacy Ratio was 10.5% (Dec 2011).







ORD10

## ORDINARY COUNCIL

ORD10

**SUBJECT: ACCEPTANCE OF THE NSW SPORT AND RECREATIONAL GRANT FUNDING FOR BELGENNY RESERVE**

**FROM:** Director Works & Services

**BINDER:** Capital Works\Belgenny Reserve Irrigation and Stormwater Harvesting

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### PURPOSE OF REPORT

To confirm Council's acceptance of \$50,000 NSW Sport and Recreation grant funding for Belgenny Reserve and seek Council approval on the proposed expenditure of those funds.

### BACKGROUND

Belgenny Reserve is located adjacent to the Nepean River along the Camden Cycleway and Belgenny Avenue and composes of 3 soccer fields. The main user of the field is the Camden Falcons Soccer club who utilise the field for both summer and winter competitions. The carpark and amenities also serve the surrounding cycleway playground and picnic areas along the Nepean River.

In 2010 Council received grant funding from the Regional and Local Community Infrastructure Program (RLCIP) Round 3 to provide stormwater harvesting and surface irrigation at Belgenny Reserve, Camden. The project funding also included contributions from Council's Stormwater Levy Reserve and the Camden Falcons Soccer Club as follows:

RLCIP Grant Funding	\$153,000
Stormwater Levy	\$ 60,000
Camden Falcons Soccer Club	\$ 35,000

The above funding limited the scope of works to installation of surface irrigation, a stormwater storage tank and water quality disinfectant system.

Construction of the Belgenny Reserve Stormwater Harvesting and Surface Irrigation project was completed in early February 2012.

In March 2011 Council officers submitted a grant application under the NSW Sport and Recreational Facilities Grant Program to obtain additional funding for the Belgenny Reserve Stormwater Harvesting and Surface Irrigation project. The application was \$169,000 to enable the approved scope of work to be expanded.

The proposed announcement of the successful applicants was programmed to occur in September 2011 prior to the start of the construction works. In March 2012 the Department of NSW Sport and Recreation advised Council that it had been successful in its grant submission and had awarded \$50,000 towards the project however by this time the works were completed.



## MAIN REPORT

Due to the funding being awarded after the completion of the original works and the amount awarded being significantly less than the amount applied for, expansion of the scope as originally proposed was no longer practical.

Council officers have confirmed with the Department of NSW Sport and Recreation that the \$50,000 grant funding can be acquitted against the completed Belgenny Reserve Stormwater Harvesting and Surface Irrigation project expenditure.

The acquittal of the grant funding enables the following options for use of the \$50,000 grant funding:

1. Reimburse \$50,000 to Council's Stormwater Levy Reserve.
2. Reimburse \$15,000 to Council's Stormwater Levy Reserve and refund \$35,000 to the Camden Falcons Soccer Club.
3. Utilise the \$50,000 on further improvements at Belgenny Reserve as identified by Council officers and Camden Falcons Soccer Club.

The above options have been discussed with the Camden Falcons Soccer Club and they have identified option 3 as their preferred option. These discussions also identified that the highest priority for use of the funds to be:

- Upgrade of sportsfield lighting controls to a remote system to improve the management and operation of the lighting; and
- Seal the carpark which is often unusable due to poor drainage and muddy conditions.

In addition, the Camden Falcons have recently been awarded \$25,000 grant funding from the NSW Community Facilities programme. They are currently negotiating with the funding body to redirect the grant to the above proposed scope of works. This would bring the total project budget to \$75,000.

## CONCLUSION

Due to the funding being awarded after the completion of the original works and the amount awarded being significantly less than the amount applied for, expansion of the scope as originally proposed was no longer practical. There is an opportunity to utilise the funding for other improvements at Belgenny Reserve that will improve overall management and use of the facility by Council and the local community.

## RECOMMENDED

**That Council:**

- i. Confirm the acceptance of the \$50,000 NSW Sport and Recreation Facilities Grant; and**
- ii. Approve use of the \$50,000 NSW Sport and Recreation Facilities Grant and additional \$25,000 fund from NSW Community Facilities programme to upgrade sportsfield lighting system and undertake carpark improvements at Belgenny Reserve.**



# ORDINARY COUNCIL

**SUBJECT: OFFICE OF ENVIRONMENT AND HERITAGE GRANT**  
**FROM:** Director Works & Services  
**BINDER:** Land Use and Planning

## PURPOSE OF REPORT

To seek Council acceptance of the recent Office of Environment and Heritage (OEH) grant for \$251,000 (GST exclusive), for the following ongoing floodplain management projects for the 2012/2013 financial year:

- Upper South Creek Floodplain Risk Management Study and Plan;
- Nepean River Flood Study Review and Climate Change Impact Analysis; and
- Narellan Creek Flood Study Review and Climate Change Impact Analysis.

## BACKGROUND

The State Government has approved a total amount of \$251,000 (GST exclusive) grant funding for 2012 – 13 for Council’s ongoing floodplain management projects as detailed in Table 1, below.

**Table 1 – Grant Funding Approved for 2012-13**

Grant Reference Number	Project	Grant Funding Approved	Funding Ratio (State: Recipient)	Council Funding Required to Match the Grant
2012-13-FM-0019	Upper South Creek Floodplain Risk Management Study and Plan	\$80,000	2 : 1	\$40,000
2012-13-FM-0017	Nepean River Flood Study and Floodplain Risk Management Study and Plan Review	\$96,000	2 : 1	\$48,000
2012-13-FM-0015	Narellan Creek Flood Study Review and Climate Change Impact Analysis	\$75,000	2 : 1	\$37,500

Under the terms of these grants the grant recipients are expected to contribute funds toward the projects on the basis of \$1 for every \$2 received.

The total Council funding required for matching the approved 2012-13 state grant funding is \$125,500 (GST exclusive) and is currently allocated in 2012/13 budget under Floodplain Expenditure.

OEH has previously offered funding for the above three floodplain management projects for the 2011/2012 financial year to commence these projects. Grant funding

was released for 2011 – 12 with the completion of the milestones of the projects as detailed Table 2, below.

**Table 2 –Grant Funding Received for 2011-12**

<b>Project</b>	<b>Council Contribution</b>	<b>NSW Government Grant</b>	<b>Total Funds</b>
Upper South Creek Floodplain Risk Management Study and Plan	\$11,666.67	\$23,333.33	\$35,000
Nepean River Flood Study and Floodplain Risk Management Study and Plan Review	\$10,333.33	\$ 20,666.67	\$31,000
Narellan Creek Flood Study Review and Climate Change Impact Analysis	\$8,546.67	\$ 17,093.33	\$25,640
<b>TOTAL</b>	<b>\$30,546.67</b>	<b>\$ 61,093.33</b>	<b>\$91,640</b>

**MAIN REPORT**

Council has a number of flood management studies which currently are used for land use and development planning and for consideration for emergency management planning. However these studies need to be updated to reflect changes over time, future development and the potential effects of climate change considerations.

**Details of the Flood Management Projects**

**Upper South Creek Floodplain Risk Management Study and Plan - Floodplain Management Project 1**

**Project Objective**

The primary objective of the Floodplain Risk Management Study and Plan is to provide a strategic framework for the development within the South Creek catchment and the South West Growth Centre. Council recognises the issues arising from nominating large portions of the South Creek catchment for urban development as part of the South West Growth Centre and the need to develop a catchment wide policy. This is essential to ensure that subdivisions are not assessed in an individual manner.

The Floodplain Risk Management Study and Plan is a continuation of Flood Risk Management Process after the new Flood Study is adopted by the Council. The Floodplain Risk Management Study and Plan are Steps 3 and 4 of the Flood Risk Management Process as specified in Floodplain Development Manual, 2005. The Floodplain Risk Management Study and Plan will provide the basis for managing future development of flood prone land within the Upper South Creek Catchment.

**Project Outcomes**

The Project outcomes are:

- For Council to adopt a Floodplain Risk Management Study and Plan for the Upper South Creek floodplain that addresses existing, future and continuing flood problems; and

- a basis for sound management of land within the South Creek floodplain, to ensure Council's flood management policies are consistent with current legislation and best practice in relation to floodplain management.

The final output will be a Floodplain Risk Management Policy for the Upper South Creek Catchment in the Camden LGA.

### **Project Progress**

Council engaged a Consultant, Cardno Pty Ltd (Cardno) to undertake this study. Cardno has completed the review of flood studies undertaken for South West Growth Centre (SWGc) precincts, South West Rail Link and concept designs for Bringelly Road to assess the impact of development including floodplain development. As a result, a further flood modelling is to be undertaken to assess the cumulative impact of floodplain development in order to assess the flood risk and management options. A community survey and an information brochure was distributed to 1167 property owners and occupiers in the floodplain as part of the study and requirement of state government.

### **Nepean River Flood Study and Floodplain Risk Management Study and Plan Review - Floodplain Management Project 2**

#### **Project Objective**

The main objective of the Study is to build on existing data and information, to adequately define the flood behaviour in the Nepean River catchment within the Camden LGA and to incorporate the potential impacts of climate change. The study will produce information on flood levels, velocities, flows, provisional hydraulic and hazard categories, and a sensitivity analysis for a full range of potential flood events under existing and developed catchment conditions. The revised Flood Study will then be used to prepare a revised Floodplain Risk Management Study and Plan.

#### **Project Outcomes**

The project outcomes are:

A Floodplain Risk Management Study that provides:

- a revised flood study incorporating the impact of climate change;
- modern and accurate flood mapping including hydraulic and hazard categories;
- a revised Floodplain Risk Management Study and Plan for the Nepean River floodplain that addresses existing, future and continuing flood problems;
- a basis for sound management of land within the Nepean River floodplain, and ensure that Council's flood management policies are consistent with current legislation and best practice in relation to floodplain management.

#### **Project Progress**

An Aerial Laser Survey and the Digital Elevation Model was completed. Council engaged a Consultant, WorleyParsons to undertake the Flood Study Review and Climate Change Impact Analysis. The project cost is given in Table 3. WorleyParsons has partially completed the data collection and review of data to undertake flood modelling.

## Narellan Creek Flood Study Review and Climate Change Impact Analysis - Floodplain Management Project 3

### Project Objective

The main objective of the Flood Study is to provide Camden Council with hydrologic hydraulic models along with comprehensive design flood behaviour information for the areas within the Narellan Creek catchment. The outputs from the study will enable Council to more confidently undertake and perform its floodplain management related responsibilities in accordance with the NSW Government's Flood Policy.

### Project Outcomes

The Flood Study will provide:

- a new floodplain mapping and levels incorporating impacts of climate change; and
- the basis for a revised holistic Floodplain Risk Management Plan.

### Project Progress

An Aerial Laser Survey and the Digital Elevation Model was completed. Council engaged a Consultant, WorleyParsons to undertake the Flood Study Review and Climate Change Impact Analysis. WorleyParsons has partially completed the data collection and review of data to undertake flood modelling.

## FINANCIAL IMPLICATIONS

**Table 3 – OEH Grant and Eligible Projects**

Project	Grant Number	Funding Ratio (State: Recipient)
Upper South Creek Floodplain Risk Management Study and Plan	2012-13-FM-0019	2 : 1
Nepean River Flood Study Review and Climate Change Impact Analysis	2012-13-FM-0017	2 : 1
Narellan Creek Flood Study Review and Climate Change Impact Analysis	2012-13-FM-0015	2 : 1

Council's required contribution toward the cost of these three projects is \$125,500. There is currently \$100,000 available in the 2012/13 budget under Floodplain Management Studies. An additional \$25,500 is required to match the State Government funding for these projects. It is recommended that Council allocate an additional \$25,500 as part of the September Review of the 2012/13 budget.

## CONCLUSION

As part of managing development and land usage across the LGA, Council needs to consider the impact of flooding and how this may change over time. Reviewing and updating flood studies and developing plans accordingly are an important part of managing these risks.

Council will undertake the following three flood management projects up to an expenditure of \$ 376,500 (excluding GST), utilising the OEH grant \$251,000 (excluding

GST) and Council's contribution of \$125,500 (excluding GST) in 2012/2013 to continue the ongoing following projects:

- Upper South Creek Floodplain Risk Management Study and Plan;
- Nepean River Flood Study Review and Climate Change Impact Analysis; and
- Narellan Creek Flood Study Review and Climate Change Impact Analysis.

**RECOMMENDED**

**That Council:**

- Accept the Office of Environment Heritage Grant of \$251,000 (excluding GST) for the three eligible floodplain management projects for 2012/2013;**
- Allocate an additional \$25,500, to be funded from Stormwater Management Levy;**
- Formally write to the Office of Environment and Heritage thanking them for the contribution towards these projects; and**
- Authorise the execution of relevant documentation related to the State Grant Funding Agreement on behalf of Camden Council.**





## ORDINARY COUNCIL

ORD12

ORD12

**SUBJECT:** PROPOSED TRADE TRAINING CENTRE AT CAMDEN TOWN FARM  
**FROM:** Director Works & Services  
**BINDER:** Community Services

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the decision of NSW Department of Education and Training to proceed with this project at an alternate venue, and to seek Council approval to decline to accept any of the tenders and cancel the proposed contract for the construction of the covered outdoor work area (T110/2012).

### BACKGROUND

In September 2011 Council was advised of the success of a funding application to construct a component of the Macarthur Trade Training Centre at the Camden Town Farm. Council also resolved to sign a funding deed and license with the Department of Education and Communities for the project.

### MAIN REPORT

The funding requirements of NSW Department of Education and Communities necessitated that a lease or license of 20 years be executed prior to funding being released. On the basis that Council had resolved to sign the funding deed and license with the Department of Education and Communities and had a written commitment to the funding, designs were commissioned in order to progress the works. Development Consent for the proposal was obtained and tenders were called for construction of the works. The design costs total \$17,782 excl. GST.

Council had previously resolved that the Town Farm be classified as operational land, when the farm was bequeathed from Miss Davies in 2000. During the course of preparing the licence agreement, it was revealed this decision to classify the land as operational was not advertised pursuant to the requirements of the Local Government Act 1993.

The Local Government Act 1993 provides at section 34 that:

- “(1) A council must give public notice of a proposed resolution to classify or reclassify public land.*
- (2) The public notice must include the terms of the proposed resolution and a description of the public land concerned.*
- (3) The public notice must specify a period of no less than 28 days during which submissions may be made to the council.”*

In accordance with section 31(2A) of the Local Government Act, if land acquired by Council is not properly classified in accordance with the Act, the land is taken to have been classified under a Local Environmental Plan as community land. Unfortunately the public notice was overlooked and as such, the land classification automatically defaulted to community land. Up until 2012, the Council was operating the Town Farm on the basis that the land had been properly classified as operational land.

The land classification of the Town Farm was called into question when the Department of Education's Funding Agreement required a lease be entered into in order to secure funding of the covered outdoor work area. As a result, the actual classification of community land became evident.

As a result, and in accordance with the community land classification, the Council advertised the lease pursuant to section 47 of the Local Government Act. The Council received one objection for the proposal and as such, in order to proceed with the lease, the Minister for Local Government would be required to approve a lease longer than five years in duration. The timing required to seek the Minister's consent in this case would be well into 2013 due to the procedural requirements under the Act.

Council has since resolved to reclassify the land as operational in accordance with the Council's original intent. This process will require a minimum of six months due to legislative requirements.

The awarding of the construction tenders was placed on hold while this matter was being considered.

The time frame for either process outlined above is such that it will not meet the funding deadlines required by the Department of Education and Communities.

Council was recently advised that as a result of the delays, the Department will build the remaining component of the Trade Training Centre at an alternate location where no Council approval is required. This is a disappointing result, as this was not the preferred option of either the local schools, Council or the Town Farm Committee. The inconvenience to students and teachers, and the loss of the ongoing link to farming activity, young people and the Town Farm is one that will potentially impact for generations to come on the place of the Town Farm in this community. The potential community benefit of having the structure at the Town Farm, which would have enhanced the use of the farm for a range of community activities and events, is also lost until such time as funding becomes available for this project, and can be prioritised in line with other plans for the maintenance and improvement of the asset.

### **CONCLUSION**

The loss of this project and the potential benefit to the Camden Town Farm is disappointing but as the project will not go ahead, Council has no choice but to decline to accept any of the tenders and cancel the proposed contract for the construction of the covered outdoor work area (T110/2012). The costs involved in the design required for Development Consent and preparation of construction tenders will need to be funded from surplus of the 2012/13 September quarterly budget review.

### **RECOMMENDED**

**That Council:**

- i. note the decision of the NSW Department of Education and Training to not proceed with the component of the Trade Training Centre at the Town Farm;**
- ii. decline to accept any of the tenders and cancel the proposed contract for the construction of a covered outdoor work area (T110/2012); and**
- iii. approve the project design costs of \$17,782 excl GST incurred to date to be funded from surplus of the 2012/13 September quarterly budget review.**

## ORDINARY COUNCIL

ORD13

ORD13

**SUBJECT: SUPPLY OF BITUMINOUS PRODUCTS AND SERVICES AND INSITU STABILISATION (T002/2013)**

**FROM:** Director Works & Services

**BINDER:** T002/2013

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### PURPOSE OF REPORT

To provide details to tenders received for contract T002/2013, for the Supply of Bituminous Products & Services and Insitu Stabilisation, and to recommend that Council accept the tenders submitted by:

- Fulton Hogan Industries P/L
- Downer EDI Works P/L
- SRS Road P/L
- Roadworx Surfacing P/L
- Avijohn Contracting P/L

For the following:

Schedule A – Bitumen Sealing & Resealing of roads throughout Camden LGA:

1. Fulton Hogan Industries P/L
2. SRS Road P/L

Schedule B – Insitu Stabilisation – premill and crossblend, supply, spread and mix only:

1. Roadworx Surfacing P/L
2. Downer EDI Works P/L

Schedule E to H – Supply & Spread & Compact AC, including testing, sweeping of pavement, tack coat, traffic control, sedimentation control and clean up to roads throughout Camden LGA:

1. Fulton Hogan Industries P/L
2. Avijohn Contracting P/L

Schedule I – Supply Only & Others

1. Fulton Hogan Industries P/L
2. Avijohn Contracting P/L

### BACKGROUND

Every 2 to 3 years Council calls tenders for the supply of Bituminous Products and Services and Insitu Stabilisation. The work covered by this contract involves sealing and resealing roads, insitu stabilisation, and AC works within the Camden LGA.

### MAIN REPORT

The tender for the Supply of Bituminous Products and Services and Insitu Stabilisation was advertised in the Sydney Morning Herald and local newspaper from 29 August 2012 to 12 September 2012, with a closing date for submission of 18 September 2012. The contract is for a fixed period from 30 October 2012 until 1 November 2014 with the

provision to extend the contract for up to two 12 month periods, based on satisfactory performance.

### **Tender Submissions**

8 submissions were received in response to Council's advertisement. Each submission was assessed to ensure all relevant information was provided and therefore it could be deemed to be a conforming tender.

Name of the tenderers are as follows:

- Fulton Hogan Industries P/L
- Downer EDI Works P/L
- SRS Road P/L
- Roadworx Surfacing P/L
- Avijohn Contracting P/L
- Stabilised Pavements of Australia P/L
- Borthwick Pengilly Asphalts P/L
- Centre Line Paving P/L

**A summary of the tender pricing can be found in the supporting documents.**

### **Tender Evaluation**

The aim of the tender evaluation process is to assess the capability of tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel.

Non-price factors included:

- Understanding of the extent and scope of Council's service requirements;
- Compliance with Council's Work Health and Safety and Environmental Protection obligations;
- Demonstrated capacity to meet Council's services requirements; and
- Appropriately qualified to undertake the works.

The financial aspects of the tender included:

- Cost per service of contract items; and
- Cost for additional services to contract items.

Tenders were assessed by comparing the tendered amounts against the capability, capacity and management systems of the contractor to undertake the work.

All submissions received are deemed to be complying with all the relevant insurances and other requirements of the tender. **All schedules of unit rates can be found in the supporting documents.**

### **Relevant Legislation**

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and Council's Purchasing and Procurement Policy.

## **Critical Dates / Time Frames**

Should Council resolve to accept this tender, works are to commence subject to the finalisation and execution of the deed of agreement for the Supply of Bituminous Products and Services and Insitu Stabilisation.

## **CONCLUSION**

The advertisement of the Tender T002/2013 was completed in accordance with Council's Purchasing and Procurement Policy and the requirements of the Local Government Act, 1993 and Local Government Regulations (2005).

All submissions have been assessed in accordance with criteria set out in the tender documents.

Tenders from 5 tenderers are recommended to be accepted

## **RECOMMENDED**

### **That Council:**

- i. Authorise contract for the Supply of Bituminous Products and Services and Insitu Stabilisation, up until 1 November 2014, be granted to Fulton Hogan Industries P/L, Downer EDI Works P/L, SRS Road P/L, Roadworx Surfacing P/L, Avijohn Contracting P/L;**
- ii. Authorise the General Manager to extend the contracts for up to two 12 month periods, based on performance;**
- iii. Authorise Council seal be affixed to the contract documents as required; and**
- iv. Council accept the tendered rates submitted by:**
  - Fulton Hogan Industries P/L**
  - Downer EDI Works P/L**
  - SRS Road P/L**
  - Roadworx Surfacing P/L**
  - Avijohn Contracting P/L**

### **For the following:**

#### **Schedule A – Bitumen Sealing & Resealing of roads throughout Camden LGA:**

- 1. Fulton Hogan Industries P/L**
- 2. SRS Road P/L**

#### **Schedule B – Insitu Stabilisation – premill and crossblend, supply, spread and mix only:**

- 1. Roadworx Surfacing P/L**
- 2. Downer EDI Works P/L**

#### **Schedule E to H – Supply & Spread & Compact AC, including testing, sweeping of pavement, tack coat, traffic control, sedimentation control and clean up to roads throughout Camden LGA:**

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1. **Fulton Hogan Industries P/L**
2. **Avijohn Contracting P/L**

**Schedule I – Supply Only & Others**

1. **Fulton Hogan Industries P/L**
2. **Avijohn Contracting P/L**

**ATTACHMENTS**

1. *Asphalt Tender Attachment - Supporting Document*



## ORDINARY COUNCIL

ORD14

ORD14

**SUBJECT: SUPPLY OF ROADMAKING MATERIALS, CONCRETE AND SAND (T001/2013)**  
**FROM:** Director Works & Services  
**BINDER:** T001/2012

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### PURPOSE OF REPORT

To provide details to tenders received for contract T001/2013, for the Supply of Roadmaking Materials, Concrete and Sand, and to recommend that Council accept the tenders submitted by:

- TJ and RF Fordham P/L
- Concrete P/L
- Benedict Sand and Gravel P/L
- Boral Quarries & Recycling P/L

For the following:

Schedule A – Sand and Topsoil:

- Benedict Sand and Gravel P/L

Schedule B – Road Making Materials:

- Item B1 – TJ and RF Fordham P/L
- Item B2 – Boral and Quarries & Recycling P/L
  - Benedict Sand and Gravel P/L
- Item B3 – Benedict Sand and Gravel P/L

Schedule C – Precoated and Uncoated Aggregate Materials:

- Boral Quarries & Recycling P/L

Schedule D – Premixed Concrete

- Concrete P/L

### BACKGROUND

Every 2 to 3 years Council calls tenders for the Supply of Roadmaking Materials, Concrete and Sand. The materials covered by this contract includes sands, topsoil, crushed sandstone, densely graded base, aggregate, and concrete.

### MAIN REPORT

The tender for the Supply of Roadmaking Materials, Concrete and Sand was advertised in the Sydney Morning Herald and local newspaper from 29 August 2012 to 12 September 2012, with a closing date for submission of 18 September 2012. The contract is for a fixed period from 30 October 2012 until 1 November 2014 with the provision to extend the contract for up to two 12 month periods, based on satisfactory performance. The successful contractor is able to adjust their prices in accordance with the rise and fall formula included in the contract.

## Tender Submissions

4 submissions were received in response to Council's advertisement. Each submission was assessed to ensure all relevant information was provided and therefore it could be deemed to be a conforming tender.

Name of the tenderers are as follows:

- Benedict Sand and Gravel P/L
- Concrete P/L
- TJ & RF Fordham P/L
- Boral Quarries & Recycling P/L

**A summary of tender pricing can be found in the supporting documents.**

## Tender Evaluation

The aim of the tender evaluation process is to assess the capability of tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel.

Non-price factors included:

- Understanding of the extent and scope of Council's service requirements;
- Compliance with Council's Work Health and Safety and Environmental Protection obligations;
- Demonstrated capacity to meet Council's services requirements; and
- Appropriately qualified to undertake the works.

The financial aspects of the tender included:

- Cost per service of contract items; and
- Cost for additional services to contract items.

Tenders were assessed by comparing the tendered amounts against the capability, capacity and management systems of the contractor to undertake the work.

All submissions received are deemed to be complying with all the relevant insurances and other requirements of the tender. **All schedules of unit rates can be found in the supporting documents.**

## Relevant Legislation

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and Council's Purchasing and Procurement Policy.

## Critical Dates / Time Frames

Should Council resolve to accept this tender, materials are to be supplied subject to the finalisation and execution of the deed of agreement for the Supply of Roadmaking Materials, Concrete and Sand.

## **CONCLUSION**

The advertisement of the Tender T001/2013 was completed in accordance with Council's Purchasing and Procurement Policy and the requirements of the Local Government Act, 1993 and Local Government Regulations (2005).

All submissions have been assessed in accordance with criteria set out in the tender documents.

Tenders from 4 tenderers are recommended to be accepted.

## **RECOMMENDED**

**That Council:**

- i. Authorise contract for Supply of Roadmaking Materials, Concrete and Sand ,up until 1 November 2014, be granted to TJ and RF Fordham P/L, Concrete P/L, Benedict Sand and Gravel P/L, and Boral Quarries & Recycling P/L;**
- ii. Authorise the General Manager to extend the contract for up to two 12 month periods, based on satisfactory performance.**
- iii. Authorise Council seal be affixed to the contract documents as required.**
- iv. Council accepts the tendered rates submitted by:**
  - TJ and RF Fordham P/L**
  - Concrete P/L**
  - Benedict Sand and Gravel P/L**
  - Boral Quarries & Recycling P/L**

**For the following:**

**Schedule A – Sand and Topsoil:**

- Benedict Sand and Gravel P/L**

**Schedule B – Road Making Materials:**

- Item B1 – TJ and RF Fordham P/L**
- Item B2 – Boral and Quarries & Recycling P/L**
  - Benedict Sand and Gravel P/L**
- Item B3 – Benedict Sand and Gravel P/L**

**Schedule C – Precoated and Uncoated Aggregate Materials:**

- Boral Quarries & Recycling P/L**

**Schedule D – Premixed Concrete**

- Concrete P/L**

**ATTACHMENTS**

- 1. Roadmaking Material Tender Attachment - *Supporting Document***

## ORDINARY COUNCIL

ORD15

### NOTICE OF MOTION OF RESCISSION

**SUBJECT: NOTICE OF MOTION OF RESCISSION - LOCAL GOVERNMENT ASSOCIATION CONFERENCE**

**FROM:** Cr Symkowiak, Cr Dewbery, Cr Fischer

**BINDER:** LGA Conference

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“We Councillors Symkowiak, Dewbery and Fischer, hereby give notice of our intention to move that the Council resolution relating to Item ORD06 of Ordinary Council Meeting of the 25 September 2012, Minute No ORD229/12 **BE RESCINDED.**”

*(Extract of Minute No ORD229/12*

*Moved Councillor Campbell, Seconded Councillor Bligh that:*

- i. any Councillor who is nominated or informs the General Manager within an acceptable timeframe that they wish to attend the 2012 Local Government Association Conference at Dubbo City Council from 28 to 30 October 2012 be endorsed to attend.*
- ii. Council is to meet the expenses of attendance at the 2012 Local Government Association Conference for up to four voting delegates.*
- iii. in the event of more than four Councillors nominated to attend the 2012 Local Government Association Conference, a report is to return to Council to determine the voting delegates.*
- iv. any Councillor attending the 2012 Local Government Association Conference is to prepare a report advising of the findings and outcomes of the conference and report that to Council. )*

“Should the above Motion of Rescission be carried, it is our intention to move the following motion:

*That:*

- i. Council determine whether to attend the 2012 Local Government Association Conference at Dubbo City Council from 28 – 30 October 2012 and if so, nominate voting delegates;*
- ii. Any Councillor who nominates to attend this conference or any other Council conference do so at their own expense. Councillors receive a fee/allowance of \$15,573.60 per annum to assist with any out of pocket expenses incurred as their role as Councillor; and*
- iii. Any Councillor who nominates to attend any Council conference must bring back to Council a full report on the conference attended on behalf of the Councillors.*