

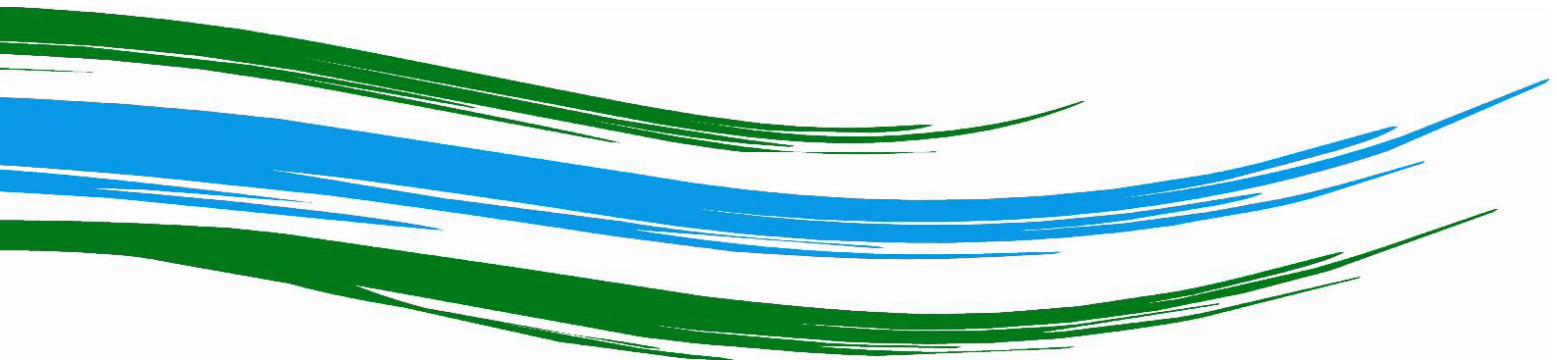


Camden Council

Business Paper

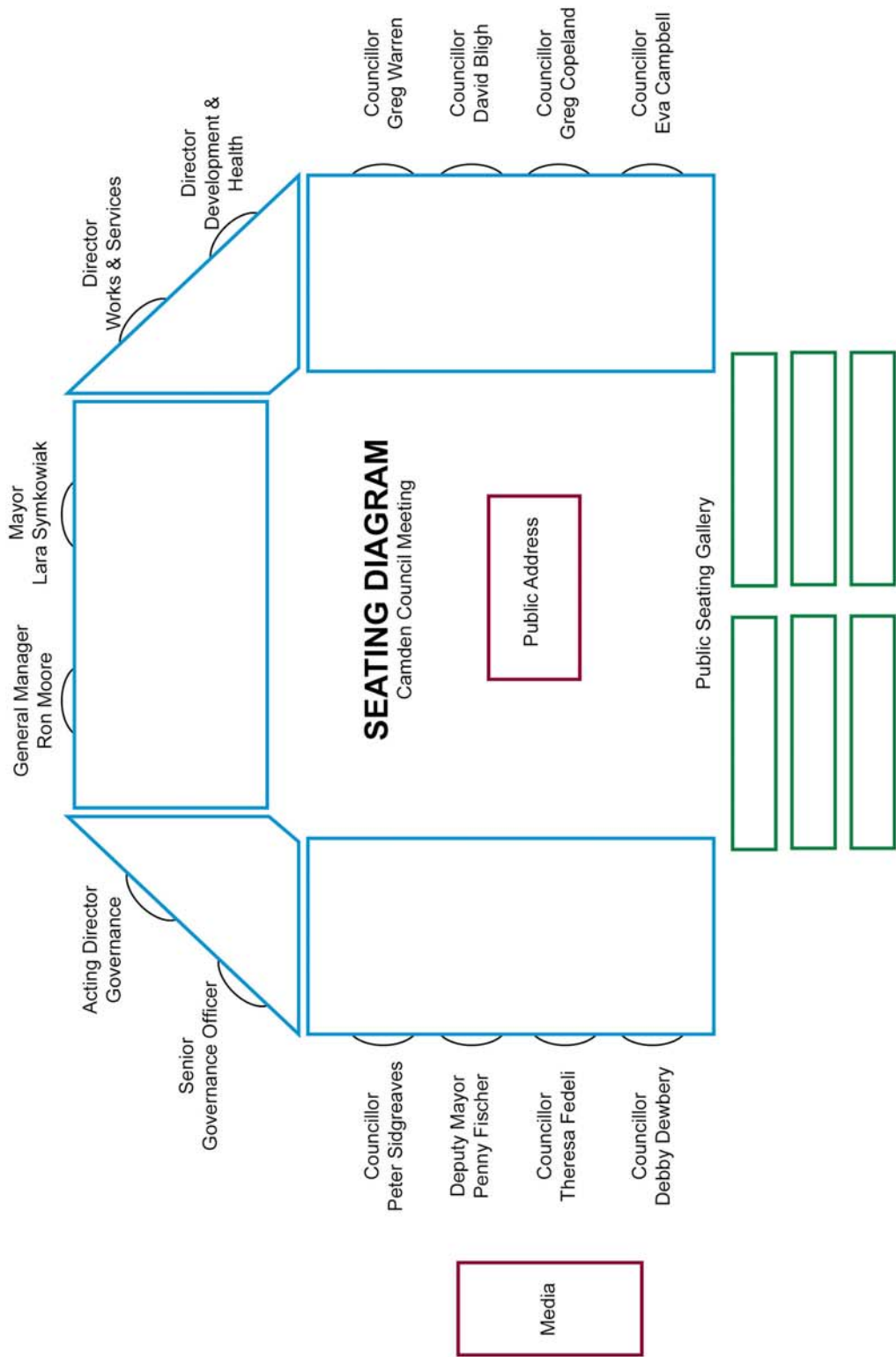
Ordinary Council Meeting
25 March 2014

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

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



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

ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

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

ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 13 March 2014

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 13 March 2014, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).

ORDINARY COUNCIL

ORD01

SUBJECT: DEFERRAL OF DEVELOPMENT CONTRIBUTIONS REQUESTED BY THE CORNISH GROUP IN RELATION TO DEVELOPMENT AT SPRING FARM

FROM: Acting Director Governance

TRIM #: 14/37481

PURPOSE OF REPORT

To seek a resolution of the Council in relation to a request made by the Cornish Group to defer development contributions relating to their development at Spring Farm. This matter is being reported to Council as the type of security offered does not comply with Council's policy and a decision is required whether to vary the policy in this circumstance.

BACKGROUND

The Cornish Group has been negotiating a Voluntary Planning Agreement (VPA) with Council in relation to their development land in the Spring Farm release area. The VPA offers a package of land dedications and works with an approximate value of \$28M and will provide significant public benefit. The development is expected to generate development contribution obligations of approximately \$25M. There are a number of issues with the VPA that have been communicated to the applicant and have recently been resolved at a high level. The detailed resolution of VPA matters (such as security and 'settle up' arrangements) will be progressed as the VPA is drafted. It is anticipated that a draft VPA will be brought to Council for consideration and public exhibition in June this year. It should be noted that this timeframe is ambitious and relies on all parties working proactively to resolve issues.

The applicant is seeking the release of a Subdivision Certificate for Stage 33 of their development and may shortly request a Subdivision Certificate for Stage 52. The total development contribution obligation for these stages is \$6,881,180 (subject to indexation). The contributions required for these stages are included in the VPA offer and were expected to be offset by works and land dedications provided under the VPA. However, as the VPA is yet to be completed, they would be required to pay monetary contributions in order to have the Subdivision Certificates released. As a result, the applicant is requesting to defer payment of these contributions until the VPA is executed, which would allow these contributions to be satisfied by works and land dedications instead of monetary contributions. Council has been advised that the 99 lots in Stage 33 are the subject of 'pre-sales', where people have paid a deposit on the land prior to the land being registered. Council has received a number of enquiries from these purchasers expressing some concern about the delay to the land release.

A confidential Councillor Workshop was held on Monday, 17 March 2014 with Council's solicitor in attendance. The policy and legal issues related to this deferral request were discussed in detail. The discussions at this workshop have informed the writing of this report and the associated recommendations.

Council's current Deferral of Contributions Policy requires that all developers provide a bank guarantee for the contribution amount as security in case they default on their

obligations. However, the applicant has indicated they are not readily able to provide a bank guarantee and have instead offered to provide a charge over future open space land. Following consideration of legal advice, it is reasonable to form the view that it is not unusual for developers to have difficulty in obtaining bank guarantees due to the nature and complexity of project financing.

Contributions have previously been deferred for the Cornish Group for Stages 31 and 32 of their Spring Farm development, which was originally secured by land but was later replaced with a bank guarantee. The Cornish Group provided a bank guarantee of \$974,135 to secure this deferral. In addition, they have lodged a bank guarantee of \$422,545 with Council as part security for a deferral of contributions for Stage 51. The total of bank guarantees held by Council is \$1,396,660. If the deferral is agreed but only with a bank guarantee in accordance with the Policy, the applicant would be required to provide a further bank guarantee of approximately \$6.8M and would have bank guarantee securities in place totalling approximately \$8.2M.

MAIN REPORT

The Cornish Group is seeking a deferral of development contributions for Stages 33 and 52 of their Spring Farm development. It was intended that the VPA would deliver a package of works and land dedications consistent with the adopted Contributions Plan and that this would offset the contributions required for the development. However, the VPA negotiations have taken longer than anticipated and there is currently no VPA in place for the Cornish development. As a result, the applicant is seeking to defer contributions to allow more time for the VPA to be executed.

Instead of providing a bank guarantee for the development contribution amount as required by Council policy, the applicant is offering a charge over land that is intended as future public open space. The value of the land is in excess of the development contribution obligations. The applicant has requested that the previous Deferral Deed for Stages 31 and 32 be amended to extend the deferral period for these stages and to include deferral of contributions for Stages 33 and 52. In addition, they have also requested that the bank guarantees that Council holds for Stages 31 and 32 be returned to them as they would now be secured by the land.

In accordance with Council policy, the required form of security for a deferral of development contributions is a bank guarantee. The applicant has indicated that they are not readily able to provide a bank guarantee.

Legal advice has been sought in relation to the current deferral proposal. The matter has been discussed by both Council's solicitors and the Cornish Group's solicitors. Having considered the legal advice, it is open to Council to form the view that the proposed security arrangements are workable from a legal perspective and adequately protect Council's interests (subject to execution of a Contributions Deferral Deed that contains appropriate provisions). The Cornish Group's solicitor has prepared draft documentation to give effect to the arrangements, but this documentation will need to be reviewed.

Further, upon consideration of Council's legal advice, it is reasonable to form a view that the proposal to offer land as security in lieu of a bank guarantee could be considered an appropriate outcome for the Council, in this particular circumstance. The land that is being offered is land that Council will be required to acquire under the Camden Contributions Plan 2011. It is therefore land that Council wants, and will obtain via the terms of the proposed Deferral Deed if a default occurs. In this circumstance,

the Council would receive land with a Contributions Plan value of approximately \$11.8M that is in excess of the development obligations.

While the proposed arrangement is considered to be legally workable and would sufficiently protect the Council's interests, it is inconsistent with Council policy. As a result, the purpose of this report is to seek a Council resolution regarding whether to vary the policy on this occasion, given the unique circumstances, and accept the deferral proposal.

Policy Context

The Spring Farm development is subject to the Camden Contributions Plan 2011. This Plan has been prepared and adopted by the Council and includes Council's policy on the deferral of development contributions, which is provided as **Attachment 1 to this report**. The policy states that deferrals will be considered "*entirely at the discretion of the Council*", "*only be accepted in exceptional circumstances and will be assessed on a case-by-case basis*". Where a deferral is accepted, a bank guarantee is the only form of acceptable security under Council's policy. This policy position will be reconsidered when the Camden Contributions Plan 2011 is next reviewed to ensure the Policy meets both community and Council needs.

Following consideration of legal advice received, it is reasonable to form a view that the Policy is intended to guide decision making and is not legally binding. Therefore, it is legally open to the Council to agree to a deferral of development contributions on terms such as those requested by the applicant that is at variance with the Policy, provided the circumstances justify the decision. However, this should be made by the governing body because, in this instance, the Policy is contained within a Contributions Plan that was adopted by the Council. As a result, a decision to accept a form of security that is inconsistent with the Policy should be the subject of a Council resolution.

In this particular circumstance, the proposed deferral of contributions is considered to be unique given:

- the applicant has expressed that they are not readily able to obtain a bank guarantee. Following consideration of legal advice, it is reasonable to form the view that it is not unusual for developers to have difficulty in obtaining bank guarantees due to the nature and complexity of project financing;
- there is a VPA pending, which provides for a package of land dedications and works with a value of approximately \$28M;
- the value of the land is well in excess of the contributions being secured;
- the land is land that Council intends to acquire under the provisions of the Camden Contributions Plan 2011;
- the Cornish Group is willing to include a legally binding promise to use their "best endeavours" to enter into a VPA in the terms of the Deferral Deed;
- at approximately \$58,000 per lot, the contribution rates levied in Spring Farm are almost double the rates levied elsewhere in the Camden LGA (as a result of the State Government cap on contributions); and
- there is a substantial amount of development land still owned by the applicant in the Spring Farm release area and the Cornish Group have indicated their commitment to enter into a VPA

Quality of the Security

The land that is offered as security is intended to be acquired by Council through funds collected under the Camden Contributions Plan 2011 for the purposes of public open space and has a value of \$11.84M in accordance with the Contributions Plan.

The open space land offered as security (known as proposed "LOT 36") has an area of 29.6 hectares and includes a farm dam. Council has approved a Subdivision Development Application to create this lot, but at this time the lot is yet to be registered. As a result, the charge would be over the existing parent lots and would be adjusted to relate only to "lot 36" upon its registration.

The security arrangements being offered present a number of issues for Council:

1. The land offered as security is land that Council does intend to acquire via the Camden Contributions Plan 2011, but may not have acquired at this time. Council will only be able to collect contributions from other developments under the Camden Contributions Plan 2011. This will yield a monetary contribution of \$11.84M (subject to indexation), but will take some time to eventuate. Based on consideration of legal advice, it is reasonable to form a view that the acceptance of this land as security for the contributions is at least equal to a bank guarantee. If a default were to occur, Council would be obtaining land with a value greater than the contributions obligation amount, with the value of the land being consistent with the rates provided for in the Contributions Plan.

The key implication of these arrangements for Council is related to infrastructure project funding and would require Council to re-prioritise the delivery of infrastructure delivery projects, which may affect the timely provision of infrastructure.

If the Cornish Group failed to enter into a VPA and Council were required to take ownership of the land, it would receive a land asset that has a value to Council under the contributions plan that is greater than the contributions amount than would have been required from the applicant.

2. In addition to considering the implications of what would happen if Council did have to call on the land as security, Council should also consider the overall risk of this situation occurring. The Cornish Group is actively negotiating a VPA with Council in relation to their Spring Farm development. These negotiations are well advanced and the Cornish Group has indicated they are committed to progressing the VPA negotiations. The applicant has a large amount of development yet to be completed in Spring Farm that is intended to be the subject of the VPA. As a result, the risk of Council needing to call on the land appears to be low. In addition, the applicant is offering to make a legally binding promise to use their 'best endeavours' to enter into a VPA that will be contained in the Deferral Deed. Having considered Council's legal advice, Council should be satisfied with this level of promise by the Cornish Group.

The proposed arrangements are intended as temporary measure to allow more time for the VPA negotiations to be completed.

Council could further reduce the risk of these arrangements by imposing a time limit on the deferral of the contributions. It is recommended that if Council agrees to the deferral of the contributions that the Deferral Deed contain a provision that unless the VPA has been executed within 12 months, the

contributions amount will become due. If the applicant failed to meet their obligation either enter into a VPA or to pay the contributions, Council could take ownership of the land, which has a value in excess of the amount they are required to pay.

3. It could be argued that a precedent for these arrangements already exists due to the previously agreed deferral of payment of development contributions approved in 2012 for the Cornish Group, which was secured by a charge over land. However, each request for deferral of development contributions should be considered on a case-by-case basis. In particular, following consideration of legal advice, it is reasonable to form a view that a general precedent would not be set if Council's decision was that the proposal has merit in terms of the objectives of the Policy and that the circumstances are considered unique.

Further the deferral of development contributions is considered to be in the public interest as it will support the ongoing VPA negotiation process. The VPA will deliver significant public benefit as it ensures the timely provision of infrastructure and provide for land dedications at the Contribution Plan rates, protecting Council from possible shifts in land values and cost of works.

4. It is recommended that Council require a bank guarantee to be provided to cover the costs that may be incurred if Council had to take possession of the open space land and to carry out any works to make the land safe in the case of a default by the Cornish Group, particularly as the land contains a dam. It is suggested that this be for an amount of \$1.5M. It is expected that the applicant would be able to provide this bank guarantee as Council would be returning the bank guarantee for Stages 31 and 32 if Council were to accept the land as security for all four stages (31, 32, 33 and 52). The applicant would need to agree to provide this bank guarantee as none of the existing guarantees could be put to this purpose.

A draft Deferral Deed has been prepared by the Cornish Group's solicitor and is to be reviewed by Council's solicitor. The Deferral Deed will contain at least the following provisions:

- A registrable charge on the future open space land for the purpose of securing payment of the deferred contributions enabling the land to be sold by Council to realise the security if the deferral arrangements are breached by the Cornish Group.
- As an alternative to selling the land to realise the security under the charge, Council will be given an executed transfer of the land in favour of Council, which would be held by Council and is only to be registered in the event of a default, thus enabling Council to achieve ownership of the future public open space land.
- The charge will be registered by Council and Council will be able to retain the title deed.
- Council will be given a Power of Attorney vested in Council to execute a transfer of the land.
- A time limit for the deferral of 12 months.
- A legally binding promise that the Cornish Group will use their 'best endeavours' to enter into a VPA within 12 months.
- Return of the bank guarantee for Stages 31 and 32.

- Provision of a bank guarantee of \$1.5M to cover the costs that Council may incur to make safe any works on the land and any administrative costs incurred by Council in taking ownership of the land.

Public Interest in this Deferral

Land across the Local Government Area is being sold prior to lots being registered. That is, land is being sold 'off the plan' with developers taking a deposit from purchasers, with sales to be finalised after a Subdivision Certificate has been released and the land has been legally registered.

The Cornish Group have 99 lots in Stage 33 which are subject to this type of 'pre-sale'. Council understands that many of these purchasers are first home buyers and entered into these 'pre-sales' with an expectation from the developer that the land would be registered before now. An application for a Subdivision Certificate has been received from the Cornish Group in relation to Stage 33; however, the applicant has not yet satisfied all of the conditions of development consent. A further application for Stage 52 is expected shortly.

The Cornish Group is obligated to comply with all the pre-subdivision certificate conditions of development consent in order for Council to be able to release the Subdivision Certificate. In this circumstance, the Cornish Group has not paid the development contributions required for Stage 33. As a result, Council has been unable to release the Subdivision Certificate. If Council were to agree to this request to defer the payment of the development contributions, it would enable the release of the Subdivision Certificate. This decision to vary Council's policy on this occasion would greatly alleviate the anxiety being experienced by people who have committed to purchase lots within Stages 33.

Separately to the outcome of this matter, Council staff will continue to work with Council's solicitor to develop a notice to be placed on Section 149 Planning Certificates to make future purchasers aware that developers must comply with the development consents before Subdivision Certificates can be released, allowing land to be registered. It is intended to use this notice to better inform people purchasing unregistered land that there is a process developers must follow, which can take some time.

FINANCIAL IMPLICATIONS

The deferral of contributions provides time for Council and the Cornish Group to execute a VPA that will deliver works and land dedication in relation to this development with a value of approximately \$28M. As a result, the deferral itself does not impact Council's cash flow assuming the VPA is entered into. It is intended that instead of paying monetary contributions for Stages 33 and 52, they will be offset by the VPA works and land package.

The financial implications relate to the type of security that has been offered in support of the deferral of contributions. As outlined in this report, the charge over land that is required as future open space does present issues for infrastructure project funding if Council needed to call on this security. However, Council has collected contributions and could use this to fund infrastructure projects, though there may be some re-prioritising of projects required. Further, the value of the land is well in excess of the contribution obligations.

CONCLUSION

The VPA negotiations for the Cornish Group are nearing completion. The proposal to defer contributions pending the execution of the VPA is considered reasonable, however it is the type of security offered that is in question. The proposed arrangements are not consistent with Council's policy in relation to deferral of contributions. After considering legal advice, it is reasonable to form a view that the security offered could be considered as beneficial to Council as a bank guarantee as it would deliver land that Council has identified that it would acquire and has a value in excess of the obligations it would secure.

The likelihood of Council needing to call on the security is considered low, but if it were to occur Council would need to re-prioritise its infrastructure projects to deliver them in accordance with the development contribution funds collected. The proposed arrangements are intended to be temporary until a VPA can be executed. When this occurs the deferral will be wrapped up in the VPA and these particular security arrangements would be terminated, particularly if the Deferral Deed is time limited to 12 months.

There is public interest in this deferral from the purchasers of land within Stage 33 of the Cornish Group development in Spring Farm. Some of these purchasers are experiencing a high level of anxiety as they await the registration of the land, as the applicant is yet to satisfy all of their conditions of development consent. If Council were to make a decision to vary its Policy in these particular circumstances, which are considered unique, it would greatly alleviate this buyer anxiety.

The proposal received from the Cornish Group has been considered and analysed with reference to Council policy and relevant legal advice. The proposal is considered reasonable and the security arrangements are workable subject to drafting to sufficiently protect the public interest. Further, if a decision is made to refuse to defer the contributions, it is likely to place the VPA negotiations at risk. This is not considered to be in Council's and the public interest for the following reasons:

- The VPA will deliver works and land dedications of approximately \$28M, against development contribution obligations of \$25M. While the Cornish Group will receive credit for the amount of the works and land dedications they provide, the offer delivers greater public benefit in the timely provision of infrastructure.
- The Cornish Group will dedicate land under the VPA and agree that credits will be in accordance with the rates provided in the Contributions Plan.
- The Cornish Group will deliver the infrastructure needed to meet the needs of the new residents of their development via the VPA. If the VPA negotiations fail, Council will be required to undertake these works. The VPA will offer timely provision of infrastructure.
- If Council is required to deliver the infrastructure, it can only construct works as development contributions are collected.

There are broader and long-term benefits that will arise should Council enter into a VPA with the applicant. This deferral proposal is simply a means to an end, in that it provides additional time to allow the VPA negotiations to be completed and an Agreement to be executed.

In accordance with the matters discussed in the confidential Councillor Workshop, there are some due diligence investigations to be completed to ensure that this proposed Contributions Deferral Deed adequately protects the Council's interests.

These investigations are underway and as outlined in the recommendations below, will need to be completed to the satisfaction of the General Manager before the Deed can be agreed and executed.

RECOMMENDED

That Council:

- i. agree in-principle to the proposed deferral subject to the General Manager completing due diligence investigations and being satisfied with the terms of the Contributions Deferral Deed, having regard to the advice of the Council's solicitor;**
- ii. under s377 of the Local Government Act 1993, the Council delegate to the General Manager the function of deciding whether to enter into the Contributions Deferral Deed having regard to the advice from the Council's solicitor;**
- iii. include a provision in the Deferral Deed requiring payment of the development contributions within 12 months of the date of the Deed;**
- iv. include a provision in the Deferral Deed that is a binding promise from the Cornish Group to use their 'best endeavours' to enter into a VPA;**
- v. subject to (i to iv) above, execute the Contributions Deferral Deed pursuant to Council's Power of Attorney granted on 27 August 2013, Minute Number ORD215/13;**
- vi. require the Cornish Group to provide a bank guarantee of \$1.5M that Council may call on if a default occurs to address Council's legal and administrative costs of taking possession of the open space and to make safe any incomplete works on the land;**
- vii. release the bank guarantees provided previously for deferral of contributions for Stages 31 and 32 upon execution of this Deferral Deed; and**
- viii. release the bank guarantee and charge over land provided as security in relation to these deferral arrangements upon execution of a VPA for the Cornish Group Spring Farm development relevant to Stages 31, 32, 33 and 52.**

ATTACHMENTS

- 1. Extract from Camden CP**



ORD02

ORDINARY COUNCIL

ORD02

SUBJECT: CONSTRUCTION AND USE OF A NEW WAREHOUSE BUILDING, NEW TRUCK ACCESS FROM CAWDOR ROAD AND ASSOCIATED SITE WORKS AT 19A LITTLE STREET, CAMDEN

FROM: Director, Development & Health
TRIM #: 14/12053

APPLICATION NO: 192/2013
PROPOSAL: Construction and use of a new warehouse building, new truck access from Cawdor Road and associated site works
PROPERTY ADDRESS: 19A Little Street, Camden
PROPERTY DESCRIPTION: Lot 2, DP 513744
ZONING: IN2 Light Industrial and RU1 Primary Production
OWNER: Shanklyn Investments Pty Ltd
APPLICANT: R & J Consultancy Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction and use of a new warehouse building, new truck access from Cawdor Road and associated site works at 19A Little Street, Camden.

The DA is referred to Council for determination as there remain unresolved issues received in 19 submissions and 6 petitions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 192/2013 for the construction and use of a new warehouse building, new truck access from Cawdor Road and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction and use of a new warehouse building, new truck access from Cawdor Road and associated site works at 19A Little Street, Camden.

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

The DA was lodged on 13 March 2013 and was publicly exhibited between 12 and 26 April 2013. 4 submissions and 2 petitions (with 55 signatories) were received (all objecting to the proposed development).

Council staff have considered the issues raised in the submissions and petitions and met with the applicant to discuss them. Following negotiation, the applicant lodged

amended plans between 3 September and 4 November 2013 that incorporated a number of amendments in order to address the concerns raised by the community.

The above amendments included reducing the length and height of the proposed warehouse building, changes to the building's design and articulation, additional landscaping, relocation of a proposed external stone storage area and provision of a new truck entry/exit from Cawdor Road.

The amended plans were publicly exhibited between 18 November and 2 December 2013. 17 submissions and 3 petitions (with 99 signatories) were received (all objecting to the proposed development). **A copy of the submissions and petitions from both public exhibition periods is provided with the Business Paper Supporting Documents.**

The issues raised in the submissions and petitions relate to the development being inappropriate for the site and area; negative impacts from additional heavy vehicles on Little Street; that an alternative entry/exit point should be provided from Cawdor Road; access to the site from Cawdor Road in the event of flooding; negative traffic impacts; that the land should be rezoned and redeveloped for affordable seniors housing; the development is inconsistent with the zone objectives; inappropriate design and heritage impacts; noise and air pollution impacts; that the development is in fact a heavy industry; development on flood prone land; loss of the area's semi-rural feel and inconsistency with Camden 2040; impacts upon surrounding properties during construction, loss of property values; inappropriate operating hours; impact upon services and the setting of a precedent for future development.

The area of the site that most of the warehousing activities will take place is zoned IN2 Light Industrial. Warehouses are a permissible land use in this zone and their provision is specifically stated as one of the zone's objectives. The front of the site adjacent to Little Street also contains an approved and operating warehouse.

The applicant has provided amended plans which show a new truck entry/exit point from/to Cawdor Road. All trucks servicing the site (including the existing warehouse building) will use this access except in the event of flooding when they will use the existing Little Street access. This will not be a regular occurrence and is considered to be acceptable. In addition, the proposed development proposes only 2 additional truck deliveries entering the site and 2 truck distributions leaving the site per day so the additional heavy traffic proposed is not significant. The surrounding street network will be able to accommodate the additional traffic generated by this development.

The desire to see the land rezoned is acknowledged, however the site is currently zoned a mix of IN2 Light Industrial and RU1 Primary Production and Council is required to assess the DA based on its current zoning. In addition, if the site was rezoned the warehouse use would retain existing use rights.

The proposed development is not inconsistent with the objectives of the RU1 Primary Production zone. The part of the site zoned RU1 is an isolated section of rural land with no existing agricultural activity taking place on it. The proposed development will not preclude agricultural activity taking place on it in the future. In addition, the proposed landscaping will help to soften and screen the proposed driveway and external storage area on the land.

Following negotiation with Council staff the applicant made a number of amendments to the proposed development including reducing the length and height of the proposed building, changes to the building's design and articulation and additional landscaping.

The overall design outcome is considered to be acceptable and will not negatively impact upon the heritage of Camden.

The proposed development is for a warehouse building and not a manufacturing activity and therefore it is not anticipated that significant noise or air pollution will occur. In relation to the beeping of forklift vehicles whilst reversing, it is a recommended condition that the reversing alarms on all forklifts be modified to ensure that noise levels from any forklift alarm not exceed background noise levels +5dB(a) when measured at the nearest residential boundary.

As no industrial activity is proposed as part of the development, the proposal is defined as a “warehouse or distribution centre” under the LEP and not a “heavy industry.” The use of heavy vehicles to service warehouses and even light industries is a common occurrence and not out of character or unusual for a development of this kind.

The site is identified as being flood affected. The proposed development has been designed with regard to Council’s Flood Risk Management Policy and is considered to be acceptable.

The site contains an approved and operating warehouse building together with associated hard stand areas and car parking. Subject to the amended plans negotiated between the applicant and Council staff and the recommended conditions, it is not considered that the proposed development will significantly negatively impact the semi-rural character of the area or be inconsistent with Camden 2040.

Standard conditions are recommended to ensure that adjacent properties are appropriately protected during construction works.

The loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*. No information has been provided to substantiate this claim.

The proposed operating hours are Monday to Friday, 7am-6pm and Saturday 8am-4pm only. These operating hours are considered to be appropriate for the proposed development and given that truck access will be from Cawdor Road, it is not considered that it will cause unreasonable disturbance to surrounding properties.

The site has access to appropriate services including electricity, sewer and water. It is not considered that the proposed development will adversely affect services in the surrounding area.

Any future development of this site or the surrounding area will be subject to the assessment of a separate DA. Each DA is assessed on its individual merits and the approval of this DA will not set an undesirable precedent.

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

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

AERIAL PHOTO



THE SITE

The site is commonly known as 19A Little Street, Camden and is legally described as lot 2, DP 513744.

The site has a frontage of 54m to Little Street, 80m to Cawdor Road, a maximum depth of approximately 296m and an overall area of approximately 2ha. The site has a frontage to Little Street to the east and Cawdor Road to the west.

The Little Street side of the site currently accommodates an existing warehouse building with ancillary office and amenities, as well as a hardstand area used for parking. The rear of the site is vacant and slopes downwards towards Cawdor Road. The site is also identified as being flood prone land.

The surrounding area is characterised by a mix of light industrial land uses as well as residential housing.

The Camden town centre is located to the north of the site, whilst to the east lies the Nepean River and the Elderslie residential suburb. To the south exists the residential part of the Camden suburb, whilst to the west lies the rural residential suburb of Grasmere.

HISTORY

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

Date	Development
11 August 1993	Approval of DA 72/1993 for the construction of three industrial units and use of a unit as a packaging and ancillary warehouse
14 May 2012	Approval of DA 464/2012 for the use of the site's existing building as a building materials warehouse

THE PROPOSAL

DA 192/2013 seeks approval for the construction and use of a new warehouse building, new truck access from Cawdor Road and associated site works.

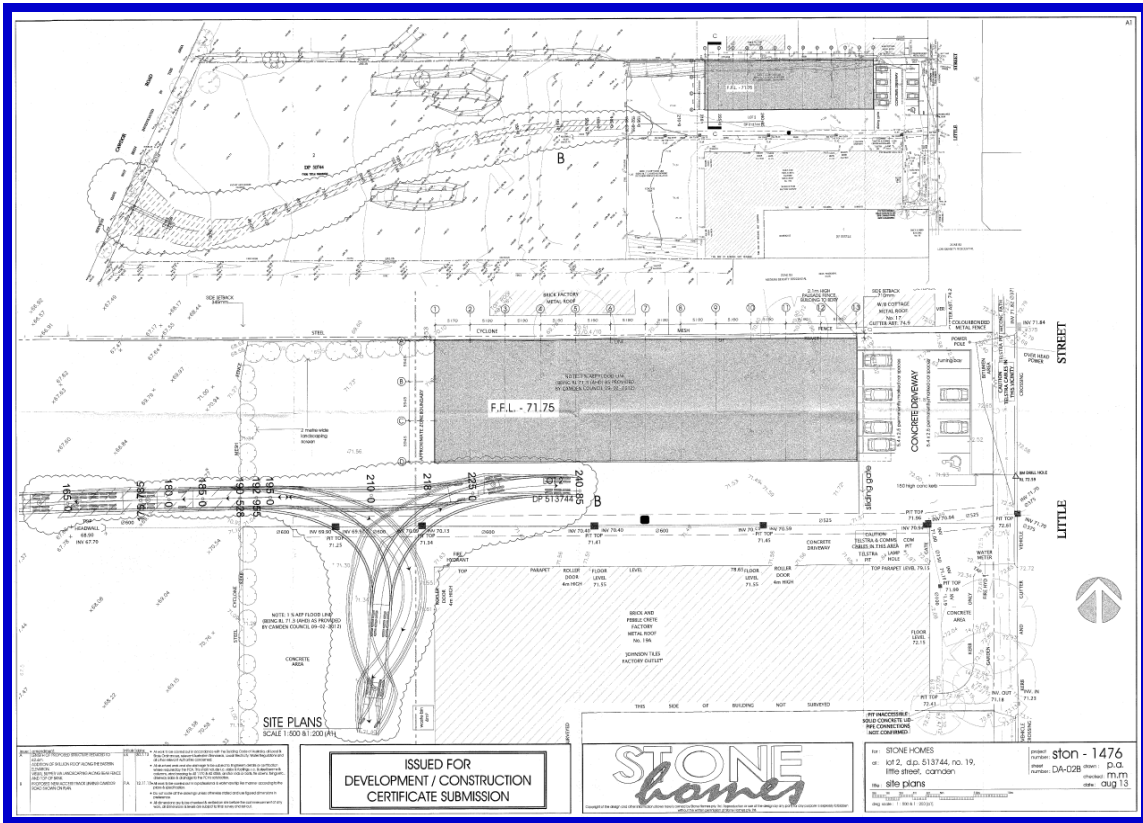
Specifically the proposed development involves:

- construction and use of a new warehouse building. The building will have a gross floor area of approximately 1,140.6m², a maximum height of approximately 8m from existing ground level and will be constructed of painted wall cladding on concrete panels and metal roof sheeting. The building will be used to store building materials including doors, windows and stone blocks;
- construction of an external storage area behind the proposed building. This area will be used to store stone blocks to a maximum height of 1.8m. This area will be bound by a 2.1m high fence and a 2m wide landscaped area to mitigate any visual impact;
- construction of a new truck entry/exit driveway from Cawdor Road. All trucks (including those which are already approved to service the existing warehouse on the site) will enter and exit the site via this new driveway off Cawdor Road. The only exception to this will be in the event of a flood where trucks will enter and exit the site via Little Street;
- construction of truck manoeuvring areas and 11 additional off-street car parking spaces for the site;
- minor earthworks and landscaping;
- operating hours of Monday to Friday, 7am-6pm and Saturday 8am-4pm. The proposed development will not operate on Sundays or public holidays;
- 2 building material deliveries in and 2 building material distributions out per day. This is in addition to the 2 building material deliveries in and 5 building material distributions out per week already approved for the existing warehouse building on the site; and
- the employment of 6 staff.

The value of the works is \$460,000.

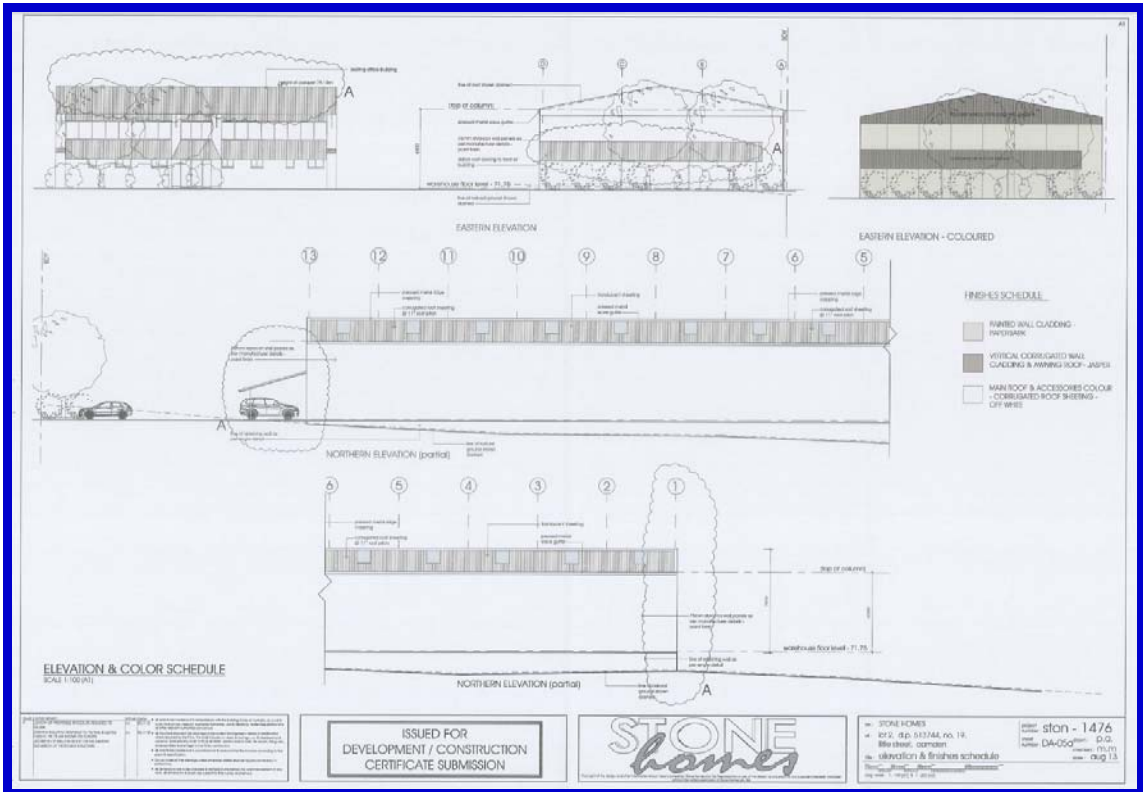
A copy of the proposed plans is provided as Attachment 1 to this report.

PROPOSED SITE PLAN

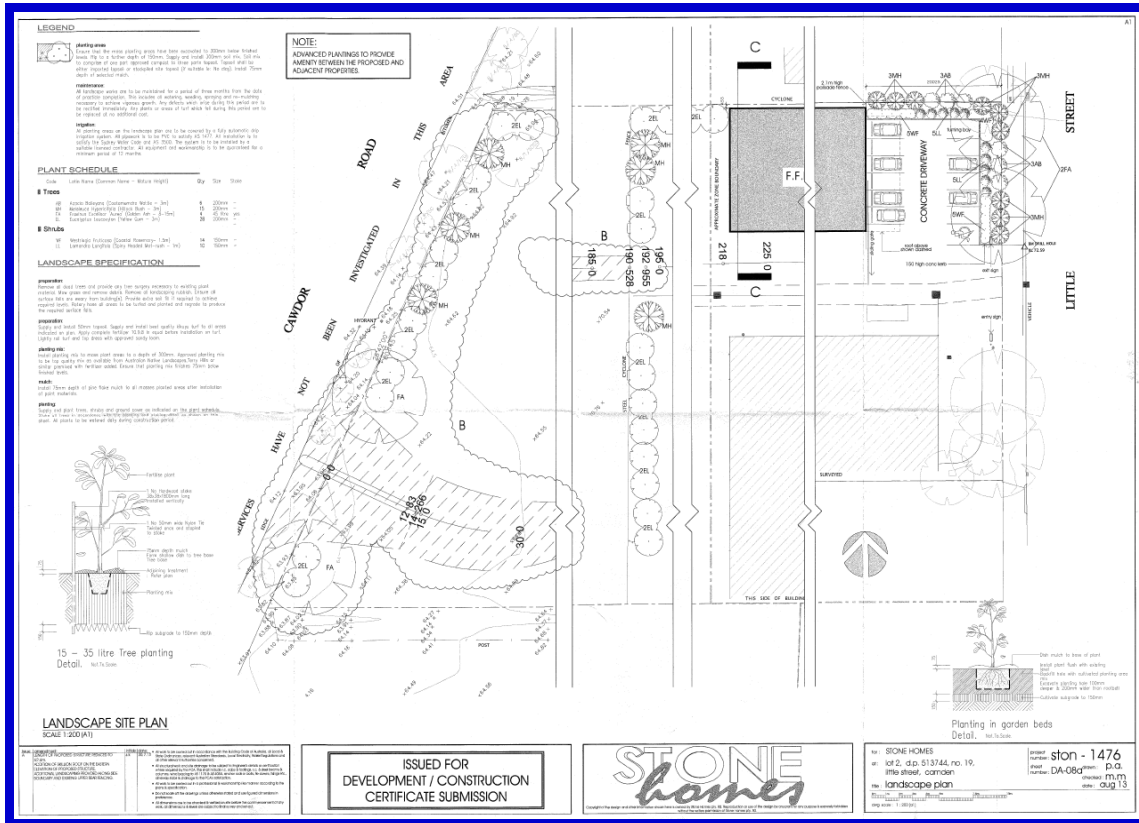


ORD02

PROPOSED ELEVATIONS



PROPOSED LANDSCAPE PLAN



ASSESSMENT

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

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

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

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

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

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

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

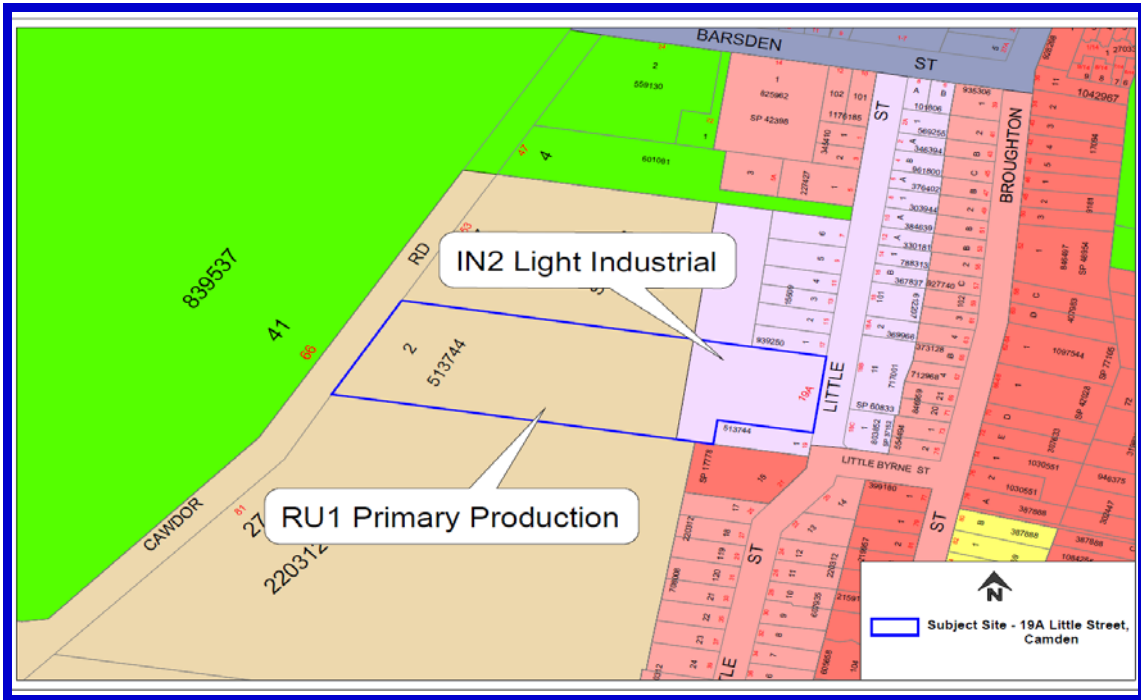
The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Conditions are recommended to ensure that appropriate soil and sediment erosion control measures and a water pollution control device are provided as part of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned IN2 Light Industrial and RU1 Primary Production under the provisions of the LEP. A map showing the mixed zoning of the site is provided below:



The above map identifies the site in blue and shows the IN2 Light Industrial and RU1 Primary Production zones that apply to it. The other zones shown on the map include the R2 Low Density Residential (pink), R3 Medium Density Residential (red), RE1 Public Recreation (green), B4 Mixed Use (dark blue) and SP2 Infrastructure (yellow) zones.

The proposed development is defined as a “warehouse or distribution centre” by the LEP which are permissible land uses in these zones.

Zone Objectives

The objectives of the IN2 Light Industrial Zone are as follows:

- To provide a wide range of light industrial, warehouse and related land uses.

Officer comment:

The proposed development will provide a warehouse land use and is therefore consistent with this objective.

- To encourage employment opportunities and to support the viability of centres.

Officer comment:

The proposed development will generate new employment opportunities and help support the viability of surrounding centres.

- To minimise any adverse effect of industry on other land uses.

Officer comment:

The proposed development has been assessed and subject to the recommended conditions, it is not considered that it will have any significant negative impacts upon other surrounding land uses including residential properties in the area.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a warehouse land use.

- To support and protect industrial land for industrial uses.

Officer comment:

The proposed development is an industrial land use type and therefore consistent with this objective.

- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a warehouse land use.

The objectives of the RU1 Primary Production zone are as follows:

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

Officer comment:

The majority of the proposed physical works are located in the IN2 Light Industrial zone. The part of the site zoned RU1 Primary Production is a relatively small, isolated section of rural land that has no current agricultural activity occurring on it.

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

Officer comment:

As aforementioned, the remaining undeveloped RU1 zone land on this site could be used for primary industry purposes in the future. The proposed development will not preclude the above from occurring.

- To minimise the fragmentation and alienation of resource lands.

Officer comment:

The site represents an already fragmented section of rural land and it is not considered that the proposed development will significantly compound this.

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

Officer comment:

The proposed development has been assessed and subject to the recommended conditions, it is not considered that it will have any significant negative impacts upon other surrounding land uses including residential properties in the area.

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

Officer comment:

Whilst the proposed development does not support the primary production purposes of the zone, neither will it preclude such development from occurring in the future. The proposed driveway from Cawdor Road (which is located within the RU1 zone) could also be used to provide access to a future primary production activity on the site. Consequently the proposed development is not considered to be inconsistent with this objective.

- To maintain the rural landscape character of the land.

Officer comment:

The proposed warehouse building will be located wholly within the IN2 Light Industrial zone. The proposed works in the RU1 zone will be for the new truck access from Cawdor Road, truck manoeuvring areas and a landscaped external storage area at the rear of the building. Landscaping is also proposed at the entry/exit to/from the site on Cawdor Road and it is a recommended condition that additional landscaping be provided within the RU1 section of the site to further soften the appearance of the proposed truck driveway. Consequently it is considered that the rural landscape character of the land will generally be maintained.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.3 Height of	Maximum 9.5m building height	The proposed building will have a maximum height of 8m from	Yes

Clause	Requirement	Provided	Compliance
Buildings		existing ground level	
4.4 Floor Space Ratio	Maximum 1:1 floor space ratio	The proposed development, when combined with the existing building on the site, will result in an overall floor space ratio of 0.57:1	Yes
5.3 Development near Zone Boundaries	<p>Development may be carried out on land where it would ordinarily be prohibited, if that development is carried out within 50m of an adjoining zone where it is permissible. Council must be satisfied that:</p> <p>(a) the development is not inconsistent with the objectives for development in both zones; and</p> <p>(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land</p>	<p>The proposed warehouse building is wholly located within the IN2 Light Industrial zone. However there is an external stone block storage area proposed at the rear of the building. This storage area will be located in the RU1 Primary Production zone where warehouse or distribution centres are prohibited.</p> <p>This storage area may be approved under this clause as it is located within 50m of the IN2 zone where warehouse or distribution centres are permissible.</p> <p>Council staff have considered the matters required by this clause and recommend that the external storage area be approved in the location proposed.</p> <p>As assessed in this report, the proposed development is not inconsistent with the objectives of either the IN2 or RU1 zones. In addition, allowing this area to be used for storage will enhance the economic viability of the operating business that will operate from the warehouse building in the IN2 zone. The provision of this external storage area behind the building, away from neighbouring residential properties and screened by landscaping will ensure that it does not have any significant negative impacts in terms of residential amenity of rural character</p>	Yes
7.1 Flood	Council must be satisfied that the	The site is identified as being flood affected. The proposed	Yes

Clause	Requirement	Provided	Compliance
Planning	proposed development is compatible with the flood hazard of the land, that it will not significantly adversely affect flood behaviour, incorporate appropriate measures to minimise risk of life to flood, will not significantly adversely affect the environment and will not results in unsustainable social or economic costs to the community as a consequence of flooding	development has been designed with regard to Council's Flood Risk Management Policy and is considered to be acceptable. The proposed building has been designed to provide a suitable floor level with a 350mm freeboard to protect the stored building materials. It is not considered that the proposed development will result in negative flood impacts on the surrounding environment or properties	

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

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

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

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B 1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	The provision of appropriate erosion, sedimentation and dust control measures is a recommended condition	Yes
B1.2 Earthworks	Ensure development takes into account the topography of the site and minimises disturbance	The proposed development minimises cut and fill and site disturbance.	Yes

Control	Requirement	Provided	Compliance
	Only clean fill is permitted to be used	It is a recommended condition that only clean fill be used	Yes
B1.3 Salinity Management	Salinity resistant construction	The development will be constructed to be salinity resistant which will be ensured via the recommended conditions	Yes
B1.4 Water Management	Demonstrate how stormwater will be managed in accordance with Council's Engineering Specifications	The DA was accompanied by stormwater design plans outlining how stormwater will be managed. It is a recommended condition that the proposed development comply with Council's Engineering Specifications	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weeds are to be continuously suppressed and ensure machinery entering and leaving the site is free of noxious weeds material	It is a recommended condition that the proposed development comply with this part of the DCP	Yes
B1.9 Waste Management and Minimisation	Waste Management Plan	A suitable waste management plan has been provided	Yes
B1.11 Flood Hazard Management	Development must comply with Council's Flood Risk Management Policy	As aforementioned, the site is identified as being flood affected. The proposed development has been designed with regard to Council's Flood Risk Management Policy and is considered to be acceptable	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	Subject to a condition requiring the provision of a 2.1m high acoustic fence along part of the site's northern boundary adjacent to 17 Little Street, the proposed development is compliant with Council's Environmental Noise Policy	Yes
B2 Landscape	A landscape plan is required	An appropriate landscape plan has been	Yes

Control	Requirement	Provided	Compliance
Design		provided	
B5.1 Off-street Car Parking Rates and Requirements	<p>Warehouses require 1 car parking space space per 300m² of gross floor area (GFA).</p> <p>The proposed building has a GFA of 1,140.6m² and proposes an external storage area of approximately 409m².</p> <p>$1,140.6 + 409 = 1,549.6 / 300 = 5.2 (6)$</p> <p>Therefore the proposed development requires 6 spaces</p> <p>Therefore all the development on the site requires 12 spaces</p> <p>Provision for 1 service vehicle for the first 800m² GFA and thereafter on merit</p>	<p>6 spaces exist on the site for the existing building whilst the proposed development will provide an additional 11 for an overall total of 17</p> <p>Sufficient space is available on the site to provide for service vehicles delivering or distributing building materials</p>	<p>Yes</p> <p>Yes</p>
B5.2 Car Parking Design Criteria	<p>Visitor spaces to be clearly marked and conveniently located</p> <p>Garbage storage and collection areas to conveniently located without on-street conflict</p> <p>Appropriate landscaping to provide shade/amenity and reduce visual impacts of car park</p>	<p>Sufficient car parking spaces have been provided for both staff and visitors in the front car parking area</p> <p>The site contains adequate space for the storage and collection of garbage without on-street conflict</p> <p>The proposed landscaping and recommended conditions will ensure an appropriate level of visual amenity</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D4.2.1 Lot Sizes & Proportions	<p>Minimum 2,000m² lot area</p> <p>32m lot width</p>	<p>The lot has an area of 2ha</p> <p>The site has a frontage of 55m to Little Street</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	Front building façade setback of 7.5m	A front building setback of 20m is proposed	Yes
D4.2.2 Building Materials & Appearance	Structural articulation and/or a mix of external finishes/colours. Freestanding developments to avoid blank wall surfaces where viewed from a public place or residential area	The proposed development incorporates a mix of painted wall cladding in mid earth tones of light brown, mid brown and off white. The proposed development includes the installation of an awning on the front elevation to help break up the building's bulk when viewed from Little Street	Yes
	All roof mounted equipment to be designed and screened in a manner that complements the parent building	All proposed roof/plant equipment will be integrated into the design of the development. A condition is recommended to ensure this	Yes
D4.2.4 External Storage	External storage areas are to be effectively screened and must not be visible from any public areas	An external storage area is proposed behind the proposed warehouse building. This area will have a mesh fence and 2m wide landscape area to screen the material stored from public view from Cawdor Road. The location of the external storage is approximately 161m set back from Cawdor Road and will not be visually intrusive in that streetscape	Yes
	Any materials to be stored that can impact water quality must be covered or runoff water must be treated	The external storage area will store stone blocks and it is not anticipated that this will cause any negative impacts on water quality	Yes
D4.2.5 Fencing	Open style fencing with a maximum height of 2.1m and a minimum front setback of 1m	A steel cyclone mesh fence is proposed at the rear of the external storage and	Yes

Control	Requirement	Provided	Compliance
		manoeuvring area. It is a recommended condition that this fencing be modified to be open style metal palisade fence with a maximum height of 2.1m	
D4.2.6 Environmental Management Plans	Environmental management plan (EMP)	The matters that are required to be addressed by an EMP have been addressed by the statement of environmental effects submitted with the DA and the recommended conditions	Yes
	A geotechnical report is required	An appropriate geotechnical report has been provided	Yes
D4.2.7 Stormwater	Stormwater quantity and quality management	Conditions are recommended to ensure that stormwater quantity and quality is appropriately managed in accordance with Council's engineering specifications	Yes
D4.2.9 Recycling and Waste Management	Waste management plan required	A suitable waste management plan has been provided	Yes
D4.2.10 Noise and Vibration	Compliance with Council's Environmental Noise Policy	Subject to a condition requiring the provision of a 2.1m high acoustic fence along part of the site's northern boundary adjacent to 17 Little Street, the proposed development is compliant with Council's Environmental Noise Policy	Yes
D4.3.1 Landscaping and Public Domain	Detailed landscaping plans and street tree planting at a rate of 1 tree for 15m of frontage	A detailed landscape plan has been provided. A condition is recommended to ensure that appropriate street trees are provided along the site's Little Street frontage	Yes
D4.4 Parking and	Compliance with DCP Section B5	The proposed development more than	Yes

Control	Requirement	Provided	Compliance
Access		complies with the DCP's Section B5 in that whilst overall 12 spaces are required 17 will be provided	

(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 DA.

(a)(iv) The Regulations

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

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

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

Noise Impacts

The proposed development has been assessed against Council's Environmental Noise Policy. The development is for a warehouse and distribution building that will not involve any manufacturing processes. Additional deliveries and distributions to/from the site will be limited to an additional 2 per day and truck access to the site will only occur via the proposed Cawdor Road entry/exit driveway. The proposed development will operate between Monday to Friday 7am-6pm and Saturday 8am-4pm.

Council staff are satisfied that the development will be consistent with Council's Environmental Noise Policy and subject to compliance with the recommended conditions, not have any adverse acoustic impacts upon surrounding properties. A condition is recommended to provide a 2.1m high acoustic fence along part of the site's northern boundary with 17 Little Street adjacent of the proposed front car park area. This will ensure that the existing dwelling at 17 Little Street is afforded appropriate acoustic protection.

(c) The suitability of the site

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

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

The DA was lodged on 13 March 2013 and was publicly exhibited between 12 and 26 April 2013. 4 submissions and 2 petitions (with 55 signatories) were received (all objecting to the proposed development).

The proposed plans were subsequently amended and publicly exhibited between 18 November and 2 December 2013. 17 submissions and 3 petitions (with 99 signatories) were received (all objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper Supporting Documents.** This map shows the location of the site, notified surrounding properties and those that made a submission. It should be noted that a number of people in the area surrounding the site also signed petitions objecting to the proposed development and that these are not specifically identified on the map.

The following discussion addresses the issues and concerns raised in the submissions and petitions:

1. The development is inappropriate for the site and area

Officer comment:

The area of the site that most of the warehousing activities will take place is zoned IN2 Light Industrial. Warehouses are a permissible land use in this zone and their provision is specifically stated as one of the zone's objectives. The front of the site adjacent to Little Street also contains an approved and operating warehouse.

It is acknowledged that the surrounding area contains a range of land uses including residential properties and zoned rural land. However the proposed development has been assessed against all relevant planning policies, is fully compliant with them and is not considered to have any significant negative impacts upon the surrounding area. Consequently it is considered to be an appropriate development for this site and area.

2. Concerns that there will be excessive heavy traffic through Little Street causing safety and access issues and amenity impacts upon surrounding residents

Officer comment:

Council staff have discussed this concern with the applicant who has provided amended plans showing a proposed truck entry/exit driveway from Cawdor Road. All trucks (including those that already access the site to service the existing warehouse development on it) will use this new driveway to enter/exit the site, thereby reducing the heavy vehicle traffic that currently uses on Little Street. Consequently it is considered that the proposed development will actually reduce impacts to residents in the surrounding area given the new entry/exit point from Cawdor Road.

3. An alternative entry/exit to the site from Cawdor Road would negate impacts on Little Street

Officer comment:

This suggestion has been discussed with the applicant with amended plans providing an entry/exit point from Cawdor Road being negotiated by Council staff. It is agreed that this alternative entry/exit point will negate traffic impacts upon Little Street.

4. Concern that if Cawdor Road and the driveway are flooded, how the trucks will service the site

Officer comment:

In the event of a flood, the existing Little Street entry/exit to the site will be used. This will only occur in the event of a flood that prevents access from Cawdor Road and therefore will not be a regular occurrence. In addition, the proposed development proposes only 2 additional truck deliveries entering the site and 2 truck distributions leaving the site per day so the additional heavy traffic on Little Street is not significant.

5. Traffic Impacts upon the surrounding road network

Officer comment:

As aforementioned the additional truck movements generated by this development are not significant and the surrounding street network will be able to accommodate them. It is noted that the proposed entry/exit point from Cawdor Road will keep both the existing and proposed truck movements off Little Street which is a better traffic outcome.

6. The land should be rezoned for residential purposes and potentially be redeveloped for an affordable over 55s development

Officer comment:

The desire to see the land rezoned is acknowledged however the site is currently zoned a mix of IN2 Light Industrial and RU1 Primary Production and Council is required to assess the DA based on its current zoning. In addition if the site was rezoned the warehouse use would retain existing use rights.

7. The application does not meet the objectives of the RU1 Primary Production zone

Officer comment:

As assessed in this report, it is considered that the proposed development is not inconsistent with the objectives of the RU1 Primary Production zone. The part of the site zoned RU1 is an isolated section of rural land with no existing agricultural activity taking place on it. The proposed development will not preclude agricultural activity taking place on it in the future. In addition, the proposed landscaping will help to soften and screen the proposed driveway and external storage area on the land and overall it is considered that the rural character of the land will not be adversely affected.

8. The proposed development is not of an appropriate design and will have negative heritage impacts

Officer comment:

The design of the proposed development is considered to be acceptable for the area taking into consideration the existing building on the site and its light industrial zoning. Following negotiation with Council staff the applicant has made a number of amendments to the proposed development including reducing the length and height of the proposed building, changes to the building's design and articulation and additional landscaping.

The overall design outcome is considered to be acceptable and will not negatively impact upon the heritage of Camden. It is noted that neither the site or street are located within a Heritage Conservation Area and that the nearest local heritage item (Camden Hospital) is located approximately 140m away to the south east on the eastern side of Broughton Street.

9. There will be an increase in noise and air pollution as a result of the proposal. In particular, concerns are raised about the beeping of forklift vehicles whilst reversing

Officer comment:

The proposed development is for a warehouse building and not a manufacturing activity and therefore it is not anticipated that significant noise or air pollution will occur.

In relation to the beeping of forklift vehicles whilst reversing, it is a recommended condition that the reversing alarms on all forklifts be modified to ensure that noise levels from any forklift alarm shall not exceed background noise levels +5dB(a) when measured at the nearest residential boundary which is a reasonable approach.

10. Concerns that the proposal should be defined as a “heavy industry” activity due to the need to have large trucks servicing the site

Officer comment:

As no industrial activity is proposed as part of the development the proposal is defined as “warehouse or distribution centre” under the LEP and not a “heavy industry.” The use of heavy vehicles to service warehouses and even light industries is a common occurrence and not out of character or unusual for a development of this kind.

11. The loss of flood prone land should not be permitted, the semi-rural feel of the area should be maintained and the development is inconsistent with Camden 2040

Officer comment:

The site is identified as being flood affected. The proposed development has been designed with regard to Council’s Flood Risk Management Policy and is considered acceptable.

The proposed building has been designed to provide a suitable floor level with a 350mm freeboard to protect the stored building materials. It is not considered that the proposed development will result in negative flood impacts on the surrounding environment or properties.

It is noted that Council has approved various other developments on flood prone within Camden following a detailed assessment against Council’s Flood Risk Management Policy. This policy does not prohibit development on flood prone land but rather allows a merit based assessment of development that is proposed.

The site contains an approved and operating warehouse building together with associated hard stand areas and car parking. Subject to the amended plans and the recommended conditions, it is not considered that the proposed development will significantly negatively impact the semi-rural character of the area.

Given the above, the proposed development is not considered to be inconsistent with Camden 2040.

12. Impacts upon adjoining properties during construction

Officer comment:

It is noted that there are other properties in close proximity to where the proposed building will be constructed. Standard conditions are recommended to ensure that adjacent properties are appropriately protected during construction works.

13. Loss of property value

Officer comment:

The loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*. No information has been provided to substantiate this claim.

14. Inappropriate operating hours

Officer comment:

The proposed operating hours are Monday to Friday 7am-6pm and Saturday 8am-4pm only. These operating hours are considered to be appropriate for the proposed development and given that truck access will be from Cawdor Road, it is not considered that it will cause unreasonable disturbance to surrounding properties.

15. Impacts on services including electricity

Officer comment:

The site has access to appropriate services including electricity, sewer and water. It is not considered that the proposed development will adversely affect services in the surrounding area. The provision of any required services for the development will be subject to detailed design at the Construction Certificate stage of the development.

16. The development will set a precedent for other inappropriate developments in the area

Officer comment:

Any future development of this site or the surrounding area will be subject to the assessment of a separate DA. Each DA is assessed on its individual merits and the approval of this DA will not set an undesirable precedent.

(e) *The public interest*

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

EXTERNAL REFERRALS

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 192/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

- (1) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (2) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 24 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, softscape elements such as plantings and lawn, hardscape elements including paths, walls, bins, seats, BBQ's, shelters, playground equipment, softfall treatments, associated water usage and electrical usage etc.

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

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

Prior to Council accepting the maintenance responsibility, at the completion of the 24 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

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

- (3) **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
Project No. ston-1476	Site Plans	Stone Homes	12.11.13

Sheet No. DA-02B			
Project No. ston-1476 Sheet No. DA-04a	Overall Floor Plan	Stone Homes	30.07.13
Project No. ston-1476 Sheet No. DA-05a	Elevation & finishes schedule	Stone Homes	30.07.13
Project No. ston-1476 Sheet No. DA-06a	Elevations	Stone Homes	30.07.13
Project No. ston-1476 Sheet No. DA-07a	Roof Plan	Stone Homes	30.07.13
Project No. ston-1476 Sheet No. DA-08a	Landscape Plan	Stone Homes	30.07.13
Project No.76543.00	Geotechnical Investigation	Douglas Partners	February 2013

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

- (4) **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 development **MUST** be submitted to and approved by Council prior to the issue of any Construction Certificate.

- (5) **Protection of the Environment Operations Act 1997** – All activities associated with the development must be carried out in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment Operations Act 1997*.
- (6) **Noxious Weeds Management** – Noxious Weeds management must occur in accordance with Section B1.8 of Camden Development Control Plan 2011.
- (7) **Fencing** – The proposed cyclone wire fencing at the rear of the external storage and manoeuvring areas must be modified to be an open style metal palisade fence, coloured black with a maximum height of 2.1m.
- (8) **Signage** – No business identification or advertising signage is approved as part of this development consent and must be subject to a separate DA.

2.0 - Construction Certificate Requirements

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

- (1) **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.

- (2) **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.
- (3) **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.
- (4) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the Roads and Maritime

Services). Plans and proposals must be approved by Council (and the Roads and Maritime Services) prior to the Construction Certificate being issued.

- (5) **Performance Bond - Prior to the issue of the Construction Certificate**, a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (6) **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.
- (7) **Drainage Design** - A stormwater management plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

- Detailed drainage design for the proposed drainage system shall be prepared by an engineer or qualified and experienced person on hydraulics and hydrology in accordance with the Council's Design Specifications and comply with the approved architectural plans.
- The grading of the new pavement area and car park shall be designed to ensure flows are not directed towards the existing building. Flows shall be intercepted.
- All the stormwater from the car park and driveway within the property shall be collected and pre-treated prior to discharging to Council's system. The drainage system shall be connected to the drainage pity provided in each lot.
- The existing Council pipe shall be extended 1.0m beyond the proposed western fence and be provided with a headwall and swale to Cawdor Road.
- The Principle Certificate Authority shall obtain a Design Compliance Certificate from a hydraulic engineer/consultant confirming that the proposed drainage design complies with the Council's Design Specifications and the relevant conditions of the Development Consent, prior to the issue of the Construction Certificate.

- (8) **Water Quality Measures** - The proposed surface water collection and disposal systems must incorporate adequate silt traps and grit and oil arrestors.

Only uncontaminated stormwater must be discharged to the stormwater drainage system. Details of the silt traps and grit arrestors must be shown on the submitted engineering plans prior to the Construction Certificate being issued.

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

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

- (10) **Detailed Landscaping Plans** – Prior to the issue of the Construction Certificate, a detailed Landscaping Plan prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application and must be in accordance with Camden Council's current Engineering Design Specifications.

The following items listed must be included in the detailed Landscape Plan.

Street Tree Planting

- (a) 4 street trees to be installed in front of the development site within the Council road reserve.
- (b) Detail of the street tree installation is to be clearly shown in the detailed Landscape Plan and shall include detail of tree guards consisting of the following minimum installation; Three 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 0.6m 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) 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.
- (d) The Street tree selection is limited to the following species; *Liriodendron tulipefera fastigatum*.

Internal Landscaping

The detailed Landscaping Plan lodged for the issue of the Construction Certificate must detail the following planting schedule changes;

- (a) A minimum 12 *Melaleuca linariifolia* (sourced in minimum 300 mm container size) are to be added to the proposed landscaping along the Cawdor Road frontage. The *Melaleuca*'s are to be planted evenly spaced and planted a minimum distance of 15m from main stem to stem.
- (b) Additional 12 *Melaleuca linariifolia* (sourced in minimum 300 mm container size) are to be added to the proposed landscaping located between the rear building line and cyclone fence.
- (c) Substitute *Eucalyptus leucoxylon* with *Corymbia maculate*.
- (d) Substitute *Fraxinus excelsior* where shown in the landscaping between the cyclone fence and Little street with a combination of the following species; *Melaleuca bracteata*, *Leptospermum leuhmanii*, *Melaleuca incana*, *Callitris rhomboidea*.
- (e) Substitute *Fraxinus excelsior* where shown in the landscaping along the Cawdor road frontage with *Casuarina cunninghamiana*.
- (f) All internal trees and shrubs are to be sourced in minimum 300 mm containers size.

- (11) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (12) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior to the Construction Certificate being issued.

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the Occupation Certificate being issued.

For the purpose of this condition, a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

All disabled parking shall be designed and constructed to comply with AS 2890.6.

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

Such pre-treatment devices/strategy shall prohibit the discharge of hydrocarbons and heavy metals to Council's stormwater system at all discharge points and also be kept in good order with regular maintenance and removal of pollutants.

- (14) **Construction Traffic Management Plan** – A construction traffic management plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (15) **Salinity** – Due to the inherent characteristics of the Camden Local Government Area, buildings erected in the area may be susceptible to soil salinity levels that may have a cumulative damaging effect over time.

Camden Council therefore requires:

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

Salinity Investigation Report

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

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

Minimum Salinity Requirements for Camden LGA

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

a. Concrete Strength: The minimum concrete strength to bored piers, piles, strip footings and concrete floor slabs in contact with the ground shall be 40MPa.

b. Damp-Proof Membrane: Concrete floor slabs in contact with the ground shall be provided with a damp-proofing membrane that is a 0.2mm thickness polyethylene film and of "high impact resistance" (as determined in accordance with AS2870).

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

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

- the provision of drainage to the building perimeter (including subsoil drainage), to prevent water ponding or soil water logging in the building vicinity;
- retaining walls should be built of salinity resistant materials;
- porous pavement products such as cement and clay pavers may show permanent efflorescence and salt corrosion. The use of these products should be confirmed with the manufacturer as being suitable for use in a saline environment, prior to installation.

- (16) **Roof Mounted Equipment** – All roof mounted equipment must be adequately screened from public view and any screening devices must be designed in a manner which complements and is integrated with the approved building. Details of any screening devices 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 development site.

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Prescribed Conditions** – All conditions prescribed by Division 8A of the Environmental Planning and Assessment Regulation 2000 must be fully complied with.

- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed, at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.

- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

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

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

- (7) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles

from the site. Ingress and egress of the site must be limited to this single access point. Council's standard details as per SD 31 shall be used for construction.

- (8) **Public Road Activity Application** – A Public Road Activity Application shall be lodged for approval of the Council (Road Authority) with Public Liability Insurance and a Traffic Control Plan prepared by a RMS accredited Traffic Controller prior to commencement of any work in public roads.

4.0 - During Construction

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

- (1) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (2) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (3) **Retaining Walls** - If the soil conditions require it:
- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

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

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

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

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- (c) retaining walls shall not be erected within drainage easements;

- (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (4) **Hours of Work** – The hours for all construction 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.
- (5) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (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.
- (6) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (7) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (8) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

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

(9) **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.

(10) **Compaction** - All filling on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.

(11) **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 6000m³ - 3 sampling locations,
- (f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

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

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

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 <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.

- (12) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (13) **Affected Services** – All services affected due to the proposed work shall be adjusted in consultation with the appropriate Service Authority at no cost to Council.
- (14) **Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

- (15) **Acoustic Boundary Fence** - A solid colourbond metal fence 2.1m in height is required to be constructed along part of the northern boundary. The fence is to begin where the proposed "2.1 metre high palisade fence" from the building meets the northern boundary and must extend along the northern boundary (parallel to the proposed car park) towards Little Street and then taper down in height from 2.1m to 1m from the end of the car park alignment and continue until it reaches the front property boundary. The fence is to protect the adjoining residential dwelling at 17 Little Street from car park noise.
- (16) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (17) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street tree, the 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 tree carried out prior to the issue of the Occupation Certificate.
 - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the street tree and any protective or installation measures have been restored correctly and some degree of re-establishment has occurred.
 - (d) The inspection must occur prior to the issue of the Occupation Certificate.
- (18) **Dust Control** – During all construction works, appropriate measures must be undertaken to ensure that surrounding properties and the environment are not adversely affected by dust.
- (19) **Development Construction** – If the development involves an excavation that extends below the level of the base of the footings of a building, structure or

work on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

5.0 - Prior To Issue Of Occupation Certificate

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

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

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

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

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

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

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

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (3) **Reinstate Verge and Kerb** - Prior to the issue of an Occupation Certificate the following works shall be completed within Little Street:

- remove existing asphalt on the verge area and reinstate with turf;
 - extend existing footpath across entire frontage;
 - reconstruct the butterfly inlet grate; and
 - replace the existing dish drain with kerb and gutter.
- (4) **Works As Executed Plan** - Prior to the Occupation Certificate being issued, a works-as-executed plan must be submitted to the Principal Certifying Authority in accordance with Camden Council's current Engineering Construction Specifications.
- (5) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.
- (6) **Easement Creation** - Prior to the issue of any Occupation Certificate an easement shall be created from Little Street to Cawdor Road over the drainage line and flow path that conveys public stormwater in favour of Camden Council.
- (7) **Gutter/Footway Crossings** - The following works must be constructed prior to the issue of the Occupation Certificate and under the *Roads Act 1993* must be approved by Camden Council:
- (a) Provision of a heavy duty industrial gutter crossing at all points of ingress and egress.

All works must be carried out strictly in accordance with Camden Council's current Engineering Specifications. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

- (8) **Section 73 Compliance Certificate** – A Section 73 Compliance Certificate must be obtained for the approved development prior to the issue of an Occupation Certificate.

6.0 - Operational Conditions

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

- (1) **Graffiti Management Plan** - A graffiti management plan must be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence occurring.
- (2) **Offensive Noise, Dust, Odour and Vibration** – The operation of the business shall not give rise to offensive noise or dust, odour, and vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (3) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes on the site (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary. The noise levels must also comply with relevant noise criteria within Council's Environmental Noise Policy.

- (4) **Operating Hours** – The approved operating hours for this development are Monday to Friday 7am-6pm and Saturday 8am-4pm.
- (5) **Truck Access** – All truck access to the site must only be via the new Cawdor Road entry/exit driveways at all times. The only exception to this is in the event of a flood that prevents entry/exit from/to Cawdor Road. In such an event entry/exit to the site by trucks can be gained from Little Street but only for as long as access to/from the site from Cawdor Road is prevented by flooding.

A sign must be displayed at the access to the site (within the property boundary) off Little Street clearly stating that trucks may not enter and exit from that access point.

- (6) **Truck Deliveries/Distributions** – The approved development is limited to having a maximum of 2 truck deliveries and 2 truck distributions to/from the site per day. This is in addition to the 2 truck deliveries and 5 truck distributions to/from the site per week approved by DA 464/2012.
- (7) **External Storage of Goods and Screening** – The external storage of stone blocks is limited to occupy only, and must not extend beyond, the area of hardstand located behind the new building as shown on approved site plan DA-02B dated August 2013.

This external storage area is approved to store stone blocks to a maximum height of 1.8m.

This area is to be screened by landscaping as shown on the approved landscaping plan and as detailed in the conditions of this development consent. This landscaping is to be permanently maintained in a complete and healthy condition.

- (8) **Forklift Reversing Alarm** – The reversing alarms on all forklifts must be modified to ensure that any person in the immediate area is alerted to the forklift operation. Noise levels from any forklift alarm shall not exceed background +5dB(a) measured at the nearest residential boundary.
- (9) **Car Parking Spaces** – The 11 new car parking spaces approved for this development and the 6 existing car parking spaces (total 17) must be permanently maintained on the site for use by staff and visitors.
- (10) **Approved Use** – The approved use for this development is the warehousing of building materials within the approved building and the warehousing of stone blocks in the external storage area at the rear of the building. No manufacturing of any kind is approved and any such proposal will require the approval of Council.

RECOMMENDED

That Council: approve DA 192/2013 for the construction and use of a new warehouse building, new truck access from Cawdor Road and associated site works at 19A Little Street, Camden subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans

-
2. Submissions and Petitions - *Supporting Document*
 3. Public Exhibition and Submissions Map - *Supporting Document*

ORD02

ORDINARY COUNCIL

ORD03

SUBJECT: CONSTRUCTION AND OPERATION OF A BUS DEPOT, ANCILLARY WORKSHOP AND ASSOCIATED SITE WORKS AT 44A BLUETT DRIVE, SMEATON GRANGE
FROM: Director, Development & Health
TRIM #: 14/28288

APPLICATION NO: 1072/2013
PROPOSAL: Construction and operation of a bus depot, ancillary workshop and associated site works
PROPERTY ADDRESS: 44A Bluett Drive, Smeaton Grange
PROPERTY DESCRIPTION: Lot 431, DP 1129749
ZONING: IN2 Light Industrial and IN1 General Industrial
OWNER: Investa Commercial Developments Pty Ltd
APPLICANT: Brett Taylor and Associates Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction and operation of a bus depot, ancillary workshop and associated site works at 44A Bluett Drive, Smeaton Grange.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 1072/2013 for the construction and operation of a bus depot, ancillary workshop and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction and operation of a bus depot, ancillary workshop and associated site works at 44A Bluett Drive, Smeaton Grange.

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Development Control Plan 2011. 2 submissions were received (objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the submissions relate to noise impacts upon existing and future residents of Turner Road, and that additional fencing, landscaping and setbacks should be provided for the site's interface with Turner Road.

The applicant has provided a revised acoustic report which assesses the acoustic impacts of the development on both current and future residents located north of Turner Road. The report also includes additional data on expected intrusive noises from buses (e.g. starting, stopping, reversing, doors opening/closing etc).

The revised report concludes that the acoustic impacts of the development will comply with all applicable environmental noise criteria (set by both Council and the NSW Environmental Protection Authority) subject to a number of recommendations, including restricting the number of bus movement at different times of the day and provision of acoustic barriers. These recommendations are considered acceptable, achieve compliance with Council's Environmental Noise Policy and will provide acoustic amenity for existing and future residents of Turner Road.

The proposed setback of all buildings within the site (including the office and workshop) exceed the minimum setbacks prescribed by Camden Development Control Plan 2011 (DCP). Furthermore, the site is located between approximately 1.5-12 metres lower than Turner Road, therefore it is considered that the development and site activities will be located a sufficient distance from the Turner Road interface.

The Turner Road reserve currently contains tall and dense plantings along the site's boundary. Notwithstanding this, conditions are recommended which require additional landscaping along the site's northern boundaries to ensure the visual amenity of existing and future Turner Road residents is protected.

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

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

AERIAL PHOTO



THE SITE

The site is commonly known as 44A Bluett Drive, Smeaton Grange and is legally described as lot 431, DP 1129749.

The site has a frontage of 102.8m to Bluett Drive, a depth of 175m and an overall area of 2.8ha. The site's north eastern boundary has a frontage to Turner Road, however the site is between approximately 1.5 and 12 metres lower than Turner Road.

The site is currently vacant however has undergone bulk earthworks and contains a landscaped mound retained by two existing sandstone walls along its northern and eastern boundaries.

The surrounding properties are characterised by multi-unit industrial complexes, undeveloped industrial land and existing residential dwellings.

The Turner Road precinct of the South West Growth Centre is located on the northern side of Turner Road and will contain low density housing directly to the north of this site. The Currans Hill residential suburb lies to the east of the site and the Smeaton Grange industrial estate and Narellan Road are located to the south and west. To the west lies Camden Valley Way and Harrington Park.

HISTORY

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

Date	Development
11 October 2004	Creation of this lot approved by DA 1127/2003
17 December 2012	Refusal of DA 821/2012 for a subdivision to create 36 industrial lots, roads, drainage and associated site works

THE PROPOSAL

DA 1072/2013 seeks approval for the construction and operation of a bus depot, ancillary workshop and associated site works.

Specifically the proposed development involves:

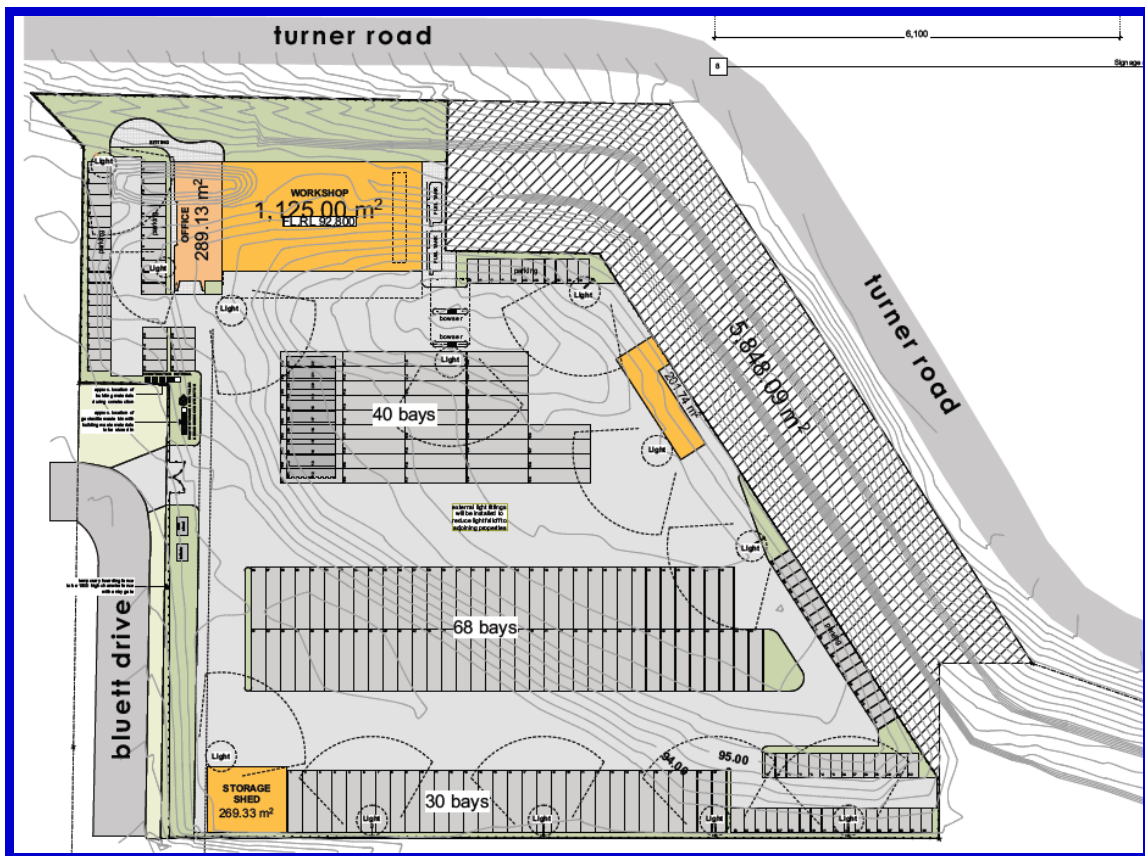
- erection of a combined office and workshop building with a floor area of 1,414.1m² and maximum height of 9 metres from existing ground level. The building will be constructed of a mix of painted concrete panels, colorbond metal and glazing. The building will contain a reception, office and amenity areas as well as 5 work bays to undertake maintenance to buses and facilitate works including oil and grease changes, minor panel beating, tyre changes and safety inspections;
- construction of a parking area containing 138 spaces for buses and 100 spaces for staff vehicles;
- installation of 2 x 45,000 litre above ground diesel fuel tanks and 2 bowzers within a roofed and bunded area. The fuel will only be distributed to buses, not cars;
- construction of a colorbond mechanical bus wash down bay with an area of 201.7m² and a maximum height of 6.9 metres from existing ground level, 3 stormwater storage tanks and associated plant equipment;

- construction of a storage shed with an area of 269.3m² and a maximum height of 6.6m from existing ground level;
- display of 1 business identification wall sign on the southern elevation of the workshop building with an area of 5.5m² (6.1m x 0.9m);
- associated site works including drainage and landscaping;
- office operating hours of Monday to Friday 8am-6pm and Saturday and Sunday 8am – 4pm;
- workshop operating hours of Monday to Friday 8am-8pm Saturday 8am – 2pm;
- bus depot operating hours of 24 hours a day, 7 days a week; and
- employment of up to 80 staff.

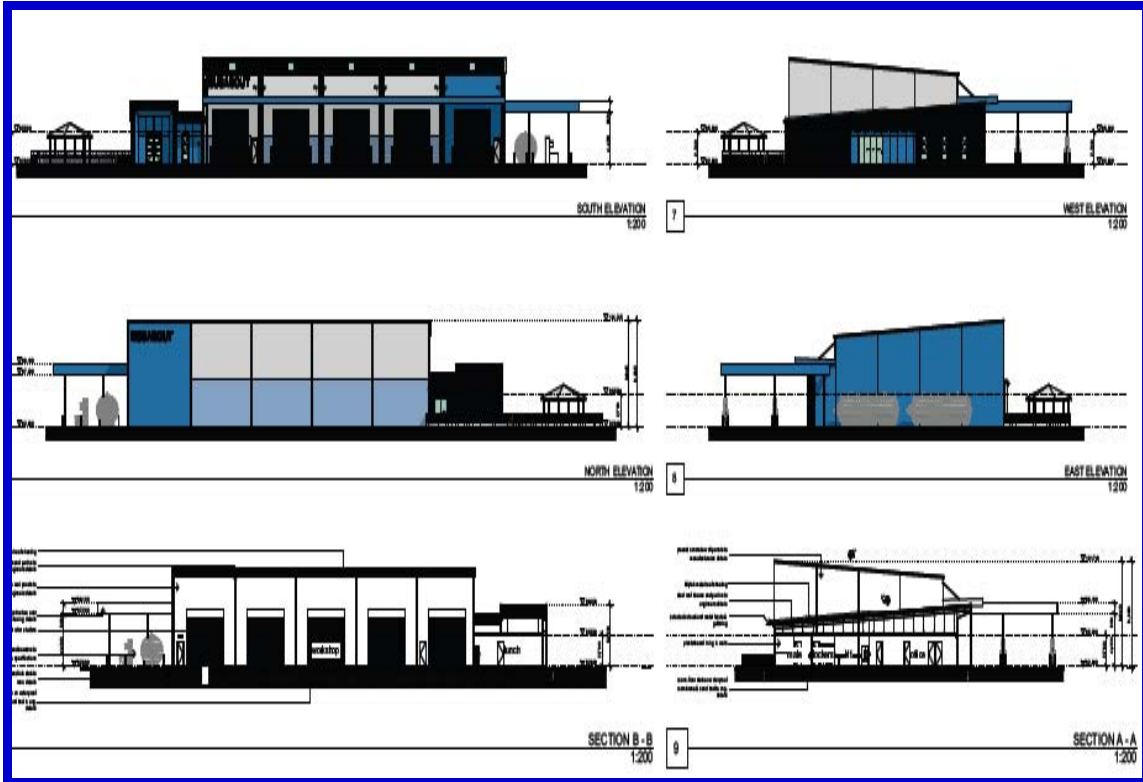
The value of the works is \$6,301,000.

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

PROPOSED SITE PLAN



PROPOSED ELEVATIONS



ASSESSMENT

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

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

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

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

- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007
- 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 No 33 – Hazardous and Offensive Development (SEPP)

The SEPP requires Council to assess whether the proposed development stores or requires the transport of dangerous goods above its screening thresholds. If any of the SEPP's thresholds are breached, Council must then determine whether the proposed development is hazardous or offensive by considering the measures proposed to reduce the impact of the dangerous goods, including setbacks from the site boundaries, in accordance with the SEPP.

The applicant has confirmed that the quantities of diesel and other flammable liquids to be stored will comply with the SEPP's setback requirements. Therefore the proposed development is not considered to be hazardous or offensive development as defined by the SEPP.

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. A phase 2 contamination assessment was previously submitted to Council for assessment under DA 1127/2003 that created this lot. The assessment concluded that the site did not pose a risk to human health and was suitable for industrial development.

Bulk earthworks previously approved under DA 1127/2003 are currently being undertaken across the site. These works include the removal of excess fill stockpiles. The applicant has confirmed that the site has been permanently fenced and secured from public access since any previous development occurred on the site, therefore there is minimal risk that contamination has occurred. Notwithstanding this, a standard condition is recommended that should any unexpected findings of contamination occur during construction, works must cease immediately and an environmental consultant assess the findings and provide details to Council.

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

The proposed development includes the display of a wall sign on the southern elevation of the workshop building with a display area of 5.5m² (6.1m x 0.9m).

Pursuant to Clause 4(1) of the SEPP, the proposed sign is considered to be a "business identification sign" as opposed to an "advertisement" in that it will identify the business but will not include the general advertising of products, goods or services.

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

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The subject development is classed as traffic generating development pursuant to Schedule 3 of the SEPP. Clause 104 of the SEPP requires Council to refer traffic generating developments to the NSW Roads and Maritime Services (RMS) for comment.

The DA was referred to the RMS who raised no objection however suggested that the surrounding road network be designed to cater for bus movements, a construction traffic management plan be provided prior to the issue of a Construction Certificate and

that the proposed car park comply with all relevant Australian Standards and Council's requirements.

The proposed development has been assessed and it is considered that it will not have an unacceptable impact on the surrounding road network. The proposed number of bus and car parking spaces is also considered to be more than adequate for the number of bus movements currently proposed under this DA. A condition requiring safety measures (such as speed humps, stop signs and the like) to be installed at the site's driveway entrance is recommended.

Compliance with the remainder of the RMS' letter is a recommended condition.

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

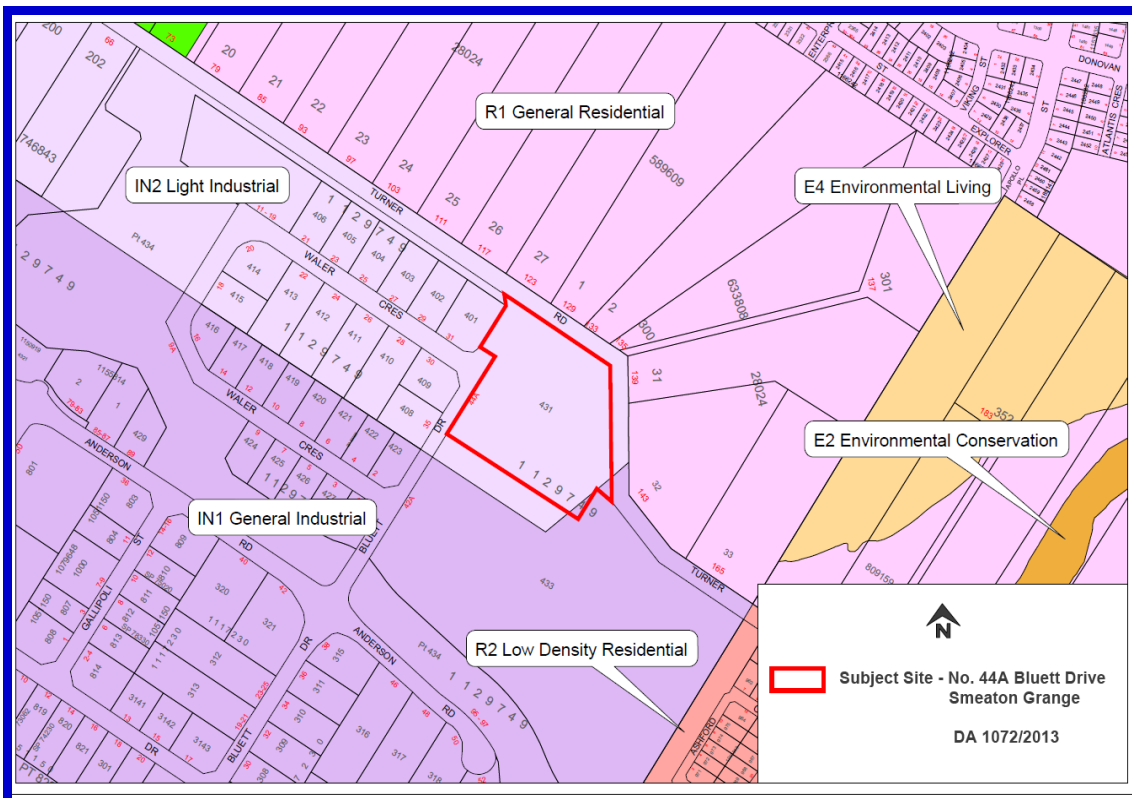
The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and conditions are recommended to provide water pollution control devices as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned mostly zoned IN2 Light Industrial with a small portion in the south eastern corner zoned IN1 General Industrial. A map showing the mixed zoning of the site is provided below.



The proposed development is defined as a “transport depot” by the LEP which is a permissible land use in each of these zones. The proposed business identification sign is also permitted with consent in the applicable IN2 Light Industrial zone.

Objectives

The objectives of the IN2 Light Industrial zone are as follows:

- To provide a wide range of light industrial, warehouse and related land uses.

Officer comment:

The proposed development will provide a land use which is industrial in nature and compatible with the existing light industrial, warehouse and related land uses which surround the site.

- To encourage employment opportunities and to support the viability of centres.

Officer comment:

The proposed development will provide employment for up to 80 staff and will help add to the viability of surrounding centres.

- To minimise any adverse effect of industry on other land uses.

Officer comment:

The proposed development has been assessed and subject to the recommended conditions contained in this report, it will not have any adverse impacts on any other land uses.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is industrial in nature. Notwithstanding this, the development will likely provide increased transport services for workers and residents both within and beyond the Smeaton Grange industrial estate.

- To support and protect industrial land for industrial uses.

Officer comment:

This DA proposes a development which is industrial in nature. It will not detract from any existing industrial land uses, nor restrict any surrounding properties from being developed for industrial uses in the future.

- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

Officer comment:

This objective is not relevant to the proposed development as the proposal is industrial in nature.

The objectives of the IN1 General Industrial zone are as follows:

- To provide a wide range of industrial and warehouse land uses.

Officer comment:

The proposed development will provide a land use which is industrial in nature and compatible with the surrounding industrial and warehouse land uses.

- To encourage employment opportunities.

Officer comment:

The proposed development will provide employment for up to 80 staff.

- To minimise any adverse effect of industry on other land uses.

Officer comment:

The proposed development has been assessed and subject to the recommended conditions contained in this report, it will not have any adverse impacts on any other land uses.

- To support and protect industrial land for industrial uses.

Officer comment:

This DA proposes a development which is industrial in nature. It will not detract from any existing industrial land uses, nor restrict any surrounding properties from being developed for industrial uses in the future.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is generally industrial in nature. Notwithstanding this, the development will likely provide increased transport services for workers and residents both within and beyond the Smeaton Grange industrial estate.

- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

Officer comment:

This objective is not relevant to the proposed development as the proposal is industrial in nature.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 11m building height	Proposed maximum 9m building height	Yes
4.4 Floor Space Ratio	Maximum 1:1 floor space ratio	Proposed 0.07:1 floor space ratio	Yes

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

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

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

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation control measures will be provided. A condition is also recommended to control dust during construction	Yes
B1.2 Earthworks	Buildings to be designed to respond to the natural topography of the site where possible, cut and fill to be minimised and only clean fill to be used	Following the completion of bulk earthworks currently being undertaken under DA 1127/2003, the development area's topography will be generally flat, with finished contour levels ranging between 92.3 to 93 AHD (including low points for drainage pits). No additional cut and fill is proposed for the construction of the proposed buildings or car park	Yes
B1.3 Salinity Management	Salinity resistant construction	A condition is recommended which requires either a salinity investigation report to be prepared prior to the issue	Yes

Control	Requirement	Provided	Compliance
		of a Construction Certificate, or the development to be carried out in accordance with Council's minimum salinity requirements. This will ensure that the development will be constructed to be salinity resistant	
B1.4 Water Management	Compliance with Council's engineering specification in terms of stormwater detention, drainage and water sensitive urban design measures	A concept stormwater management plan has been provided which generally complies with Council's engineering specification. Stormwater is required to be pre-treated before entering Council's stormwater system in Bluett Drive. Conditions are recommended to ensure full compliance with Council's specification	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weeds management	It is a recommended condition that noxious weeds management occurs in accordance with the DCP	Yes
B1.9.9 Waste Management Plan	Waste management plan	Acceptable waste management plans have been provided for both the construction and operational stages of the proposed development	Yes
B1.10 Bushfire Risk Management	A bushfire protection attack assessment report must be provided	A small portion of the landscaped mound along the site's eastern boundary is partially bush fire affected. Council staff have consulted with the RFS who have not raised any objection to the proposed development subject to a requirement relating asset protection zones. Compliance with this requirement is a recommended condition	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required)	The site has been assessed and was found to pose no risk to human health and is deemed to be suitable for its intended use	Yes

Control	Requirement	Provided	Compliance
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	The submitted acoustic impact assessment recommends noise mitigation strategies for the ongoing operation of the depot (including barriers and restrictions on the number of bus movements), to protect the acoustic amenity of the surrounding industrial, residential and future residential land uses. Compliance with this report is a recommended condition	Yes
B2 Landscape Design	Landscape design to integrate new buildings with the existing character of the street and enhance and soften (where necessary) visual qualities and built form	The proposed landscaping includes a mix of trees, shrubs and ground cover to soften the appearance of the development when viewed from Bluett Drive and provide amenity for staff at the rear of the proposed office building. This is consistent with the existing street character. A condition requiring an additional 5 street trees in Bluett Drive and additional vegetation along the eastern boundary adjacent to Turner Road is also recommended	Yes
	Landscape plan required	An appropriate landscape plan has been provided	Yes
B4.1 General Requirements for Signs	Signs to not detract from amenity/character	The proposed wall sign is set back 25m within the site and will not detract from the amenity/character of the area	Yes
	Signs must be in scale with development	The proposed sign is in scale with the proposed building	Yes
	Signs must be located wholly within the site's property boundaries	The proposed sign will be located wholly within the property boundaries	Yes
B4.5 Signage in Industrial Zones	Combined display area not to exceed 20% of visible wall area	The proposed sign represents 1.3% of the southern elevation of the workshop building	Yes

Control	Requirement	Provided	Compliance
	Maximum of 3 signs permitted per elevation that is visible from a public place	Only 1 sign is proposed	Yes
	All signage to be consistent and complementary throughout the development	The proposed sign is complementary to the proposed building	Yes
B5.1 Off-street Car Parking Rates and Requirements	Merit assessment based on proposed use, staffing, servicing requirements and local requirements	The proposed development includes 138 spaces for buses and 100 spaces for staff vehicles. This is in excess of what is required, as only 75 buses and 80 staff will be operating initially. A condition is recommended to restrict the number of buses to 75 in accordance with the submitted statement of environment effects, with the operation of additional buses subject to further development consent	Yes
	Adequate service vehicle provision	The available turning circles and driveway areas will adequately cater for the proposed development	Yes
B5.2 Car Parking Design Criteria	Visitor spaces to be clearly marked and conveniently located	It is unlikely that the proposed use would attract many non-staff visitors, however a condition is recommended that a minimum of 2 visitor spaces be clearly marked and located near the entrance to the proposed office building	Yes
	Lighting to comply with AS/NZ 4282 and AS/NZ 1158	12 floodlights are proposed within the car park. A condition is recommended to require the proposed car park lighting to comply with AS/NZ 4282 and AS/NZ 1158	Yes
	Garbage storage and collection areas	The proposed workshop contains adequate space	Yes

Control	Requirement	Provided	Compliance
	<p>to conveniently located without on-street conflict</p> <p>Appropriate landscaping to provide shade/amenity and reduce visual impacts of car park</p>	<p>for the storage and collection of garbage without on-street conflict, or conflict with buses or staff vehicles accessing the site</p> <p>The proposed landscaping plan will provide an adequate level of operational and visual amenity, particularly given the site's low contours in comparison to Turner Road, and it's corner location within Bluett Drive</p>	<p>Yes</p>
D4.2.1 Lot Sizes & Proportions	<p>Minimum 2,000m² lot area</p> <p>32m lot width</p> <p>Front building façade setback of 7.5m</p>	<p>The lot has an area of 2.8ha</p> <p>The site has a frontage of 102.8m to Bluett Drive</p> <p>The proposed office building and storage shed are set back a minimum of 20.5m and 10m respectively from Bluett Drive. In addition, the office building and work bays are set back a minimum of 13.9m from the Turner Road boundary</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D4.2.2 Building Materials & Appearance	<p>Structural articulation and/or a mix of external finishes/colours</p> <p>Glass reflectivity must not exceed 20%</p> <p>Freestanding developments to avoid blank wall surfaces where viewed from a public place or residential area</p>	<p>The proposed development incorporates painted concrete panels (blue, grey and white tones), colorbond roller doors, projecting awnings and covered roof areas</p> <p>Minimal glazing is proposed with the exception of the office building. It is a recommended condition that all glazing have a maximum 20% reflectivity</p> <p>Conditions are recommended to ensure the northern elevation of the proposed office and workshop building, as well as the southern and western elevations of the proposed storage shed, are</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>Colonnades, verandas or awnings to be provided in high pedestrian areas</p> <p>All roof mounted equipment to be designed and screened in a manner that complements the parent building(s)</p>	<p>further articulated with colours and texture</p> <p>Verandas, awnings and covered roofs are proposed for the area of the site that is accessed by staff</p> <p>All proposed roof/plant equipment will be integrated into the design of the development. A condition is recommended to ensure this</p>	<p>Yes</p> <p>Yes</p>
D4.2.5 Fencing	<p>Fencing to complement development and have a maximum height of 2.1m</p> <p>Metal/masonry fences to be set back 1m from the front property boundary, gates behind designated landscape area and not to swing outwards to road</p>	<p>A 2.1m high black tubular security fence (with matching gates) is proposed across the site's front boundary to Bluett Drive. 1.8m to 2.1m high chain wire fences with 3 strands of barb wire are existing around the remainder of the site</p> <p>A condition is recommended which requires the Bluett Drive front fence to be set back 1m from the property boundary, with the gates not to swing outwards to Bluett Drive</p>	<p>Yes</p> <p>Yes</p>
D4.2.6 Environmental Management Plans	<p>Environmental management plan (EMP)</p> <p>Geotechnical report required for new buildings</p>	<p>The matters that are required to be addressed by an EMP have been addressed by the statement of environmental effects submitted with the DA and the recommended conditions</p> <p>A condition is recommended which requires the submission of a geotechnical report prior to the issue of a Construction Certificate</p>	<p>Yes</p> <p>Yes</p>
D4.2.7 Stormwater	Water quality strategies required,	Water quality strategies including sediment and	Yes

Control	Requirement	Provided	Compliance
	rainwater encouraged to be collected to a tank for non-potable uses	erosion controls and humeceptors have been provided in accordance with Council's engineering specifications. Re-use of roof water collected from the bus wash down bay is proposed	
D4.2.8 Liquid and Solid Waste	No liquids discharged from the site to contain pollutants	All waste liquids associated with the maintenance of buses (oil, lubricant etc.) will be removed from the site by a licenced waste contractor. Stormwater from the car park will also be treated for gross pollutants and hydrocarbons via appropriate methods	Yes
	Trade waste agreement required from Sydney Water for liquids to be discharged into sewer (e.g. bus wash down bay)	Conditions are recommended which require Sydney Water approval where necessary	Yes
D4.2.9 Recycling and Waste Management	Waste management plan required	Adequate waste management plans have been provided for both the construction and ongoing phases of the proposed development	Yes
D4.2.10 Noise and Vibration	Compliance with Council's Environmental Noise Policy and no offensive noise permitted	The development will comply with Council's Environmental Noise Policy and conditions limiting the generation of offensive noise are recommended	Yes
	Acoustic report required where there are potential impacts to residential areas	Compliance with the submitted acoustic report is a recommended condition	Yes
D4.2.12 Hazardous Goods and Materials	Details of types and quantities of dangerous goods to be provided	Details have been provided and the development does not exceed the SEPP 33 screening thresholds	Yes
D4.3.1 Landscaping and Public Domain	Detailed landscaping plans	An acceptable landscaping plan has been provided	Yes
	Street verge to be turfed and planted with appropriate	A condition requiring an additional 5 street trees in Bluett Drive and additional	Yes

Control	Requirement	Provided	Compliance
	upper canopy trees at a rate of 1 tree per 15m	vegetation along the eastern boundary adjacent to Turner Road	
D4.3.1 Lighting	All lighting must comply with AS 1158 and AS 4282	It is a recommended condition that all proposed lighting complies with AS 1158 and AS 4282	Yes
D4.4 Parking and Access	Compliance with Council's Engineering Specification, Australian Standards and Part B5 of the DCP	Conditions are recommended to ensure the development complies with Council's Engineering Specification, Australian Standards and Part B5 of the DCP	Yes
	Parking to be off-street and appropriately line marked and sign posted	Conditions are recommended to ensure the proposed 238 bus and car spaces will be appropriately line marked and signposted	Yes
D4.5.2 Smeaton Grange Industrial Area	Road verge in front of each site to be turfed and planted with street trees at the rate of 1 tree per 7m	A condition requiring an additional 5 street trees in Bluett Drive and additional vegetation along the eastern boundary adjacent to Turner Road	Yes
	Landscaped visual barrier screen required along Turner Road	The Turner Road boundary of the site currently contains significant screen planting within the road reserve, however a condition is recommended that additional vegetation also be planted	Yes
	10m building setback from Bluett Drive Road with 5m of landscaping	The proposed storage shed will be set back a minimum of 10m from Bluett Drive with 7.5m of landscaping provided within this area	Yes
	10m building setback to Turner Road with 10m landscaping	The office/workshop building will be set back a minimum of 13.9m from Turner Road and 10m of landscaping will be provided	Yes

(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 DA.

(a)(iv) The Regulations

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

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

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

Acoustic Impacts

The applicant is seeking consent for buses to be permitted to enter and exit the site 24 hours a day, 7 days a week. The bus wash down bay and workshops will not operate during night time periods (10pm to 7am Monday to Saturday or 8am on Sundays or public holidays), however the general movement of buses throughout the site has the potential for acoustic impacts on surrounding properties. The closest existing dwelling is located approximately 100m north west of the site's boundary (at Turner Road), however the closest future residential dwelling (associated with the development of the Turner Road Precinct of the South West Growth Centre) could be as near as 23m from the site's Turner Road boundary.

The submitted acoustic report has considered noise impacts from buses starting, stopping, moving forward, reversing and doors opening and closing. The report has assessed the noise levels from these actions against the noise amenity criteria for the surrounding residential and industrial properties. Some mitigation strategies are required to ensure that there are no adverse impacts on any surrounding properties. These include:

- maximum bus movements per hour in and out of site limited to: Day – 20, Evening – 15 and Night – 10;
- workshop only to operate during the day time (between 7am to 6pm);
- bus wash down area only to operate during day time and evening (between 7am to 10pm);
- retaining walls constructed in north western corner of the site;
- installation of a 2.5m acoustic barrier in the north western corner of the site;
- installation of an acoustic barrier 500mm higher than the top of fuel equipment;
- compressor to be located within fully enclosed rooms with all gaps sealed;
- signage reminding staff to be quiet while leaving site to be displayed; and
- management to keep a noise complaints register.

Various conditions are recommended to ensure the development complies with these requirements. Subject to this occurring, it is considered that the acoustic amenity of surrounding properties will be protected.

(c) The suitability of the site

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

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

The DA was publicly exhibited for a period of 28 days in accordance with the DCP. The exhibition period was from 18 December 2013 to 15 January 2014. 2 submissions were received (objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

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

1. The acoustic report is invalid as it hasn't assessed the impact of noise on future residential receivers. Concerns are also raised about the frequency and volume of bus movements, particularly during early and late hours of the day, and when reversing. Further restrictions on bus movements, particularly during weekends should be required to protect the public interest and amenity of Turner Road residents

Officer comment:

Following receipt of this submission, the applicant provided a revised acoustic report which assesses the acoustic impacts of the development on both current and future residents located north of Turner Road. The report also includes additional data on expected intrusive noises from buses (e.g. starting, stopping, reversing, doors opening/closing etc).

The revised report concludes that the acoustic impacts of the development will comply with all applicable environmental noise criteria (set by both Council and the NSW Environmental Protection Authority), subject to a number of recommendations and mitigation strategies listed previously in this report.

It is a recommended condition that the development be carried out in accordance with the noise mitigation strategies contained within this report. Conditions limiting the number of bus movements within certain hours are also recommended and any proposed increase to these numbers will be subject to Council approval.

2. Additional setbacks, fencing and landscaping should be considered for the interface with Turner Road

Officer comment:

The proposed setback of all buildings within the site (including the office and workshop) exceed the minimum setbacks prescribed by the DCP. Furthermore, the site is located between approximately 1.5-12 metres lower than Turner Road, therefore it is considered that the development and site activities will be located a sufficient distance from the Turner Road interface.

As recommended by the acoustic report, some additional fencing is required to be provided to the north western corner and adjoining the proposed fuel tanks. The Turner Road reserve currently contains tall and dense plantings along the site's boundary. Notwithstanding this, conditions are recommended which require additional landscaping along the site's northern boundaries to ensure the visual amenity of current and future residents is protected.

(e) The public interest

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

EXTERNAL REFERRALS

NSW Roads and Maritime Services (RMS)

The subject development is classed as traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP). Clause 104 of the SEPP requires Council to refer traffic generating developments to the RMS for comment.

The DA was referred to the RMS who raised no objection however suggested that the surrounding road network be designed to cater for bus movements, a construction traffic management plan be provided prior to the issue of a Construction Certificate and that the proposed car park comply with all relevant Australian Standards and Council's requirements.

The proposed development has been assessed and it is considered that it will not have an unacceptable impact on the surrounding road network. The proposed number of bus and car parking spaces is considered to be adequate for the number of bus movements currently proposed under this DA. A condition requiring safety measures (such as speed humps, stop signs and the like) to be installed at the site's driveway entrance is recommended.

Compliance with the remainder of the RMS' letter is a recommended condition.

Camden Local Area Command (CLAC)

The DA was also referred to the CLAC for comment. The CLAC completed an evaluation of the development and determined that it had a low crime risk rating. Therefore, the CLAC raised no objections to the proposed development, subject to conditions relating to security fencing, surveillance equipment, lighting, signage and an alarm system. Compliance with this response is a recommended condition.

NSW Rural Fire Service (RFS)

A small portion of the landscaped mound along the site's eastern boundary is now partially bush fire affected. Council staff have consulted with the RFS and the RFS has not raised any objection to the proposed development subject to a requirement relating asset protection zones. Compliance with this requirement is a recommended condition.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1072/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
2013-039 6001, Rev. A	Colour Schedule	BTA Building Designs	2/12/13
2013-039 0001, Rev. B	Cover Sheet	BTA Building Designs	24/2/14
2013-039 DA01, Rev. B	Site/Site Analysis Plan & Waste Management	BTA Building Designs	24/2/14
2013-039 DA02, Rev. B	Site Works/Waste Management Plan	BTA Building Designs	24/2/14
2013-039 DA03, Rev. B	Floor Plans & Elevations	BTA Building Designs	24/2/14
2013-039 LS01, Rev. A	Landscape Plan	BTA Building Designs	27/11/13
2013-039 LS02, Rev. A	Landscape Plan	BTA Building Designs	27/11/13
2013-039 LS03, Rev. A	Landscape Plan	BTA Building Designs	27/11/13
P148 Sheet 1 of 1, Issue B	Stormwater Drainage Concept Plan	Robert R. Wilson & Associates	24/2/14
Revision 2	Statement of Environmental Effects	Michael Brown Planning Strategies	28/11/13
20131067.1, Rev. 5	Environmental Noise Impact Statement	Acoustic Logic	5/3/14
14725/9371A, 04/0413	Contamination Assessment	Smec Testing Services Pty Ltd	April 2004
JT06415F-L5, JT06415A-r13, JT06415F-L7, JT06415F-L6,	Letters regarding Contamination and Salinity	GeoEnviro Consultancy Pty Ltd	10/7/07, 15/12/07, 26/2/08, 28/8/08

JG08108A-r2			and 22/8/12
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Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Amendments to Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:
- (a) The northern elevation of the proposed office building and work bays, as well as the western elevation of the proposed storage shed must be further articulated with a variety of colours, textures, glazing and/or materials to ensure that there are no blank wall surfaces where the buildings are viewed from a public place or residential area, in accordance with Control No. D4.2.2 of Camden Development Control Plan 2011. These modifications must be detailed on amended plans and submitted to Council prior to the issue of a Construction Certificate.
- (3) **External Authority Approvals** – The development must be carried out in accordance with the advice provided by the following authorities:
- (a) Letter from NSW Roads and Maritime Services, dated 10 February 2014;
(b) Letter from NSW Police (Camden Local Area Command), dated 23 January 2014; and
(c) Letter from the NSW Rural Fire Service, dated 7 March 2014.
- (4) **Bushfire Compliance** – As the site is currently mapped as being bush fire prone, the development must be carried out in accordance with the NSW Rural Fire Services' publication "Planning for Bushfire Protection 2006."
- (5) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

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

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

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

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

At the completion of the maintenance and establishment period, the landscaping works must comply with the amended Landscaping Plans that included the additional planting of 5 *Fraxinus griffithii* (minimum 45 litre container size) within the lawn areas adjoining the garden the garden bed areas.

- (6) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (7) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (i.e. Camden Council) prior to the erection of any advertising signs which are not specifically approved by this Development Consent.

Note: This development consent only approves the display of 1 business identification wall sign on the southern elevation of the workshop building with an area of 5.5m² (6.1m x 0.9m).

- (8) **Bundling of Work and Storage Areas** - All works and storage areas where spillage may occur must be covered and bunded. The size of the area to be bunded must be calculated as being equal to:

A minimum of 100% of the volume of the largest container stored, for bulk facilities (that is, facilities where liquids are transferred into larger containers for storage) plus enough free board (10%) to contain rainwater and firewater if rainwater or fire water are able to enter the area.

Or 25% of the total volume of the stored product for facilities storing small containers (for example drums), plus enough free board (10%) to contain rainwater and firewater if rainwater or firewater are able to enter the area.

All bunded areas must be graded to a pit/sump so as to facilitate emptying and cleansing. All pipework from the enclosed tanks and/or pumps must be directed over the bund wall and not through the wall. Hose couplings for the tanks enclosed within the bund must be placed such that all leaks and spillages are contained within the bund.

- (9) **Glazing** – All glazing used within the development must achieve a maximum reflectivity of 20%.
- (10) **Roof Mounted Equipment** – All roof mounted equipment must be adequately screened from public view and any screening devices must be designed in a manner which complements and is integrated with the approved buildings. Details of any screening devices must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (11) **Boundary Fencing Along Bluett Drive** – The approved security fencing along the Bluett Drive boundary must be set back a minimum of 1m behind the property boundary, and within the proposed landscaped area. The approved security gates must be designed so that they do not swing outwards onto Bluett Drive.

- (12) **Driveway Illumination** - All common open space areas and internal driveways must be appropriately illuminated to provide for the safety of staff at night.
- (13) **Additional Landscaping within Mound Along Turner Road** – All specimens of *Acacia decurrens* (black wattle) which appear to be dead, dying or infested with borers must be removed and chipped and recycled back into the landscape or disposed of to an approved waste recovery centre, for the length of the site’s frontage to Turner Road. These trees, as well as any existing gaps in landscaping along the top half of the mound must be replaced with a combination of the following species:

Botanical Name	Common Name	Required Sizing
Melaleuca styphelioides	Paper Bark	75 Litre
Melaleuca linariifolia	Snow in Summer	5 litre
Acacia implexa	Hickory Wattle	Tube/grow cell
Acacia linifolia	Flax-leaved Wattle	Tube/ grow cell

The above is to ensure the development is adequately screened and to protect the visual amenity of existing and future residents along Turner Road.

The above landscaping must be demonstrated on an amended landscaping plan and submitted to Council prior to the issue of a Construction Certificate.

- (14) **Noxious Weeds Management** – Noxious Weeds management must occur in accordance with Section B1.8 of Camden Development Control Plan 2011.

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, the landscaping plans must be amended to include the additional planting of 5 *Fraxinus griffithii* (minimum 45 litre container size) within the turfed areas adjoining the garden beds fronting Bluett Drive.
- (2) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, retaining walls, 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.

(3) **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.

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

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

(5) **Performance Bond** - Prior to the issue of a Construction Certificate, a performance bond of \$10,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

(6) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council Plans and proposals must be approved by Council prior to the Construction Certificate being issued.

(7) **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.

(8) **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. Concentrated surface discharge from the site to adjoining property is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.

(9) **Water Quality Measures** - The proposed surface water collection and disposal systems must incorporate adequate silt traps and grit and oil arrestors.

Only uncontaminated stormwater must be discharged to the stormwater drainage system. Details of the silt traps and grit arrestors must be shown on the submitted engineering plans prior to the Construction Certificate being issued.

(10) **Matters for the Issue of a Construction Certificate** - Prior to the issue of a Construction Certificate, the following matters are to be provided and approved

by either the Principal Certifying Authority or Local Traffic Committee, where relevant:

- (a) a signage and line marking plan for pedestrian management within the site boundary must be provided (i.e. for bus and vehicle parking, as well as pedestrian paths for staff within the car park);
 - (b) an appropriate traffic measure must also be designed for the entry/exit driveway to maximise safety for all road users, particularly pedestrians and cyclists. This may include a stop sign (or other signs), speed hump or line marking. Any such measures proposed within the public reserve must be approved by the Local Traffic Committee; and
 - (c) the car park must be designed in accordance with AS 2890.
- (11) **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.

- (12) **Parking Spaces** - The developer must provide parking for 138 buses and 100 cars in the manner indicated on the approved plans. 2 car parking spaces must be available at all times for the parking of non-staff visitors. Those parking spaces must be clearly marked and an adequate sign indicating that parking is available on-site must be erected in a position where it is legible to drivers of vehicles entering the land.
- (13) **Fuel Bowser Forecourt Area** – All surface runoff from the fuel bowser area must be managed in accordance with the requirements of *Information Sheet 3 – Forecourt Design, Operation and Maintenance* published by the NSW Department of Environment and Climate Change, dated October 2008. Written confirmation from a suitably qualified and experienced person regarding compliance with the above document must be submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued.
- (14) **Bus Wash Bay Area** – The bus wash bay must be designed and constructed so that all waste water from bus washing operations is directed to the bus wash bay drainage system. No waste water is allowed to be flow, leak or otherwise be discharged onto the surrounding ground or stormwater drains. Waste water

shall only be disposed of to sewer in accordance with Sydney Water requirements.

- (15) **Lighting Plans** – A detailed lighting plan must be submitted to the Certifying Authority prior to the issue of the Construction Certificate for the approved development. Lighting orientation and intensity shall be specifically designed in accordance with, and comply with AS 4282 and AS 1158 and not negatively impact upon land zoned for future residential development on the northern side of Turner Road (see the Indicative Layout Plan in the Turner Road DCP for details).

- (16) **Security Management Plan** - The applicant shall prepare and submit a Security Management Plan to the Principal Certifying Authority for assessment and approval, which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site, prior to the issue of a Construction Certificate.

The approved security plan shall be implemented immediately upon occupation and or use of the development.

- (17) **Drainage for Mechanical Work Areas** - Covered, bunded work areas, including workshops and lube bays, shall be graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal or reuse. Full details of the proposal must be submitted to the Principal Certifying Authority for approval prior to the Construction Certificate being issued.

- (18) **Aboveground Fuel Storage** - The aboveground fuel and LPG tank(s) must meet the requirements of the WorkCover Authority and comply with the relevant Australian Standards. Full details of how these requirements are met must be included on the Construction Certificate application and plans.

- (19) **Geotechnical Report** – A geotechnical report for the development must be prepared in accordance with Control No. D4.2.6 of Camden Development Control Plan 2011 prior to the issue of a Construction Certificate.

- (20) **Section 94 Contributions** - Pursuant to Contributions Plan No. 3 amended in February 1998, a contribution must be paid to Council of \$99,572 per hectare, total \$279,100, for Trunk Drainage, Water Quality Facilities and Professional Services.

The contribution must be indexed to the Road Cost Index and paid prior to the issue of a Construction Certificate.

The monetary contribution for Trunk Drainage and Water Quality Facilities may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

- (21) **Section 94 Contributions** - Pursuant to Contributions Plan No. 11 adopted in January 1999, a contribution must be paid to Council of \$81,550 per hectare, total \$228,585, for Smeaton Grange Roadworks and Professional Services.

The contribution must be indexed to the Road Cost Index and paid prior to the issue of a Construction Certificate.

The monetary contribution for Roadworks may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development 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) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

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) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (7) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (8) **Street Tree Protection Standards During all Development and Construction Works** - The protection of existing nature strip street trees must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

The Consent Authority (i.e. Camden Council) must approve and authorise any works or impacts on any existing nature strip street tree prior to those works or impacts occurring.

The works and procedures involved with the protection of existing street trees are to be carried out by a suitable qualified and experienced Arborist or organisation. Minimum suitable qualifications for the Arborist are to be at a standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture.

Prior to the commencement of any works relating to this Development Consent, all initial procedures for the protection of existing trees as detailed in AS 4970-2009, must be installed. All procedures for the protection of existing street trees must be applied, functioning and appropriately maintained during any earthworks, demolition, excavation (including any driveway installation) and construction works applicable to this Consent.

4.0 - During Construction

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

- (1) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:
 - (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;

- (b) the wheels of vehicles leaving the site:
 - (i) do not track soil and other waste material onto any public road adjoining the site,
 - (ii) fully traverse the Stabilised Access Point (SAP).
- (2) **Hours of Work** – The hours for all construction work are restricted to between:
 - (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 1.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 1.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (3) **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.
- (4) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

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

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

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

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

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

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - (c) retaining walls shall not be erected within drainage easements;
 - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (6) **External Materials and Finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes.
- (7) **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 6000m³ - 3 sampling locations,
- (f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

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

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

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

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

- (8) **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.
- (9) **Salinity Management Plan** – All proposed works that includes earthworks, imported fill, landscaping, buildings, roads, drainage, and associated infrastructure proposed to be constructed on the development site must be carried out or constructed in accordance with the "Salinity Hazard Assessment and Salinity Management Plan, Prepared by SMEC Australia Pty Ltd – Project

No 31342.038, dated March 2004” and “Additional Site Investigation and Detailed Salinity Management Plan, Prepared by SMEC Australia Pty Ltd, Project No 31342.038, Dated June 2004,” and letter “Re: Contamination and salinity issues Lots 431 and 433 (previously Lot 432) Ironbark Estate Anderson Road Smeaton Grange, Prepared by GeoEnviro, Ref JG08108A-r2, dated 22/08/12.”

- (10) **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.
- (11) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (12) **Unexpected Findings Contingency** – Upon the identification of contamination or hazardous materials at any stage of the construction processes all works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for assessment and be approved in writing prior to the removal or treatment of such findings contamination / hazardous materials.
- (13) **Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA’s Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

5.0 - Prior To Issue Of Occupation Certificate

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

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

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of

determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

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

(2) **Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** - During any development works relating to this Development 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 Occupation Certificate;
- (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred; and
- (d) The inspection must occur prior to the issue of the Occupation Certificate.

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

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

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

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (4) **Sydney Water Approval** – Prior to the issue of an Occupation Certificate a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water and submitted to the Principal Certifying Authority.
- (5) **Storage of Waste Oil** - The premise shall contain adequate holding facilities for the reception of waste oil and a contract for the recycling of this oil must be sighted by the PCA prior to the issuing of any Occupation Certificate.
- (6) **Diesel Storage Tanks** – Prior to any Occupation Certificate being issued, certification must be provided to the Certifying Authority confirming that the approved diesel storage tanks have been installed in accordance with the provisions of AS 1940-1993: The storage and handling of flammable and combustible liquids, and any other relevant standards. The certification must be undertaken by a suitably qualified and experienced dangerous goods consultant.
- (7) **Spill Response Materials** – Prior to occupation, a sufficient supply of appropriate spill response materials and equipment capable of dealing with the volume of fuel, automotive fluids and other chemicals must be provided at the premises. Spill response kits must be provided at the workshop, fuel bowser area and any other areas where chemicals are stored and used.
- (8) **Noise Attenuation Measure Installation** – Prior to any Occupation Certificate being issued, written confirmation is required from a suitably qualified and experienced consultant that the following noise attenuation measures have been complied with:
 - (a) A retaining wall has been constructed in accordance with the Stormwater Drainage Concept Plan attached as Appendix 2 of the acoustic report titled Proposed Bus Depot at Lot 431 Bluett Drive, Smeaton Grange, Environmental Noise Impact Assessment, prepared by Acoustic Logic Consultancy Pty Ltd, version 5 report reference 20131067.1/0503A/R5/GW, dated 5/03/2014;
 - (b) A 2.5m high imperforated acoustic barrier along the north western corner of the car park as depicted on page 20 of the acoustic report titled Proposed Bus Depot at Lot 431 Bluett Drive, Smeaton Grange, Environmental Noise Impact Assessment, prepared by Acoustic Logic Consultancy Pty Ltd, version 5 report reference 20131067.1/0503A/R5/GW, dated 5/03/2014 has been installed;
 - (c) A solid barrier at least 500mm higher than the fuel pump(s) as depicted on page 20 of the acoustic report titled Proposed Bus Depot at Lot 431 Bluett Drive, Smeaton Grange, Environmental Noise Impact Assessment, prepared by Acoustic Logic Consultancy Pty Ltd, version 5 report reference 20131067.1/0503A/R5/GW, dated 5/03/2014 has been installed;
 - (d) The compressor is located within a fully enclosed room with no windows, with all gaps sealed and acoustic seal provided to doors; and
 - (e) Prominent notices/signs have been installed to remind staff to be quiet when entering and exiting the site.

6.0 - Operational Conditions

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

- (1) **Maintenance** - The approved 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 (i.e. Camden Council).
- (2) **Storage of Goods** – The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (3) **Workshop and Fuel Area Operations** – Operations in the workshop and fuelling areas must be carried out in accordance with the requirements of the guideline Environmental Action for Service Stations published by the NSW Department of Environment and Climate Change dated 2008.
- (4) **Vehicle Washing** – The washing of vehicles must only occur inside the bus wash bay.
- (5) **Bus Movement Restrictions** – The number of bus movements is limited to the following:

Time Period	Maximum Bus Movement Volume (per hour)
Day time (7am-6pm Monday to Saturday, 8am-6pm Sundays and Public Holidays)	20 in and 20 out
Evening time (6pm-10pm seven days)	15 in and 15 out
Night time (10pm-7am Monday to Saturday, 10pm-8am Sundays and Public Holidays)	10 in and 10 out

- (6) **Workshop Operation Hours** – The workshop must **only** be used at the following times:
 - Monday to Saturday – 7am-6pm;
 - Saturday – 8:00am-2:00pm; and
 - Sunday and Public Holidays – No work allowed.
- (7) **Wash Bay Operation** – The wash bay must **only** be used at the following times:
 - Monday to Sunday – 7am-10pm.
- (8) **Office Operation Hours** – The office must **only** be used at the following times:
 Monday to Friday – 8am-6pm
 Saturday and Sunday – 8am-4pm.

- (9) **Bus Depot Operation Hours** – The bus depot (ie. staff vehicles and buses entering and exiting the site) may do so 24/7. However compliance with condition 6.0(5) for bus movements must be fully achieved.
- (10) **Bus Depot Use** - The bus depot use is restricted to a maximum of 75 buses and 80 staff. Any change to this will be subject to further Council approval.
- (11) **Recycled Water Risk Assessment** – Within 6 months of occupation a risk assessment of the recycled water system used in the bus wash bay must be prepared and submitted to Camden Council. The Risk Assessment must be prepared in accordance with the *Interim NSW Guidelines for Management of Private Recycled Water Schemes*, dated May 2008.
- (12) **General Requirement** - The use must at all times be conducted without nuisance and in particular so as not to give rise to emission of air impurities in contravention of the *Protection of the Environment Act 1997*. All air ventilation/extraction systems must have adequate filters provided and maintained thereto.
- (13) **Storage of Mechanical Parts** - Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area.
- (14) **Mechanical Repairs** - All vehicles, whether awaiting mechanical repairs, being repaired and those having been repaired shall stand wholly within the premises.
- (15) **Chemical Storage** - All paints, chemicals and other liquids shall be stored in approved receptacles, which shall be housed in a suitably constructed impervious bunded area.
- (16) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (17) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (18) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
- (19) **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 Council's "Environmental Noise Policy" when measured at any point on the boundary.
- (20) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (21) **Graffiti Management Plan** – All graffiti must be removed within 48 hours of the offence occurring.
- (22) **Prohibition of Spray Painting** - Spray painting shall not be carried out on the premises.

(23) **Compliance with Acoustic Requirements** – The development must, at all times, operate in accordance with the report titled “Proposed Bus Depot at Lot 431 Bluett Drive, Smeaton Grange, Environmental Noise Impact Assessment, prepared by Acoustic Logic Consultancy Pty Ltd, version 5 report reference 20131067.1/0503A/R5/GW, dated 5/03/2014”. This requires strict compliance with the mitigation strategies outlined in section 8 of the report, including:

- o maximum bus movements per hour in and out of site limited to: Day – 20, Evening – 15 and Night – 10;
- o workshop only to operate during the day time (between 7am to 6pm);
- o bus wash down area only to operate during day time and evening (between 7am to 10pm);
- o retaining walls constructed in north western corner of the site;
- o installation of a 2.5m acoustic barrier in the north western corner of the site;
- o installation of an acoustic barrier 500mm higher than the top of fuel equipment;
- o compressor to be located within fully enclosed rooms with all gaps sealed;
- o signage reminding staff to be quiet while leaving site to be displayed; and
- o management to keep a noise complaints register.

Should noise complaints be received despite the above strategies, such complaints shall be discussed with Council staff immediately. Should it be determined that an amended acoustic report, or further noise investigations need to be carried out, these must be done at the operator’s cost.

Should the revised report conclude and/or recommend that further mitigation strategies are required, these strategies must be implemented at the operator’s cost and subject to Council approval (if required).

(24) **Complaints Register** – The operator/management must keep a complaints register on site. All noise complaints must be recorded in the register and note what course of remedial action has been taken for each complaint. The register must be stored on site at all times and be made available upon Council’s request at any time.

RECOMMENDED

That Council approve DA 1072/2013 for the construction and operation of a bus depot, ancillary workshop and associated site works at 44A Bluett Drive, Smeaton Grange subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans DA 1072 2013
2. Submissions DA 2072 2013 - *Supporting Document*
3. Public Notification and Submissions Map DA 2013 1072 - *Supporting Document*



ORD04

ORDINARY COUNCIL

ORD04

SUBJECT: SUBDIVISION TO CREATE 20 RESIDENTIAL LOTS, 4 SUPERLOTS AND ASSOCIATED SITE WORKS AT 26-36, 42, 44, 46, 48, 50 AND 66 SPRINGS ROAD, SPRING FARM

FROM: Director, Development & Health

TRIM #: 13/58830

APPLICATION NO: 50/2013
PROPOSAL: Subdivision to create 20 residential lots, 4 superlots and associated site works
PROPERTY ADDRESS: 26-36, 42, 44, 46, 48, 50 and 66 Springs Road, Spring Farm
PROPERTY DESCRIPTION: Lot 4, DP 1132985, Lots 1, 2 and 4, DP 158953, Lot 3, DP 1176798, Lot 5, DP 620435, Lot Y, DP 162529 and Lot 3, DP 1132985
ZONING: R1 General Residential and E2 Environmental Conservation
OWNER: Cornish Group Spring Farm Pty Ltd
APPLICANT: SMEC Urban Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 20 residential lots, 4 superlots and associated site works at 26-36, 42, 44, 46, 48, 50, 52 and 66 Springs Road, Spring Farm.

The DA is referred to Council for determination as there remain issues received in two submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 50/2013 for a subdivision to create 20 residential lots, 4 superlots and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a subdivision to create 20 residential lots, 4 superlots and associated site works at 26-36, 42, 44, 46, 48, 50, 52 and 66 Springs Road, Spring Farm.

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

The DA was publicly exhibited for 14 days in accordance with the DCP. Two submissions were received (both objecting to the proposed development). **Copies of the submissions are provided with the Business Paper Supporting Documents.**

The issues raised in the submissions relate to the provision of appropriately wide roads to cater for the future primary school that is planned for superlot 1 in this proposed subdivision.

It is a recommended condition that the two school boundary roads (along the eastern and southern sides of the proposed superlot 1, the future primary school site) are widened by 1.5m to provide on-street car parking and to ensure compliance with the DCP. It is appropriate that this road infrastructure is provided at the subdivision DA stage as superlot 1 has been formally identified as a future primary school site.

Conditions are also recommended to ensure that the proposed development will fully comply with the recent amendments to the Spring Farm section of the DCP that were adopted by Council on 25 February 2014.

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

AERIAL PHOTO



THE SITE

The site comprises eight properties that are commonly known as 26-36, 42, 44, 46, 48, 50, 52 and 66 Springs Road, Spring Farm and are legally described as lot 4, DP 1132985, lots 1, 2 and 4, DP 158953, lot 3, DP 1176798, lot 5, DP 620435, lot Y, DP 162529 and lot 3, DP 1132985.

The site has a frontage of 537m to Springs Road, a maximum depth of 468m and an overall site area of 16.4ha. The site is largely vacant except for an existing sediment basin located in its south eastern corner. The site has previously undergone bulk earthworks in accordance with DAs 423/2005, 682/2006 and 914/2006. A large soil stockpile exists in the northern portion of the lot known as 66 Springs Road (proposed superlot 3). The site is partially mapped as bush fire prone and environmentally sensitive land. The site is located within the Spring Farm urban release area's west village.

The surrounding properties are characterised by a mixture of rural, residential and agricultural land uses.

To the north of the site, on the opposite side of Springs Road, lies vacant land which is bound by the Camden Bypass and awaiting the commencement of further subdivision works. To the east lies an existing riparian/bush corridor, a large dam and Spring Farm's developing north and east villages. The south of the site adjoins undeveloped rural land which is bound by the Nepean River, whilst to the west of site lies the existing Ettlesdale Road residential subdivision, a turf farm and a sand/soil quarry.

HISTORY

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

Date	Development
28 April 2006	Approval of DA 423/2005 for regarding and filling of land
6 July 2007	Approval of DA 682/2006 for bulk earthworks
19 November 2007	Approval of DA 914/2006 for bulk earthworks
21 October 2013	Approval of DA 781/2013 for a boundary adjustment

THE PROPOSAL

DA 50/2013 seeks approval for a subdivision to create 20 residential lots, 4 superlots and associated site works.

Specifically the proposed development involves:

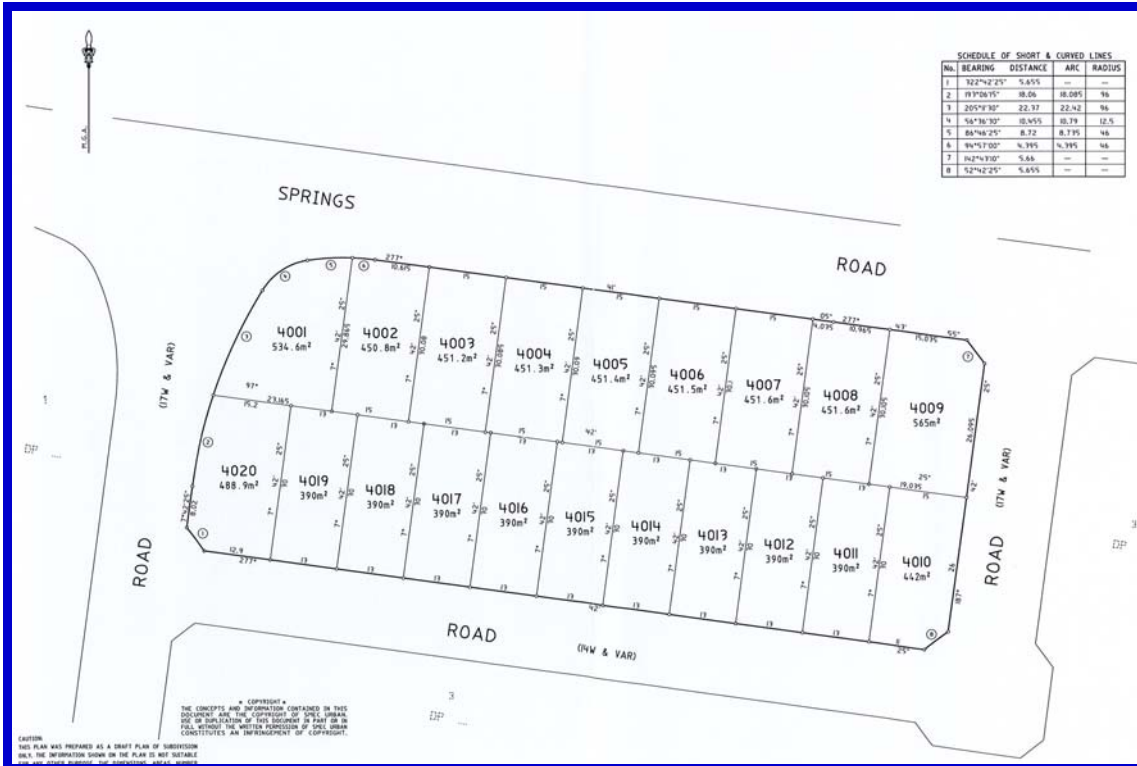
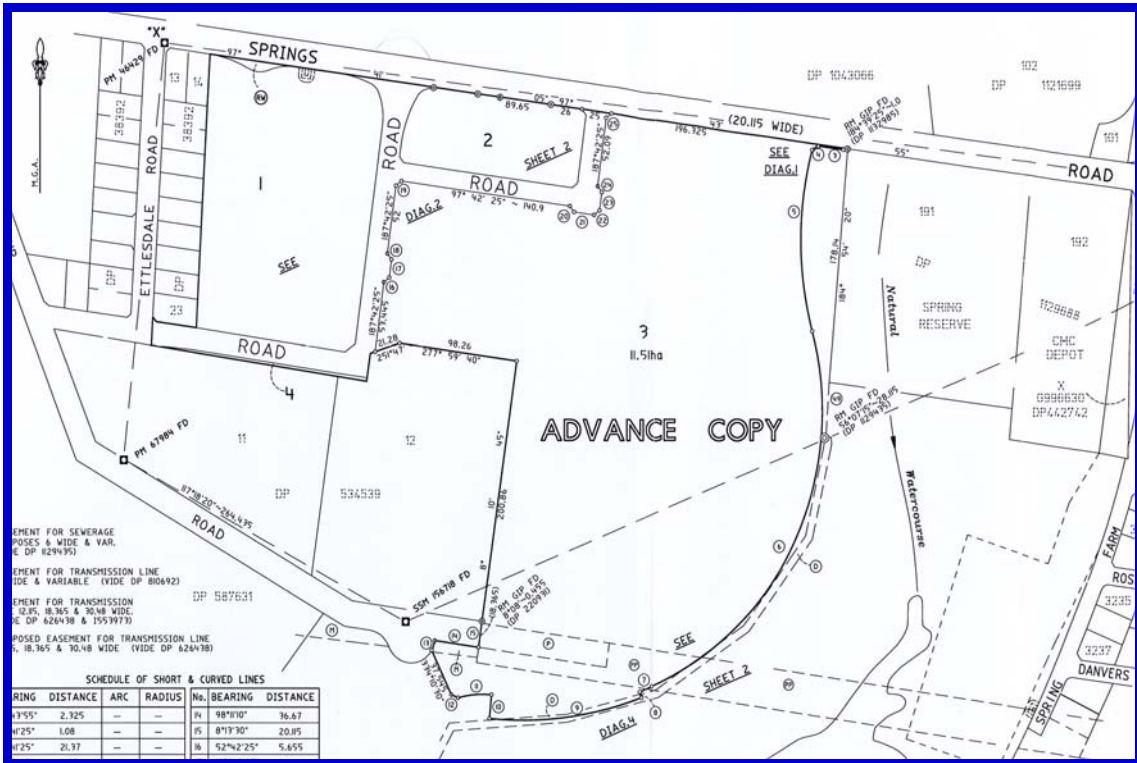
- stage 1 being the creation of 4 superlots with areas ranging between 407.6m² and 11.51ha. Proposed superlot 1 is identified as a future primary school site in Camden Development Control Plan 2011 (DCP);
- stage 2 being the re-subdivision of proposed superlot 2 to create 20 new residential lots with areas ranging between 390m² and 565m²;
- construction of 2 local roads, 2 "school boundary" roads and associated landscaping, drainage and services; and
- use of an existing sediment basin which is located in the south eastern corner of 66 Springs Road (proposed superlot 3).

The value of the works is \$700,000.

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

PROPOSED PLANS

ORD04



ASSESSMENT

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

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

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

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

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Deemed State Environmental Planning Policy No 9 – Extractive Industry
- Camden Local Environmental Plan 2010

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

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

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting consent.

In support of this DA, the applicant has submitted site validation reports for various parts of the site which contain imported fill (transferred during previous bulk earthworks), as well as a contamination assessment for the remainder of the site.

The assessment concludes that due to the site's history and soil sampling results, it is considered to be suitable for residential development. Council staff support the findings of this report, however a standard condition is recommended that should any unexpected findings of contamination occur during construction, works must cease immediately and an environmental consultant assess the findings and provide details to Council.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP)

The aim of this policy is to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State.

Clause 13 of the SEPP requires the proposed development to be assessed in terms of its compatibility with current and future mining, petroleum production or extractive industries.

Sand and soil extraction is currently taking place approximately 400m to the west of the proposed residential lots (the M. Collins and Sons site on Macarthur Road). It is considered that an adequate buffer distance exists between this extractive industry and the proposed development, and that the existing conditions of consent for this industry will ensure that the proposed residential lots will not be adversely affected by noise,

dust, vibration or reduced visual amenity from this industry, thereby satisfying the requirements of the SEPP.

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

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

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Conditions are recommended to provide water pollution control devices as part of the development, including the use of an existing temporary sediment basin located towards the south eastern corner of the site.

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

The aim of this policy is to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

The DA was referred to the Department of Trade and Investment (DTI) in accordance with Clause 8 of the SEPP. DTI recommended that the DA be staged in such a way as to mitigate potential impacts (e.g. noise, dust and vibration) on the proposed development by use of buffer zones between the remaining quarries and proposed residential development.

As aforementioned, sand and soil extraction is currently taking place approximately 400m to the west of the proposed residential lots. It is considered that an adequate buffer distance exists between this extractive activity and the proposed development and that it will not be adversely affected by noise, dust, vibration or reduced visual amenity, thereby satisfying the requirements of the SEPP.

The proposed development also complies with Clause 16 of the SEPP, in that it will not preclude any future expansions of the existing quarry site, due to it being bound by the Nepean River and existing dwellings in Macarthur and Ettlesdale Roads.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The majority of the site is zoned R1 General Residential with a small section of proposed superlot 3 being zoned E2 Environmental Conservation under the provisions of the LEP. It is noted that there are no physical works proposed within the small part of the site that is zoned E2 Environmental Conservation.

The proposed development is defined as “earthworks” and “roads” which are permissible in the R1 zone. The subdivision of land is also permitted with consent in both zones.

Objectives

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

- To provide for the housing needs of the community.

Officer comment:

The proposed development will create residential lots that will provide housing opportunities for the community.

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

Officer comment:

A range of residential lot sizes are proposed, ranging between 390m² and 565m², which will allow for a variety of housing types and densities.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a residential subdivision. However the proposed superlots could be used for future facilities or services to meet the day to day needs of residents (eg. proposed superlot 1 is identified in the DCP as a future primary school site).

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a residential subdivision. However the proposed superlots could be used for future facilities or services to meet the day to day needs of residents (eg. proposed superlot 1 is identified as a future primary school site).

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

Officer comment:

The proposed development will not conflict with any land uses within this or any adjoining zones.

The objectives of the E2 Environmental Conservation zone are as follows:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

Officer comment:

Proposed superlot 3 adjoins a riparian corridor; however there are no physical works proposed by this DA which would adversely affect any areas of high ecological, scientific, cultural or aesthetic value. Council is currently assessing a separate DA which proposes to further subdivide superlot 3, including any impacts that subdivision may have on sensitive areas.

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Officer comment:

The proposed subdivision will not destroy, damage or have any adverse effects on any areas with high ecological, scientific, cultural or aesthetic values.

- To protect and enhance the ecology, hydrology and scenic views of waterways, riparian land, groundwater resources and dependent ecosystems.

Officer comment:

The proposed subdivision will not adversely effect the ecology, hydrology or scenic views of any waterways, riparian land, groundwater resources or dependent ecosystems.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.1 Minimum Subdivision Lot Size	Minimum 300m ² lot area	The smallest proposed lot has an area of 390m ²	Yes
6.1 State Public Infrastructure	Satisfactory arrangements are to be made for the provision of designated State public infrastructure prior to the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes	The applicant has entered into a Voluntary Planning Agreement (VPA) with DPI who have issued a "Satisfactory Arrangements Certificate" for this development which certifies that satisfactory arrangements have been made for the provision of State public infrastructure	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	A condition is recommended which requires the installation of all necessary services prior to the issue of a Subdivision Certificate	Yes
6.5 Matters to be Considered for Residential Development at Spring Farm	Council to consider whether: (a) remnant vegetation and bush corridors will be protected, enhanced and managed;	The proposed development will not negatively impact upon any remnant vegetation or bush corridors	Yes

Clause	Requirement	Provided	Compliance
	<p>(b) adverse odour impacts from the Spring Farm Advanced Resource Recovery Facility (AART) will be mitigated; and</p> <p>(c) adverse noise and dust impacts from the sand mining operations will be mitigated.</p>	<p>The proposed development will not be impacted by the AART, due to being located more than 2km away from it</p> <p>The proposed residential lots will be located approximately 400m away from the quarry. It is not considered that future residents will experience any adverse impacts from these operations</p>	<p>Yes</p> <p>Yes</p>
7.4 Earthworks	<p>Prior to granting consent for earthworks, Council to consider:</p> <p>(a) existing drainage patterns and soil stability in the locality;</p> <p>(b) likely future use or redevelopment of the land;</p> <p>(c) quality of the fill or the soil to be excavated;</p> <p>(d) effect on the amenity of adjoining properties;</p> <p>(e) source of any fill material and destination of excavated material;</p> <p>(f) likelihood of disturbing relics; and</p> <p>(g) impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>The majority of earthworks across the site have been completed under DAs 423/2005, 682/2006 and 914/2006; however the proposed development requires minor earthworks to construct 2 local roads and 2 “school boundary” roads, drainage and to create the final contours for the 20 residential lots proposed as part of stage 2</p> <p>These earthworks will be balanced within the site (which has previously been validated to be free of contaminants). Subject to recommended conditions relating to sediment and erosion control and stormwater management, it is not considered that these earthworks will have any adverse impacts on any existing drainage patterns, the use or amenity of any surrounding land, any relics, watercourses, drinking water</p>	Yes

Clause	Requirement	Provided	Compliance
		catchments or environmentally sensitive areas, including the riparian corridor to the south east	

(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.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control plan required	A suitable plan has been provided which includes stabilised site access points, silt fencing, straw bales and a temporary sediment basin	Yes
	Sediment, erosion and dust controls to be installed prior to commencement of works and maintained until the site is stabilised	A condition is recommended to ensure that appropriate measures are installed and maintained throughout all stages of the proposed development	Yes
B1.2 Earthworks	Subdivisions to respond to the site's natural topography and minimise cut and fill	Bulk earthworks for this site have been previously approved and completed. Minor cut and fill is proposed to create 4 local roads and the final levels for the 20 proposed residential lots. This will not significantly alter the existing topography of the site	Yes
	Only clean fill material must be used	It is a recommended condition that only clean fill material is used on	Yes

Control	Requirement	Provided	Compliance
	DAs involving earthworks to include supporting information which addresses potential impacts	the site Appropriate drainage, soil and water management and landscaping plans have been provided, in addition to site validation reports for previously imported fill. Conditions relating to fill management are recommended including the requirement for a geotechnical report to be submitted prior to the issue of a Construction Certificate	Yes
B1.3 Salinity Management	Groundwater recharge to be minimised	Water sensitive urban design measures including landscaped road verges and the use of an existing sediment basin will cater for the proposed subdivision	Yes
	Roads in saline areas to have subsoil drainage and run along or perpendicular to contours	The proposed roads will contain sub-soil drainage and run generally perpendicular to the finished contours	Yes
	Sediment and erosion controls required	Adequate sediment and erosion controls are proposed and conditions requiring these to be maintained are recommended	Yes
	Salinity investigation and management plan required	A salinity investigation and management plan have been provided, compliance with which is a recommended condition	Yes
B1.4 Water Management	Development to comply with Council's Engineering Specifications in terms of stormwater detention, drainage and water sensitive urban design	The proposed water management strategy is to temporarily direct stormwater to an existing sediment basin for treatment, before entering the adjoining riparian corridor and	Yes

Control	Requirement	Provided	Compliance
		<p>adjoining dam. 4 additional sediment basins will be constructed in the corridor as part of a separate DA, however no works in relation to these basins are required as part of the subject DA</p> <p>The proposed development will fully comply with Council's Engineering Specifications and the Water Cycle Master Plan for Spring Farm</p>	
B1.6 Environmentally Sensitive Land	DAs to identify and describe impacts of development on environmentally sensitive land including ameliorative measures to reduce impact	Due to previously approved bulk earthworks, there is no longer any stands of environmentally sensitive vegetation on the site	Yes
B1.8 Environmental and Declared Noxious Weeds	Subdivision developments to include noxious weed control and management	A condition is recommended which requires noxious weed control and management	Yes
B1.9 Waste Management Plan for Subdivisions	<p>A waste management plan (WMP) is required</p> <p>Street layout and road designs to make satisfactory provision for waste collection</p>	<p>An adequate WMP has been provided</p> <p>Each of the proposed local roads will be able to adequately service each residential lot. All street trees will be located along the prolongation of lot boundaries, providing maximum space for bin storage and collection without conflict with driveways</p>	<p>Yes</p> <p>Yes</p>
B1.10 Bushfire Risk Management	<p>Bushfire assessment report required for DAs on bush fire prone land</p> <p>Asset protection zones (APZs) to be located wholly within the subdivision</p>	<p>A bushfire assessment report has been provided</p> <p>The bush fire report recommends temporary APZs and BAL construction standards be included on the 88B</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	APZs, fire trails and perimeter roads not permitted on environmentally sensitive land	Instruments for 10 of the 20 proposed residential lots, until vegetation on the site to the north east is removed as approved as part of a separate DA No APZs, fire trails or perimeter roads will be required on any land containing environmentally sensitive vegetation	Yes
B1.11 Flood Hazard Management	Development on flood prone land to comply with Council's Engineering Specifications and Flood Risk Management Policy	The site is partially located within the probable maximum flood level, however there are no residential lots proposed below the 1 in 100 year flood level (including a 600mm freeboard), therefore the proposed development will fully comply with Council's Engineering Specifications and Flood Risk Management Policy	Yes
B1.12 Contaminated and Potentially Contaminated land	Contamination assessment and remediation (if required) to be prepared in accordance with Council's Management of Contaminated Lands Policy	A detailed contamination assessment has been provided for the parts of the site which were not assessed during the previous bulk earthworks DAs. This report confirmed that the site is suitable for residential development and that no remediation is required. A standard contingency condition is recommended for any unexpected finds of contamination	Yes
B1.13 Mine Subsidence	Mine Subsidence Board (MSB) Approval required	MSB approval has been obtained by the applicant and submitted with the DA	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy, which may require provision of a traffic noise	A traffic noise assessment has been submitted which confirms that all proposed residential lots will comply with Council's	Yes

Control	Requirement	Provided	Compliance
	assessment	Environmental Noise Policy and external amenity criteria. Dwellings on the residential lots will also comply with Council's internal amenity criteria subject to recommended building treatments (including various windows, doors, bricks, plasterboard and cladding specifications). A condition is recommended which applies these requirements to the 88B Instrument for each affected lot	
B2 Landscape Design	Landscape plan required	A street tree landscaping plan has been provided and is acceptable	Yes
C5.1 Neighbourhood Amenity and Subdivision Design	High level of pedestrian connectivity	The proposed subdivision provides roads and footpaths which will link the residential subdivisions approved to the north of Springs Road with the future recreational areas to the south	Yes
	Legible and permeable street hierarchy	The proposed streets are legible and permeable from existing and future adjoining developments	Yes
	Maximum street block size of 250m x 70m	The residential block proposed within stage 2 has a maximum length of 150m and depth of approximately 60m	Yes
	Lot orientations of north-south, east-west	All of the residential lots proposed within stage 2 have a north-south orientation	Yes
	Lots generally rectangular and battle-axe lots limited	All proposed residential lots are generally rectangular and there are no battle-axe lots proposed	Yes

Control	Requirement	Provided	Compliance
	Easements for services to be incorporated into road reserves	All utility services will be located within the proposed road reserves and will not burden any residential lots	Yes
	Smaller lots located closer to neighbourhood centre, public transport and parks	The proposed lot sizes are appropriate for their location within the Spring Farm west village	Yes
C5.2 Street Network and Design	Street layout to be consistent with Spring Farm Master Plan	The proposed development is generally consistent with the Spring Farm Master Plan. A condition is recommended to remove the proposed road connection between this development and Ettlesdale Road to the west and instead provide a shared pedestrian/cyclepath in accordance with the DCP	Yes
	A copy of the Spring Farm master plan showing the location of the proposed development within Spring Farm is provided as Attachment 2 to this report		
	Streets to comply with the minimum required cross sections	All streets comply with the minimum required cross sections for local roads. A condition is recommended to require the proposed school boundary roads to be widened by 1.5m to cater for on-street car parking associated with the future school on proposed superlot 1	Yes
	All streets and roundabouts to comply with Council's engineering specifications	Each of the proposed intersections and local streets will comply with Council's engineering specifications	Yes
	Street trees to be provided on all streets	A suitable landscaping plan has been provided	Yes
C5.3 Pedestrian and Cycle Network	Pedestrian and cycle connections to be consistent with Spring Farm Master Plan	It is a recommended condition that pedestrian and cycle connections are provided in	Yes

Control	Requirement	Provided	Compliance
	Pedestrian and cycle routes to be designed with other infrastructure works and be safe, well lit, functional and accessible to all	accordance with the Spring Farm Master Plan Each of the proposed local streets will contain footpaths for either walking and or walking/cycling that will be well lit and designed in accordance with Councils engineering specifications	Yes
C5.4 Public Transport Network	Bus routes and stops to be in accordance with the Spring Farm indicative bus route map	The proposed development is generally consistent with these requirements	Yes
	Roads to be wide enough to accommodate bus movements	The proposed roads will be wide enough to facilitate bus movements	Yes
	Road connections to adjoining areas to be provided to provide connectivity and link activity centres	The proposed road layout will provide connections to other residential subdivisions as well as the public recreation areas to the south	Yes
C5.7 Provision of Adequate Infrastructure and Facilities	Demonstrate local public infrastructure and facilities will be provided	Conditions are recommended which require the payment of Section 94 Contributions in accordance with Camden Contributions Plan 2011	Yes
C7.1 Residential Density Targets and Staging for Spring Farm	Demonstrate that density targets for Spring Farm (15 dwellings per hectare) and the dwelling targets in Figure C20 will be achieved	Stage 2 of the subdivision proposes 20 residential lots to be created from an area of 8,699m ² . This is generally consistent with the DCP density targets	Yes
	Demonstrate staging plan is achieved in accordance with Figure C21	The proposed subdivision is located within Stage 8. The timing of the design and construction of this stage is consistent with the area objectives, DAs and development approved	Yes

Control	Requirement	Provided	Compliance
		within Spring Farm to date	
C7.2 Neighbourhood and Subdivision Design	Typical block dimensions 50-60m x 150m	The residential block proposed within stage 2 has a maximum length of 150m and depth of approximately 60m	Yes
	No residential development below 100 year ARI flood line	None of the proposed residential lots will be below the 100 year ARI flood line	Yes
	DAs for subdivision adjacent to Springs Road are required to submit an acoustic impact report	An acoustic report has been submitted which confirms that subject to building construction measures, all dwellings on the proposed 20 residential lots can comply with Council's noise criteria. Compliance with the acoustic report is a recommended 88B Restriction for each lot	Yes
C7.3 Street Network and Design	Compliance with Figure C22 – Spring Farm Street Network and Design Map	The proposed development is generally consistent with this figure subject to a condition requiring minor modifications	Yes
	Existing alignments of Springs Road and Ettlesdale Road to be retained	The proposed subdivision will not impact the existing alignments of Springs or Ettlesdale Roads	Yes
	Kerb returns with a minimum radius of 8.5m required for intersections	A condition is recommended to ensure the proposed development achieves this	Yes
	Streets to be constructed in accordance with The DCP	Each of the 4 proposed roads generally complies with the cross sections in the DCP. However a condition is recommended to ensure that a required shared path is provided along	Yes

Control	Requirement	Provided	Compliance
		the frontages of proposed superlot 1 in accordance with the DCP	
C7.4 Pedestrian and Cycle Network	Pedestrian and cycle path network to be consistent with Figure C23	Pedestrian and cycle paths consistent with the DCP will be provided subject to the aforementioned condition regarding a shared path along the frontages of proposed superlot 1	Yes

(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

The applicant has entered into a VPA with DPI to ensure the provision of required State public infrastructure for this development. The terms of the VPA are a separate matter for enforcement by DPI.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions recommended for 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

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 9 to 25 September 2013. Two submissions were received from the NSW Department of Public Works, on behalf of the Department of Education and Communities (DEC). **A public exhibition and submissions map is provided with the Business Paper Supporting Documents.**

The following discussion addresses the issues and concerns raised in these submissions.

1. The submitted DA documentation identifies proposed superlot 1 as being for a future school site, therefore Council should ensure that this DA is conditioned to require the roads surrounding superlot 1 to be wide enough for a school, and not

require DEC to increase road widths in any future DAs submitted for a school. Conditions in any future school DA on proposed Lot 1 should be limited to works associated with the site entrance or pick up or drop off issues, as the budget allocation DEC receives is to be spent on educational infrastructure only and DEC do not provide roads infrastructure.

Officer comment:

It is a recommended condition that the two school boundary roads (along the eastern and southern sides of the proposed superlot 1, the future primary school site) are widened by 1.5m to provide on-street car parking and to ensure compliance with the DCP. It is appropriate that this road infrastructure is provided at the subdivision DA stage as superlot 1 has been formally identified as a future primary school site.

The above therefore fully addresses the issue raised by DEC.

(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 Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

The DA was referred to RFS for assessment as part of the site is mapped as being bush fire prone and the proposed development requires a Bush Fire Safety Authority pursuant to Section 100B of the *Rural Fires Act 1997*. The proposed development is therefore classed as Integrated Development.

The RFS raised no objection to the proposed development and issued a Bush Fire Safety Authority subject to conditions relating to asset protection zones, water and utilities and access. Compliance with these general terms of approval is a recommended condition.

Department of Planning and Infrastructure (DPI)

The DA was referred to DPI as the site is located outside of the mapped Special Infrastructure Contributions area and requires a "Satisfactory Arrangements Certificate" (SAC) pursuant to Clause 6.1 of Camden Local Environmental Plan 2010. DPI raised no objection to the proposed development and issued a SAC.

Department of Primary Industries (DPI) & Department of Trade and Investment – Mineral Resources Branch (DTI)

The DA was referred to DTI as the site is located in the vicinity of an extractive industry of regional significance (Spring Farm sand/soil quarry) and requires consultation from DTI pursuant to Clause 8 of Deemed State Environmental Planning Policy No 9 – Extractive Industry.

DTI raised no issues with the proposed development however advised that that development should be staged in such a way that allows extraction prior to

development, or that suitable measures are in place to mitigate potential impacts. Council staff are satisfied that there will be no future land conflict as a result of the proposed development, as the existing quarry extractions are heavily regulated under an approved State Significant development consent.

The DA was also referred to the Department of Primary Industries for comment. DPI raised no objections to the proposed development however required that while there are adjoining zones that permit agriculture and industry (for example existing turf farms and the sand/soil quarry), Council must ensure that future residents are alerted to the fact that these activities may generate noise, vibration, odour, dust and visual impacts on the locality. Council can satisfy this requirement by placing a notation on any future 149(5) Planning Certificates issued for the proposed residential lots created in stage 2 of the proposed development. It is recommended that this occur as a separate action by Council staff.

DPI also recommended that the poultry sheds located on the southern adjoining site (including any contaminants) be removed prior to construction of the proposed subdivision. Council staff have confirmed that these poultry sheds are no longer in operation and the resumption of poultry farming activities would be subject to the lodgement and approval of a new DA. Therefore, it is considered that there will be no adverse impacts from these dis-used sheds and it is noted that they will eventually be demolished in order to allow further urban development, in accordance with the Spring Farm urban release area master plan.

Department of Education and Communities (DEC)

The statement of environmental effects and reports submitted in support of this DA identified that proposed superlot 1 may be developed for a future school, therefore Council staff considered it appropriate to refer the DA to DEC for comment. The two submissions received from DEC have been detailed and assessing in the “(d) Any submissions made in accordance with this Act or the Regulations” section of this report.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 50/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
76806.01.L01A Sheet 1 of 2	Plan of Subdivision	Larry Dean Ward	Undated
76806.01.L01A Sheet 2 of 2	Plan of Subdivision	Larry Dean Ward	Undated
76806.01.L02 Sheet 1 of 2	Plan of Subdivision of Lot 2	Larry Dean Ward	Undated
76806.01.L02 Sheet 2 of 2	Plan of Subdivision of Lot 2	Larry Dean Ward	Undated
76806.40.DA001 Sheet 1 of 16	Cover Sheet – Site Plan, Locality Plan and Sheet Schedule	Smec Urban	17/6/13
76806.40.DA002 Sheet 2 of 16	Notes	Smec Urban	17/6/13
76806.40.DA101 Sheet 3 of 16	Site Regrading Plan – Sheet 1 of 2	Smec Urban	17/6/13
76806.40.DA102 Sheet 4 of 16	Site Regrading Plan – Sheet 2 of 2	Smec Urban	17/6/13
76806.40.DA201 Sheet 5 of 16	Typical Cross Sections 14m & 17m Access Roads	Smec Urban	17/6/13
76806.40.DA301 Sheet 6 of 16	Site Regrading Cross Sections: A & B	Smec Urban	17/6/13
76806.40.DA302 Sheet 7 of 16	Site Regrading Cross Sections: C & D	Smec Urban	17/6/13
76806.40.DA303 Sheet 8 of 16	Site Regrading Cross Sections: E & F	Smec Urban	17/6/13
76806.40.DA304 Sheet 9 of 16	Site Regrading Cross Sections: G	Smec Urban	17/6/13
76806.40.DA501 Sheet 10 of 16	Cut & Fill Plan	Smec Urban	17/6/13
76806.40.DA601 Sheet 11 of 16	Concept Drainage Plan	Smec Urban	17/6/13
76806.40.DA611 Sheet 12 of 16	Concept Catchment Plan (Major 100 Year ARI Storm Overland Flow Route)	Smec Urban	17/6/13
76806.40.DA701 Sheet 13 of 16	Soil and Water Management Plan	Smec Urban	17/6/13
76806.40.DA711 Sheet 14 of 16	Soil and Water Management Details & Notes	Smec Urban	17/6/13
76806.40.DA801 Sheet 15 of 16	Line Marking and Sign Posting Plans Interim Arrangement	Smec Urban	17/6/13
76806.40.DA802 Sheet 16 of 16	Line Marking and Sign Posting Plans Future Ultimate Arrangement	Smec Urban	17/6/13
LPDA 13-182/1, Revision B	Stage 40 Street Tree Planting Plan	Conzept Landscape Architects	17/12/12
76806.01.SEE	Statement of Environmental Effects	Smec Urban	Jan. 2013
19296/3353C 13/1602	Contamination & Salinity Assessment	Smec Testing Services Pty Ltd	Sept. 2013
16167/2439C 12/2042	Site Validation Report	Smec Testing Services Pty Ltd	21/12/12
16167/8960B 11/0283	Imported Soil Report	Smec Testing Services Pty Ltd	31/3/11
TB705-45F02, Rev. 3	Traffic Noise	Renzo Tonin &	21/5/13

	Assessment	associates	
76806, Stage 40	Water Quality Management Report	Smec Urban	13/6/13
N/A	Traffic Impact Assessment	Arc Traffic & Transport	Dec. 2012
A12111B	Bushfire Protection Assessment	Travers Bushfire & Ecology	20/12/12

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) **Amendments to Approved Plans** - The amendments described below (and as marked in red on the approved subdivision plan) must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

(a) The plans shall be amended to fully comply with the DCP including the amendments approved by Council on 25 February 2014. Specifically, the following changes must be incorporated:

- i) Proposed Road Nos. 6 and 12 must be widened to contain a total carriageway width of 18.5m, to accommodate a future school on proposed Lot 1. The widening must occur on the western and northern sides of Proposed Road Nos. 6 and 12 respectively (ie. the additional land take must be from proposed superlot 1).
- ii) A 2.5m wide shared pedestrian/cycle path must be provided along roads 6 and 12 in accordance with the DCP.
- iii) Proposed Road No. 12 must accommodate 2 intersections with the land adjoining the southern boundary.
- iv) Proposed Road No. 12 must not provide a constructed road connection to Ettlesdale Road. Instead the construction of Proposed Road No. 12 must end where it will connect into future road 19 to the south.

The land to the west of the above must provide a shared pedestrian/cyclepath that connects from the termination of Proposed Road No. 12 into the existing Ettlesdale Road road reserve to the west.

The land containing the above shared pedestrian/cyclepath must be dedicated to Council.

(3) **General Terms of Approval** – The development must be carried out in accordance with the general terms of approval and conditions contained within the attached advice letters received from the following authorities:

(a) NSW Rural Fire Service Bush Fire Safety Authority dated 11 March 2013.

(4) **Noxious Weed Management** – The development must be carried out in accordance with the following requirements:

- (a) The applicant must control all noxious weeds listed in the property inspection report in accordance with the *Noxious Weeds Act 1993* control requirements. Noxious weeds detected on the site at the time of inspection are:

Green cestrum (*Cestrum parqui*) Class 3 noxious weed

Control requirement: The plant must be fully and continuously suppressed and destroyed.

Chilean needle grass (*Nasella neesiana*) Class 4 noxious weed

Control requirement: The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction. The plant must not be sold, propagated or knowingly distributed.

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

The 12 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations.

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

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

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and

road verge areas, street trees, street tree protective guards and bollards) must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth

- (6) **Design and Construction Standards** – All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with Camden Council's current Engineering Specifications.
- (7) **Services** -
 - (a) All services within the subdivision shall be underground.
 - (b) All service connections to existing works in Council's Road Reserve requires a Public Road Activity approval from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owner's permission (i.e., Camden Council).
- (8) **Kerb Returns** – All kerb returns for intersections between streets must have a radius of 8.5m.
- (9) **Roundabout Design** – The development must include the design of the roundabout at the intersection of Springs Road and Road No. 6 and construction of the southern leg of the proposed roundabout in accordance with the Spring Farm urban release area masterplan.

2.0 - Construction Certificate Requirements

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

- (1) **Location of Utility Services for Roads 6 and 12** – Utility services must not be installed within the verges adjoining the southern and eastern boundaries of approved superlot 1, and must be located on the opposite side of these roads to ensure that minimal disturbance occurs to superlot 1 when it is further developed.
- (2) **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.
- (3) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with 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.
- (4) **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.
- (5) **Geotechnical Report** - The developer must engage an approved geotechnical consultant to prepare a report to be submitted to the Certifying Authority for approval prior to a Construction Certificate being issued. The report must cover, but not be limited to:
- (a) extent and stability of proposed embankments (particularly those acting as retarding basins);
 - (b) recommended geotechnical testing requirements;
 - (c) required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - (d) compaction specification for all fill within private subdivisions;
 - (e) the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas must be identified on a plan and the engineering plans must be amended to indicate that no vibratory roller must be used within that zone;
 - (f) the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - (g) the preferred treatment of any unstable areas within privately owned allotments;
 - (h) requirement for sub-surface drainage lines;
 - (i) overall suitability of the engineering plans for the proposed development.

- (6) **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.
- (7) **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.
- (8) **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.
- (9) **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.
- (10) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Water Cycle Master Plan by J Wyndham Prince dated 2002.

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.
- (11) **Performance Bond** - Prior to the issue of a Construction Certificate a performance bond of 10% of the value of works shall be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of council. The

applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

- (12) **Bushfire Safety** - Prior to the Issue of a Construction Certificate, the applicant must provide to the Certifying Authority, written confirmation that the development proposal is compliant with all requirements of the Rural Fire Service.

This written confirmation may be by way of either:

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

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

- (a) All access roads have sufficient carriageway width.
 - (b) Verge widths are sufficient.
 - (c) Longitudinal grades are not too great.
 - (d) Horizontal geometry provides for appropriate access.
 - (e) Turning/manoeuvring is achievable.
 - (f) Kerb types are appropriate.
 - (g) On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
 - (h) On street parking restrictions/signage is not expected to be problematic for fire fighting vehicles to gain access.
 - (i) Access requirements with regards to perimeter roads has been achieved.
 - (j) The required Asset Protection Zones have been achieved.
 - (k) All requirements of the Rural Fire Service's General Terms of Approval for Development Consent No. 50/2013 have been met.
- (13) **Waste Bin Collection** – A waste bin collection point must be provided for each lot which is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures. This area is to be 3m long x 0.9m wide and allow 3.9m clear vertical space to allow for the truck-lifting arm.
- (14) **Roundabout Design Plans** – Engineering design plans for the whole roundabout at the intersection of Springs Road and Road No. 6 must accompany any Construction Certificate application for roadworks. The design of the roundabout is to be in accordance with the Spring Farm urban release area masterplan and Council's engineering specifications and are to include

details for geometry, grading, pavements, drainage and linemarking. The design shall also include temporary transitional work that must be designed to ensure the intersection will function in its temporary state as a T-intersection.

3.0 - Prior To Works Commencing

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

- (1) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (2) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (3) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (4) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site and permanently maintained until the development is completed.

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

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

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

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

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

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

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

- (6) **Pavement Design** - A pavement design prepared by a suitably qualified geotechnical engineer for all proposed roads and accessways based upon Camden Council Engineering Specification must be submitted to the Principle Certifying Authority prior to roadwork’s proceeding past subgrade level.

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

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

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

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

4.0 - During Construction

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

- (1) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:

- (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
- (b) the wheels of vehicles leaving the site:
 - (i) do not track soil and other waste material onto any public road adjoining the site,
 - (ii) fully traverse the Stabilised Access Point (SAP).

- (2) **Subdivision, Building and Demolition Work Hours** - All such work must be restricted to the following hours:

- a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive);
- b) between 8.00am to 5.00pm on Saturdays,

Work is prohibited on Sundays and Public Holidays.

- (3) **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.

- (4) **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.
- (5) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and

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

(d) confirm that the fill material:

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

Sampling of VENM for salinity of fill volumes:

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

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

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

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 <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.

- (6) **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.
- (7) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with report titled "Report: Subject: Salinity Management Plan: Stage 3 Springs Road Spring Farm, Prepared by SMEC Testing Services Pty Ltd, Project 19296/3549C, Dated 4 October 2013".
- (8) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as

building rubble, asbestos, ash material etc) be encountered during any stage of earth works/site preparation/construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. A copy of this assessment must be provided to Camden Council. 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 regards to obtaining consent for the remediation works.

- (9) **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).

- (10) **Offensive Noise, Dust, Odour and Vibration** – The development shall not give rise to offensive noise or give rise to dust, odour and vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (11) **Location of Stockpiles** - Stockpiles of soil should not be located on or near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of materials shall be suitably covered to prevent dust.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Refuelling** – All plant, vehicles, and equipment, required for the proposal will need to be refuelled offsite or within a compound site or designated bunded area. Any refuelling location must contain an impervious surface and be located away from any drainage lines.
- (14) **Storage and Water Quality Controls** – Prior to the establishment of stockpile and compound sites, temporary stormwater and water quality control devices and sediment controls must be implemented.

- (15) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (16) **Bund Capacities** – Impervious bunds of sufficient capacity to contain at least 120% of the stored chemical, fuel and lubricant volumes must be constructed around all chemical, fuel and lubricant storage areas.
- (17) **General Requirement** - All activities associated with the development must be carried out within the boundaries of the site, and must be carried out in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment Operation Act 1997*.
- (18) **Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
 - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.

5.0 - Subdivision Certificate

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

- (1) **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 \$142,200, 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.

- (2) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$9,914 per additional lot or dwelling, total \$198,280, 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.

- (3) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$41,216 per additional lot or dwelling, total \$824,320 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.

- (4) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

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

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

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

- (5) **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.

(6) **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.

(7) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.

(8) **Final Layer Asphaltic Concrete (Roads)** - The final asphaltic concrete wearing course layer must not be placed on the carriageway of any road until:

(a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council;

(b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information;

(c) the terms of any bond for such work have been confirmed to be satisfied by the Roads and Maritime Services and Camden Council; and

(d) a Public Road Activity (Roadworks) application has been submitted to and approved by the Roads and Maritime Services and Camden Council.

(9) **Incomplete Works** – Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.

(10) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.

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

(12) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval

and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.

- (13) **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.

- (14) **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.

- (15) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.

- (16) **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.

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

- (a) Easement for services.
- (b) Easement to drain water.
- (c) Drainage easement over overland flow paths.
- (d) Easement for on-site-Detention.
- (e) Easement for water quality.
- (f) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-Of-Way shall be responsible for on-going maintenance and the Public Liability of the Right-Of-Way.
- (g) A restriction as to user for Lots 4001 to 4020 - Construction requirements and window and door treatments are to be consistent with "Appendix B, Table 5 – Façade treatment recommendations" contained within the "Spring Farm Stage 40 Traffic Noise Assessment, Prepared

by Renzo Tonin & Associates, Ref no TB705-45F03 (Rev 3) Spring Farm Stage 40 Traffic Noise Assessment, Dated 21 May 2013". For the above lots, the internal noise levels contained within "Table 2 – Internal Noise Level Criteria for Road Traffic Noise" of the above report must be achieved for each dwelling. Compliance with the above is to be demonstrated for each dwelling application.

- (h) A restriction as to user for Lots 4001 to 4020 – All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with report titled "Report: Subject: Salinity Management Plan: Stage 3 Springs Road Spring Farm, Prepared by SMEC Testing Services Pty Ltd, Project 19296/3549C, Dated 4 October 2013".

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

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

- (I) modified "construction" on-site detention/sediment control basin and water quality facility, and/or
- (II) permanent water quality facility,

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

- (19) **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.

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

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

must be lodged with Camden Council.

The bond:

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

(21) **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.

(22) **Fill Plan** - A fill plan shall be submitted to the Principle Certifying Authority (PCA) prior to the issue of any Subdivision certificate. The plan must:

- (a) Show lot boundaries

- (b) Show road/drainage/public reserves
- (c) Show street names
- (d) Show final fill contours and boundaries, and
- (e) Show depth in filling in maximum 0.5m Increments

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

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

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

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

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

- (a) Lot numbers:

- (i) White number on blue background located on the prolongation of both common boundaries of each lot.

- (c) House numbers:

- (i) Blue number on white background located adjacent the middle of the lot.

- (c) Street names:

- (i) White lettering on blue background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.

- (25) **Installation of Street Trees and Their Protective Guards and Bollards –**

- (a) 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.

- (b) All street trees are to have root barrier installation to the kerb.

- (c) The street trees are not to be installed with multi stems and must be able to stand alone without the need for support staking.
 - (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.
- (26) **Compliance Certificate** - A Compliance Certificate from a suitably qualified and experienced Geotechnical Engineer must be submitted verifying that the works detailed in the geotechnical report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate must accompany the "Works as Executed" drawings.
- (27) **Update of Bush Fire Prone Land Maps** - Prior to the issue of the Subdivision Certificate a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and shall include the following:
- (a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900. Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:
 - (i) experience in identifying bushfire prone land within NSW,
 - (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas,
 - (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
 - (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,
 - (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
 - (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
 - (vii) public liability/professional indemnity insurance, each to a minimum of \$20 Million.

- Note:** The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme) (see website <http://www.fpa.com.au/certification/index.php?certification=bpad>)
- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.
- (28) **Springs Road Roundabout** - The southern leg of the future roundabout at the intersection of Springs Road and Road No. 6 must be constructed in full with the appropriate transitions to the existing road layout.

RECOMMENDED

That Council approve DA 50/2013 for a subdivision to create 20 residential lots, 4 superlots and associated site works at 26-36, 42, 44, 46, 48, 50, 52 and 66 Springs Road, Spring Farm subject to the conditions listed above.

ATTACHMENTS

1. Proposed plans
2. Spring Farm Master Plan
3. Submissions - *Supporting Document*
4. Public exhibition and submissions map - *Supporting Document*

ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: BETTER WASTE & RECYCLING GRANT
FROM: Director, Development & Health
TRIM #: 14/33918

PURPOSE OF REPORT

This report seeks Council's approval to participate in the Better Waste and Recycling Fund grants for local government under the Waste Less Recycle More initiative recently released by the NSW EPA. **A copy of the initiative document is provided with the Business Paper Supporting Documents.**

BACKGROUND

Under Section 88 of the *Protection of the Environment Operations Act 1997* Council pays a levy to the NSW Government for each tonne of waste disposed to landfill.

In the 2012/13 financial year, Council paid \$518,974 in Section 88 levy payments at a rate of \$107 per tonne. For many years the State Government provided a proportion of the funds back to local government for waste reduction initiatives. In recent years this transformed into what was known as the Waste and Sustainability Improvement Program (WaSIP) which saw the money directed away from waste initiatives towards sustainability projects.

In 2012, the State Government conducted an independent review of the Section 88 levy which recommended the delivery of a non-contestable funding program for councils to address waste and recycling issues in regulated areas paying the levy. The recommendation also noted that funding should support long-term, strategic waste and recycling initiatives and ensure the streamlined administration and timing that aligned with local government budgetary cycles.

This led to the development of the Better Waste and Recycling Fund and the allocation of \$70 million over a 4 year period for local government.

MAIN REPORT

Council has recently been advised by the EPA that the Better Waste and Recycling Fund has been introduced under the Waste Less, Recycle More initiative which will deliver non-contestable funding for councils in regulated areas (metropolitan) paying the waste levy. **A copy of the letter from the EPA is provided as Attachment 1 to this report.** This new initiative replaces the Waste and Sustainability Improvement Program (WaSIP) that has operated for a number of years.

The funding will assist Council to develop and implement specifically tailored waste reduction programs and projects for the Camden area and it is suggested by the EPA that it will help councils meet the targets in the NSW Waste Avoidance and Resource Recovery Strategy.

The application process for this funding is different to other grants in that at this time Council is only required to indicate their willingness to participate in the overall Program and there is no co-contribution required by Council.

Payments under the fund will be distributed to councils over the 4 year program at the start of each financial year, apart from the 2013/14 payments which will be made in May 2014.

Under the program Council's estimated funding will be;

Program Year	Financial year	Funding Amount
1	2013/14	\$183,589
2	2014/15	\$163,387
3	2015/16	\$163,400
4	2016/17	\$163,400
Total		\$673,776

Eligible organisations participating in the program will be required to achieve better waste management and resource recovery practices and continually improve upon them. Council staff are currently considering specific waste management initiatives that will be submitted to the EPA at a later date for consideration.

At this time, to participate in the program, Council must return the Fund application signed by the General Manager to the EPA by 31 March 2014 and indicate a contact person for liaison with the EPA.

By signing the application, Council commits to:

- participate in the program over 4 years;
- comply with the fund guide lines and requirements;
- provide the EPA with a copy of the project table each year, compiled by the Waste Manager;
- submit reporting tables to the EPA by the end of August each year; and
- provide notice in writing to the EPA of any decision to withdraw from the program.

FINANCIAL IMPLICATIONS

There are no financial disincentives for Council in participating in the program. There are no co-contributions required from Council.

Should Council decide not to participate, the funds nominated in the table above will be redistributed to other councils who participate in the program.

CONCLUSION

This non-contestable funding will assist Council to implement additional waste reduction and management projects and programs over the next 4 years that it would not have otherwise been able to complete.

RECOMMENDED

That Council:

- i. agree to participate in the Better Waste and Recycling Fund grants program;
and**
- ii. the General Manager be authorised to sign the necessary documents.**

ORD05

ATTACHMENTS

1. Ltr from EPA Better Waste Recycling Fund
2. EPA Better Waste and Recycling Fund initiative - *Supporting Document*

ORDINARY COUNCIL

ORD06

SUBJECT: ORAN PARK TOWN CENTRE DCP & SEPP AMENDMENTS - POST EXHIBITION REPORT

FROM: Acting Director Governance

TRIM #: 14/13822

PREVIOUS ITEMS: ORD05 - Oran Park Town Centre DCP & SEPP Amendments
 - Ordinary Council - 28 January 2014
 ORD07 - Oran Park Town Centre DCP & SEPP Amendments
 - Ordinary Council - 26 November 2013

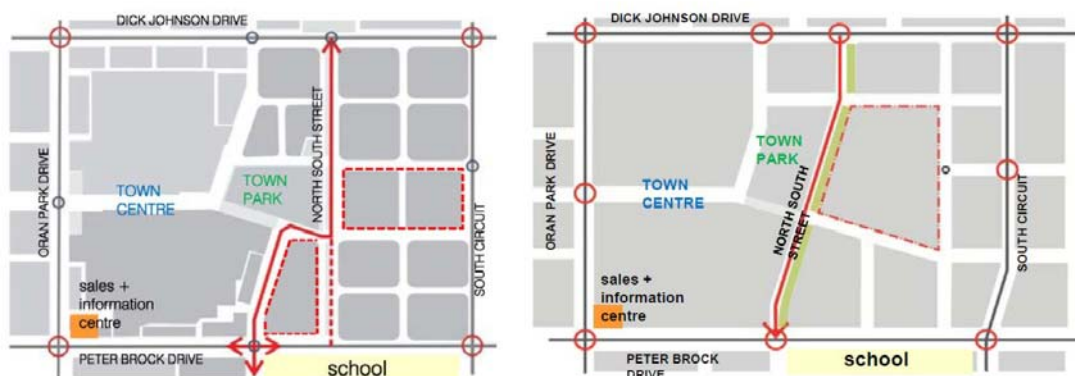
PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the amendments to the Oran Park DCP and amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for the Oran Park Town Centre. In addition, this report seeks Council endorsement to proceed with the Planning Proposal and submit it to Planning and Infrastructure (P&I) for the making of the plan. The post exhibition Planning Proposal is **provided as Attachment 1 to this report**.

BACKGROUND

At its meeting on 26 November 2013 Council considered a report relating to the Oran Park Town Centre Planning Proposal and associated DCP amendments. Council resolved to endorse the draft Planning Proposal for the rezoning of approximately 1 hectare of R3 Medium Density Residential zoned land that is adjacent to the Town Centre, to B2 Local Centre and forward the planning proposal to Planning & Infrastructure for a Gateway Determination. Council also resolved to consider a further report to publicly exhibit both the planning proposal and the Oran Park DCP Amendments.

The changes are necessary as a result of the design and development of the Civic Precinct Masterplan for the Oran Park Town Centre and to reflect Council's adoption of the new Masterplan for the Oran Park Town Centre on the 22 October 2013 (**see figures 1 & 2 below**).



2007

(as per current Oran Park Part B DCP 2007)

2013

(as per 2013 Masterplan)

Council received the Gateway Determination from P&I on 10 January 2013 (see **Attachment 2 to this report**). The Gateway Determination stipulated that Council place the planning proposal on public exhibition for 28 days. It also recommends that no consultation is required with government agencies.

The Minister delegated his plan making powers to councils on October 2012. It is noted that Council has now accepted this delegation. As part of the Gateway Determination P&I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. This will help to streamline the process.

MAIN REPORT

Changes to the Oran Park Masterplan

The 2013 Town Centre Masterplan realigns the South Circuit, being the road that forms the eastern boundary of the town centre. This results in the eastern blocks of the town centre having a dual R3 Medium Density Residential and B2 Local Centre, unless the zoning boundaries are adjusted (**see figure 1 & 2 above**).

The key improvements to the design of the Town Centre, as reflected in the 2013 Masterplan are:

- Realignment and rationalisation of the Main North – South Street (bus route);
- Co-location of the Leisure Centre and Youth and Recreational Centre Facilities within the Civic Precinct;
- Improved street network with a more permeable grid;
- More efficient and desirable spatial layout of the Civic Precinct;
- Better relationship of proposed building and land uses within the precinct;
- Enhanced efficiencies in the calculation of facilities/amenities;
- Better pedestrian connections through the site and town centre;
- Provision of surrounding street blocks of a size and proportion that can accommodate a variety of long term development option;
- Provision of public open space areas within the precinct that are varied in size and character and
- Reconfiguration of Town Park.

As a result of the Oran Park Masterplan changes mentioned above, an amendment to the SEPP (Sydney Region Growth Centres) was drafted along with a package of Oran Park DCP amendments. These amendments corrected the mapping in the SEPP and DCP to make them consistent with the new Masterplan for the Oran Park Town Centre. These documents were placed on public exhibition and no submissions were received.

Public Exhibition.

In accordance with Council's resolution dated 28 January 2014, Council resolved to publicly exhibit the planning proposal and proposed amendments to the Oran Park DCP and the proposed amendments to the SEPP (Sydney Region Growth Centres) 2006. These were publicly exhibited for a period of 28 days from 5 February 2014 until the 4 March 2014 in accordance with the *Environmental Planning and Assessment Regulation 2000* and the Gateway Determination. A notification was placed in the local newspaper (on the 5 February 2014, 12 February 2014, 19 February & 26 February

2014) advising the public of the exhibition period, with the exhibition material made available at:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy);
- Council website for the length of the exhibition period (Electronic Copy).

No submissions were received as a result of the public exhibition.

The amended Oran Park DCP 2007 as exhibited is provided as **Attachment 3 to this report** and the Planning Proposal including the amendment to the SEPP (Sydney Region Growth Centres) 2006 as exhibited is provided as **Attachment 1 to this report**.

Amendments to exhibited SEPP and Oran Park DCP amendments

There are no proposed amendments to the Planning Proposal or the Oran Park DCP as a result of public exhibition as no submissions were received.

DCP Delegation

The draft DCP requires adoption following the publishing of the SEPP (Sydney Region Growth Centres) 2006. Given the different timing of the Planning Proposal and DCP adoption processes, the DCP cannot be adopted until the publishing of the SEPP (Sydney Region Growth Centres) 2006. In accordance with *Environmental Planning and Assessment Act 1979* and its regulations, Council can endorse the proposed amendments to the DCP pending the publishing of the associated SEPP (Sydney Region Growth Centres) 2006. Council may grant delegations to the General Manager to adopt the DCP following the publishing of the SEPP (Sydney Region Growth Centres) 2006. In this regard, this report also seeks to grant delegations to the General Manager for the adoption of the DCP following the publishing of the SEPP (Sydney Region Growth Centres) 2006.

Where to from here

Should Council endorse the recommendations of this report, the associated SEPP (Sydney Region Growth Centres) 2006 maps will be prepared in accordance with P&I's Mapping Guidelines, which accompany the Planning Proposal. The Planning Proposal and associated SEPP (Sydney Region Growth Centres) 2006 maps will be forwarded to Planning & Infrastructure requesting Parliamentary Counsel to make the plan.

Furthermore, should Council endorse the proposed amendments to the Oran Park DCP 2007, following the gazettal of the SEPP (Sydney Region Growth Centres) 2006 the General Manager will adopt the DCP. In accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*, a notification will be placed in the local newspaper notifying the public of the adoption of the DCP.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The changes to the Oran Park DCP and SEPP are necessary as a result of the design and development of the Civic Precinct Masterplan for the Oran Park Town Centre and to reflect Council's adoption of the new Masterplan for the Oran Park Town Centre.

The proposed amendments to the Oran Park DCP and the SEPP were publicly exhibited in accordance with Council resolution and Gateway Determination. No submissions were received as a result of the public exhibition.

It is recommended that Council submit the post exhibition Planning Proposal to Parliamentary Counsel for the plan to be made and that it endorse the proposed amendments to the Oran Park Development Control Plan 2007.

RECOMMENDED

That Council:

- i. adopt the post exhibition Planning Proposal as exhibited;**
- ii. submit the post exhibition Planning Proposal to Parliamentary Counsel for the plan to be made;**
- iii. endorse the proposed amendments to the Oran Park Development Control Plan 2007;**
- iv. grant delegations to the General Manager to adopt the proposed amendments to the Oran Park Development Control Plan 2007 upon the gazettal of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006;**
- v. following the adoption of the Development Control Plan and in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*, place a notification in the local newspaper notifying the public of its decision to adopt the proposed amendments to the Oran Park Development Control Plan 2007;**
- vi. provide the Director-General (Planning & Infrastructure) with a copy of the draft Oran Park Development Control Plan 2007 that it proposes to make (following public exhibition of the draft plan) at least 15 working days before it is made; and**
- vii. notify interested parties of Council's determination.**

ATTACHMENTS

1. Attachment 1 Planning Proposal Post Exhibition
2. DA/2013/764/1 - Management Plan Waste - 21 Furlong Drive CURRANS HILL
3. Attachment 3 Oran ParkDCP

ORDINARY COUNCIL

ORD07

SUBJECT: CAMDEN LEP 2010 AMENDMENT 30 - ORIELTON
FROM: Acting Director Governance
TRIM #: 14/25703

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition and government agency consultation of Amendment 30 - Orielson Planning Proposal (part of Lot 7 DP 270613) and seek resolution to adopt the proposal and forward to Parliamentary Counsel for drafting of the plan.

BACKGROUND

The land subject to Amendment 30 – Orielson is within the Harrington Grove West development. Harrington Grove West was rezoned in 2007 to facilitate limited residential development and the conservation of Orielson Homestead (shown on the map below as the subject site). The subject site was zoned R5 Large Lot Residential with a minimum lot size of 40ha. The minimum lot size of 40 ha was not as a result of any study but an arbitrary size chosen by Council at the time of the change over to the Template LEP.

In order to deliver the development as outlined in the Structure Plan adopted in 2007, subdivision of the Orielson Homestead lot from the balance of the site is required. This cannot be undertaken under the current minimum lot size. It should be noted that the amendment does not provide any additional dwelling yield or residential development opportunities.

At its meeting of the 22 October 2013, Council resolved to place Amendment 30 on public exhibition subject to receiving Gateway Determination, which was subsequently received on 19 December 2013.

In accordance with the gateway determination the Planning Proposal was subsequently exhibited from 22 January to 19 February, with both the Office of Environment and Heritage (OEH) and the Camden Historical Society directly advised of the proposal.

The requirement for a Planning Proposal was identified by the proponents to amend the minimum lot size. Council acknowledged that the existing minimum lot size did not facilitate subdivision in accordance with the approved Masterplan

MAIN REPORT

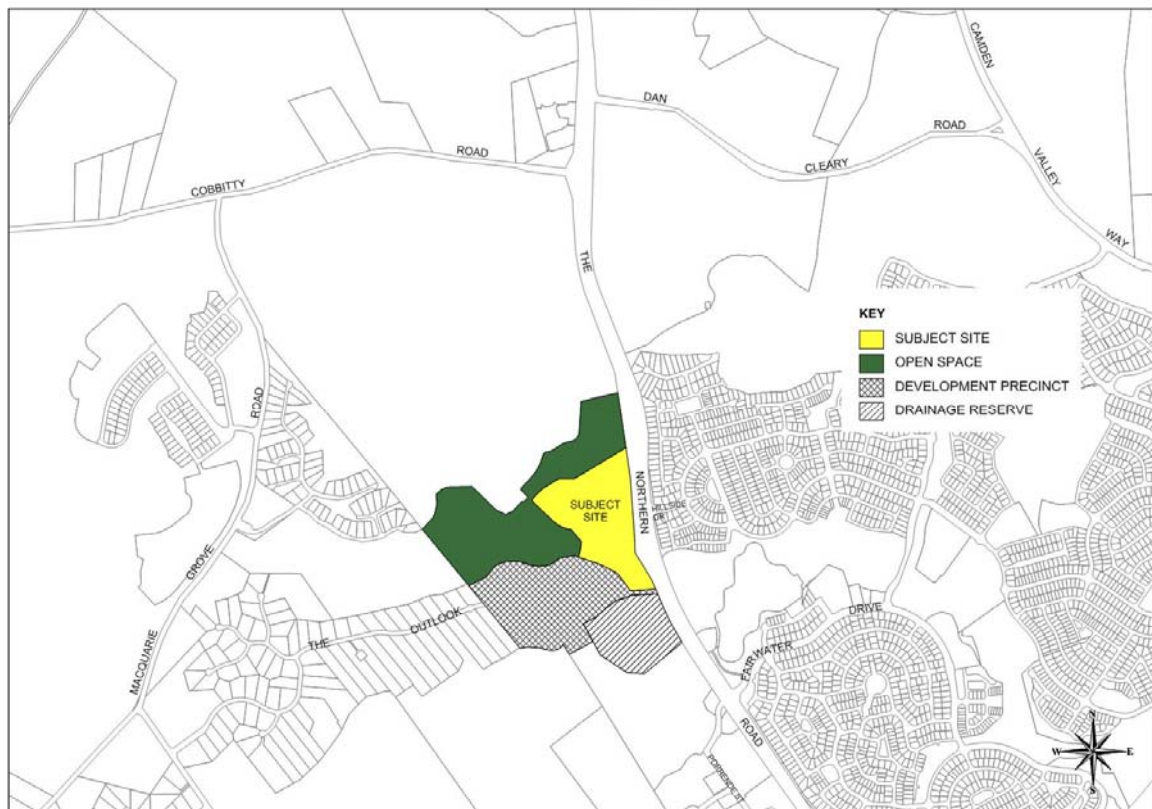
Proposal

The hatched area in the map shown below is zoned R5 Large Lot Residential with a range of minimum lot sizes from 700m², 2000m² and 6000m² and is one of the next precincts to be developed in the Harrington Grove development. This proposal facilitates the access required to ensure the timely release of this first stage of the development.

The Planning Proposal **provided as Attachment 1 to this report** is to amend the minimum lot size of the subject site. The subject site is 11ha (with a 40ha minimum lot size). In order to approve the subdivision of the site for an entry road, road widening for the Northern Road and drainage reserves the minimum lot size needs to be amended.

Therefore the proposal is to amend the minimum lot size from 40ha and 7ha. This will enable the heritage lot to be excised from the overall holding and facilitate the necessary infrastructure. It will not enable any further subdivision of the land as the minimum lot size will prevent this.

Subject Site: Orielton Heritage Homestead



Agency Consultation and Public Exhibition

The Planning Proposal was publicly exhibited from 22 January 2014 to 19 February 2014. Exhibition material consisted of the Planning Proposal, Orielton Heritage Conservation Management Plan (August 2006), Council's previous report and resolution and the Gateway Determination.

The exhibition material was made available at Narellan and Camden Customer Service Centres and Libraries, and Council's website. A notice of public exhibition was placed in the local paper on 22 January 2014 and 5 February 2014. As the proposal is to enable development under a currently adopted Structure Plan and will not change any development outcome on the ground no adjoining owners were notified.

As part of the consultation process the Camden Historical Society was notified and a meeting to outline the proposal was undertaken. A submission was received from the Camden Historical Society outlining no objection to the proposal but requested that

they be advised of the outcome of the proposal and notified when the conservation works outlined in the Orielton Conservation Management Plan commence.

The Planning Proposal was also referred to the Office of Environment and Heritage (OEH) (Heritage Office). The OEH have provided a submission supporting the Planning Proposal on the basis that this will allow the Orielton Homestead to be excised from the larger land holding and enable the delivery of the development foreshadowed in the Structure Plan. The OEH submission **is provided as Attachment 2 to this report.**

Where to from here?

No amendments have been made to the Planning Proposal as a result of any submissions to the exhibition. However amendments were made prior to exhibition as required by the Gateway Determination. These amendments were to clarify the proposal and are as outlined below:

- a) Amended Part 1 – Objectives or intended outcomes in the Planning Proposal to clarify that the objective is to excise the homestead site (Lot and DP details are to be included);
- b) Identified the ‘approved Structure Plan’ on page 4 of the Planning Proposal;
- c) Provided justification for the choice of 7 hectares as a minimum lot size for the homestead site (currently 11 hectares) in the Planning Proposal;
- d) Amended item 2 in Part 3 of the planning proposal to explain that the Planning Proposal is required as clause 4.6 of the Principal LEP does not apply in this instance;
- e) Amended items 9 and 11 in Part 3 of the Planning Proposal to include a reference to Orielton Homestead as an item on the State Heritage register, including item number and other relevant details;
- f) Replaced the diagram on page 3 of the proposal with: (1) a diagram showing the existing controls and (2) a diagram showing the proposed controls (where appropriate, diagrams are to include the lot and DP description(s), indicatively showing the existing and proposed cadastral boundary of the site, as well as the zones applying to the site and the zones of land immediately adjoining the site. These maps have been added to the Planning Proposal as Attachment A.

The following amendments have also been made in accordance with normal updates once the exhibition has been completed:

- Part 3 section D (11) has been updated to reflect the comments received by the OEH;
- Part 5 has been updated to reflect the community consultation process;
- Part 6 has been updated to reflect the Project Timeline post Gateway Determination.

As Council has received delegation for this matter from Planning & Infrastructure, should Council endorse the recommendations of this report, a recommendation for drafting of the plan will be forwarded to Parliamentary Counsel.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The Planning Proposal to amend the minimum lot size of the subject site from 40ha to 7ha will ensure that development in accordance with the approved Structure Plan can occur. This proposal will not facilitate any further residential development beyond that intended under the current zoning and minimum lot size.

The proposal was exhibited for 28 days and consultation with OEH and the Camden Historical Society was undertaken. No submissions against the proposal have been received.

As this is a delegated matter, should Council endorse the recommendations, a recommendation to draft the plan will be sent directly to Parliamentary Counsel.

RECOMMENDED

That Council:

- i. adopt the attached Planning Proposal;**
- ii. submit the attached Planning Proposal directly to Parliamentary Counsel for the plan to be made; and**
- iii. notify interested parties of its determination.**

ATTACHMENTS

1. Attachment 1 Amendment 30 - Orierton Planning Proposal - March 2014 (Post Exhibition)
2. Attachment 2 Amendment 30 - Orierton - OEH comment

ORDINARY COUNCIL

ORD08

SUBJECT: ACQUISITION OF EASEMENT - LODGES ROAD TO ORAN PARK UPGRADE

FROM: Acting Director Governance

TRIM #: 14/28046

PURPOSE OF REPORT

This report seeks Council approval to accept compensation and allow for the creation of easements across 4 parcels of Council owned land in relation to the Lodges Road to Oran Park upgrade.

BACKGROUND

Council is the owner of Lot 1 DP 829852 Millwood Avenue, Narellan (Narellan Park), Lot 100 DP 1107591 The Northern Road, Narellan and Lots 3 & 5 DP 859872 Lodges Road, Narellan (Golf Course).

Endeavour Energy has identified these sites to install underground and overhead 132 kv transmission lines for the Lodges Road to Oran Park upgrade. This upgrade is required to service the Oran Park development.

The proposal relating to the Lot 1 (Narellan Park) and Lot 100 The Northern Road was reported to Council 13 September 2011 where 5 options for the location of the easement were considered. The 5 options are shown at **Attachment 1**.

Council resolved the following:

That Council:

i. advise Endeavour Energy of its preference for undergrounding of the proposed transmission line, and should that not be possible, the preference for the line to skirt the sporting precinct at Narellan; and

ii. in the event that either of the alternatives, under point 'i' above is not accepted, advise Endeavour Energy that "option 5" as their preferred route for the 132 kV powerlines across the Kirkham Floodplain can be accepted subject to:

- a) obtaining assurances from Endeavour Energy that the proposed powerlines will not impact in any way on the planned development of Narellan Park; and*
- b) Council receiving appropriate compensation for any concurrence of an easement through the Narellan Sporting Precinct.*

MAIN REPORT

Lot 1 Narellan Park & Lot 100 The Northern Road

Part of option 5 was to follow the boundary between Lot 1 and adjoining privately owned land. At the request of Council officers, Endeavour Energy has moved this section of the easement so that it runs across the privately owned land which reduces the impact on the proposed sporting fields at Narellan Park. The change to the easement is shown in attachment 2 to the report. It should be noted that the privately owned land is expected to be dedicated to Council in the future.

Lots 3 & 5 DP 859872 Lodges Road, Narellan (Golf Course) (refer attachment 3)

As part of the upgrade Endeavour Energy is also proposing to underground the overhead powerlines located along the western boundary of the Camden golf course and adjoining land. The easement will be 6 metres wide for the majority of the route, however a small section at the northern end adjacent to Camden Valley Way will need a width of 15 metres to allow for a pole that transfers the powerline from underground to overhead as it crosses Camden Valley Way. It is planned that the pole will be located some 10-15 metres back from the Camden Valley Way boundary.

Council officers have met on site with representatives from Endeavour Energy and the Golf Course to determine the exact location of the easement and to ensure minimal impact on the land. Agreement has been reached with Endeavour Energy on these issues and staff and the Golf Club representative have no objection to the location of the underground lines and easement.

Compensation for Easements

Endeavour Energy made offers of compensation for the creation of the easements as follows:

1. The installation and associated easement for underground power across Lots 3 and 5 Lodges Road – Golf Course and adjoining land - \$98,000 (GST exclusive).
2. The installation of overhead powerlines and associated easement across Lot 1 – Narellan Park, between the hockey centre and rugby league - \$34,000 (GST exclusive).
3. The installation of overhead powerlines and associated easement across Lot 100 The Northern Road – Council's drainage reserve - \$21,000 (GST exclusive).

Advice was received from Council's valuer in relation to the compensation and based on this advice counter offers were made to Endeavour Energy as follows:

1. Lots 3 and 5 Lodges Road - Golf Course and adjoining land - \$103,000 (GST exclusive).
2. Lot 1 Narellan Park - between the hockey centre and rugby league - \$37,000 (GST exclusive).
3. Lot 100 The Northern Road - Council's drainage reserve - \$26,000 (GST exclusive).

Endeavour Energy has accepted the counter offers. In addition Endeavour Energy have undertaken to cover all costs associated with the creation of the easements and will be required to reinstate the land, as nearly as practicable, to its original condition and to the satisfaction of Council.

FINANCIAL IMPLICATIONS

There are no adverse financial implications for Council as Endeavour Energy is responsible for all costs associated with the works and the creation of the easements.

Council will be receiving a total compensation of \$166,000 (GST exclusive) as outlined in the report. Upon Council endorsing the easements the amount will be brought to account at the next quarterly budget review.

CONCLUSION

The upgrade to the power is required to service the Oran Park development. Council officers are satisfied that the proposed underground and overhead powerlines as negotiated, will have no impact on the current and future usage of the land based on Council's current plans for the site. Endeavour Energy has provided a letter, as required by Council resolution (13 September 2011), confirming that the easements will not affect the future Narellan Park development, based on Council's current plans for the site (attachment 4).

RECOMMENDED

That Council:

- i. approve the grant of easements over Lots 3 & 5 DP 859872 Lodges Road, Narellan, Lot 1 DP 829852 Millwood Avenue, Narellan and Lot 100 DP 1107591 The Northern Road, Narellan for the compensation amount as detailed in the report; and**
- ii. authorise the signing of all necessary documents for the creation of the easements under delegated authority.**

ATTACHMENTS

1. Council report - ORD13 - 13 September 2011
2. Plan showing location of easement - Narellan Park, Lot 100 The Northern Road & privately owned land
3. Plan showing location of easement - Lots 3 & 5 Lodges Road
4. Letter from Endeavour Energy

ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL'S FINAL REPORT - REVITALISING LOCAL GOVERNMENT

FROM: Acting Director Governance

TRIM #: 14/17432

PURPOSE OF REPORT

The purpose of this report is to inform Council that the Independent Local Government Review Panel (hereafter referred to as the Panel) has released its final report of potential Local Government reforms for NSW entitled “Revitalising Local Government – Final Report of the NSW Independent Local Government Review Panel” (a full copy of the report is attached – **see Attachment 1**). The contents of this report will form the basis for a submission to the Panel.

BACKGROUND

The Panel was appointed by the NSW Government in April 2012, following an approach by the then Local Government and Shires Associations (now combined as “Local Government NSW”). Its task has been to:

- formulate options for governance models, structures and boundary changes;
- to improve the strength and effectiveness of local government; and
- to help drive the key strategic directions set out in the Destination 2036 Action Plan, and to further the objectives of NSW 2021: A Plan to Make NSW Number One (the State Plan).

The Panel, chaired by Professor Graham Sansom, Director of the Australian Centre for Excellence in Local Government, has undertaken a wide range of stakeholder consultation including the provision of several release papers for submission, a series of media releases, numerous press, radio and television interviews and made presentations and sought feedback at conferences, seminars, workshops and other events.

In July 2012, the Panel released its Stage 1 – Setting the Scene – Consultation Paper and followed this up with a “Listening Tour”, visiting 18 metropolitan and regional locations in the space of four months. In late November 2012, the Panel released Stage 2 – The Case for Sustainable Change – Discussion Paper. In April 2013 the Panel released Stage 3 – Future Directions for NSW Local Government – 20 Essential Steps. Camden Council has made a submission on all three release papers to date and copies of the previous submissions are attached – **see Attachments 2, 3 and 4**.

The subject of this report is the final release of the Panel – Revitalising Local Government – Final Report of the NSW Independent Local Government Review Panel. A copy of this report was provided to the Minister in October 2013. Submissions on the final report are due by 4 April 2014.

It is noted that the review of the Panel has been conducted in parallel with several other important reviews looking at various aspects of local government including the Local Government Acts Task Force, the review of NSW planning systems being carried out by the Department of Planning and Infrastructure, and the Independent Pricing and

Regulatory Tribunal which has been investigating local government compliance and enforcement practices as one of the State Government's Red Tape reviews. The Panel is however confident that its proposals align closely with those other reviews.

MAIN REPORT

The Panel has proposed 65 recommendations in the final report with the objective to create a revitalised system of local government that will remain sustainable and fit for purpose well into the middle of the 21st century. The recommendations of the Panel respond to 12 key themes that run throughout the report as follows:

1. "The overarching imperative is to ensure the long term sustainability and effectiveness of NSW local government: in its present form and under current policy settings the system as a whole will not remain sustainable and fit-for-purpose for much longer.
2. The focus of policy should be on strengthening "strategic capacity" – ensuring that local government has the right structures, governance models, skills and resources to discharge its responsibilities and realise its potential.
3. Major new initiatives are required to tackle the underlying problems of financial weakness and infrastructure backlogs.
4. In particular, a series of measures must be put in place to promote greater "fiscal responsibility" within local government and to make associated improvements to local government's efficiency, accountability and political governance.
5. Changes to the rating system and rate-pegging are essential to generate the revenues needed to fund infrastructure and services, and – equally as important – to make the system more equitable.
6. Given limited funds, the distribution of grants must change to direct more assistance to areas of greatest need.
7. Stronger regional organisations are vital to ensure increased resource sharing and joint planning, and to support vulnerable rural-remote councils.
8. Structural reform – including council amalgamations – is another essential component of reform, notably in metropolitan Sydney.
9. The process for considering possible amalgamations and boundary changes needs to be overhauled and a package of incentives introduced to encourage voluntary mergers.
10. The particular issues and problems facing the Far West of NSW require special arrangements.
11. Working relations between local government and State agencies need to be improved across the board, and regional coordination should be the centrepiece of this effort.
12. Reforms must be pursued as an integrated package, not one-off measures."

Throughout the entire review, the Panel has received a total of over 1,800 submissions. The Panel has re-affirmed its views in several areas, but made significant changes to previous release papers as a result of the consultation process. The latter applies especially to earlier proposals for "new look" County Councils and "local boards". The Panel has also developed new ideas around the rate system, rate pegging, and on cost-shifting.

Given Council's general support in past submissions for the recommendations by the Panel, this report concentrates only on new ideas presented in this final paper or aspects that are either considered contentious, where an alternative view to the Panel may be held, or where additional information may be sought.

Fiscal Responsibility

The Panel believes that *“the starting point has to be a new focus on what it terms “fiscal responsibility” – by which asset and financial management, the level of rates and charges, distribution of grants, setting of service standards, increased efficiency, performance improvement and audit practices are all aligned to achieve the long term goal of financial sustainability.”*

Council supports the initiatives to develop a performance measures for councils including sustainability; a program to support improvement; expanded mandatory Guidelines for Delivery Programs; the requirement to employ a qualified Chief Financial Officer and placing local government audits under the aegis of the Auditor-General. These initiatives will ensure a consistent approach to auditing and provision of reliable data that can be used for sustainability assessments and benchmarking.

Cost-shifting

The Panel acknowledge that an often expressed concern of local government is “cost shifting” – to describe where the State, and to a much lesser extent federal governments have transferred functions to local government or imposed additional costs on councils without either providing corresponding funding or enabling councils to raise the extra revenue required. The Panel have recommended that the provisions of the State-Local Government Agreement are used effectively to address cost-shifting. The Panel is to be applauded for recognising the need to establish an agreed approach to ensure that all State agencies understand their obligations, to review pensioner rebates and that any future arrangements for rate-pegging and/or setting fees and charges enable councils to recover cost increases associated with additional services or functions.

It was identified in the last Cost Shifting Survey that the estimated cost shifting for 2011/2012 for Camden Council was \$4 million per year.

Rate Revenue and Rate Pegging

Following a number of issues set out in Camden Council's previous submission, the Panel should be acknowledged for recommending changes to ensuring a more robust Revenue Policy process is implemented and that IPART undertake a further review of the rating system, focussing on options to reduce or remove excessive exemptions and concessions and a more equitable system for rating of apartments and multi-unit dwellings.

Most importantly however, is the Panel's willingness to address the profound affect rate pegging has had on local government over the past 30 years. The Panel have proposed three alternatives to the current rate-pegging system as follows:

1. **Rate-Benchmarking** – for the current system of rate pegging to be abolished and replaced with “Rate-Benchmarking”. This would form part of the new fiscal responsibility framework and the IPART would calculate and publish an annual Local Government Cost Index as well as comparative data on rate increases and associated expenditures (drawn from annual audits and new performance measures). This would enable greater public scrutiny of Council's revenue and expenditure decisions and a heightened awareness of sound financial management. Ultimately the Minister would retain a reserve power to intervene in

cases where the evidence suggests a council is imposing excessive increases and failing to control expenditure.

2. **Streamlined Rate Pegging** - the second option is a “more light handed regulatory approach” in which there would be a reduced demand on councils for special documentation and with guarantees that some increases in rate revenues above the annual peg would be approved automatically provided certain requirements were met. This approach would be to remove the detailed controls and red tape from the *Local Government Act 1993* (“the Act”). In this instance, IPART would continue to review and determine applications for Special Rate Variations of more than 5% pa above the peg.
3. **Earned Exemption** – The Panel’s third option is for councils to be able to earn complete exemption from rate-pegging by demonstrating a consistently high performance in asset and financial management. This would be in addition to Streamlined Rate Pegging as set out in Option 2.

Options 2 and 3 are Camden Council’s preference and consider that these initiatives will remove unwarranted complexity, costs and constraints to sound financial management.

Distribution of Grants

The Panel notes that the effects of the current distribution of grants are paid to councils that could often make do with less, particularly where rate revenues may be reviewed. The Panel believes that in a climate of fiscal restraint, consideration needs to be given to the option of redistributing more funds to the most needy councils and communities (subject to legal constraints).

This review is long overdue. Camden Council has previously requested a fairer share of the financial assistance grant, stating that the current distribution methodology has little regard for the unique circumstances that growth councils such as Camden are experiencing.

Use of Debt and Fees and Charges

Council’s previous submission noted that the introduction of the Local Infrastructure Renewal Scheme is seen as a great opportunity to make serious inroads into the current infrastructure backlog challenge. The panel also identified that the local government sector seemed to be more preoccupied with becoming debt free rather than using loan borrowings to capitalise on the benefits of intergenerational equity to address long-term funding issues.

Camden Council supports the investigation of extending the scope of Treasury Corporation to assist local government. This would enable councils to access interest rates currently available to the State Government through a State-wide borrowing facility, as well as low-cost financial and treasury management advice, thereby achieving significant cost savings for ratepayers.

Camden Council also commends the Panel for considering the removal of restrictions on increasing statutory fees and inspections, subject to monitoring and benchmarking by IPART.

Infrastructure Backlogs

Council strongly supports the continuation of the Local Infrastructure Renewal Scheme for at least 5 years, with a focus on councils facing the most severe infrastructure problems.

The pooling of a proportion of funds from the roads component of federal Financial Assistance Grants in order to establish a Strategic Projects Fund for roads and bridges is fully supported. It is recommended that the Roads to Recovery Program should remain unchanged.

Council also supports the adoption of a Regional Roads and Transport Group to improve strategic network planning and foster ongoing improvement in asset management expertise in councils. Camden Council has long advocated that a “whole of government” approach is necessary for such services.

Political Leadership and Good Governance

The Panel recommends that the Act be amended to strengthen political leadership as follows:

- Require councils to undertake regular “representation reviews” covering matters such as the number of councillors, method of election and use of wards.
- Before their nomination is accepted, require all potential candidates for election to local government to attend an information session covering the roles and responsibilities of councillors and mayors.
- Amend the legislated role of councillors and mayors to provide greater detail and introduce mandatory professional development programs.
- Provide for full-time mayors, and in some cases deputy mayors, in larger councils and major regional centres.
- Amend the provisions for election of mayors.
- Increase remuneration for councillors and mayors who successfully complete recognised professional development programs.
- Amend the legislative role and standard contract provisions of General Managers.
- Amend the provisions for organisation reviews.
- Develop a Good Governance Guide as a basis for “performance improvement orders” and to provide additional advice on building effective working relationships between the governing body, councillors, mayors and General Managers.

Council is largely supportive of these initiatives and notes as follows:

Skill Development

As set out in Council’s previous submission, Council supports the introduction of mandatory professional development for councillors and considers formal training complementary to the “on the job” experience. It is however recommended that the Division of Local Government and Local Government NSW combine resources to formulate an annual training calendar that is standardised to the extent it addresses the primary roles and responsibilities of a councillor but flexible enough to respond to emerging issues and/or specific local circumstances.

The Panel recommend that those councillors who satisfactorily complete professional development programs should receive additional remuneration and the names of those

who fail to undertake training should be published in the council's annual report and forwarded to the Division of Local Government. It is clear from these recommendations that the role of councillors is becoming an ever increasing and challenging role overtime. It is only fair that remuneration and administrative and technical support is offered to councillors to reflect these increased demands.

The Role and Election of Mayors

The Panel has concluded that the role of the mayor should be enhanced to make a major contribution to focussing councils on strategic issues, improving governance and strengthening inter-government relations and partnerships with key stakeholders. Given the increased level of responsibility, mayors would be required to undergo a specialised development program over and above that required for councillors. As set out above, if the demands upon the role are to increase, it is necessary that adequate remuneration is provided, that administrative and technical support is available and that the mayor is adequately supported by a deputy mayor. Equally this may see the move from mayors who previously conducted the role whilst holding a full time job outside of council to being a full time representative of the community.

Council notes the Panel's recommendation that the mayor should nominate his or her deputy, with the governing body's role limited to either ratifying or rejecting that nomination in order to avoid a situation where a governing body may deliberately install a hostile deputy mayor.

The Panel also recommend that mandatory direct election of mayors occur in all metropolitan councils, in other councils with a population of 40,000 or more, and in designated regional centres (this would include Camden Council as a metropolitan council). Elsewhere, the Panel recommends that the election of the mayor be either directly by the voters or by the councillors, with the default position remaining election by the councillors. Where the mayor is popularly elected, the term would be for a period of four years and a minimum of two years for mayors elected by councillors.

The Panel also recommend the following additional reforms:

- Ensure that all councils have an odd number of councillors (including the mayor), and require all councillors to vote in a mayoral election (thus avoiding draws from the hat);
- Councils to hold community consultation on whether to change the way the mayor is elected as part of each representation review;
- Councils to hold a referendum if the representation review finds substantial community support for a change, or a set number of eligible voters petition the council;
- Referenda to be conducted by postal voting to minimise costs;
- Mayors to undertake mandatory ongoing professional development in accordance with the Council's adopted Councillor Development Plan, including an initial specialised course to be successfully completed within three months of election as mayor.

As provided in Council's previous submission Camden Council is supportive of an increased tenure for the term of mayors, particularly given the recommended enhanced role of mayors. Camden Council maintains the view that there are political, reputational, corporate and financial risks associated with popularly elected mayors. These risks need to be given careful consideration; particularly as it is a long term four year appointment. It is Council's preferred approach to maintain the status quo – whereby each council can have a choice between a popularly elected mayor and a

mayor that is elected by the councillors. The decision on the election of the mayor may then be raised as part of a representation review to allow the community to determine the matter.

Structural Reform

Discussion of structural reform in local government has been arguably the most contentious matter as part of this review and invariably dominated by strongly opposing views about the merits of amalgamations. Camden Council, unlike several metropolitan councils and regional councils is not subject to any amalgamation proposals. With an expected population growth from 55,000 to 250,000 people over the next 30 years, Camden Council does not face the same challenges as those smaller councils which are struggling for survival or larger regional councils that have a diminishing population. Accordingly Camden Council is supportive of the Panel's recommendation of no amalgamation.

In the previous release paper, the Panel recommended for building stronger regions through the mechanism of county councils. In Council's previous submission, it was noted that the proposed Sydney and Outer Metropolitan area county council was considered too large and excessively populated compared to other proposed county councils throughout NSW.

Since the last discussion paper, the Panel have reconsidered the concept of county councils and have since proposed a revised set of local government structures that can be used in different ways to varying needs of communities and regions as follows:

- Regional Joint Organisations – statutory groupings of local councils established under the *Local Government Act* that undertake a range of high level functions on behalf of their members (the precise mix of functions can vary from region to region);
- Local councils operating along very similar lines to the current provisions of the Act, except for the referral of some regional functions to the new Joint Organisations;
- “Rural Councils” – a somewhat different type of local council, working as part of a Joint Organisation, and with reduced legislative and compliance responsibilities and a lower cost base more appropriate to rural-remote areas with small populations;
- “Community Boards” – elected or appointed sub-council organisations that can carry out a range of representational, planning and service delivery functions delegated by the Council.

Regional Joint Organisations and Community Boards

The Panel have re-thought the concept of County Councils and have proposed a new concept of regional governance – Regional Joint Organisations. A new Joint Organisation would be established for each region by negotiation amongst member councils and with the Minister. Membership and ongoing active participation by councils would be mandatory. Selected high-level, regional functions would be referred to the Joint Organisation which would then work alongside their member councils in performing those tasks.

At this point in time, the Panel has recommended deferment of establishing Joint Organisations for the Sydney metropolitan and Central Coast regions, pending further consideration of options for council mergers. In an indicative metropolitan sub-region map, Camden Council may be grouped with Fairfield, Liverpool, Bankstown,

Wollondilly and Campbelltown Councils to create a South-West Sydney Joint Organisation, if implemented.

Whilst the benefits of regional collaboration are evident in resource sharing and improved inter-governmental relations and strategic planning, it is considered that this proposed South-West Sydney sub-region is too large and excessively populated for a Joint Organisation to operate effectively. The differences between these six councils in terms of local government issues are significant and varied. It is also noted that Bankstown Council has previously been part of the Southern Sydney Regional Organisation of Councils and also has links to Canterbury in the east. If implemented, Council would advocate for a smaller number of member councils.

Camden Council also recommends that the Panel clearly outline the benefits that will accrue from the formation of Joint Organisations as opposed to giving the existing Regional Organisation of Councils, which have served the sector well for decades a mandatory and statutory basis.

Further, on the Merger and Boundary Change Options for Sydney Metropolitan Councils schedule on page 104 of the Discussion Paper, it is noted that Camden is listed as “no change, or, combine as a strong Joint Organisation with Liverpool, Fairfield, Bankstown, Campbelltown and Wollondilly”.

It is noted that the Panel are also looking to include provision for optional Community Boards in the re-written Act. The motivations behind this initiative are particularly important for Regional Joint Organisations or amalgamations, where it is necessary to retain an option to create a greater sense of local identity.

Boundary Adjustments

In the third Discussion Paper entitled – Future Directions for NSW Local Government – 20 Essential Steps – a map identified a possible transfer of land from Liverpool City Council (western portion) to Camden Council. The Panel also identified the possible transfer of land from Wollondilly Shire Council (Bridgewater Estate and its immediate surrounds) to Camden Council. It is noted that this latest report of the Panel has removed these potential boundary adjustments and recommending that the Camden Council Local Government Area remain unchanged.

Whilst Camden accepts the current recommendation of the Panel in its latest report, if the Panel is of a view to make further changes, then Camden supports the two proposed boundary adjustments put forward in the third discussion paper. The inclusion of the western portion of land from Liverpool City Council and the Bridgewater Estate and surrounds from Wollondilly Council was a logical recommendation given that the vast majority of the South Western Sydney growth corridor is limited to one Local Government Area - Camden Council. Camden has also demonstrated that it has the experience and expertise to successfully manage new precinct releases within the Growth Corridor. A consolidation of this land into the one Local Government Area allows for consistent planning, development and environmental outcomes, greater opportunity for long term financial and social sustainability, and increased prospects of attracting public and private investment to the area to satisfy the regional needs of the community.

The initial proposal was also consistent with the proposed State Government's boundary realignment. The ability to effectively and efficiently manage this area of greenfield land will only strengthen positive relationships between Local and State Government.

Further, given the connection to the Camden community and proximity to the Camden CBD, the inclusion of the Bridgewater Estate from Wollondilly Council to Camden Council seems a natural progression.

Continued Improvement

The Panel outline some very well thought out recommendations for improvement, productivity and accountability, including adoption of a uniform set of performance indicators for councils which are linked to IPR requirements and ensuring ongoing performance is adequately resourced; IPART to undertake a whole of government review of regulatory, compliance and reporting burdens on councils; establishment of a sector-wide program to promote, capture and disseminate innovation and best practice; the incorporation of regular service reviews in Delivery Programs; strengthening the requirements for internal and performance auditing; and the introduction of Annual General Meetings.

Council also supports the use of the State-Local Agreement as the basis and framework for a range of actions to build a lasting partnership and negotiate supplementary agreements as appropriate with State Government. As set out in Council's previous submission, it would be useful to commission an audit of services provided to the community by both levels of government and identify areas where gaps and duplication exist as well as opportunities for shared (or partnered) service delivery.

Finally, Council applauds the Panel for recommending the introduction of collaborative whole of government strategic planning at a regional level and amending the State Constitution to strengthen the recognition of local government.

FINANCIAL IMPLICATIONS

There are no known financial implications associated with the options and models as presented in this discussion paper. All recommendations put forward are proposals only at this point in time.

CONCLUSION

The Panel have delivered an outstanding paper in terms of presenting a range of recommendations that will revitalise Local Government in NSW.

Council is strongly supportive of the vast majority of the options put forward; commenting only on those which are contentious, newly presented issues, where an alternative view is held or additional information is sought.

Council wishes to thank the Panel for its efforts and the opportunity for ongoing comment throughout the process.

RECOMMENDED

That Council:

- i. endorse the contents of this report; and**
- ii. authorise the Director of Governance to forward a submission to the Independent Review Panel consistent with the content of this report.**

ATTACHMENTS

1. Revitalising Local Government - Final Report of the NSW Independent Local Government Review Panel - October 2013
2. Camden Council Submission - Future Directions for NSW Local Government Discussion Paper - July 2013
3. Camden Council Submission - The Case for Sustainable Change Discussion Paper - March 2013
4. Camden Council Submission - Strengthening Your Community - Submission to the Independent Review Panel - August 2012

ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: LOCAL GOVERNMENT ACTS TASKFORCE SUBMISSION
FROM: Acting Director Governance
TRIM #: 14/28364

PURPOSE OF REPORT

The purpose of this report is to inform Council that the Local Government Acts Taskforce (“the Taskforce”) has released its final discussion paper entitled “Report to the Minister for Local Government the Hon Don Page MP, A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988 (16 October 2013)”(see **Attachment 1**).

A draft submission on the Report has been prepared for Council’s consideration (see **Attachment 2**). The recommendations of the Taskforce have been summarised and comment provided in response to each recommendation in a table format. It is noted that Council has not commented on any review of the *City of Sydney Act 1988*.

BACKGROUND

In 2012, the Minister for Local Government, the Hon Don Page MP appointed the Local Government Acts Taskforce to rewrite the *Local Government Act 1993* (“the Act”) and review the *City of Sydney Act 1988*. Under the terms of reference the Taskforce was required to consult widely and have regard to the outcomes of other reviews of the local government sector, including findings on the Independent Local Government Review Panel and the review of the planning system in NSW. Given that neither of these reviews have been finalised, the Taskforce has been unable to consider those sections of the Act that will be impacted by the outcomes of those reviews.

The Taskforce is made up of Mr John Turner (Chair), Mr Stephen Blackadder, Ms Gabrielle Kibble AO and Dr Ian Tiley. In conducting the review of both Acts, the Taskforce has consulted widely with key stakeholders. The Taskforce held workshops, meetings with individual stakeholders and special interest groups, as well as inviting written submissions in response to the Taskforce’s two papers: the “Preliminary Ideas” paper released in 2012 and the Discussion Paper “A New Local Government Act for NSW” released in 2013. Camden Council Councillors and senior staff have attended workshops and the Council has made written submissions to both papers released by the Taskforce (see **Attachments 3 and 4 respectively**).

This current report was presented to the Minister in October 2013 and is Council’s final opportunity to make comment on the *Local Government Act* reform. Submissions are due by 4 April 2014.

MAIN REPORT

The purpose and approach of the Taskforce has been to develop principles-based, enabling legislation that is streamlined, easily understood, in a logical framework, eliminates unnecessary red tape and will provide a legislative and statutory framework to meet the current and future needs of the community and the local government sector.

The Taskforce note that many provisions of the Act still work well. However, its effectiveness has been eroded as a consequence of the manner in which the Act is currently structured which is a result of incremental amendments over the past 20 years.

The Taskforce consider that by giving Integrated Planning and Reporting (IP&R) greater prominence in the Act this will enable a streamlined Act that eliminates unnecessary red tape and duplication. The IP&R framework will support more autonomy for Councils which engage effectively with their communities to deliver outcomes that the community has identified as essential for its wellbeing and long-term sustainability.

The Taskforce also focus on the desire for local government to work more collaboratively and strategically with the State Government, in order to ensure that local, regional and State strategic plans are more closely aligned. The Taskforce also notes the considerable support for the Inter-Governmental Agreement.

A list of the topics covered in the paper are set out below:

TOPIC	SECTION
Approach and Principles for the Development of the New Act.	3.0.0
Structure of the NSW Local Government Act	3.1.0
Purpose of the Local Government Act	3.1.1
Role and Guiding Principles of Local Government	3.1.2
Constitution of Councils	3.1.3
Roles and Responsibilities of Council Officials	3.1.4
Integrated Planning and Reporting	3.2.1
Community Engagement	3.2.2
Performance of Local Government	3.2.3
Technology	3.2.4
Elections	3.3.1
Meetings	3.3.2
Appointment and Management of Staff	3.3.3
Regional Strategic Organisations of Councils and Formation and Involvement in Corporations and Other Entities	3.3.4
Protection from Liability	3.3.5
Code of Conduct	3.3.6
Pecuniary Interest	3.3.7
Delegations	3.3.8
Financial Governance	3.3.9
Procurement	3.3.10
Capital Expenditure Framework	3.3.11
Public Private Partnerships	3.3.12
Acquisition of Land	3.3.13
Public Land	3.3.14
Approvals, Orders and Enforcement	3.3.15
Water Management	3.3.16
Tribunals and Commissions	3.3.17
Other Matters	3.3.18

FINANCIAL IMPLICATIONS

There are no known financial implications associated with the options and models as presented in the report at this stage.

CONCLUSION

The Taskforce has delivered a range of innovative proposals that are generally supported by Council. The Taskforce should be commended for their effort in recommending some practical, enabling and long term reform to local government legislation.

If adopted, the recommendations will undoubtedly reduce frustrations around the current Act, eliminate unnecessary red tape and provide a legislative framework which will meet the future needs of the local government sector.

RECOMMENDED

That Council authorise the Director of Governance to forward the submission attached to this report to the Local Government Acts Taskforce for consideration.

ATTACHMENTS

1. Final Report of the Local Government Acts Taskforce - A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988
2. Submission on the Final Report of the Local Government Acts Taskforce - A New Local Government Act for NSW
3. Local Government Acts Taskforce - Preliminary Ideas Submission Form
4. Camden Council Submission - A New Local Government Act for NSW - Discussion Paper

ORDINARY COUNCIL

ORD11

SUBJECT: TENDER FOR EXTERNAL AUDIT SERVICES
FROM: Acting Director Governance
TRIM #: 14/30154

PURPOSE OF REPORT

To appoint Council's external auditor for a period of 6 years as required by Section 422 of the Local Government Act.

BACKGROUND

Council's External Audit Services contract, held by Pitcher Partners, officially expired 30 June 2013; responsibilities under the terms of the contract were completed upon the final audit of Council's 2012/2013 Financial Reports in November 2013.

In December 2013 Council invited tenders from suitably qualified persons or companies for the provision of audit services for the next six (6) years.

MAIN REPORT

At the close of tenders on 24 January 2014, seven (7) companies had submitted tenders for audit services. Those companies (in alphabetical order) were as follows:

1. Hall Chadwick
2. Hill Rogers Spencer Steer
3. Intentus
4. Pitcher Partners
5. PricewaterhouseCoopers
6. Prosperity Audit Services
7. YCG

All seven (7) tenders have been examined and a summary of the proposals may be found in the **Business Paper Supporting Documents**.

As part of the selection process, Council's *Executive Leadership Group (ELG)*, *Manager Corporate Services and Senior Financial Accountant* interviewed the three (3) tenderers whose submissions represented the best value and most comprehensive packages of professional services for Council.

The tenderers selected for interviews were as follows:

1. Hill Rogers Spencer Steer
2. Pitcher Partners
3. PricewaterhouseCoopers

Hall Chadwick was not selected for a presentation, as their tender submission did not clearly address the selection criteria. They also made no mention of their Local Government audit experience, nor did they supply any Local Government referees.

Intentus was not selected for a presentation, as their submission did not include provision for all of the professional services requested by Council. Therefore their costings were not comparable with the remaining submissions.

Prosperity Audit Services were not selected for a presentation, as they have limited NSW Local Government experience.

YCG were not selected for an interview primarily due to their lack of NSW Local Government audit experience, with no noted Local Government referees, etc.

Interviews took place in Camden on Thursday 6 March 2014, commencing at 1:15pm. Each tenderer was requested to prepare a thirty (30) minute presentation addressing the following areas in regard to their tender submission:

- Organisation overview
- Audit methodology / approach
- Current Local Government clients
- Standard inclusions in the tender
- Value-added inclusions

Following each presentation, a fifteen (15) minute question and answer time ensued. Members of the selection panel were able to ask questions in regard to services offered, audit programs, clarification of fees, etc.

At the conclusion of the presentations the selection panel discussed each company and the services and value for money offered to Camden Council. As a result it was a unanimous decision that a recommendation be made to Council that PricewaterhouseCoopers be appointed as Council's external auditors for the next 6 years.

FINANCIAL IMPLICATIONS

The annual fee for external audit services from PricewaterhouseCoopers is \$50,000 (excluding GST), indexed each subsequent year. Council's current budget allocation is \$65,000 for the 2013/2014 financial year. This will result in anticipated savings of some \$15,000 this financial year.

CONCLUSION

All companies that presented to the selection panel demonstrated a high level of expertise and the ability to provide professional audit services to Camden Council.

The decision to select PricewaterhouseCoopers was largely based on their ability to offer the best "overall" package of services to Council at the most competitive price.

RECOMMENDED

That Council:

- appoint PricewaterhouseCoopers as Council's external auditor for the period 1 July 2013 to 30 June 2019; and**
- thank Pitcher Partners for the high level of service provided to Council over the past 12 years.**

ATTACHMENTS

1. External Audit Tender - Evaluation Criteria ~ Business Paper Attachment xlsx - *Supporting Document*



ORDINARY COUNCIL

ORD12

ORD12

SUBJECT: INVESTMENT MONIES - FEBRUARY 2014

FROM: Acting Director Governance

TRIM #: 14/34776

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 28 February 2014 is provided.

MAIN REPORT

The weighted average return on all investments was 4.03% p.a. for the month of February 2014. The industry benchmark for this period was 2.63% (UBS Bank Bill Index).

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.

Council's Investment Report is provided as an **attachment to this report**.

RECOMMENDED

That Council:

- i. 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 February 2014 be noted; and**
- iii. the weighted average interest rate return of 4.03% p.a. for the month of February 2014 be noted.**

ATTACHMENTS

1. Investment Report - February

ORDINARY COUNCIL

ORD13**SUBJECT: LITTLE SANDY BRIDGE RECONSTRUCTION - ACCEPTANCE OF
ADDITIONAL RMS GRANT FUNDING****FROM: Director Works & Services****TRIM #: 14/33585**

PURPOSE OF REPORT

To advise Council of a successful application for additional funding towards the reconstruction of Little Sandy Bridge from NSW Roads and Maritime Services (RMS) and seek approval to accept the grants and note matching funding, as required.

BACKGROUND

The RMS provides funding assistance to councils each year. As reported to Council on 10 September, 2013, the RMS advised that Council has been successful in securing funding of \$125,000 (exclusive of GST) for an application under the Cycleways Program for Little Sandy Bridge reconstruction. As further reported to Council on 26 November, 2013, the Department of Planning and Infrastructure, through the Metropolitan Greenspace Program, has also contributed funding of \$32,000 (exclusive of GST) in addition to \$25,000 (exclusive of GST) previously committed towards the bridge project.

MAIN REPORT

Council recently requested an additional funding contribution of \$49,000 from the RMS as a variation to the existing grant. The RMS has agreed to this additional funding with a condition of the grant being that it is matched on a dollar-for-dollar basis and expended by 30 June, 2014. The Little Sandy Bridge Reconstruction project is programmed for completion this financial year.

It is proposed that additional minor embellishments to the project, including artwork and replacement path railings, are funded to a value of \$10,000 with the remaining \$39,000 reducing the amount of funding required from Council's resources.

Sufficient Council funds have already been allocated towards this project to match fund both this grant variation and previously accepted grants from RMS and the Metropolitan Greenspace Program.

FINANCIAL IMPLICATIONS

This additional funding brings total grant funding towards the Little Sandy Bridge reconstruction project to \$231,000. The required match funding to a value of \$49,000 (exclusive of GST) for the grant variation has already been allocated by Council in this year's budget.

CONCLUSION

The RMS has awarded a grant variation to Council for reconstruction of Little Sandy Bridge for an additional \$49,000 (exclusive of GST). It is recommended that Council accepts the grant and agrees to funding for additional minor embellishments identified.

RECOMMENDED

That Council:

- i. accepts additional RMS funding of \$49,000 (exclusive of GST) towards Little Sandy Bridge Reconstruction, under the Cycleways Program, with minimum matching Council funding of \$49,000 already allocated in the adopted 2013/14 Budget;**
- ii. agrees to additional expenditure of the project of \$10,000 (exclusive of GST) for additional minor embellishments; and**
- iii. writes to the funding body – NSW Roads and Maritime Services – thanking the Minister and Local State Member.**

ORD13

ORDINARY COUNCIL

ORD14

SUBJECT: IMPLEMENTATION PRIORITIES FOR THE CAMDEN RECREATION DEMAND STUDY AND THE CAMDEN SPORTSGROUND STRATEGY

FROM: Director Works & Services

TRIM #: 14/34981

PURPOSE OF REPORT

This report provides follow up information to the recently adopted Sportsground Strategy identifying the top priorities and actions and also the top priorities identified in the recently completed Camden Recreation Demand Study.

BACKGROUND

The Recreation Demand Study and The Sportsground Strategy were adopted by Council at the Ordinary Meeting of 11 February, 2014.

In relation to the Camden Recreation Demand Study, Council resolved to:

- i. adopt the Draft Recreation Demand Study with the inclusion of the relevant amendments, as noted in the comments within the body of this report;*
- ii. that a further report be prepared outlining specific actions and implementation strategy by the end of March 2014; and*
- iii. write to all respondents thanking them for their submissions.*

In relation to the Camden Sportsground Strategy, Council resolved to:

- i. adopt the Draft Sportsground Strategy with the inclusion of the relevant amendments as noted in the comments within the body of this report;*
- ii. that a further report be prepared outlining specific actions and implementation strategy by the end of March 2014; and*
- iii. write to all respondents thanking them for their submissions.*

The Recreation Demand Study made a wide range of recommendations on improvements to recreational opportunities in the Camden LGA. The recommendations were given a ranking of high, medium or low based on a range of factors including:

- whether a particular open space/recreation facility/setting already exists in the Local Government Area;
- the expected extent of development, i.e. works in proposed growth areas are ranked higher than works in low growth areas; and
- existing demand, and the extent to which this demand will be increased by growth.

The Sports Ground Strategy provided a blueprint for sport, included an audit of existing facilities, an analysis of the needs of each sporting code and recommendations on the development of new facilities.

In terms of priorities there are some overlaps, as would be expected, in the recommendations of both documents. Some projects identified as a priority have already been undertaken and are not included in the “top 10” list.

These are:

- floodlighting at Liquidamber (scheduled March);
- additional lights at Kirkham fields (underway); and
- reconstruction at Liquidamber and Harrington Park (underway and scheduled).

MAIN REPORT

The items that have been identified as having a priority status are:

1. Extension to Mount Annan Leisure Centre

The extension should include a gymnastics hall and expanded health and fitness areas. Funds are allocated within the current budget to undertake design of this extension which will commence immediately.

2. Development of a Multi Sports Hub

This will include 44 netball courts and a dedicated athletics ground, enabling year round training and competition, with other potential opportunities. Concepts and discussions are underway to look at the development of a sports hub, to take advantage of fields due to be delivered at Narellan and the location of existing sports facilities. Planning will continue and elements delivered as funds and opportunities arise.

3. Outdoor Youth Facilities

Development of a skate facility in areas of high target demographics (currently Mount Annan). The need for a facility in Mount Annan or surrounds is a long standing one, with funds for design and construction being sought in new budgets.

A skate plaza is earmarked for Oran Park, adjacent to the proposed youth facility, in addition to, a small hard surface playspace suitable for skating, located at Emerald Hills.

4. Indoor Sports Venue

The inclusion of 4 courts at Oran Park and courts at the PCYC will provide indoor court spaces which are currently not available.

5. 8-10 Court Tennis Complex

An 8-10 court tennis complex will enable competition tournaments to be held. A complex identified in consultation with Tennis NSW during early planning is included in future development at Oran Park. In the shorter term, a review of existing facilities and arrangements is being undertaken as leases are renewed. Limitations have been identified at some sites (Onslow), and relocation will be considered in the future if appropriate.

6. Walking Tracks, Shared ways and Pathways

Council will continue to maintain existing sites and encourage opportunities in new areas. Funds will be sought in future budgets to develop a bushland walking track strategy which complements the off road bike/trail plan and to continue to review and update the bike plan. The open space plan also requires a review to enable the maximisation of public open space land.

7.

Adventure Playgrounds for Older Children

A playspace strategy will be developed in the medium term and should include provision of toilets at district level parks. However, in the short term as playground equipment is replaced at the end of its lifespan, local demographics will be reviewed to provide age appropriate play opportunities.

8. Priorities for individual sporting codes

These are outlined in the Sportsground Strategy and provided as **Attachment 1** to this report. Major projects include:

- quarantine Fergusons land for use by Camden Cricket Club, for a period of five (5) years, as a specialised facility (this is supported by Camden Cricket Club - as shown in **Attachment 2**), and investigate other complementary activities such as criterion cycling;
- a dedicated athletics facility; and
- an additional full size AFL ground and others as listed.

9. Dog Off Leash Areas

Provisions will be considered for dog off-leash areas in each neighbourhood catchment. Future sites will be determined in consultation with the Companion Animal Advisory Committee.

10. Future Provision for Soccer Growth

Whilst all codes are monitored to ensure provision of facilities is equitable, current trends of participation levels in Soccer indicate additional facilities may be required. As new sporting fields become available this trend will be evaluated to ensure provisions for soccer are adequate.

FINANCIAL IMPLICATIONS

The high priority actions, as listed above, will be considered in future budgets to fund additional studies, design development and construction.

CONCLUSION

The Recreation Demand Study has provided clear directions on areas that can be focused on, to assist in meeting the recreation needs of the local community, whilst the Sportsground Strategy provides a blueprint for sport and the development of facilities and opportunities to meet our growing population. The work undertaken will also enable Council to demonstrate consultation and collaboration when applications are made for grant funds.

RECOMMENDED

That Council endorse the priorities listed in this report from the Recreation Demand Study and the Sportsground Strategy.

ATTACHMENTS

1. Priorities by Sporting Code
2. Letter of Support - Camden Cricket Club