

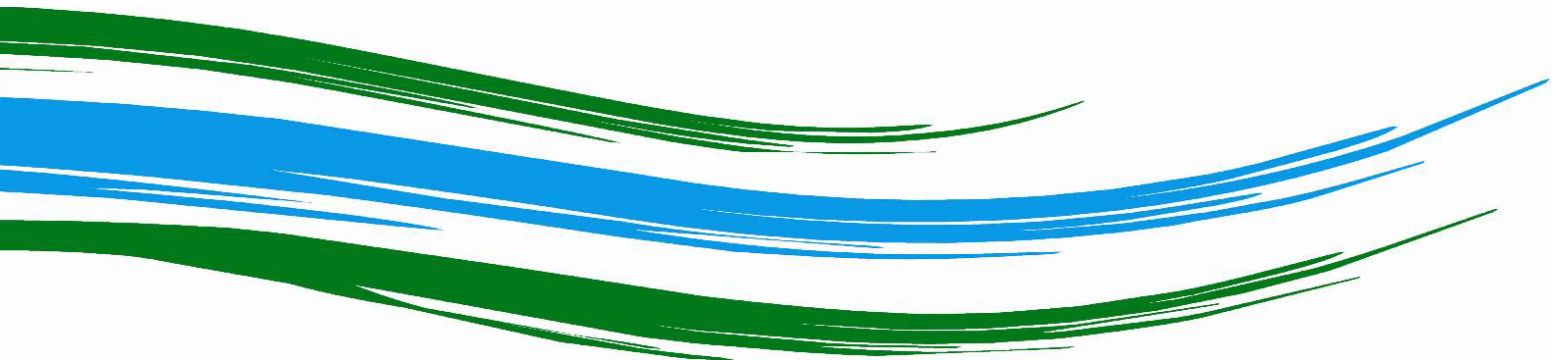


Camden Council

Business Paper

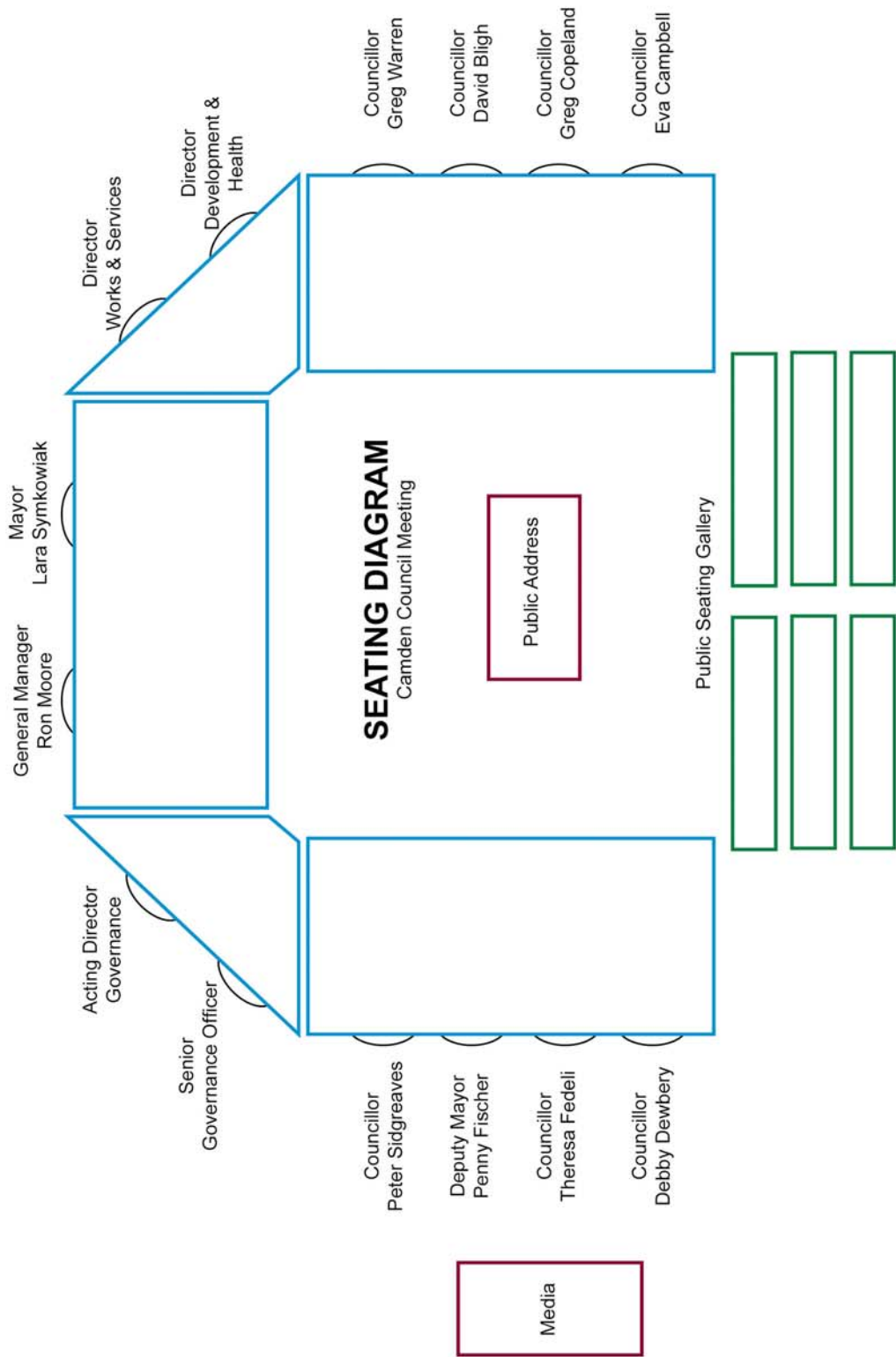
Ordinary Council Meeting
28 January 2014

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 10 December 2013

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 10 December 2013, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: PROPOSED ROAD NAMING - NEW PUBLIC ROAD IN CAMDEN SOUTH

FROM: Director, Development & Health

TRIM #: 13/79988

PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of the public exhibition of proposed road names for a new development in Camden South and seek Council's endorsement of a proposed road name for this development.

BACKGROUND

At the Ordinary Council meeting of 14 August 2012 Council resolved to approve Development Applications (DA) 443/2012 and 444/2012 for the residential subdivision of 46 Crookston Drive, Camden South. These DAs proposed the creation of 49 new residential lots and the dedication of three new public roads.

The subdivision has been registered and dwellings are currently being constructed within the subdivision.

The names Birch, Jacaranda and Jasmine were considered by Council at the Ordinary Council meeting of 23 April 2013. At this meeting Council resolved to:

- i. Reject the names before Council; and*
- ii. Councillors make suggestions to Council officers over the next week of proposed road names, and that they be proposed to the family and reported back to Council.*

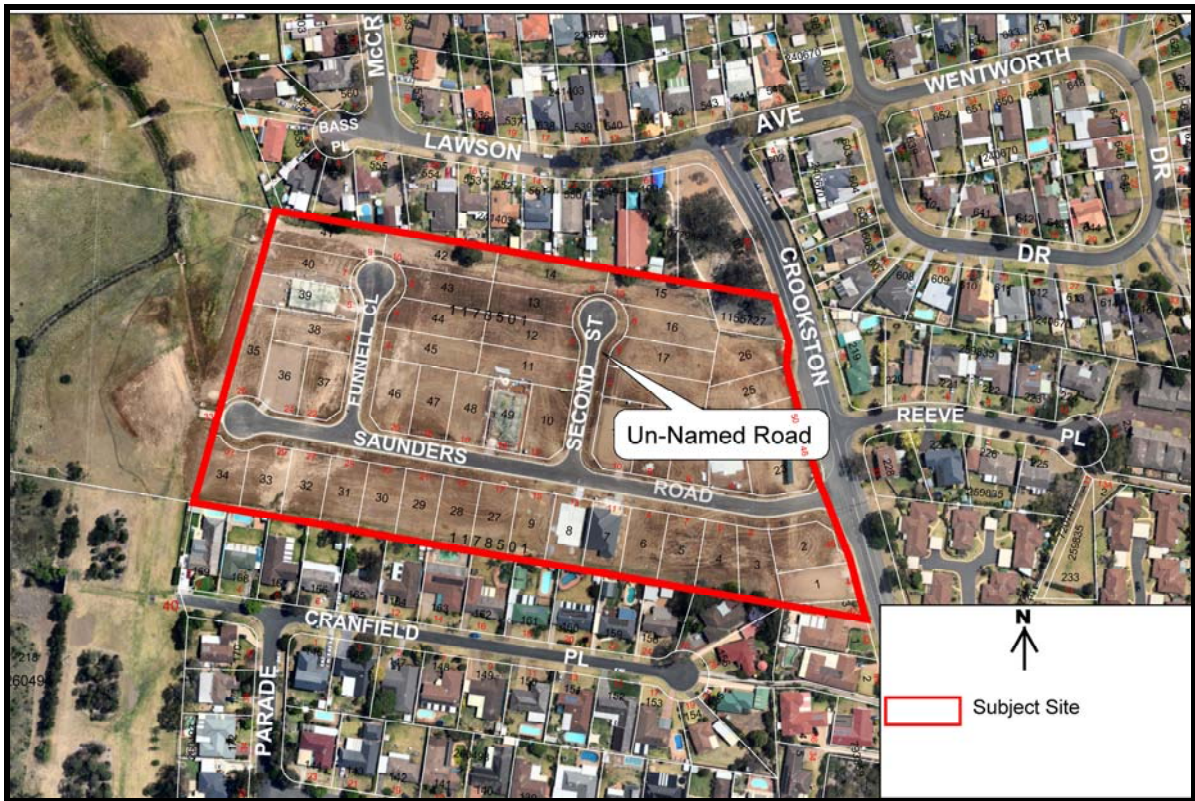
This matter was discussed at a Councillor Workshop held on 14 May 2013.

At the Council meeting of 27 August 2013 Council endorsed the proposed road names "Saunders" and Funnell" for the approved subdivision at 46 Crookston Drive, Camden South.

In addition Council resolved that the names "Llewella Davies", "Winn" and "Brooking" be exhibited as an alternative to the name "Rum Corps", with the preference being "Llewella Davies" to be used for the 3rd and last road within the subdivision.

Council has recently prepared a draft Road Naming Policy. The draft Policy was placed on public exhibition from 28 August to 27 September 2013. At the same time Council invited submissions for inclusion on a list of preferred future road names. The draft Policy and list will be reported back to Council in February 2014 for consideration.

AERIAL PHOTO



MAIN REPORT

The Geographical Names Board (GNB) has advised Council of the process to be followed by the roads authority in respect to the naming of new roads in accordance with the *Roads Act 1993*. In this instance, Council is the roads authority.

The names were forwarded to the GNB for their approval. The GNB approved the use of “Winn” and “Frank Brooking” however objected to the use of the full name “Llewella Davies” only approving the use of her surname “Davies”. They stated that a given name should only be included with a family name where it is necessary to avoid ambiguity.

The name “Frank Brooking” was approved because the GNB considered the first name is needed to provide uniqueness as there is already a Brookman Avenue in Harrington Park.

Council officers have written to the GNB requesting a review of their decision. The GNB have advised that the board will consider our request, however this will not occur until their next available board meeting on 11 March 2014.

Below is some background information on the proposed names:

Road Names	Background
Llewella Davies	(d. 2000) owned an important piece of farm land adjacent to the Camden Town. She bequeathed the property to the people of

	<p>Camden.</p> <p>The more than 50 hectare property is known as Camden Town Farm.</p> <p>She was very community minded, so much so that she was awarded an OAM (Order of Australia Medal) in 1981 for Community Service.</p>
Winn	<p>Shirley Winn was a Councillor at Camden Council for two terms from 1995/99 and 1999/2004 and was a Deputy Mayor for the 2001/2002 term. Shirley was active in numerous community groups, including the Camden Chamber of Commerce, Camden Quota and Main Street Committee, and was a member of the Tree Planting and Tidy Towns Committee for many years.</p>
Frank Brooking	<p>Frank Brooking was a Councillor at Camden Council for two terms from 1991/1995 and 1995/1999. Frank was elected as Council's twenty-seventh Mayor on 27 September 1993, remaining as such until 1997.</p> <p>During his eight year term, Mr Brooking served on no less than twenty four Council committees, including the Australia Day Committee, the Camden Bush Fire Management Committee and the Camden Seniors Committee.</p> <p>In addition, Frank was instrumental in establishing the Camden International Friendship Association (CIFA). Frank passed away in March 2013.</p>

NOTIFICATION

The proposed road names were notified for a 30 day period from 20 November 2013 to 19 December 2013. No submissions were received.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The GNB have approved the use of the names "Davies", "Winn" and "Frank Brooking" but not the full name "Llewella Davies". Council officers have requested a review of their decision, however it will not be heard until 11 March 2014.

Given dwellings are currently being constructed in the street, a decision needs to be made before the review by the GNB. Therefore it is recommended that the name “Winn” be used to name the 3rd road within the subdivision at Crookston Drive, Camden South.

It is further recommended that Council continue to seek the approval of the full name “Llewella Davies” from the GNB and the name “Frank Brooking” be included in a draft preferred naming list to be used to name a future road.

The proposed road name has been assessed by Council staff in accordance with the GNB criteria and Council’s draft policy. The name has been publicly exhibited for 30 days with no submissions being received.

RECOMMENDED

That Council:

- i. endorse the proposed road name “Winn” for the approved subdivision at 46 Crookston Drive, Camden South;**
- ii. publish the approved name in the NSW Government Gazette and in local newspapers;**
- iii. inform Australia Post, the Registrar General and the Surveyor General of the approved names; and**
- iv. Council continue to pursue the approval of “Llewella Davies” from the GNB and the name “Frank Brooking” be included in a draft preferred naming list to be used to name a future road.**

ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: PROPOSED NEW SUBURB NAME - CATHERINE PARK
FROM: Director, Development & Health
TRIM #: 13/74887

PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of the public exhibition of proposed new suburb name, 'Catherine Park', seek Council's endorsement of the proposed new suburb name and forward the application for consideration by the Geographical Name Board (GNB).

BACKGROUND

This matter was discussed at a Councillor workshop held on 10 September 2013.

Harrington Estates Pty Ltd, acting on behalf of the land owners, has put forward a proposed new suburb name 'Catherine Park' to be considered for approval as a new suburb. **A copy of their submission is provided as attachment 1 at the end of this report.**

At the Ordinary Council's meeting on 8 October 2013, Council resolved to endorse the name 'Catherine Park' for a 30 day exhibition period and notify all properties affected by the proposed change; and that a further report detailing the results of a 30 day public exhibition period be provided to Council.

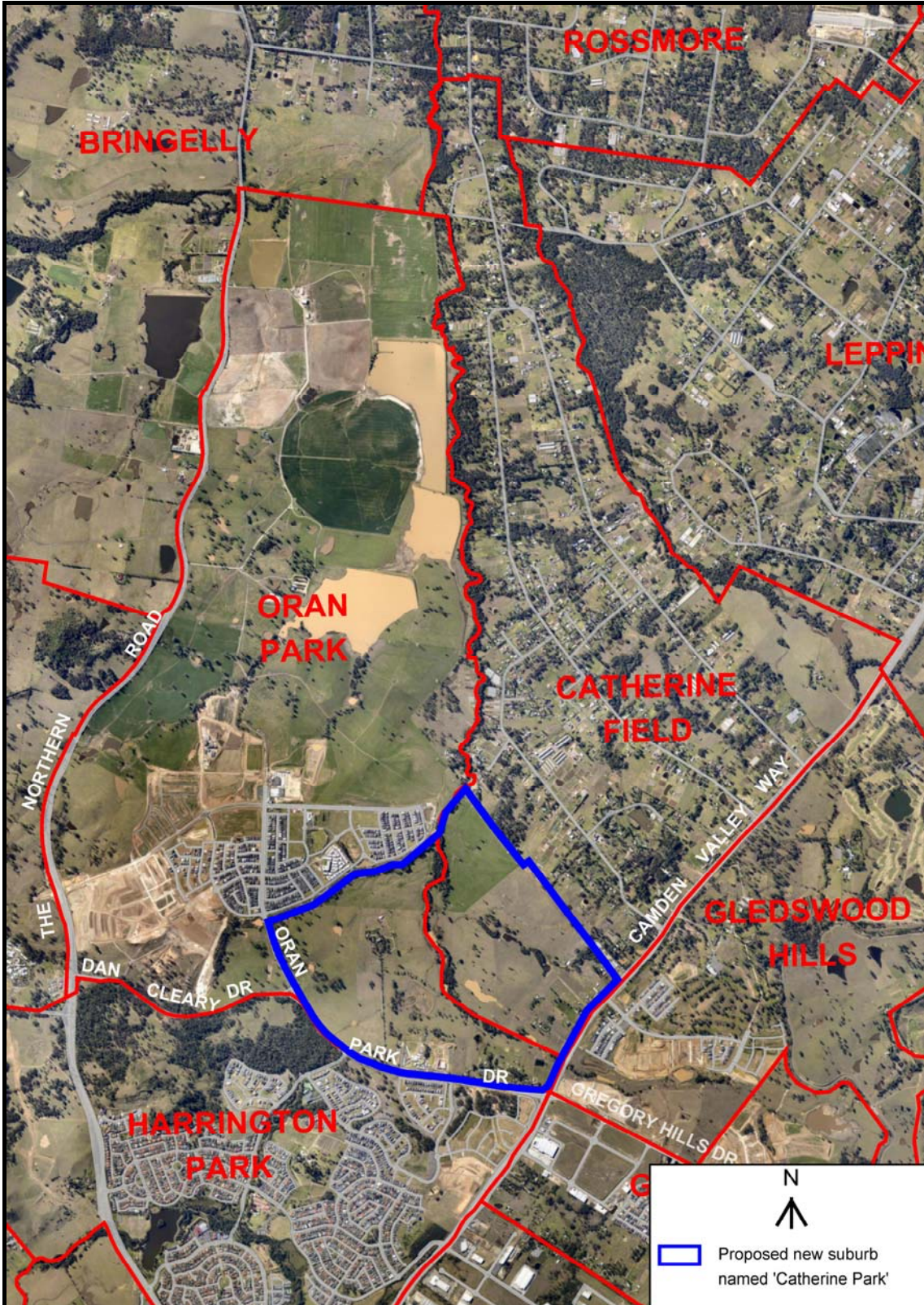
The GNB were contacted following the Council meeting on 8 October 2013 to ascertain whether they had any objections to the name. They indicated that they were concerned that the name was too similar to Catherine Fields. This has been conveyed to Harrington Estates Pty Ltd who have indicated that subject to Council endorsing the name, will meet to discuss the proposal with the GNB.

The subject land is part of two suburbs, Oran Park and Catherine Field, separated by South Creek. West of South Creek is the suburb of Oran Park and to the east is Catherine Field.

The subject land is included in the Catherine Field (part) precinct which was rezoned in December 2013. The Catherine Field (part) precinct forms 322ha of land and contains significant riparian corridors (South Creek) and the State significant heritage property Oran Park House. On completion of development the part precinct will facilitate approximately 3,200 dwellings and accommodate 9,500 people across the precinct.

"Catherine" was named after the wife of George Molle who in 1815 was granted land spanning the current suburbs of Oran Park, Catherine Field and Gregory Hills. Molle was a Lieutenant Governor and second in charge under Governor Macquarie.

AERIAL PHOTO



MAIN REPORT

The Geographical Names Board (GNB) has a statutory responsibility to determine definitive boundaries for suburbs and localities throughout New South Wales.

The GNB has advised that anyone can place a proposal to them to create or amend an address locality, however the GNB requires that Council must concur with the proposal.

The GNB recommends that Council ensures wide community support through public consultation prior to its concurrence. The proposal is then submitted to the GNB and the GNB then considers the proposal.

If approved, the GNB then advertises the proposal in a local newspaper and the NSW Government Gazette for one month.

If no objections are received the suburb will be formalised by way of notice in the Gazette and the Council notified. If objections are received the Council is asked to provide feedback. The GNB will either readvertise the proposal, abandon the proposal, or make a recommendation to the Minister for final determination.

NOTIFICATION

The proposed suburb name "Catherine Park" was notified for a 30 day period from 6 November 2013 to 5 December 2013. No submissions were received.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

Harrington Estate Pty Ltd has submitted an application and background information in support of a suburb name.

The GNB recommends that Council ensure wide community support through public consultation prior to forwarding any request to them for consideration.

The proposal has been notified for a 30 day period and no submissions have been received, therefore it is appropriate that Council endorse the name "Catherine Park" and forward the name to the GNB for their consideration.

RECOMMENDED

That Council:

- i. endorse the name 'Catherine Park'; and**
- ii. forward the proposed suburb name 'Catherine Park' and the application prepared by Harrington Estate Pty Ltd to the GNB for their consideration.**

ATTACHMENTS

ORD02

1. Submission from developer



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: REMEDIATION OF LAND, 810C AND 812 CAMDEN VALLEY WAY, A THE HERMITAGE WAY AND 29 TARRAWARRA AVENUE, GLEDSDOOD HILLS

FROM: Director, Development & Health

TRIM #: 14/7492

APPLICATION NO: 854/2013
PROPOSAL: Remediation of Land
PROPERTY ADDRESS: 810C and 812 Camden Valley Way, A The Hermitage Way and 29 Tarrawarra Avenue, Gledswood Hills
PROPERTY DESCRIPTION: Lots 3 and 5, DP 1175488, Lot 4117, DP 1173178 and Lot 2076, DP 1161618
ZONING: R1 General Residential and B4 Mixed Use
OWNER: SH Camden Valley Pty Limited
APPLICANT: SH Camden Valley Pty Limited

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the remediation of land at 810C and 812 Camden Valley Way, A The Hermitage Way and 29 Tarrawarra Avenue, Gledswood Hills.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 854/2013 for the remediation of land 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 remediation of land at 810C and 812 Camden Valley Way, A The Hermitage Way and 29 Tarrawarra Avenue, Gledswood Hills.

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

The DA was publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.** A letter from the Sydney Catchment Authority (SCA) was received advising that they have no objection to the proposed development. **A copy of this letter is provided with the Business Paper supporting documents.**

The issues raised in the submission relate to the spread of contamination onto the submission writer's property via the culvert under construction under Camden Valley Way by the Roads and Maritime Services (RMS), lack of consultation regarding the culvert construction and stormwater drainage concerns.

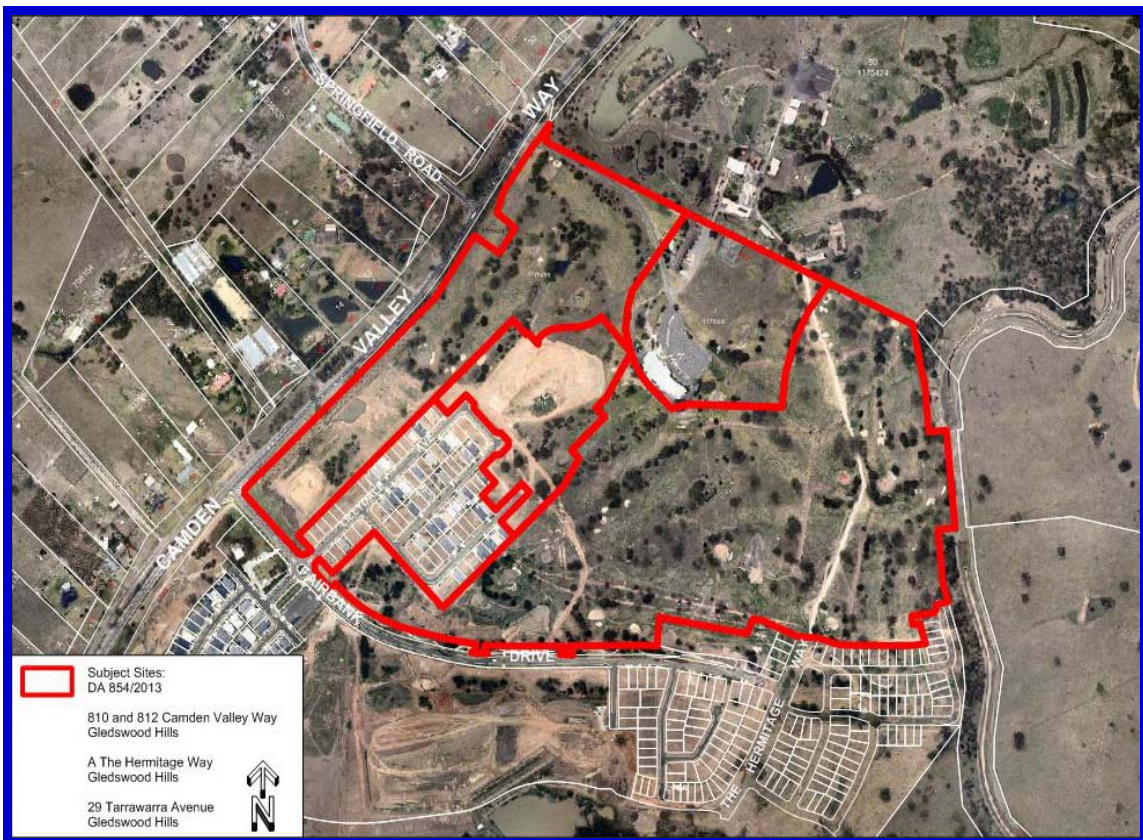
Conditions are recommended to ensure that appropriate sediment and erosion control measures are provided to ensure that sediment, and specifically contaminated matter, does not travel off the site. This will remove the risk of contamination spreading into waterways and onto properties across Camden Valley Way via the culvert under construction by the RMS.

The construction of the culvert on Camden Valley Way is being undertaken by the RMS. Council staff have advised the submission writer to speak directly with the RMS regarding their concerns.

Stormwater drainage issues were assessed as part of DA 727/2013 for the construction of a new road, remediation of land, drainage, landscaping and associated site works on the site. Councillors resolved to approve this DA at the Ordinary Council Meeting of 26 November 2013. The remediation works proposed by this DA will not impact further upon those issues.

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 4 properties commonly known as 810C and 812 Camden Valley Way, A The Hermitage Way and 29 Tarrawarra Avenue, Gledswood Hills which are legally described as lots 3 and 5, DP 1175488, lot 4117, DP 1173178 and lot 2076, DP 1161618.

The site has a frontage of 785m to Camden Valley Way, a depth of 986m and an overall area of 61.8ha. The site contains the remnants of a previous golf course that is being developed for residential subdivision as part of the developer's "The Hermitage" estate. The Camden Valley Country Club is located on 812 Camden Valley Way.

The surrounding properties are characterised by vacant land and developing residential development associated with the Turner Road precinct of the South West Growth Centre.

To the north of the area is the release area of El Caballo Blanco and Gledswood with its associated golf course whilst to the east is the Sydney Catchment Authority upper canal. To the south is South Creek and the Turner Road employment lands including the developing Gregory Hills Corporate Park and Central Hills Business Park. To the west of the area is Camden Valley Way with the rural residential suburb of Catherine Field on the opposite side.

HISTORY

There is no relevant development history for this site.

THE PROPOSAL

DA 854/2013 seeks approval for the remediation of land.

Specifically the proposed development involves:

- remediation of a redundant sewage treatment plant (STP), a solid waste disposal area for the STP and effluent dams.

The STP, waste disposal area and effluent dams were associated with the previous use of the Camden Valley Golf resort to the north of the site, however these facilities are no longer necessary as the remaining clubhouse is now connected to sewer.

- staged remediation of mercury impact fill associated with the tees and greens of the former golf course on the site and removal of asbestos pipes.

The value of the works is \$397,000.

The proposed remediation will be achieved by a combination of off-site removal and the reuse of soils and dam water on site where appropriate.

The remediation will be undertaken in a staged manner as shown in the following staging plan, however it is noted that the remediation stages may be undertaken in any order.

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

REMEDIATION STAGING 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:

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

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 applicant has submitted a remediation action plan (RAP) in support of the proposed development. The RAP describes the areas to be remediated and proposes a series of remediation strategies to be implemented to achieve decontamination. Council staff have reviewed the RAP and consider the proposed remediation strategies to be appropriate for the site.

It is a recommended condition that the site be decontaminated in accordance with the submitted RAP. Subject to this occurring the site will be rendered suitable for its intended future residential use.

Conditions are also recommended that require all remediation work to be validated to ensure that the submitted RAP has been fully complied with. The applicant must also obtain a site audit statement from an EPA accredited site auditor that certifies that the site has been made suitable for its future intended land uses.

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

Permissibility

The site is zoned R1 General Residential and B4 Mixed Use under the provisions of the SEPP. The proposed remediation of land is permitted with consent in these zones.

Zone Objectives

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

- To provide for the housing needs of the community.

Officer comment:

The proposed remediation works will render this site suitable for future residential development and are therefore consistent with this objective.

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

Officer comment:

The proposed remediation works will render this site suitable for future residential development and are therefore consistent with this objective.

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

Officer comment:

The proposed remediation works will render this site suitable for a range of facilities and services to meet the day to day needs of future residents and are therefore consistent with this objective.

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

Officer comment:

The proposed remediation works will render this site suitable for a range of future uses including those listed in this objective. Subject to the conditions contained in this report, the proposed remediation works will not have an adverse impact upon surrounding residents.

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

Officer comment:

The proposed remediation works will render this site suitable for a range of future land uses including those listed in this objective. The proposed works are therefore considered to be consistent with this objective.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the remediation of land.

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

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the remediation of land. However the proposed works will render the land suitable for future public open space areas.

The objectives of the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.

Officer comment:

The proposed remediation works will render this site suitable for a range of future compatible land uses. The proposed works are therefore considered to be consistent with this objective.

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for the remediation of land.

- To encourage development that supports or complements the primary office and retail functions of the Neighbourhood Centre Zone and the Local Centre Zone.

Officer comment:

The remediation of the site will support the future development of the zone and is therefore consistent with this objective.

- To encourage development providing services to the surrounding community.

Officer comment:

The remediation of the site will support the future development of services to the surrounding community and is therefore consistent with this objective.

- To permit development that adds to the vitality and diversity of commercial and retail centres while not prejudicing their principal function.

Officer comment:

The remediation of the site will render it suitable for a range of future developments that will add to the vitality and diversity of the zone.

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 on the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide sediment and erosion controls as part of the development.

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

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

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

Turner Road Development Control Plan 2007 (DCP)

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

Control	Requirement	Provided	Compliance
A2.2 Vision and Development Objectives	Development to achieve the vision and key development objectives for the Turner Road precinct	The proposed development will prepare the land for future residential development which will facilitate the achievement of the vision and key development	Yes

Control	Requirement	Provided	Compliance
		objectives for the area	
A6.8 Contamination Management	A RAP is required for all remediation work	The DA was accompanied by a RAP	Yes
	All investigations, reporting and identified remediation works must be in accordance with Council's Management of Contaminated Lands policy and the DECC's Guidelines for Consultants Reporting on Contaminated Sites	The proposed RAP is consistent with Council's Policy and DECC's Guidelines	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

On 8 February 2013 the landowner entered into a VPA with Council for the provision of infrastructure and facilities in lieu of paying Section 94 contributions.

This VPA includes the land subject to this DA. The proposed development does not trigger any of the VPA's requirements.

(a)(iv) The Regulations

The relevant matters prescribed by the Regulations are addressed in the conditions contained in this report.

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

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

(c) The suitability of the site

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

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

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. The exhibition period was from 23 October to 22 November 2013. One submission was received (objecting to the proposed development). A letter from the SCA was received advising that they have no objection 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 submissions.

1. The culvert being constructed by the RMS on Camden Valley Way will allow water to flow onto a property across Camden Valley Way and spread contamination.

Officer comment:

Conditions are recommended to ensure that appropriate sediment and erosion control measures are provided to ensure that sediment, including contaminated matter, does not travel off the site. This will remove the risk of contamination spreading into waterways and onto properties across Camden Valley Way via the culvert under construction by the RMS.

2. The culvert was constructed without any prior dialogue with land owners, thus devaluing properties.

Officer comment:

The construction of the culvert on Camden Valley Way is being undertaken by the RMS. Council staff have advised the objector to speak directly with the RMS regarding their concerns.

3. Concerns expressed in previous correspondence to Council are reiterated.

Officer comment:

The previous correspondence referred to by the objector relates to DA 727/2013 for the construction of a new road, remediation of land, drainage, landscaping and associated site works. Councillors resolved to approve this DA at the Ordinary Council Meeting of 26 November 2013.

The issues raised in that previous correspondence relate to stormwater drainage and were assessed as part of DA 727/2013. The remediation works proposed by this DA will not impact further upon those issues.

(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 854/2013 is recommended for approval subject to the conditions contained in this report:

CONDITIONS

1.0 - General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
-	Statement of Environmental Effects	SJB Planning	1 October 2013
34295.27	Report on Remediation Action Plan	Douglas Partners	August 2013
34295.27 Drawing 1, Rev. B	Site Location Plan – Remediation Action Plan	Douglas Partners	20 August 2013
34295.27 Drawing 2, Rev. B	Remediation Areas – Remediation Action Plan	Douglas Partners	20 August 2013
34295.27 Rev. B	Remediation Action Plan – Staging Plan	Douglas Partners	20 August 2013

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

2.0 – Prior To Works Commencing

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

- (1) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works. No contaminated sediment or water must be allowed to leave the site.
- (2) **Comprehensive Environmental Management Plans** - To support the remediation strategy a comprehensive Environmental Management Plan is required to be completed and submitted to the Certifying Authority for concurrence prior to the commencement of remediation works. The plan is to include a:

- Soil and Erosion Management Plan;
- Noise control Plan;
- Dust Control Plan;
- Odour Control Plan; and
- Contingency measures for environmental incidents.

3.0 - During Construction

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

- (1) **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.
- (2) **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 Consent 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.

- (3) **Remediation Action Plan** - All works proposed as part of the remediation action plan including remediation, excavation, stockpiling, off-site disposal, asbestos removal, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers must be undertaken in accordance with the remediation action plan "Remedial Action Plan AEC 9,10,11 and remaining buried asbestos pipe system and Greens and Tees The Hermitage Gledswood Hills, prepared by Douglas Partners project 34295.27 dated August 2013," except as expressly provided by a separate condition of this consent.

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

- (4) **Stripping Topsoil from Tees and Greens** - Topsoil on any existing tees and greens affected by the works is to be stripped and placed in accordance with the following criteria which must also be incorporated on engineering plans for earthworks and civil works.
 - a) Tees and greens are to be surveyed and their extents demonstrated on all earthworks and civil works plans.
 - b) Excavated topsoil must be stripped and immediately placed in a suitable location within the site. The location must be nominated on the engineering plans. Stockpiling of the stripped topsoil is not permitted.
 - c) Stripping depth must be a minimum 150mm.
 - d) Stripping of the topsoil from tees and greens must extend 1m beyond their surveyed extents.

- e) Once placed, the stripped topsoil must be covered with a capping layer of clean fill, minimum thickness 2 meters.
- (5) **Remediation Works Inspection** - A qualified Environmental Consultant or Scientist and Occupational Hygienist will be required to frequently inspect the remediation works during actual remediation to confirm compliance with the RAP and all health and safety requirements.
- (6) **Remediation Noise Levels** - Noise levels emitted during remediation works must be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:
- Construction period of 4 weeks and under:
- The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- Construction period greater than 4 weeks:
- The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).
- (7) **Contingency for Unexpected Finds** - Should unexpected conditions be encountered the following general approach must be adopted:
- a) Notify the Principal Representative (PR) of the occurrence;
- b) Place a barricade around the affected area and cease work in that area;
- c) Notify the environmental consultant for the assessment of the severity of the find in terms of the potential impact to human health and the environment;
- d) Provision of advice from the Environmental Consultant to the PR and Site Auditor regarding the recommended course of action;
- e) Obtain necessary approvals from the Site Auditor and Camden Council; and
- f) Implementation of the agreed management / remedial strategy.
- (8) **WorkCover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (9) **Licences** - It is the responsibility of the applicant / land owner / site operator to ensure that all relevant licences are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (10) **Offensive Noise, Dust, Odour and Vibration** - Remediation work must not give rise to offensive noise, dust, odour and vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

- (11) **Off-Site Disposal of Contaminated Soil / Materials** - All contaminated materials (that includes asbestos material) proposed to be disposed off-site must be disposed to a licensed landfill facility able to accept the classification of waste material.
- (12) **Location of Stockpiles** - Stockpiles of soil material must not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpaths or roadways without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials must be suitably covered to prevent dust and odour nuisance. Stockpiling must only occur within the bounds of the defined site.
- (13) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (14) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlms/index.htm). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (15) **Compliance of Remediation Work** - All remediation work must comply with the following requirements:
- *Contaminated Land Management Act 1997*;
 - Department of Urban Affairs and Planning - Contaminated Land Planning Guidelines 1998;
 - State Environmental Planning Policy No 55 – Remediation of Land;
 - Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River; and
 - Camden Council's Adopted Policy for the Management of Contaminated Lands.
- (16) **Hours of Work** – The hours for all remediation work are restricted to between:
- (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays are prohibited.
- (17) **Shoring and Adequacy of Adjoining Property** – Any required shoring and adequacy of adjoining properties shall be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.

4.0 - Following Completion of Works

The following conditions of consent must be complied with following completion of works.

- (1) **Works-As-Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (2) **Soil and Water Sampling** - A qualified and experienced environmental consultant must undertake all validation sampling.
- (3) **Site Audit Statement** - At the conclusion of remediation works at each nominated stage, the applicant must have all remediation work and validation documentation reviewed by an independent NSW Site Auditor accredited by the Environment Protection Authority under the *Contaminated Land Management Act 1997*. The auditor must undertake a full site audit of the works and documentation and provide a Site Audit Statement (SAS) that clearly states if the land is suitable for the intended use. The SAS must be submitted to the Consent Authority (Camden Council) within 30 days following the completion of the remediation, and prior to any further development application being submitted to Council to further develop the land within the nominated stage.

Note: Where the SAS is subject to conditions that require ongoing review by the Auditor or Council, these must be discussed with Council before the SAS is issued.

- (5) **Site Validation Report** – A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's adopted policy and Clauses 17 & 18 of SEPP 55 for the completed remediation works within each nominated stage. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works within each nominated stage, and prior to any further development application being submitted to Council to further develop the land within the nominated stage. The validation report must be approved in writing by Council.

END OF CONDITIONS

RECOMMENDED

That Council approve DA 854/2013 for the remediation of land at 810C and 812 Camden Valley Way, A The Hermitage Way and 29 Tarrawarra Avenue, Gledswood Hills subject to the conditions listed above.

ATTACHMENTS

1. Site Map
2. Staging Plan

3. Submission - *Supporting Document*
4. Letter from Sydney Catchment Authority - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: ELDERSLIE MASTER PLAN REVIEW

FROM: Acting Director Governance

TRIM #: 13/44307

PURPOSE OF REPORT

The purpose of this report is to outline proposed changes to Camden DCP 2011 in relation to the Elderslie Master Plan and to seek a resolution to place these changes on public exhibition. The proposed changes seek to facilitate the delivery of a diverse range of housing product and lot sizes beyond those currently being delivered. The proposed amendment also includes a revised road layout, reconfiguration of open space and the relocation of the potential childcare site. The proposed changes are in line with the current vision and planning principles for Elderslie.

BACKGROUND

The Elderslie Release Area was rezoned in 2004. Currently, there are approximately 818 registered lots in the Elderslie Release Area with subdivision certificates released and registered covering an area of approximately 57ha; this area forms 63.7% of the total area of the precinct.

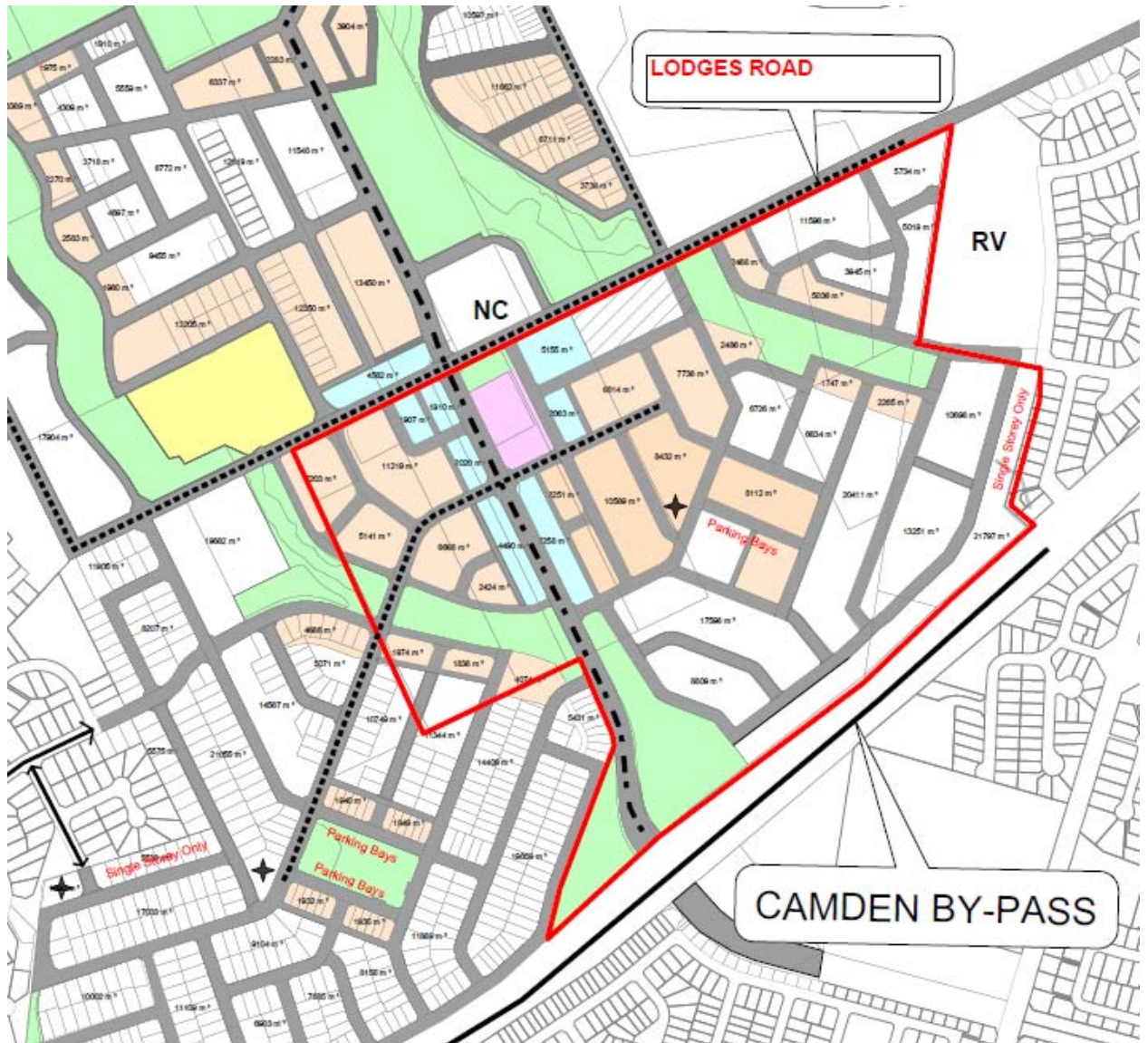
A comprehensive review of the Elderslie Master Plan was initiated by Council staff and undertaken in consultation with major land owners. Council has received feedback from major land owners on the southern side of Lodges Road that the current Elderslie Master Plan (provided as **Attachment 1 of this report**) is not in accordance with current market preferences. Land owners have indicated a preference for a more flexible masterplan that facilitates an increase in detached single lot housing as opposed to attached (strata titled) products.

The proposed changes will also ensure the required minimum density targets are met in line with State Government Planning objectives. The current Elderslie Masterplan is heavily reliant on the use of traditional medium density products such as townhouses to meet these densities, and this will not necessarily deliver a good urban design or streetscape outcome for the Elderslie community.

A Councillor Workshop was held in regard to this matter on 22 October 2013.

The land that is subject to this proposed DCP amendment is outlined in red on Map 1. Overall the proposed amendment will facilitate a slight increase of 8 dwellings across the precinct as a whole. It should be noted that only 3 land owners are directly affected by the proposed amendments to the DCP.

Map 1 – Subject Site (outlined in red)



This proposed DCP amendment has four key components:

1. A revised road layout for the subject site;
2. Modification of the original development areas contained within Elderslie Master Plan to facilitate increased flexibility in the provision of a diversity of housing products across the precinct without the reliance on the traditional medium density products such as townhouses and villas. The utilisation of product other than townhouses and villas reduces the reliance on strata titling and maximises the use of Torrens title, this also increases the financial viability of the product.
3. Identification of an alternative medium density site at 83 Lodges Road; and
4. Relocation of open space and childcare site to facilitate the above amendments.

MAIN REPORT

Alternative road layout

An alternative road layout for the subject site as shown at **Attachment 2 of this report** (including the holdings located on the southern edge of Lodges Road) is proposed. The improved road layout provides a clearer hierarchy of roads and is more cost effective as it reduces intersections. The proposed configuration also improves navigation for pedestrians and future motorists.

Figure C14 (Elderslie Street Hierarchy Plan) of the Camden DCP is proposed to be amended following the exhibition period to reflect the revised road layout.

As a result of the revised road layout, it is also proposed to insert a new control in Part C6.2 (Neighbourhood and Subdivision Design) to ensure that future dwellings are designed to present to Lodges Road. A schedule of proposed changes to the DCP is provided as **Attachment 3 of this report**.

Housing density & typology changes

The DCP amendment seeks to provide greater flexibility in how the density is distributed within the affected areas. The proposed changes seek to provide the flexibility for the developer to deliver housing product according to market demand whilst maintaining the current vision and planning principles for Elderslie.

Area 1 (shaded blue in Attachment 2)

Within the current Elderslie Master Plan, 'Area 1' provides for approximately 154 attached/semi-detached dwellings with a lot size of 180-300m².

Under the proposed amendment, Area 1 has been reduced in size, and will be provide for a total of 18 dwellings of 180 – 300m².

Current	114 dwellings – Area 1 Total Dwellings - 114
Proposed	18 dwellings – Area 1 Total Dwellings - 18

Area 2 (shaded orange in Attachment 2)

Within the current Elderslie Master Plan, 'Area 2' provides for 549 dwelling houses on lots 300 – 450m².

Under the proposed amendment, Area 2 is reduced in size and provides for 315 dwellings on lots sized 300 – 450m².

Current	549 dwellings – Area 2 Total Dwellings - 549
Proposed	315 dwellings – Area 2 Total Dwellings - 315

Area 3 (shaded white in Attachment 2)

In the current Master Plan, 'Area 3' provides for 1142 detached residential lots 450m2+.

Under the proposed Master Plan, the number of dwellings within Area 3 has been reduced to 944 dwellings. This change is a result of the additional 'Area 5' (shaded purple in Attachment 2) proposed to deliver residential lots between 300m2 – 450m2.

Current	1142 dwellings – Area 3 Total Dwellings - 1142
Proposed	944 dwellings – Area 3 Total Dwellings - 944

Area 4 (shaded light green in Attachment 2)

The new 'Area 4' merges part of two areas from the current Masterplan (Area 1 and Area 2). Area 4 provides for 408 dwellings with attached/semi-detached product on lots 180m2 to 300m2 and small lot housing on lots 300m2 to 450m2. The new Area 4 does not stipulate the precise location for attached/semi-detached or small lot housing product and therefore provides the necessary flexibility to deliver the range of housing types planned for Elderslie in line with market demand.

Current	New Area (Previously land was included in Area 1 and Area 2).
Proposed	Total Dwellings - 408

Area 5 (shaded purple in Attachment 2)

This area is currently noted as part of 'Area 3' with residential lots of 450m2+. The developer has indicated that they are not able to achieve the required dwelling yields for this area and has requested that it be designated as Area 5 with small lots of 300-450m2. This will bring about a change to the individual yields identified for the new area as specified on the current Master Plan; however the overall yield across the Masterplan will not change significantly.

Current	Previously land was included in Area 3 (residential lots of 450m2+).
Proposed	Total Dwellings - 198

Land subject to heritage study (shaded pink in Attachment 2)

This area has the potential for 40 attached/semi-detached dwellings subject to recommendations of future heritage studies. There has been no change to the Master Plan for this area.

Current	Potential for 40 attached/semi-detached dwellings subject to recommendations of future heritage studies.
Proposed	Total Dwellings - 40

Medium Density site

The current Master Plan specifies the location of a medium density housing site with the potential for 78-80 dwellings in a two-storey development with a third storey located within the roof structure. This amendment seeks to remove the medium density housing site and to disperse the expected yield for the site (78-80 dwellings) across the holdings located on the southern side of Lodges Road as part of Area 4. Reference to the medium density site on the Master Plan and on page C32 of the Camden DCP is proposed to be removed.

An alternative medium density site is now proposed at 83 Lodges Road, Elderslie (shown hatched on Attachment 2). The site is approximately 3,368m² which is a significant reduction in size to the current medium density site identified on the Master Plan. The new site is well located within the precinct as it is located on Lodges Road and close to the proposed Neighbourhood Centre (Refer to Attachment 2). In the current Master Plan, this site is identified for approximately 7 detached residential dwellings on lots 450sqm+, any medium density development on this site would likely increase the dwelling yield for this area by approximately 10 dwellings (this is based on the available site area and subject to detailed design and future DA approval).

Given the area of this site is much smaller than the current identified medium density housing site, this change to the DCP will likely result in an overall reduction of medium density housing (i.e. townhouses and villas) across the Elderslie release area.

Current	Total Dwellings – 78-80 dwellings
Proposed	Total Dwellings - Potentially up to 17 dwellings (Subject to DA approval). This results in an increase of approximately 10 dwellings for that site).

Summary of Changes

Area	Lot Size	Current Masterplan Yield	Proposed Masterplan Yield
1	180-300m ²	114	18
2 & 5	300-450M ²	549	513
3	450M ² +	1142	944
4	180-450M ²	-	408
Other	Medium density	80	10
Other	Subject to DCP requirements	57	57
Other	Heritage study	40	40
TOTAL		1982	1990

As identified by the above table there is a decrease in the number of small lots located within Area 1. Area 1 contains attached and semi-detached products; this change is in recognition of the increased market demand for affordable small lot Torrens title housing.

Area 3 shows a decrease in lots sized over 450m². Area 4 is a new Area that was introduced as part of the proposed amendment to allow increased flexibility around the town centre and transitioning to the Area 3 products (450m²) and Area 5 products (300-450m²).

All of the above amendments have been incorporated into a draft Elderslie Master Plan which is provided as **Attachment 2 of this report**. The changes result in a slight increase in overall yield (from approximately 1982 to 1990 dwellings), but provides for the necessary flexibility for the delivery of diverse housing products across the precinct without a strong reliance on the traditional medium density products such as townhouses and villas.

Reconfiguration of open space & childcare relocation

Having regard to the proposed road layout and proposed revised housing types, it is also proposed to reconfigure the open space reserve (refer to attachment 2). The relocation will improve access for future residents; it is noted that this change complies with existing S94 requirements. As a result of the revised road layout and reconfiguration of open space, it is also necessary to reposition the proposed childcare site (refer to Attachment 2).

Public exhibition

Should Council resolve to support the proposed amendments to the DCP, these will be publicly exhibited for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*.

A notification will be placed in the local newspaper and the exhibition material 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); and
- Council website for the length of the exhibition period (Electronic Copy).

During the exhibition period, all affected land owners in Elderslie will be sent a letter notifying them of the proposed changes. At the conclusion of the consultation period, a report will be submitted back to Council detailing the submissions received.

FINANCIAL IMPLICATIONS

It should be noted that any reduction in lot yield has an implication for the anticipated collection of s.94 contributions.

CONCLUSION

The proposed DCP amendment realigns area boundaries across the subject site to enable landowners to deliver a wider range of housing products that better meet

market demand, without relying on traditional medium density products such as townhouses and villas to meet density targets. The proposed changes will also enable development with the Elderslie release precinct to meet density targets as set by the State Government.

The DCP also proposes minor changes to road hierarchy, open space and childcare location to better facilitate delivery of the Master Plan.

Overall the proposed amendment will facilitate a slight increase of 8 dwellings across the precinct as a whole, whilst providing a better urban design and streetscape outcome for the Elderslie Community.

RECOMMENDED

That Council:

- i. support the proposed changes to Camden Development Control Plan 2011 outlined in this report;**
- ii. publically exhibit the draft DCP in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000 for a period of 28 days;**
- iii. write to all land owners and within the affected area and adjacent owners and notify them of the exhibition; and**
- iv. consider a further report detailing the results of the exhibition.**

ATTACHMENTS

- 1. Attachment 1 Current Elderslie Masterplan**
- 2. Attachment 2 Draft Elderslie Masterplan**
- 3. Attachment Schedule of proposed changes**

ORDINARY COUNCIL

ORD05

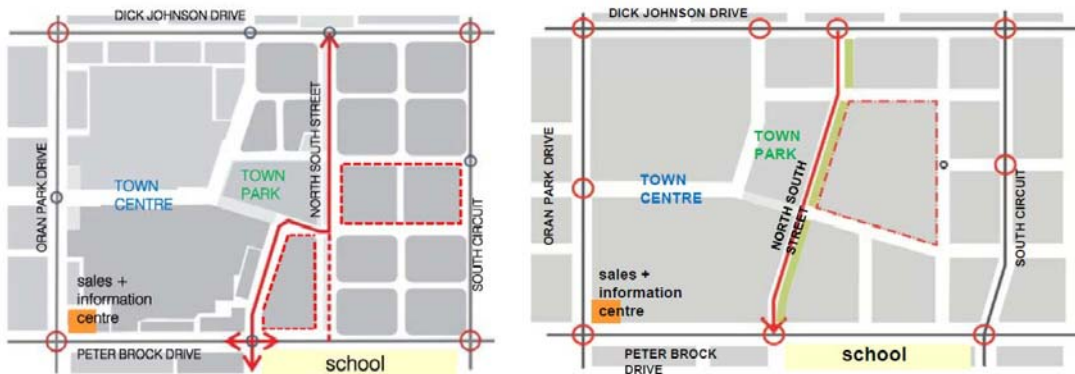
SUBJECT: ORAN PARK TOWN CENTRE DCP & SEPP AMENDMENTS
FROM: Acting Director Governance
TRIM #: 13/78634

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of the proposed amendments to the Oran Park DCP for the purposes of public exhibition and for Council to resolve to place both the Oran Park Town Centre Planning Proposal and associated DCP amendments on public exhibition as per the Gateway Determination issued by the Department of Planning and Infrastructure.

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. These changes are necessary as a result of the design and development of the Civic Precinct Masterplan for the Oran Park Town Centre and reflect Council's adoption of the new masterplan for the Oran Park Town Centre on the 22 October 2013 (see figure 2 below).



2007

(as per current Oran Park Part B DCP 2007)

Figure 1

2013

(as per 2013 Masterplan)

Figure 2

Figures 1 & 2 above show the changes to the Oran Park Town Centre Design Layout between the original Masterplan in 2007 to the current Masterplan in 2013.

At its meeting on 26 November 2013 Council resolved

“That Council:

- i. 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*

- the Department of Planning and Infrastructure for a Gateway Determination;*
- ii. upon receipt of a favourable Gateway Determination, Council require the proponent to fund all required studies (if any) and agree to fund Council's costs in undertaking any necessary peer reviews of those studies; and*
 - iii. consider a further report prior to the public exhibition of the planning proposal and draft DCP amendments."*

Council received the Gateway Determination from the Department of Planning and Infrastructure on 10 January 2013 (see **Attachment 1**). The Gateway Determination recommends 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 the Department of Planning and Infrastructure 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.

A copy of the Planning Proposal that was sent to the Department of Planning and Infrastructure for Gateway Determination has been included as **Attachment 2 to this report**.

MAIN REPORT

Proposed amendments to Oran Park DCP 2007

The DCP amendments are considered minor in nature and are a direct result of the changes to the Masterplan in 2013. The DCP changes have been referred internally to Council staff and have been discussed between Council and the developer and are deemed necessary in order to facilitate the delivery of the Oran Park Town Centre (Civic Precinct).

The amendments to Part B of the DCP for the Town Centre Civic Precinct are outlined in detail in **Attachment 3 to this report**. In summary the changes primarily relate to replacing figures and inserting text to reflect the updated 2013 Masterplan, including establishing objectives for the civic precinct.

The associated DCP amendments will be placed on public exhibition concurrently with the planning proposal. A copy of the draft DCP Amendments has been included as **Attachment 4 to this report**.

On the 9 June 2011 Council received delegations from the Director General of the Department of Planning & Infrastructure which allows Council to amend, substitute and revoke Development Control Plans (DCPs) for the purposes of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). These delegations include the Oran Park DCP and it is intended that Council use these delegations to amend the Oran Park DCP for the Town Centre changes that are subject to this Council report.

It should be noted that a broader review of the Oran Park DCP is currently being undertaken to address detailed development issues that are being raised by developers. This is likely to result in a future amendment to the Oran Park DCP to be reported to Council. However, the changes being considered will not affect the

Masterplan component that is addressed in this DCP amendment, which have been brought forward to facilitate the civic precinct amendments.

Oran Park Town Centre Planning Proposal

The Gateway Determination received by Council from the Department of Planning and Infrastructure on 10 January 2013 does not require any further planning studies as a result of this planning proposal.

The Gateway Determination does not require any consultation with State or Commonwealth public authorities given the minor nature of the proposal.

Exhibition Period

Should Council resolve to publicly exhibit the planning proposal and proposed amendments to the Oran Park DCP, they will be publicly exhibited for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000* and the Gateway Determination. A notification will be placed in the local newspaper 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).

At the conclusion of the consultation period, a report will be submitted to Council for consideration of any submissions received.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The purpose of this report is to seek Council endorsement of the proposed amendments to the Oran Park DCP for the purposes of public exhibition and for Council to resolve to place both the Oran Park Town Centre Planning Proposal and associated DCP amendments on public exhibition in accordance with the Gateway Determination.

RECOMMENDED

That Council:

- endorse the proposed amendments to the Oran Park Development Control Plan (DCP) for the purposes of public exhibition;**
- publicly exhibit the Planning Proposal and Development Control Plan amendments in accordance with the Environmental Planning and Assessment Act, the Gateway Determination and including any arrangements agreed with the Department of Planning and Infrastructure;**
- provide the Director-General (Department of Planning & Infrastructure) with a copy of draft Development Control Plan at the same time as it is placed on public exhibition; and**

-
- iv. consider a further report discussing any submissions received at the conclusion of the public exhibition period.**

ATTACHMENTS

1. Attachment 1 Oran Park Town Centre (Civic Precinct) Planning Proposal - Public Exhibition ~ copy for exhibition written authorisation to issue delegation
2. Attachment 2 Oran Park Town Centre (Civic Precinct) Planning Proposal - Public Exhibition Material - Version 4 Planning Proposal - version to be ~ 2013
3. Attachment 3 Summary of proposed Oran Park Development Control Plan Amendments
4. Attachment 4 Oran Park Town Centre (Civic Precinct) Planning Proposal - Public Exhibition Material - resubmission of Part B DCP amendment ~ 15 01 2014

ORDINARY COUNCIL

ORD06

SUBJECT: DELEGATIONS TO THE MAYOR - CHRISTMAS AND NEW YEAR PERIOD

FROM: Acting Director Governance

TRIM #: 14/2654

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exercise of the delegations to the Mayor over the Christmas/New Year period.

BACKGROUND

In order for urgent matters to be attended to during the Council recess over the Christmas/New Year period, the Council, at its meeting of 10 December 2013, delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) the ability to approve Development Applications and matters of necessity, during the period 11 December 2013 to 28 January 2014 to exercise those functions as provided under sections 226 and 377 of the *Local Government Act 1993*.

A condition of that delegation was that Council be informed of any use of the delegation in a report to the 28 January 2014 Council meeting.

MAIN REPORT

During the recess period, the Mayor has not had to exercise the delegations granted by Council on 10 December 2013.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

There have been no matters of necessity which have required the Mayor or the Deputy Mayor (in the absence of the Mayor) to exercise the delegations granted by Council on 10 December 2013.

RECOMMENDED

That the information be noted.

ORDINARY COUNCIL

ORD07

ORD07

**SUBJECT: PROPOSED LEASE TO MACARTHUR LIONS INC - 2 ELLIS LANE,
ELLIS LANE - LOT 1 DP 621426**
FROM: Acting Director Governance
TRIM #: 14/5602

PURPOSE OF REPORT

To consider a request from Macarthur Lions Inc (the Club) to enter into a lease of the Rural Fire Services (RFS) building at 2 Ellis Lane, Ellis Lane upon the relocation of the RFS.

MAIN REPORT

The RFS at Ellis Lane will be relocating to their new building on Werombi Road this year, thereby leaving the current site vacant.

Macarthur Lions have expressed an interest in leasing the site for a 25 year period for the purpose of storing equipment (including trailers and a van) as well as holding informal meetings.

The land is classified as operational land in accordance with the *Local Government Act 1993* and as such there are no special restrictions on the land other than those that may apply to any privately owned piece of land. Although there are no requirements to advertise the proposal or call for submissions for leasing operational land, in order to consider the public perception and in the interests of being transparent, the proposal was advertised and the adjoining residents notified.

As a result, we received three submissions objecting to the lease from residents in the vicinity of the building (**see attachment 1 for copies of the submissions in Supporting Documents**).

The points raised in the submissions are summarised in italics as follows:-

- *The property does not have sufficient parking and it is understood that this is why the RFS are relocating. The RFS cars are currently parking everywhere on the side of the road which churns up dust and impacts on the verge of the road. This should preclude its use by any other organisation.*

Comment: Macarthur Lions have advised that the maximum number of cars on the site will be 5. It can be made a condition of the lease that the Club must park within the leased site and not on the road reserve.

The site plan attached (**see attachment 3**) shows that there is sufficient parking space on the site for this proposed number of car parking.

- *What happens if the Club does not conform to the parking restrictions and how can it be policed? Complaints are being made now about the parking.*

Comment: If it is a condition of the lease that the Club park within the site and they do not comply with this, they will be in breach of the lease. Action will be taken under the terms and conditions of the lease and potentially the lease could be terminated.

- *Holding informal meetings is strongly objected to. There is no control over the numbers attending, and the length of the lease will make it difficult to change if the noise becomes disturbing to the neighbours living close by. There are no toilet or water facilities and even though the meetings are informal, (discussing the day's activities and upcoming events whilst packing up) it would or could turn into a social session, with no water or wash facilities. This should not be considered.*

Comment: The informal meetings are to be held after each event whilst the equipment is being packed up and stored. They will involve discussing the event, administrative tasks associated with the day as well as discussing future events. The objectors are concerned that these could turn into social events with no avenue of complaint if the neighbours are being disturbed.

There is water connected to the building in the form of a tap just inside the roller door, however there is no toilet, wash basin or sink.

It is considered that the informal meetings could be removed from the lease and the use of the site be limited for the storage of equipment/supplies associated with the activities of the Club only, thereby removing the potential need for any toilet or wash facilities.

- *Is there a fire risk with having no water to the site? There would be gas cylinders in the truck and trailer equipment held on site.*

Comment: There is water connected to the building and as a condition of the lease, the Club would be required to comply with all building code requirements, including fire safety.

- *One resident has expressed that they would not have purchased their property if they were aware that the building would be leased to a private non-government club. They were happy to purchase knowing that the RFS is a government organisation and a great benefit to the community. If they did anything wrong there were various avenues of redress. The RFS told the residents that they were told that Council would sell the property to adjoining owners upon relocation.*

With a lease period of 25 years commitments mean nothing. 25 years ago the area had a population of only 15,000 with a future projected population of over 200,000. With a change in Council and Lions Club leadership, the resident is concerned that they will have no idea what the property will be used for in the future.

Comment: The Club will be required to comply with the terms and conditions of the lease, so there will be avenues of redress.

The permitted use of the site may be for storage of equipment/supplies only. The Club will be required to comply with this use for the term of the lease.

Council has never indicated that the property would be sold to the adjoining owners upon relocation of the RFS.

- *It is an opinion that it should not be expected by Council that the Macarthur Lions be automatically welcomed the same way by the local residents and have them, what is considered, be given the right to dump their equipment near neighbours properties and have informal meetings there.*

The presence of a non-government social club will reduce the value of property in the area as potential buyers would accept the RFS as a dedicated group of people as opposed to a business group. The Club is not local to Ellis Lane, why cannot the equipment be stored elsewhere or at the Lions Club site in Camden. The building should be sold to the nearest neighbour and a pathway built.

Comment: The Club are proposing to enhance the look of the site through a general tidy up, revamping the building, and carrying out some landscaping and paving to the existing dirt kerb.

If the meetings are removed as a permitted use, the building would only be used for storage purposes only. Accordingly, it is doubtful that this use would reduce the value of property in the area.

The arguments put forward in relation to the Club leasing premises elsewhere; that the Club is not local, and the sale of the building and pathway are all matters of opinion. These matters have no impact on the way the proposed lease would operate on the site.

- *The lease of 25 years is a long time, what maintenance will be done? 25 years will see the building really dilapidated and it needs work done now.*

Comment: Under the terms of the lease, the Club would be responsible to maintain the building in good condition. Council will be responsible for all structural repairs and maintenance.

There was a further comment relating to the buses stopping on the verge of Ellis Lane and this has been referred to Council's Traffic Engineers for assessment.

Another comment related to an expired lease for a section of road that was for 5 years as opposed to the proposed 25 year lease to the Club. The lease in question was never renewed. In accordance with the *Roads Act 1993*, a lease of a section of road must not exceed 5 years. The proposal to enter into a new 5 year lease is currently being investigated by Council officers.

Taking into account the considerations raised by submitters, if the lease was to be approved, the following terms and conditions would be recommended:

- Term of the lease – Twenty five years commencing upon the relocation of the RFS.
- Rent - \$50.00 (gst exclusive) per annum.
- Insurance – The Club must take out and keep up to date insurance policies for public liability, contents and workers compensation.
- Conditions and repairs – The Club will be responsible for all general repairs and maintenance including annual fire safety. Council will be responsible for all structural repairs and maintenance and maintaining essential services.

- Outgoings – The Club will be responsible for the payment of all outgoings including water, electricity and rates.
- Permitted use – Storage of equipment/supplies associated with the operation and activities of the Club.
- Parking – Parking by the Club must be within the leased site.
- Signage – any proposed signage is to be approved by Council.

It is noted that Macarthur Lions have been consulted throughout this process and are willing to accept these conditions of lease.

FINANCIAL IMPLICATIONS

The Club will be responsible for the lease preparation fees and an annual rental of \$50.00 per annum.

CONCLUSION

As the land is classified as operational land, Council is able to lease the property without restriction.

Taking into account the submissions by local residents, if the lease is granted, further conditions should be included in the lease to ensure that all vehicles associated with the Club park on site, the permitted use is for storage only (removing the use of “informal meetings”) and the building meets all fire and safety regulatory requirements.

The property is approximately 400 square metres in size and there is a limited ability to sell the property. Council officers consider the proposed lease (incorporating the recommended terms and conditions) will provide an appropriate use of the property whilst mitigating the concerns raised by residents.

RECOMMENDED

That Council: consent to entering into a twenty five (25) year lease with Macarthur Lions Inc for the occupation of 2 Ellis Lane, Ellis Lane – Lot 1 DP 621426 incorporating the recommended terms and conditions as outlined in the report.

ATTACHMENTS

1. Submissions - *Supporting Document*
2. Location Plan
3. Site Plan

ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: INVESTMENT MONIES - NOVEMBER 2013

FROM: Acting Director Governance

TRIM #: 14/7579

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 30 November 2013 is provided.

MAIN REPORT

The weighted average return on all investments was 4.16% p.a. for the month of November 2013. The industry benchmark for this period was 2.58% (Average BBSW 90 day).

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 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 November 2013 be noted; and**
- iii. the weighted average interest rate return of 4.16% p.a. for the month of November 2013 be noted.**

ATTACHMENTS

1. November Investment Report 2013-Final

ORDINARY COUNCIL

ORD09

SUBJECT: INVESTMENT MONIES - DECEMBER 2013

FROM: Acting Director Governance

TRIM #: 14/7580

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 December 2013 is provided.

MAIN REPORT

The weighted average return on all investments was 4.11% p.a. for the month of December 2013. The industry benchmark for this period was 2.61% (Average BBSW 90 day).

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 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 December 2013 be noted; and**
- iii. the weighted average interest rate return of 4.11% p.a. for the month of December 2013 be noted.**

ATTACHMENTS

1. December Investment Report 2013 - Final

ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: WOOD SMOKE REDUCTION PROGRAM 2014 - GRANT FUNDING
FROM: Director Works & Services
BINDER: 14/7576

PURPOSE OF REPORT

To advise Council of the successful funding application for \$41,820 (excl GST) through the NSW Government's Wood Smoke Reduction Program 2014 administered by the Environment Protection Authority (EPA), and to seek Council's endorsement to accept the funding.

BACKGROUND

Camden Council has taken a proactive approach over a number of years in trying to improve air quality through wood smoke reduction programs, policies and initiatives.

On 24 July 2012, Council resolved to adopt a position to attempt to improve air quality by restricting the type of wood heaters to those that have lower emissions and higher efficiency and to develop a robust Local Approvals Policy promoting this adopted position.

On 9 July 2013, Council resolved to provide a submission to the Standing Council on Environment and Water for consideration when determining the best approach to improving emissions from wood heaters. In its submission, Council raised a number of issues including the need for a coordinated approach to wood heater controls where a number of local authorities fall within an air shed; any new measures need to address new wood heater installations as well as existing wood heaters; and adequate support to be provided to councils to allow them to undertake any additional responsibilities as a result of any new regulatory frameworks and programs aimed at reducing the impact of wood heater use.

Last year, Council implemented a local community education program which was funded through the NSW Government's Wood Smoke Reduction Program 2013.

The NSW Government is again providing funding of up to \$60,000 to councils, and up to \$100,000 to Regional Organisations of Councils (ROCs) for the implementation of local Wood Smoke Reduction Programs in 2014. In October 2013, the EPA invited expressions of interest from councils and groups of councils to participate in one, two or all of the following program options:

1. community education programs about the health impacts of wood smoke pollution and how best to operate wood heaters;
2. smoky chimney surveys by councils and appropriate educational/enforcement action; and
3. targeted cash incentives to replace old, uncertified wood heaters and fireplaces with cleaner alternatives.

MAIN REPORT

In October 2013, the NSW Government announced the availability of funding of up to \$60,000 for local government authorities through the Wood Smoke Reduction Program 2014, administered by the Environment Protection Authority (EPA).

The Wood Smoke Reduction Program aims to assist local communities to raise awareness about the effects of wood smoke on health and the environment, and the benefits of correct wood heater operation. The program also includes smoky chimney surveillance by local councils and some targeted rebates to encourage a shift to cleaner forms of heating.

In the Camden LGA, it is estimated that up to 35% of houses in established suburbs have a wood or solid fuel heater. The level of ownership in newer suburbs is lower as a result of a prohibition of solid fuel heater installation in Council's Development Control Plans since 2005.

Significant planned growth over the next 20-25 years will see the population grow from 60,250 to approximately 250,000. This substantial growth will bring many challenges related to maintaining or improving air quality in the Camden LGA and surrounding region. The correct use of solid fuel/wood heaters can make a significant contribution to improved air quality.

Given the impact of wood smoke on air quality and its impact on community health, Council's participation in the 2013 Wood Smoke Reduction Program helped address this issue on a local basis. In 2013, Council participated in all three components of the Program ie including the cash incentive scheme. Despite the unseasonably warm winter – one of the warmest on record – the education component of the local Wood Smoke Reduction Program proved the most effective. It helped raise community awareness of the impact on wood smoke on local air quality and improved wood heater operation. Council's smoky chimney survey across the LGA provided a better understanding of local wood smoke issues and the number of houses with chimneys and flues for future wood smoke education campaigns. However, there was a limited response to the cash incentive component by the community.

The Wood Smoke Reduction Program is again an important opportunity for Council to engage the local community in addressing local air pollution from solid fuel heaters. On 11 November 2013, Council submitted a funding application to the EPA for \$41,820 (excl GST) through this Program, nominating to participate in two of three program components as follows:

1. \$33,500 to deliver community education;
2. \$8,320 to undertake smoky chimney surveys in the early morning and evenings.

Council received notification from the EPA of its successful application on 16 January 2014. Camden Council is one of 21 successful Councils or groups of Councils from the 23 applications received by the EPA. The EPA requested that successful applicants execute the grant documentation within 15 working days of receipt, to confirm their participation in the Wood Smoke Reduction Program 2014.

FINANCIAL IMPLICATIONS

Council has been successful in its application for funding (\$41,820 excl GST) from the NSW Government through the Wood Smoke Reduction Program 2014 as allocated:

1. \$33,500 to deliver community education;
2. \$8,320 to undertake smoky chimney surveys in the early morning and evenings.

In the application for funding, there was no requirement for Council to provide any financial contribution towards this program. However, general administration costs such as salary and ancillary costs are to be met by Council as part of normal operational costs.

CONCLUSION

Council has been successful in its funding application for \$41,820 (excl GST) through the Wood Smoke Reduction Program administered by the EPA. In order for Council to confirm its participation in this Program for 2014, two copies of the Deed of Grant need to be signed and returned to the EPA within 15 working days of Council's receipt of the Deed.

RECOMMENDED

That Council:

- i. **accept the funding for \$41,820 (excl GST) through the NSW Government's Wood Smoke Reduction Program 2014 administered by the Environment Protection Authority (EPA) and endorse Council's participation in the Wood Smoke Reduction Program 2014;**
- ii. **write to the Environment Protection Authority thanking them for the grant; and**
- iii. **authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013 Minute Number ORD 215/13.**