

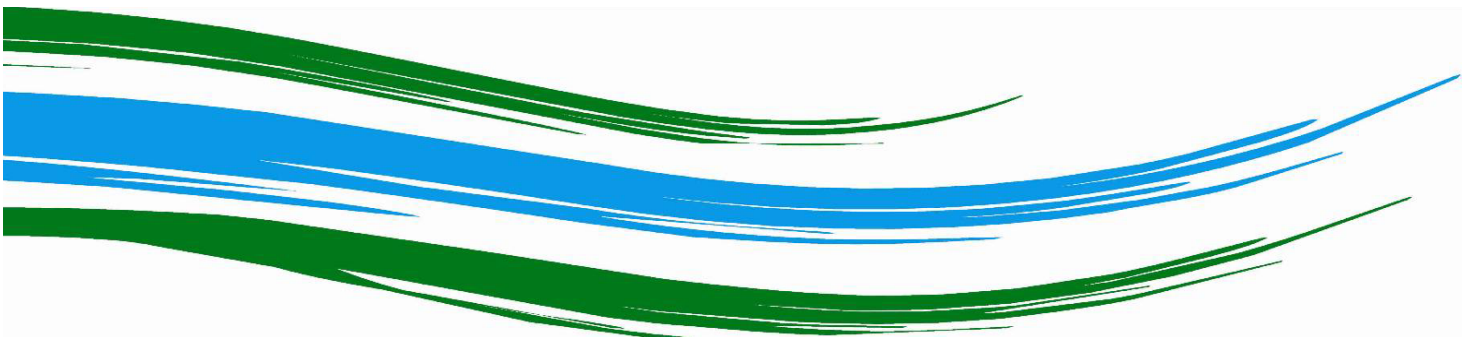


Camden Council

Business Paper

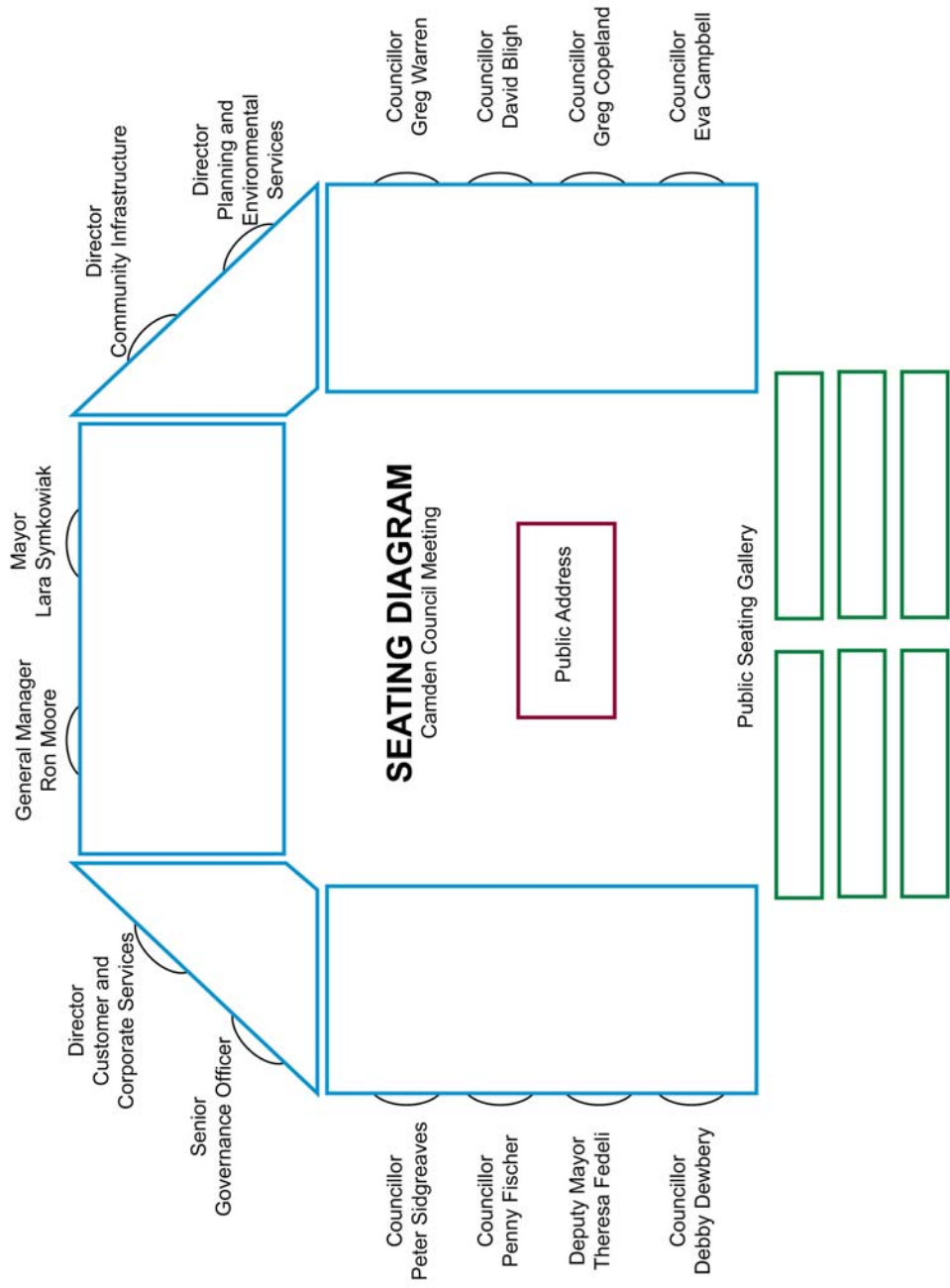
Ordinary Council Meeting
9 December 2014

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
DoPE	Department of Planning & Environment
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
OLG	Office of Local Government, Department of Premier & Cabinet
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



SEATING DIAGRAM
Camden Council Meeting

Public Address

Media

Public Seating Gallery

*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 25 November 2014 and the Local Traffic Committee Meeting held 18 November 2014.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 25 November 2014 and the Local Traffic Committee Meeting held 18 November 2014, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: SUBDIVISION TO CREATE 121 COMMUNITY TITLE RESIDENTIAL LOTS, COMMUNITY ASSOCIATION LAND AND ASSOCIATED SITE WORKS AT 2A DAN CLEARY DRIVE AND C FORESTGROVE DRIVE, HARRINGTON PARK
FROM: Director Planning & Environmental Services
TRIM #: 14/184996

APPLICATION NO: 367/2014
PROPOSAL: Subdivision to create 121 community title residential lots, community association land and associated site works
PROPERTY ADDRESS: 2A Dan Cleary Drive and C Forestgrove Drive, Harrington Park
PROPERTY DESCRIPTION: Lot 2, DP 1132348 and Part Lot 24, DP 270613
ZONING: E4 Environmental Living and E2 Environmental Conservation
OWNER: Dandaloo Pty Ltd
APPLICANT: Dandaloo Pty Ltd C/O Development Planning Strategies

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 121 community title residential lots, community association land and associated site works at 2A Dan Cleary Drive and C Forestgrove Drive, Harrington Park.

The DA is referred to Council for determination as there remain unresolved issues received in one submission from the public and minor variations to Camden Development Control Plan 2011 (DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA 367/2014 for a subdivision to create 121 community title residential lots, community association land 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 121 community title residential lots, community association land and associated site works at 2A Dan Cleary Drive and C Forestgrove Drive, Harrington Park.

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 DA was publicly exhibited for a period of 30 days in accordance with the DCP. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.**

Council staff contacted the submission writer to discuss their concerns, however were unsuccessful in resolving the issues raised.

The issues raised in the submission relate to the impact on local native flora and fauna, security concerns arising from the proposed Crear Hill lookout which will overlook homes within Harrington Park, anti-social behaviour and crime at the Crear Hill lookout and reserve and insufficient information provided regarding the Crear Hill lookout and reserve to adequately assess the development.

A detailed ecological assessment under the *Threatened Species Conservation Act 1995* has been prepared for the proposed development which addresses the potential impacts on native flora and fauna. The assessment identified one threatened flora species (*Pimelea spicata*) within the site which is being preserved within the proposed community land. Conditions are recommended to ensure the protection of this species during and after construction.

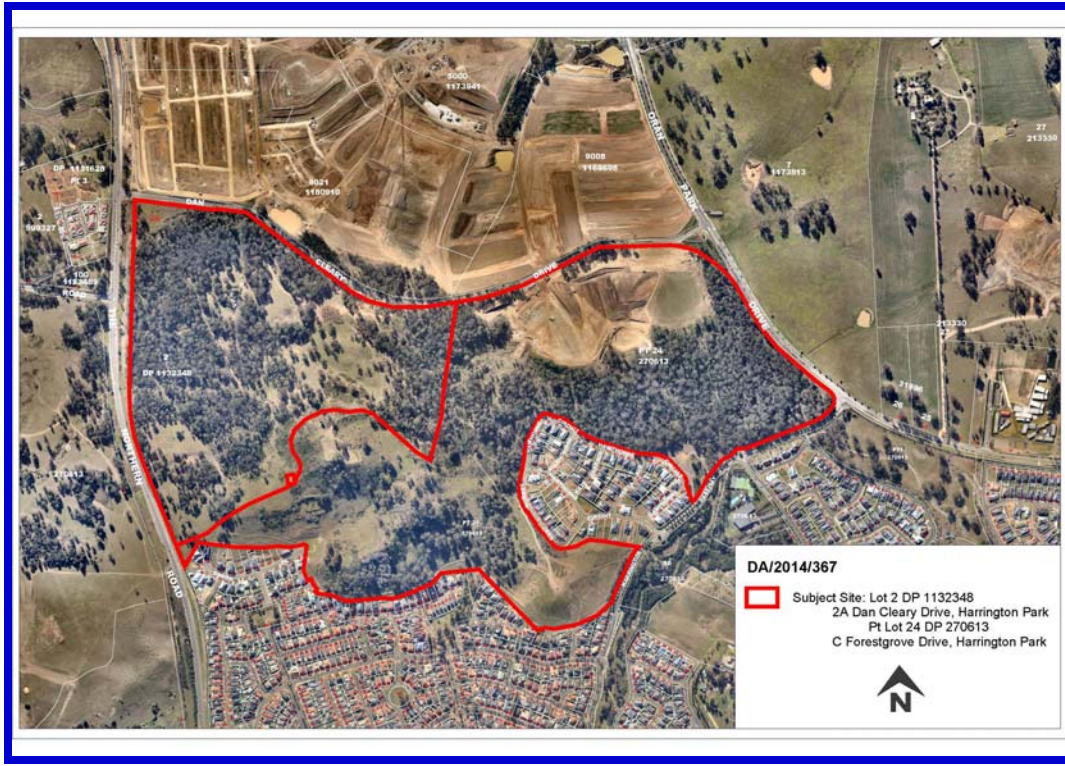
The assessment identified the Cumberland Land Snail as the only threatened fauna species on site. The assessment also identified a number of other threatened fauna species that have the potential to be found within the subject site. An assessment of significance was undertaken for each of these species which concluded that there would be no significant impact on these fauna species with the implementation of specified mitigation measures. A condition is recommended requiring compliance with the recommendations of the ecological assessment.

A condition is recommended requiring the deletion of the Stage 2 works, being the works to the Crear Hill lookout including the construction of the access road and 60 space car park. It is premature to consider the proposed access road and car park without fully understanding the future use and facilities to be provided at Crear Hill. This condition has been agreed to by the applicant.

The proposed development **complies** with all applicable development controls except for some minor non-compliances as explained throughout this report.

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 two properties that are commonly known as 2A Dan Cleary Drive, Harrington Park and C Forestgrove Drive, Harrington Park and legally described as lot 2, DP 1132348 and part lot 24, DP 270613 respectively.

The site has a frontage of approximately 1.7km to Dan Cleary Drive, 1km to The Northern Road and 550m to Oran Park Drive, maximum depth of approximately 800m and an overall area of approximately 129ha. The site is characterised by a mix of bush and grass lands with undulating topography. An existing dwelling and associated buildings is located near the north-western corner of the site. The site contains a number of watercourses with most of it being mapped as bush fire prone land. The site is located with the Harrington Grove urban release area.

The area of the site subject to the proposed development is 51 ha and is predominately contained within 2A Dan Cleary Drive (the eastern lot). A proposed access road, lookout and car park are proposed within C Forestgrove Road (the western lot).

The site is bound by Dan Cleary Drive to the north, The Northern Road to the west and Oran Park Drive to the east. The Oran Park precinct of the South West Growth Centre lies to the west and north and Catherine Field (part) of the growth centres lies to the west. Existing developed parts of the Harrington Grove urban release area lie to the west and south.

HISTORY

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

Date	Development
6 May 2011	Approval of DA 10/2011 for a subdivision to create 2 residue lots
28 November 2006	Approval of DA 1267/2006 for a community titled subdivision for precincts D, F, G, H and I

THE PROPOSAL

DA 367/2014 seeks approval for a subdivision to create 121 community title residential lots, community association land and associated site works.

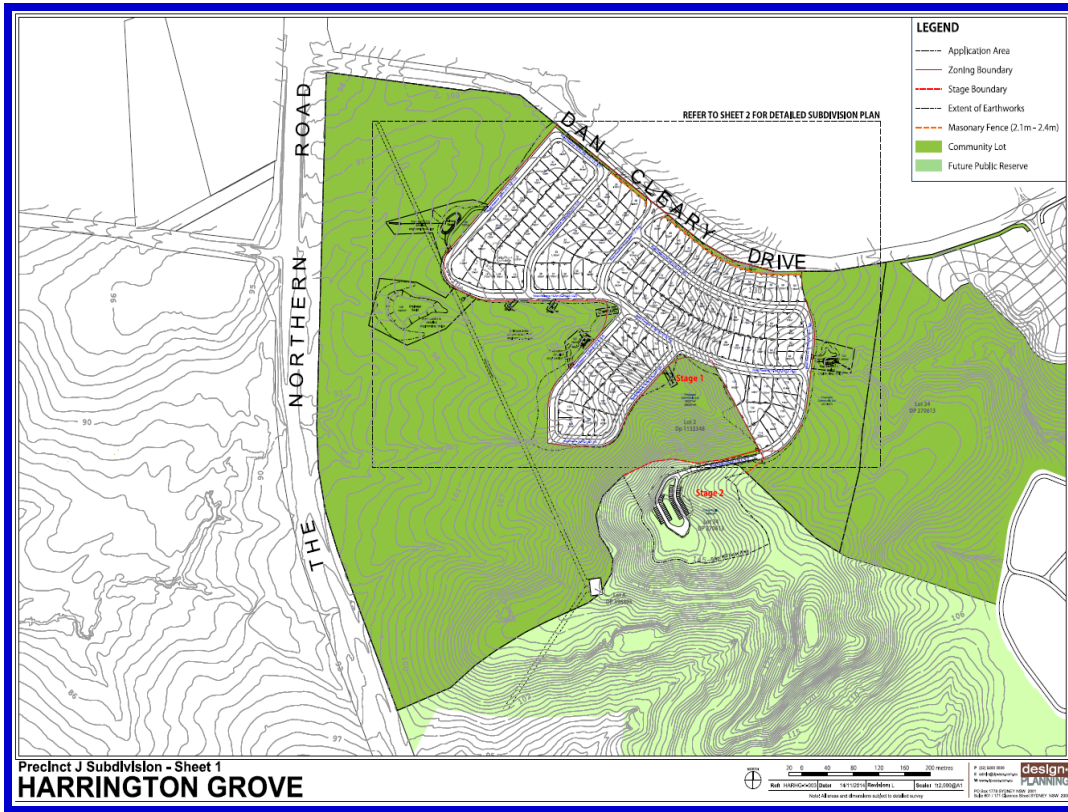
Specifically the proposed development involves:

- demolition of an existing dwelling and associated buildings;
- minor remediation of an area of approximately 1,316m² of asbestos impacted soils;
- subdivision to create 121 community title residential lots (ranging in area from 702m² to 1,400m²). This subdivision is known as Precinct J of the Harrington Grove urban release area;
- creation of 2 community lots with areas of approximately 30.1ha and 4.1ha;
- creation of 8 drainage reserves;
- removal of 10.5ha of Cumberland Plain Woodland;
- construction of two permanent entry feature walls and landscaping at the intersection of road 1 and Dan Cleary Drive. These entry features will be constructed of decorative stone and will display the developer estate name "Harrington Grove;"
- a 2.1m-2.4m high acoustic barrier and landscaping along site's Dan Cleary Drive frontage;
- construction of a 60 space car park on top of Crear Hill to be accessed from a public road from the residential subdivision area; and
- construction of associated roads, drainage, services and landscaping.

The value of the works is \$10,779,300.

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

PROPOSED SUBDIVISION PLANS



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 No 64 – Advertising and Signage
- 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 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.

The applicant has submitted a remediation action plan (RAP) in support of the DA. The RAP notes that the site is contaminated with some asbestos impacted soils, however also provides a series of remediation actions that if fully implemented will decontaminate the site.

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

In addition, a standard contingency condition is recommended that requires that if any further contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

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

The DA proposes the construction of two permanent entry feature walls and landscaping at the intersection of road 1 and Dan Cleary Drive. These entry features will be constructed of decorative stone and will display the developer estate name "Harrington Grove." **A copy of the signage plans is provided as an attachment to this report.**

Pursuant to Clause 4(1) of the SEPP, the proposed signs are considered to be "building identification signs" as opposed to "advertisements" in that they will identify the estate name and land developer, but do not include the general advertising of products, goods or services. The proposed signs are considered to be generally consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

It is a recommended condition that the wording on the estate entry signs be modified to include the name of the suburb in which the site is located.

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 E4 Environmental Living and E2 Environmental Conservation under the provisions of the LEP. The proposed development is defined as “roads,” “recreation areas” and “signage” which are permitted with consent in the relevant zones. The subdivision of land is also permitted with consent in these zones.

Zone Objectives

The objectives of the E4 Environmental Living zone are as follows:

- To provide for low impact residential development in areas with special ecological, scientific or aesthetic values.

Officer comment:

The proposed development will provide a low density residential subdivision that will facilitate the future development of low impact residential development.

- To ensure that residential development does not have an adverse effect on those values.

Officer comment:

The proposed development has been assessed and subject to the recommended conditions will not have an adverse impact on the special ecological, scientific or aesthetic values of the area.

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:

The existing significant vegetation on the site will be conserved within the large community association lots proposed as part of this DA.

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

Officer comment:

Subject to the recommendations of the submitted ecological assessment, it is not considered that the proposed development will have an adverse impact upon the ecological, scientific, cultural or aesthetic values of the site.

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

Officer comment:

Subject to the recommendations of the submitted ecological assessment, the above important values of the site will be protected.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
2.6 Subdivision requires consent	Subdivision requires development consent	Consent has been sought for the proposed subdivision as part of this DA	Yes
4.1 Minimum Lot Size	Minimum 700m ² lot area for land zoned E4 Environmental Living	The proposed residential lots within the E4 zone range from 702m ² to 1,400m ² in area	Yes
5.9 Preservation of Trees or Vegetation	Development consent required for tree or vegetation removal	The proposed development requires the removal of 10.5ha of Cumberland Plain Woodland. Consent for this has been sought as part of this DA	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site will be serviced by appropriate public utility infrastructure including water, electricity and sewer	Yes
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties	The matters listed by this clause have been considered. Subject to the recommended conditions, the proposed earthworks are considered to be acceptable with regard to them	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 Instruments 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	Standard conditions are recommended requiring appropriate erosion, sedimentation and dust control measures	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	Minimise cut and fill	The earthworks and subdivision plan is considered to suitably minimise cut and fill taking into account the undulating topography of the site	Yes
	Retaining walls fronting public places must have an anti-graffiti coating	A condition requiring anti-graffiti coatings is recommended	Yes
	Use only clean fill	A condition is recommended to ensure that only clean fill is used	Yes
B1.3 Salinity Management	Salinity resistant construction	A salinity assessment and management plan have been submitted in support of this DA. Compliance with the salinity management plan is a recommended condition and 88B Instrument notation	Yes
B1.4 Water Management	Development to comply with Council's Engineering Specifications in terms of	A condition is recommended requiring compliance with Council's engineering specifications	Yes

Control	Requirement	Provided	Compliance
	stormwater detention, drainage and water sensitive urban design		
B1.5 Trees and Vegetation	Protect significant trees and consider importance of trees in their proposed removal	An ecological assessment has been submitted in support of this DA. The proposed development will result in the removal of approximately 10.5 ha of Cumberland Plain Woodland. Notwithstanding this, a substantial area of the Cumberland Woodland is to be retained within the overall 180ha conservation area for the entire Harrington Grove development. The ecological assessment concludes that the proposed development is unlikely to result in the extinction of any threatened flora or fauna noting the retention of the 180ha conservation area	Yes
B1.6 Environmentally Sensitive Land (ESL)	Address impacts to vegetation, habitats and threatened species	<p>A large component of the site is mapped as being ESL.</p> <p>An ecological assessment has been submitted in support of this DA. The assessment identified one threatened flora species (<i>Pimelea spicata</i>) within the subject site which is being preserved within the proposed community parkland. Conditions are recommended to ensure the protection of this species during and after construction.</p> <p>The assessment identified the Cumberland Plain Land Snail as the only threatened fauna species on site and a number of other threatened fauna species that have the potential to be found within</p>	Yes

ORD01

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Control	Requirement	Provided	Compliance
		the subject site. An assessment of significance was undertaken for each of these species which concluded that there would be no significant impact on these fauna species with the implementation of specified mitigation measures including erosion and sediment control, a pre-clearance survey and weed control. A condition is recommended requiring compliance with the recommendations of the ecological assessment	
B1.7 Riparian Corridors	Restore and rehabilitate riparian corridors	The DA was referred to the NSW Office of Water (NOW) as the proposed development is within 40m of a watercourse. NOW has granted general terms of approval for the DA subject to the preparation of various documents including vegetation management plan and a detailed drainage design	Yes
B1.8 Environmental and Declared Noxious Weeds	Subdivision developments to include noxious weed control and management	A standard condition is recommended requiring any noxious weeds to be fully and continuously suppressed and destroyed	Yes
B1.9.2 Waste Management Plan for Subdivision	Waste management plan required (WMP) Street layout and road designs to make satisfactory provision for waste collection	An adequate WMP has been provided There is adequate space within the proposed development for waste collection without conflict with driveways and street trees. A temporary turning head for heavy vehicle manoeuvrability is to be provided at the end of road 4. A condition is recommended requiring the	Yes Yes

Control	Requirement	Provided	Compliance
		temporary turning head at the end of Road No.4 (within Stage 1) to be able to accommodate 9.88m double axle waste collection vehicles	
B1.10 Bushfire Risk Management	Bushfire assessment required	A bushfire assessment was submitted in support of this DA. The DA was also referred to the NSW Rural Fire Service (RFS) for approval, as the development proposes the subdivision of residentially zoned bush fire prone land. The RFS granted general terms of approval (GTAs) to the proposed development subject to a number of conditions relating to utilities and road design. Compliance with the RFS's GTAs is a recommended condition	Yes
B1.12 Contaminated and potentially Contaminated Land Management	Contamination assessment and ensure the site is suitable for its intended use	<p>The applicant has submitted a RAP in support of the DA. The RAP notes that the site is contaminated with asbestos impacted soils, however also provides a series of remediation actions that if fully implemented will decontaminate the site.</p> <p>It is a recommended condition that the site be remediated in accordance with the submitted RAP. Subject to this occurring, the site will be suitable for its intended residential use.</p> <p>In addition, a standard contingency condition is recommended that requires that if any further contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy</p>	Yes

ORD01

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Control	Requirement	Provided	Compliance
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy (ENP)	The applicant has submitted an acoustic report in support of this DA. The acoustic report demonstrates that the proposed development will comply with Council's ENP subject to recommendations regarding future dwelling construction and the proposed acoustic barrier. Compliance with this acoustic report is a recommended condition	Yes
	Acoustic barriers up to 2.4m high are permitted, however must be appropriately landscaped	The maximum height of the proposed acoustic barrier will be 2.4m and it will be appropriately landscaped	Yes
B2 Landscape Design	Natural features of site to be retained and incorporated into the design	Trees on and around the subject site are to be retained within the proposed community lots which are to be protected as part of a larger conservation area	Yes
	Landscaping abutting the E2 Environmental Conservation zone must use species endemic to the area	Appropriate landscaping has been proposed adjacent to the E2 zone	Yes
	A landscape plan is required	An appropriate street tree landscaping plan has been provided	Yes
B3.2 Aboriginal and Cultural heritage	An Aboriginal Heritage Impact Permit (AHIP) is required to impact upon aboriginal objects	The site contains two aboriginal object sites. Consequently the DA was referred to the Office of Environment and Heritage who has granted general terms of approval requiring an AHIP to be separately applied for	Yes
B4.1 General Requirements for Signs	Signs to not detract from amenity / character	The proposed signs will not detract from the amenity/character of the area	Yes

Control	Requirement	Provided	Compliance
	Signs must be in scale with development	The proposed signs are in scale with the surrounding development	Yes
	Signs must be located wholly within the site's property boundaries	The proposed signs will be located wholly within the property boundaries	Yes
B4.7 Estate Development – Place Entry Signs	Signage must be located at strategic entry points	The proposed signage will be located at the entry point to the subdivision	Yes
	Signage must not detract from the amenity and character of the land	The proposed signage will complement the amenity and character of the land	Yes
	Signage must be located wholly within private property	A condition is recommended to ensure that the proposed signage is located within private property	Yes
	Signage materials and design must be robust	The proposed signage will be constructed of decorative stone and will be suitably robust	Yes
	Signage must generally contain materials of solid construction	The proposed signage will be of solid construction	Yes
	Signage must include the estate and locality name	The proposed signage will contain the estate name. A condition is recommended that requires the site's suburb name to be included	Yes
	Illumination of the signage will generally not be permitted	Illumination of the proposed signage is not proposed	Yes
	Signage must be maintained by the developer and removed at a time linked to the completion of sales	The proposed signage has been designed and constructed as a permanent feature which is considered to be acceptable	No, however variation supported

ORD01

ORD01

Control	Requirement	Provided	Compliance
	at the estate		
C5 Subdivision in Urban Release Area	Development is to be undertaken generally in accordance with the structure plan	The proposed development is in accordance with Figure C30 Harrington Grove Structure Plan	Yes
C5.1 Neighbourhood Amenity and Subdivision Design	Legible and permeable street hierarchy	A legible and permeable street hierarchy has been proposed	Yes
	Street blocks are generally be a maximum of 250m x 70m wide	Due to the adopted DCP layout and the large lots proposed, the street blocks exceed the general maximum in a number of areas. However the proposed subdivision is in accordance with the DCP	No, however variation supported
	Lots are to generally be orientated north-south or east-west	The proposed development is generally consistent with this requirement having regard to the constraints established by the DCP's precinct specific layout for this area	Yes
C5.2 Street Network and Design	Lots are to generally be rectangular and battle-axe lots are to be minimised	All of the proposed lots are generally rectangular in shape and only one battle-axe lot is proposed which is acceptable given the shape of the overall precinct	Yes
	The street network shall be designed in accordance with the indicative master plan that applies for each urban release area, and provides street frontages to maximise surveillance and minimises cul-de-sacs	The proposed development has been designed in accordance with the Harrington Grove site specific controls, provides street frontages to maximise surveillance and minimises cul-de-sacs	Yes
	All roads and roundabouts are to be designed and constructed in accordance with Council's	A standard condition is recommended to ensure full compliance with Council's engineering specifications	Yes

Control	Requirement	Provided	Compliance
	engineering specifications Street tree planting is to be provided	Appropriate street tree planting has been proposed	Yes
C5.3 Pedestrian and Cycle Network	Pedestrian and cyclepaths in accordance with the DCP's controls must be provided	Subject to the recommended conditions which include the provision of paths, appropriate pedestrian and cycle paths will be provided	Yes
C5.6 Community Infrastructure	Community infrastructure is to be provided in accordance with the applicable contributions plan	All required community infrastructure will be provided subject to the voluntary planning agreement made between the developer and Council	Yes
C5.7 Provision of Adequate infrastructure and Facilities	Infrastructure to be provided in accordance with the applicable contributions plan and voluntary planning agreement	All required community infrastructure will be provided subject to the voluntary planning agreement made between the developer and Council	Yes
C9.2 Structure Plan	Consistency with the Harrington Grove Structure Plan	The proposed development is considered to be in accordance with the structure plan	Yes
C9.3 Street Network and Design	Consistency with Figure C32 – Harrington Grove Indicative Road Hierarchy Plan Access Roads to comply with cross section Figure C32.3: <ul style="list-style-type: none"> - Minimum carriageway to be 7.2m - Minimum footway width to be 10m - Minimum road reserve to be 17.2m Minor access roads to comply with cross section	The proposed development is generally consistent with the road hierarchy plan One access road is proposed (road 1). The cross section for this road complies with the minimum carriageway, verge and path widths prescribed by the DCP These roads widths are acceptable given the low density nature of the proposed subdivision The development includes the construction of three minor access roads. The	Yes Yes Yes

ORD01

Control	Requirement	Provided	Compliance
	<p>Figure C32.4:</p> <ul style="list-style-type: none"> - Minimum carriageway to be 6m - Minimum footway width to be 10m - Minimum road reserve to be 16m <p>Roundabouts are to be located as per the structure plan</p>	<p>cross sections for roads 2 and 3 comply with the minimum carriageway, verge and path widths prescribed by the DCP. Part of roads 2 and 3 adjoin a public reserve and therefore have a reduced verge width of 2.5m on the non-residential side which is consistent with the DCP. An increased carriageway width (8m) is proposed on the perimeter roads to satisfy NSW RFS requirements</p> <p>Again, these roads widths are acceptable given the low density nature of the proposed subdivision</p> <p>A roundabout is proposed on Dan Cleary Drive consistent with the structure plan</p>	<p>Yes</p>
<p>C9.4 Pedestrian and Cycle Network</p>	<p>Consistency with Figure C35 – Harrington Grove Indicative Pedestrian and Cycle Network</p>	<p>Figure C35 indicates a pedestrian and cycle share path from the intersection with Dan Cleary Drive, in the general location of road 1 and part of roads 2 and 4, to the general vicinity of Crear Hill. No pedestrian and cycle path is proposed in the DA. Notwithstanding this, there is sufficient space to accommodate a shared path and a condition is recommended which requires the provision of a shared path as part of this DA</p>	<p>Yes</p>
<p>C9.6 Indicative Parks and Open Space</p>	<p>Open space must be provided in accordance with Figure C37</p> <p>A landscape plan is to be submitted with the DA and be</p>	<p>The proposed development provides for a district reserve – passive and district reserve – conservation in accordance with Figure C37</p> <p>A landscape plan from a suitably qualified landscape architect has been</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>prepared by a qualified landscape architect</p> <p>Street trees are to be generally provided on both sides of the roadways</p>	<p>submitted with the DA</p> <p>Street trees are proposed on both sides of the road with the exception of part of road 4. No street trees are proposed on this part of the road as it meanders through the conservation area and has a limited road reserve. This is consistent with the DCP which states that no street trees are to be placed within 1m of the street kerb</p>	Yes
C9.7 Bulk Earthworks	A bulk earthworks plan is to be provided and justification for proposed changes to land levels is to be submitted	A detailed survey plan has been submitted showing the existing site contours. A bulk earthworks plan has been submitted which shows the extent of cut and fill proposed. The DA documentation notes that the bulk earthworks are required to provide a suitable land profile for residential development, creation of roads and installation of services and drainage infrastructure	Yes
C9.8 Sloping Land and Retaining Walls	<p>Retaining walls at subdivision stage are permitted</p> <p>The maximum height of retaining walls is 1.5m. Where higher, a stepped second retaining wall is permitted up to 1m</p>	<p>Retaining walls are shown on the engineering plans and are acceptable</p> <p>The proposed retaining walls range in height up to 5m although the applicant has advised that one of the 5m walls forming the rear boundary between 3 lots can be reduced to 4m high. However it is noted that this maximum height is only in certain areas of the development. This exceeds the DCP control, however is supported due to the need to work within the site's undulating topography and ensure that roads and drainage will work appropriately</p>	<p>Yes</p> <p>No, however variation supported</p>

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Control	Requirement	Provided	Compliance
C9.9 Estate Fencing	Estate fencing to be erected to delineate public areas from residential development	Timber post and rail fencing is proposed along the site's Dan Cleary frontage	Yes
C9.10 Stormwater Drainage	Stormwater drainage facilities to be provided	Appropriate stormwater drainage facilities have been proposed	Yes
C9.11 Domestic Waste Collection	Where direct lot frontage collection of domestic waste bins cannot be achieved, bin collection areas are to be provided and show the Development Application for subdivision	Waste collection can occur at the frontages of all lots with the exception of lot 122 (which is a battle axe lot). A condition is recommended requiring a waste collection point for lot 122 to be provided in front of lot 121	Yes
C9.12 Bushfire Management	A bushfire management plan is to be prepared	A bushfire management plan has been submitted and reviewed by the RFS. General Terms of Approval have been provided by the RFS	Yes
C9.14.10 Harrington Grove – Precinct J	<p>Create vegetated buffers along Dan Cleary Drive and the Northern Road</p> <p>Restrict road access points onto The Northern Road</p> <p>Provide road connections to Dan Cleary Drive in accordance with the structure plan</p> <p>Provide adequate bush fire management measures including the preparation of a bushfire management plan</p>	<p>Vegetated buffers are proposed where Precinct J abuts Dan Cleary Drive. The Northern Road frontage consists of existing bushland which will provide an effective screen to Precinct J</p> <p>No road access points to the Northern Road are proposed</p> <p>The proposed road layout is generally in accordance with the structure plan</p> <p>A bushfire management plan has been submitted and reviewed by the RFS. General Terms of Approval have been provided by the RFS</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	Design and locate roads to take account of the natural contours of the site	The proposed roads are sympathetic to the topography of the land, taking into account the required DCP road layout	Yes
	Provide appropriate pedestrian and cycle linkages	In accordance with Figure C35 of the DCP, a pedestrian and cycle share path is to be provided from the intersection with Dan Cleary Drive, in the general location of road 1 and part of roads 2 and 4, to the general vicinity of Crear Hill. No pedestrian and cycle path is proposed in the DA. Notwithstanding this, there is sufficient space to accommodate a shared path and as such a condition is recommended which requires the provision of a shared path as part of this DA	Yes
	Provide sustainable water run-off quality and quantity controls.	The proposed development includes 4 detention basins to achieve water run-off quality and quantity controls	Yes
	Provide public road access to Crear Hill	The proposed development includes a public road access to Crear Hill. However, It is premature to consider the proposed access road to Crear Hill without fully understanding the future use and facilities to be provided at Crear Hill. A condition is recommended to delete the Crear Hill access road. This condition has been agreed to by the applicant	N/A, subject to a separate DA
	Provision of reticulated sewer or a suitable alternative on-site effluent disposal system	A gravity sewer will be supplied which will connect to existing sewer	Yes

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Figure C30 – Harrington Grove Structure Plan



(a)(iiiia) 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 Harrington Grove Voluntary Planning Agreement (the Agreement) for the land was signed on 22 August 2008 and amended on the 31 August 2010. The proposed development is located within Precinct J. The Agreement specifies that the developer has agreed to provide the following facilities (at various stages of final lots):

- District Reserve (DR1) of 33ha;
- Lookout (LO3) within DR1; and
- Car park (CP1) within lookout LO3.

The facilities listed above are required prior to the completion of the development of Precincts B and J.

The development of Precinct B is nearing completion.

The future use and facilities to be provided at the lookout LO03 are not prescribed by the VPA. The DA proposes the construction of an access road and car park to lookout LO3, consistent with the VPA but does not propose any embellishments to the lookout. The statement of environmental effects states that the embellishment of the lookout and district reserve are to be the subject of a future DA. It is considered necessary to understand the future use and facilities to be provided at the lookout in order to be able to assess the appropriateness or otherwise of the access road and associated car park. As such, a condition is recommended requiring the deletion of the proposed access road to the lookout and associated car park. This condition has been agreed to by the applicant.

The proposed development does not prevent the delivery of the above items at a future date.

It is noted that the applicant has now lodged a proposal with Council to amend the VPA. Council staff will review this proposal over the coming weeks.

(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.

(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 30 days in accordance with the DCP. The exhibition period was from 3 July to 4 August 2014. One submission was received (objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

Council staff contacted the submission writer to discuss their concerns, however were unsuccessful in resolving the issues raised.

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

1. *Impact on local native flora and fauna and that the ecological assessment has not adequately covered the impact on these species*

Officer comment:

A detailed ecological assessment under the *Threaten Species Conservation Act 1995* has been prepared for the proposed development which addresses the potential impacts on native flora and fauna. The assessment identified one threatened flora species (*Pimelea spicata*) within the site which is being preserved within the proposed community land. Conditions are recommended to ensure the protection of this species during and after construction.

The assessment identified the Cumberland Land Snail as the only threatened fauna species on site. The assessment also identified a number of other threatened fauna species that have the potential to be found within the subject site. An assessment of significance was undertaken for each of these species which concluded that there would be no significant impact on these fauna species with the implementation of specified mitigation measures. A condition is recommended requiring compliance with the recommendations of the ecological assessment.

In addition, it is noted that the proposed development is consistent with the Federal Department of Environment issued environmental approval under the *Environmental Protection and Biodiversity Conservation Act 1999*.

2. *Security concerns arising from Crear Hill lookout which will overlook homes within Harrington Park and anti-social behaviour and crime at the Crear Hill lookout and reserve*

Officer comment:

A condition is recommended requiring the deletion of the proposed stage 2 works, being the works to the Crear Hill lookout including the construction of the access road and 60 space car park. It is premature to consider the proposed access road and car park without fully understanding the future use and facilities to be provided at Crear Hill. This condition has been agreed to by the applicant.

3. *Insufficient information provided regarding the Crear Hill Lookout and reserve to adequately assess the development*

Officer comment:

The embellishment of the Crear Hill lookout and the reserve are to be the subject of a future DA. A condition is recommended requiring the deletion of the proposed stage 2 works, being the construction of the access road to Crear Hill and associated 60 space car park as discussed above. This condition has been agreed to by the applicant.

(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 Rural Fire Service (RFS)

The development proposes the subdivision of residential zoned bush fire prone land and therefore requires a bush fire safety authority pursuant to Section 100B of the *Rural Fires Act 1997* from the RFS. The proposed development is therefore classed as Integrated Development.

The RFS raised no objection to the proposed development and recommended conditions relating to utilities and road design. Compliance with these general terms of approval is a recommended condition.

NSW Office of Water (NOW)

The site is located within the vicinity of several watercourses and therefore the proposed development requires a Controlled Activity Approval pursuant to Section 91 of the *Water Management Act 2000* from NOW. The DA is therefore classed as Nominated Integrated Development.

NOW has provided general terms of approval containing conditions relating to the preparation of a vegetation management plan and detailed drainage design. Compliance with these general terms of approval is a recommended condition.

NSW Office of Environment and Heritage (OEH)

The site includes two aboriginal object sites and therefore the proposed development requires an Aboriginal Heritage Impact Permit (AHIP) pursuant to Section 90 of the *National Parks and Wildlife Act 1974*. The DA is therefore also classed as Nominated Integrated Development for this reason.

OEH has provided general terms of approval advising that separate application must be made to OEH in order to obtain an AHIP. Compliance with these general terms of approval 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 367/2014 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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
HARHG-1-003 Sheet 1 and Sheet 2 - Revision L	Subdivision Plans	Development Planning Strategies	14 November 2014
L05138.025 - DWG 000, 001, 002, 101, 102, 103, 104, 201, 202, 203, 204, 205, 206, 601, 602, 603, 604, – Revision 3 - DWG 551, 552, 553, 554, 651, 652, 653, 654, 701, 702 – Revision 2	Engineering Plans	Brown Consulting	13 November 2014
L05138.025 - DWG SK03 and SK04 - Revision 1	Retaining Wall Plans	Brown Consulting	21 October 2014
DA-1304-04 Issue D	Landscaping Plan	Sturt Noble	1 May 2014
DA-1304-05 Issue A	Landscaping Plans	Sturt Noble	20 January

			2014
Statement of Environmental Effects – Revision 2	Statement of Environmental Effects	Development Planning Strategies	9 May 2014
L05138.041W	Stormwater Concept Plan	Brown Consulting	16 September 2014
12WOLPLA-0024 Version 2	Ecological Report	EcoLogical Australia	1 May 2014
Project 76627.03-02	Salinity Investigation and Management Plan	Douglas Partners	October 2014
Harrington Grove Precinct J – Acoustic Assessment	Harrington Grove Precinct J – Acoustic Assessment	AECOM	5 May 2014
12WOLPLA-0024	Bush Fire Assessment	eco logical Australia	May 2014

- (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 landscaping associated with this Consent.

The Date of Practical Completion (DPC) is taken to mean completion of initial weed control, turf installation and street tree installation.

The 12 month maintenance period includes the Applicant's responsibility for the successful establishment of all street tree installations.

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 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

- (3) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -

- (a) Camden Council's current Engineering Specifications, and
- (b) Camden Council's Development Control Plan 2011.

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

- (4) **Noxious Weeds** -

- (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.

- (b) 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.
- (c) 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 occurs during subdivision, and prior to sale of new lots, must be reported to Council and be fully and continuously suppress and destroy, by appropriate means.
- (5) **Conditional Approval for Tree Removal** - Consent is granted for the removal of vegetation as indicated on the Development Application plans and the Ecological Report, prepared by ecological Australia, dated May 2014, prepared for Harrington Estates, Project No. 12WOLPLA-0024, Version 2.
- (6) **Waste Collection Requirements** – Every approved lot must have a waste bin collection point clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures. This area is to be 3 metres long x 0.9 metres wide x 3.9 metres high.
- Bin pads must be constructed for lot 122 on the verge in front of lot 121. The bin pad must be stencilled to clearly show that the bin pad is for the storage of waste bins from lot 122 only.
- (7) **External Authorities General Terms of Approval** – The development must be carried out strictly in accordance with the conditions and general terms of approval contained within the following correspondence:
- (a) Letter dated 3 July 2014 from the NSW Office of Water;
- (b) Letter dated 25 June 2014 from the NSW Rural Fire Service; and
- (c) Letter dated 26 June 2014 from the NSW Office of Environment and Heritage.
- (8) **Protection of Pimelea Spicata** –
- Temporary cyclone fencing is to be installed at a minimum of 10m buffer to Pimelea spicata. 'No go zone' signage is to be included with the fencing; and
 - Dense planting (2 plants per square metre) of Bursaria spinosa to be undertake for a minimum of a 10m buffer around Pimelea spicata.
- (9) **Compliance with the Ecological Report** – The recommendation of the report "Harrington Grove, Precinct J – Ecological Report" dated 1 May 2014 are to be complied with.
- (10) **Retaining Walls** – All retaining walls facing public areas must have an anti-graffiti coating and a masonry construction.

- (11) **Threshold Treatment** – The threshold at the intersection of Dan Cleary Drive and road 1 is to be constructed of coloured or stamped concrete or asphalt in accordance with Figure C34 of Camden Development Control Plan 2011.
- (12) **Approved Entry Signs** – The approved entry signs to be located on community association land must be permanently maintained in a complete and tidy condition.
- The wording on the estate entry signs must be modified to include the name of the suburb in which the site is located.
- (13) **Stage 2 Works** – No approval to the stage 2 works is given. This consent gives approval for stage 1 works only.
- (14) **Retaining Wall Height** – The earthworks design in the vicinity of lots 99, 100, 101, 107, 108 and 109 must be modified to ensure that the proposed retaining wall between those lots is no higher than 4m.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **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.
- (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) **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.

- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% of the value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (5) **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.
- (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 2009.
- (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.
- (8) **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.
- (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) **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) Stage 2 works are to be deleted from plans. No approval to the stage 2 works is given.
 - (b) A 2.5m shared path (pedestrian and cycleway) is to be provided within Precinct J in accordance with Figure C35 of the Camden Development Control Plan 2011.
 - (c) The temporary turning head at the end of Road No. 4 (within Stage 1) is to be modified to be able to accommodate 9.88m double axle waste collection vehicles.
 - (d) 1.2m wide footpaths must be provided throughout the street network in accordance with Camden Development Control Plan 2011.
- (11) **Bush Fire 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's general terms of approval for DA 367/2014.

3.0 - Prior to Commencement of Works

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

- (1) **Construction 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.
- (2) **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
- (3) **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.

- (4) **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.

- (5) **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.

- (6) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (7) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Consent Authority (i.e. Camden Council). An application must be lodged with the Construction Certificate and approved by Council prior to the erection of any hoarding or fence.

Note 1 No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted by a Certifying Authority.

Note 2 Public thoroughfares must not be obstructed in any manner whatsoever during demolition works.

Note 3 All demolition works must comply with the requirements of AS 2601 - 1991

- (8) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.

4.0 - During Works

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

- (1) **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.

- (2) **Unexpected Findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of construction processes all construction 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 / NEMP 2013. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials. Compliance with Council's Management of Contaminated Lands Policy will be required if remediation is required.

- (3) **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 on Salinity Investigation and Management Plan Proposed Residential Subdivision Precinct J Harrington Grove, Prepared by Douglas Partners, Project 76627.03-02, Dated October 2014."

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

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

- (5) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of materials shall be suitably covered to prevent dust.
- (6) **General Requirement** - All activities associated with the development must be carried out within the site boundaries as determined by the development application, and must be carried out in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment (Operations) Act 1997*.
- (7) **Offensive Noise, Dust, Odour, Vibration** - Bulk earthworks work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the *Protection of the Environment (Operations) Act 1997* when measured at the property boundary.
- (8) **Storage & 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.
- (9) **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).
- (10) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council's current Engineering Construction Specifications. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (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 (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.

- (12) **Street Trees, their Tree Root Barrier Guards and Protective Guards -** During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any street trees, their tree guards, protective 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, 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.

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

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

Mitigation measures must be implemented during construction works associate with this Consent. Mitigation measures are detailed in Section 6 Pages 17 to 19, of the lodged Ecological Report prepared by Eco Logical Australia, dated May 2014, Project No. 12WOLPLA-0024, Version 2.

No additional works or access routes, transecting the protected vegetation shall be undertaken without Council approval. Pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

- (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/envguidlns/index.htm). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (15) **Remediation Works Inspections** – A qualified environmental consultant or scientist will be required to frequently inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (16) **Off-Site Disposal of Contaminated Soil / Materials** – all contaminated materials proposed to be disposed off-site must be disposed to a Licensed Landfill Facility able to accept the classification of waste material.
- (17) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, onsite and offsite disposal, cut, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken on the site in accordance with the Remediation Action Plan titled *“Report on Remediation Action Plan Former Army Camp Area AEC 2 East Harrington Grove Camden NSW, Prepared by Douglas Partners, Project 34173.72-2, Dated January 2014.” EXCEPT AS STATED IN ANY OTHER CONDITION OF THIS CONSENT.*

Any further variation or modification to the Remediation Action Plan in terms of compliance work or remediation work beyond what is contained in the approved RAP or conditions of this consent must be requested from the Consent

- Authority (Camden Council) in writing and be approved prior to works being undertaken.
- (18) **RAP Contingency for Unexpected Finds** – all contingencies for unexpected finds as documented in “Section 10.2” of the RAP will require approval from the Consent Authority before implementation of any management or remedial strategy.
 - (19) **RAP Materials for Use in Backfilling and Imported Fill** – Only VENM or uncontaminated material from the development site can be used for backfilling of remedial excavations. The importation of other material (non-VENM) is prohibited.
 - (20) **Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
 - (21) **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.
 - (22) **Fencing and Signage of Contaminated Stockpiles** - All stockpiles of contaminated materials must be suitably fenced or cordoned off with suitable signage to be provided warning of any potential danger.
 - (23) **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.
 - (24) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil excavation activity and maintained for the full period of works.
 - (23) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
 - (25) **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.
 - (26) **Occupation Hygienist Certification** – Following the demolition of the dwelling at 2A Dan Cleary Drive Harrington Park (Lot 2 DP 1132348) and related infrastructure a qualified occupational hygienist must inspect the demolition site (after the removal of all demolition materials) and provide certification that the land is free of hazardous building materials. The certification must be provided to the Certifying Authority prior to further development works being conducted on the demolition site.
 - (27) **Compliance of Remediation Work** - All remediation work must also comply with the following requirements:

- Contaminated Land Management Act 1997;
- Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
- SEPP55 – Remediation of Land;
- Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
- Camden Council’s Adopted Policy for the Management Of Contaminated lands.

5.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **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.
- (2) **Voluntary Planning Agreement (VPA)** – The development shall be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council and Dandaloo Pty Ltd, pursuant to Section 93F of the *Environmental Planning and Assessment Act 1979, dated on 22 August 2008 and amended on the 31 August 2010.*

Contributions – The following monetary contributions must be indexed to the Consumer Price Index and paid prior to issue of the Subdivision Certificate.

\$1,654 per additional lot or dwelling, total \$199,045 for District Library, Branch Library, Leisure Centre and s.94 Administration.

- (3) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 “Residential Slabs and Footings”. The classification reports must be submitted to Council prior to release of the 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 Councils 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) **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

It is to 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 and an A1 paper plan.

- (7) **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.

- (8) **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.
- (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) **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.
- (11) **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.
- (12) **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.
- (13) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (14) **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.
- (15) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates all necessary easements and restrictions to user, including but not limited to:

- (a) Easement for support and maintenance.
- (b) Easement for drainage.
- (c) Easement for services.
- (d) 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 on Salinity Investigation and Management Plan Proposed Residential Subdivision Precinct J Harrington Grove, Prepared by Douglas Partners, Project 76627.03-02, Dated October 2014."
- (e) For lot 28, lots 46 – 51, and lots 58 – 60 a continuous acoustically rated boundary fence at least 2.4m in height is required to face Dan Cleary Drive consistent in location with the plan "Fig 1: 60278370 May 2014)" contained within Harrington Grove Precinct J – Acoustic Assessment, Prepared by AECOM, Dated 5 May 2014." The fence is to be of masonry construction to prevent noise transmission and have no gaps between or underneath.
- (f) For lots 52 - 57 a continuous acoustically rated boundary fence at least 2.1m in height is required to face Dan Cleary Drive consistent in location with the plan "Fig 1: 60278370 May 2014)" contained within "Harrington Grove Precinct J – Acoustic Assessment, Prepared by AECOM, Dated 5 May 2014." The fence is to be of masonry construction to prevent noise transmission and have no gaps between or underneath.
- (g) For lot 2 and lot 3 a continuous acoustically rated boundary fence at least 2.1m in height is required along the northern property boundary to face Dan Cleary Drive. The fence can be colourbond or lapped and capped timber and have no gaps between or underneath panels.
- (h) For lots 2-3, lot 17, lot 28, and lots 47-60 the rear yard private open space area must be protected from the road traffic noise source and comply with DECC's Environmental Criteria For Road Traffic Noise. Compliance with the above is to be demonstrated for each dwelling application.
- (i) For lots 2-3, lot 17, lot 28, and lots 47-60 minimum dwelling construction requirements for windows, external doors, and acoustic wall insulation, is to be consistent with "Section 4.2 – Architectural Recommendations" and the identified assumptions contained within "Harrington Grove Precinct J – Acoustic Assessment, Prepared by AECOM, Dated 5 May 2014." Compliance with the above is to be demonstrated for each dwelling application.
- (j) For lots 2-3, lot 17, lot 28, and lots 47-60 noise affected facades may require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) may need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required.

Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

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

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the approved Water Cycle Master Plan and must provide detailed information regarding the following:

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

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

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

Discussion of sampling results - A comparison of results with respect to the level of compliance with water quality targets/ criteria will be required and include recommendations for corrective action where non-compliance is determined.

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

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

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

- (a) in accordance with the approved plans,
- (b) to the requirements of Camden Council,

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

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

- (18) **Decommissioning of the Existing On-site Sewage Management System** - That the septic tank and any transpiration beds shall be decommissioned in accordance with the following:

- (i) The septic tank/holding well and grease trap shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council,
- (ii) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
- (iii) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a licensed liquid wastewater contractor.
- (iv) The septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site.

The septic tank system shall be de-commissioned in the following manner:

- (i) the septic tank and holding well shall be emptied by an authorised wastewater removal contractor and the contents disposed of at an approved wastewater depot,
- (ii) receipts for emptying of tanks and disposal of contents shall be submitted to Council,
- (iii) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime,
- (iv) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level, and
- (v) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.
- (vi) materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches shall be removed and disposed of at a suitably licensed landfill site. (ie aggregates, rubble, sand, concrete slabs and the like) The transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.

- (19) **Site Validation Report** – A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's adopted policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works. The validation report must be reviewed by an Officer of the Environment and Health Branch and be approved in writing prior to the issue of any consent applicable to the further subdivision of land that was covered by the RAP.
- (20) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Environment that a special infrastructure contribution has been made (or is not required, if that is the case) in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative). Information on the Special Infrastructure Contribution can be found on the Department of Planning and Environment's website.
- (21) **Update of Bush Fire Prone Land Maps** - Prior to the issue of any 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) 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 a 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; and

(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)

(b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.

RECOMMENDED

That Council approve DA 367/2014 for a subdivision to create 121 community title residential lots, community association land and associated site works at 2A Dan Cleary Drive and C Forestgrove Drive, Harrington Park subject to the conditions listed above.

ATTACHMENTS

1. Subdivision Plan
2. Signage Plan
3. Engineering Plan
4. Harrington Grove Indicative Road Hierarchy Plan
5. Submission - *Supporting Document*
6. Public Exhibition and Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT: CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 AMENDMENT NO. 33
- CANAL LANDS AT GREGORY HILLS**

FROM: Director Planning & Environmental Services

TRIM #: 14/178434

PREVIOUS ITEMS: ORD02 - Camden Local Environmental Plan 2010
Amendment No.33 - Canal Lands at Gregory Hills - Ordinary
Council - 14 Oct 2014 6.00pm
ORD02 - Amendment No. 33 to Camden LEP 2010 -
Amendment to rezone Canal Land Gregory Hills - Ordinary
Council - 27 May 2014 6.00pm

PURPOSE OF REPORT

The purpose of this report is to advise of the public exhibition outcomes relating to a Planning Proposal which seeks to rezone Lot 51 of DP 1134649, Turner Road from SP2 Infrastructure to R1 General Residential and to correct a mapping anomaly. The subject land forms part of the Marist Brothers land holding, and is directly adjoining the Gregory Hills development and the Upper Sydney Canal. The revised Planning Proposal is **provided as Attachment 1 to this report.**

As part of preparing an amendment to the VPA, the opportunity has also been taken to amend an inconsistency in the schedule of works relating to the land area of 'TL5', being part of the electricity easement land being dedicated to Council.

BACKGROUND

The Turner Road Precinct was rezoned by the Department of Planning and Infrastructure (now known as the Department of Planning and Environment) in December 2007. At the time of the initial rezoning process when the boundaries of the precinct were determined, a parcel of land sitting between the residential zoned land and the Sydney Catchment Authority Upper Sydney Canal land was excluded from the Turner Road Precinct (see Figure 1).

This parcel of land is currently zoned SP2 Infrastructure, however it does not form part of the Upper Sydney Canal lands and is not required for infrastructure provision. The land is in private ownership and is not accessible to the public.

On 7 November 2013, Council received a planning proposal from Dartwest Developments proposing to rezone the subject land from SP2 Infrastructure to R1 General Residential (the adjacent residential zone). Based on a minimum lot size of 450sqm, the site is expected to yield 22 lots. Discussions were held with the developer regarding the appropriate treatment of development contributions that will be required as a result of developing this land. Agreement was reached that the required local open space will be provided within the Gregory Hills precinct and the balance of obligations are to be paid as contributions in accordance with the Camden Contributions Plan 2011. A draft amendment to the Gregory Hills Voluntary Planning Agreement (VPA) has been prepared to provide for the embellishment and dedication of the local open space and is **provided as Attachment 3 to this report.**

On 14 October 2014, Council resolved to publicly exhibit the planning proposal and draft Gregory Hills Voluntary Planning Agreement amendments for a period of 28 days and to consider a further report detailing outcomes of the exhibition. The matter has been publicly exhibited and no submissions were received.

The rezoning proposal has strategic merit as it is consistent with the draft Metropolitan Strategy for Sydney 2031 and Camden 2040. The proposed amendments to Camden LEP 2010 are considered relatively minor, but will contribute to the ongoing delivery of housing in South West Sydney.

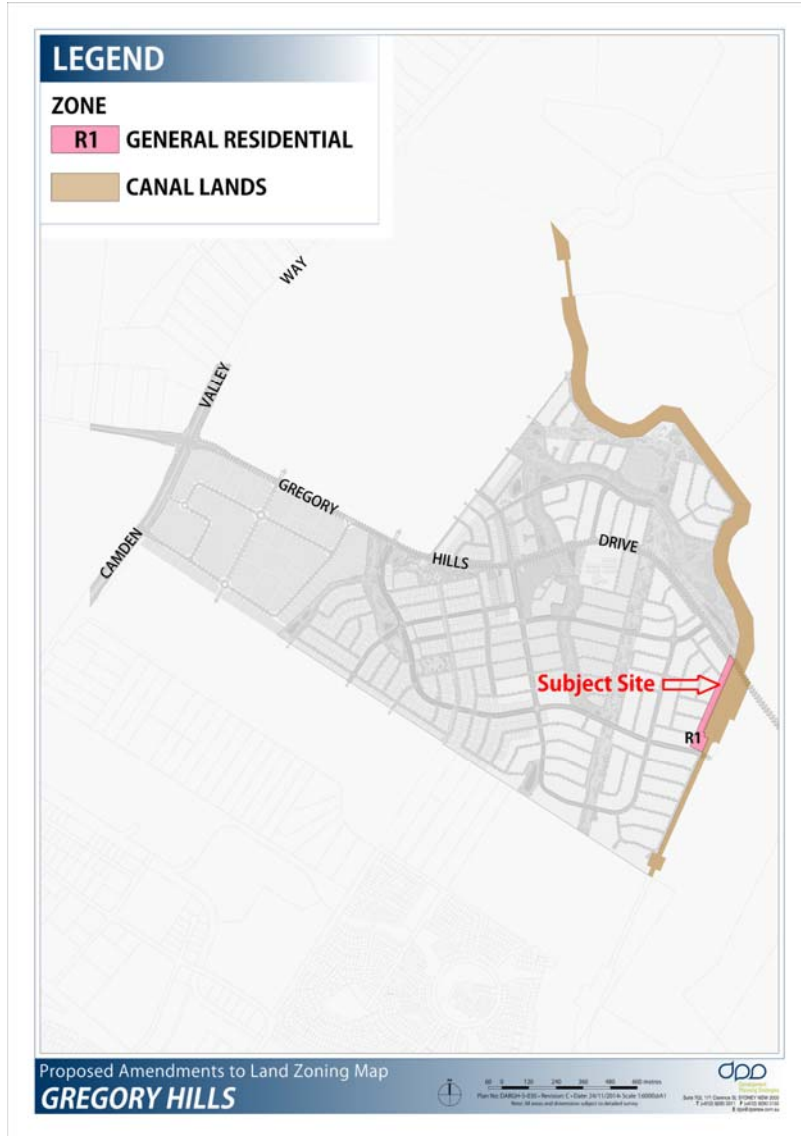


Figure 1: Subject Site is highlighted in pink. The Sydney Catchment Authority Upper Sydney Canal Land is highlighted brown. The subject site does not form part of the canal.

MAIN REPORT

Subject Site and Proposed Changes

The subject site is located within lands administered under Camden LEP 2010 and does not fall within SEPP Sydney Region Growth Centres (2006). Therefore the proposal seeks to amend Camden LEP 2010. If Council resolves to rezone the land, Camden Development Control Plan 2011 (DCP) will apply to the land. As such, there is no need to amend the DCP to facilitate this rezoning proposal.

The following changes to Camden LEP are proposed:

- change the zoning from SP2 Infrastructure to R1 General Residential;
- provide a minimum lot size of 450 squares metres; and
- provide a maximum height limit of 9.5 metres.

It should be noted that amendments to the Turner Road DCP will be required to reflect the provision of the additional local open space and will be made as part of a future housekeeping amendment.

The proposed rezoning will allow the site to be integrated into the ongoing development of the adjacent Turner Road precinct.

Gateway Determination

On 3 September 2014, Council received Gateway Determination from DPE with approval to proceed subject to conditions. The Gateway Determination is provided as **Attachment 2 to this report**.

The Gateway Determination stipulates that the amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

LEP Delegation

Pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*, the General Manager has delegation to make the plan. This delegation enables Council to streamline the processing of the amendment to the Camden LEP.

Development Contributions and Amendment to the Gregory Hills VPA

Based on a minimum lot size of 450sqm, the site is expected to yield 22 lots. The Planning Proposal generates a need for an additional 2,055m² of open space based on a provision rate of 2.83ha/1000 people, which is consistent with current standards and the Growth Centres Development Code.

The additional open space will be provided within the Gregory Hills development (shown in Figure 2 and labeled '1') and will require an amendment to the Gregory Hills Voluntary Planning Agreement (VPA). This proposed additional open space of 2,055m² adjoins a connected corridor of open space and riparian lands. The proposed additional open space is not land which is already proposed to be dedicated to Council under the existing Gregory Hills VPA, but is zoned R1 General Residential and could have been developed for residential purposes.

The VPA is a legally binding agreement that will ensure that the land is embellished and dedicated for the purposes of open space. As a matter of practice, the Turner Road Development Control Plan will be updated as part of the next 'housekeeping' review of the DCP to identify the new open space land on all relevant figures. A draft amendment to the VPA has been prepared and is provided as Attachment 3 to this report. The draft VPA amendment was publically exhibited from 22 October 2014 to 19 November 2014 with the Planning Proposal and no submissions were received.

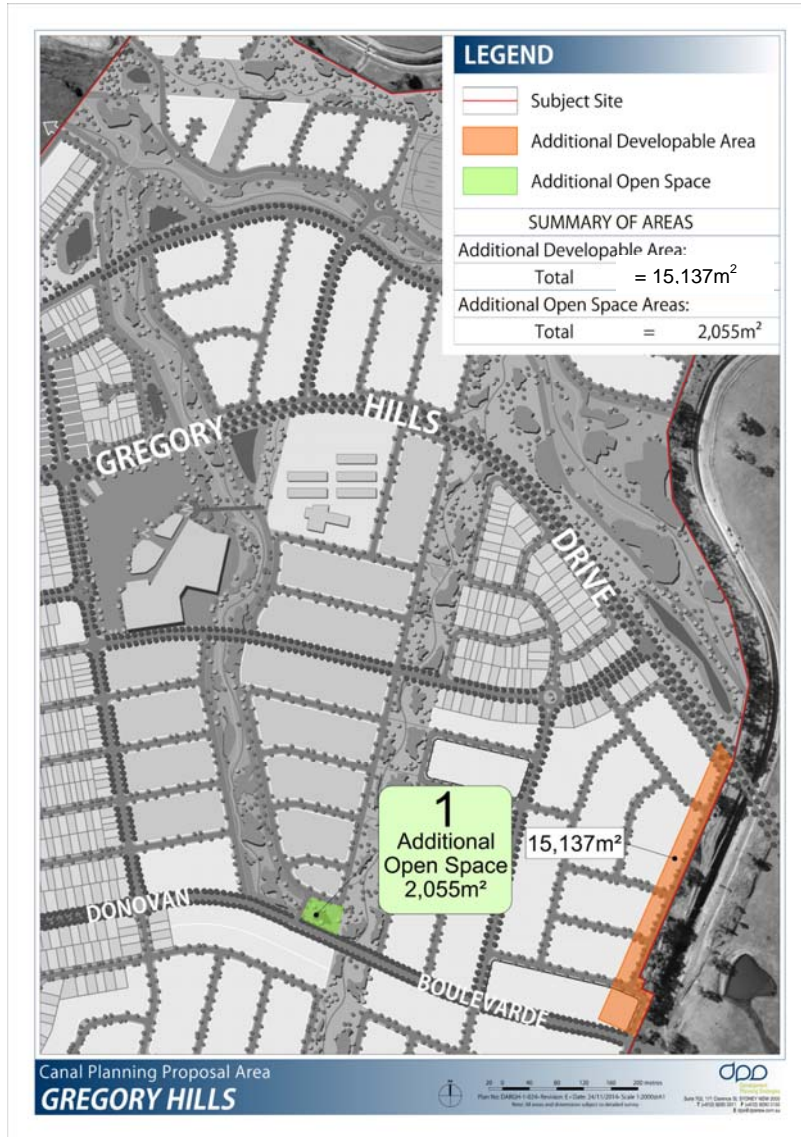


Figure 2: Additional Developable Area (shown in orange) and proposed additional open space. (Source: Development Planning Strategies).

The remaining contributions for recreation facilities, community facilities, emergency services and plan administration will be levied as monetary contributions in accordance with Camden Contributions Plan 2011. The contribution for recreation facilities will take into account the value of the embellishment works to be provided via amendment to the Voluntary Planning Agreement.

Based on a minimum lot size of 450sqm, the site is expected to yield 22 lots. A development contributions package with an estimated value of \$474,982 will be provided as a combination of land dedication, embellishment works and monetary contributions. This equates to \$21,590 per lot. Contributions under Camden Contributions Plan 2011 are currently \$17,024 per lot. The contributions package meets the needs of the new residents and is considered to be appropriate. It should be noted that the final rates will be calculated as part of the development assessment stage and will be based on the Consumer Price Index that applies at the time.

Voluntary Planning Agreement – Further Amendment

Through administration of the VPA, Council staff became aware of an inconsistency in the description of land in the Schedule of Works contained within the VPA relating to part of the electricity transmission easement that is to be dedicated to Council. Given that the VPA was being amended to include the additional open space land as required by the proposed rezoning, the opportunity is being taken to address this inconsistency in the description of the electricity easement land. This change was included in the package that was placed on public exhibition.

The VPA contains a map showing the location of electricity easement land to be dedicated at no cost to the Council. In this instance the land is identified on the map as '4-TL5' and is shown edged in heavy red, and is identified on the Schedule of Works as 'TL5' which is to be delivered in Stage 4 of the development. The land is shown in Figure 3 below (edged heavy red) and will be dedicated in accordance with the VPA maps. However the Schedule of Works incorrectly identified the land area as 17,000sqm instead of 8,420sqm.



Figure 3 Land is outlined in heavy red and is known as TL5 and has an area of 8,420sqm.

Dart West is seeking to amend the Schedule of Works table to accurately reflect the land area that will be dedicated, so that it is consistent with the VPA maps that identify the land and works to be provided. This could be dealt with as a variation except that the works have incorrectly been identified as having a value of \$121,966.79 instead of \$60,424, which is a more accurate reflection of the cost for this land area. This monetary amount is not treated as a 'credit' or 'offset' against contribution obligations, as the works are provided at no cost to Council. The monetary amount is only provided to assist Council in securing appropriate bond amounts if the works are to be deferred. However, as a result of the works being given a value, the correction is not able to be dealt with as a variation under delegation and requires a formal amendment to the VPA.

The change requested is minor and the land to be dedicated and embellished is consistent with the maps that inform the VPA. The electricity easement is a readily identified area and is clearly nominated on the VPA maps. The amendment to the VPA provided as Attachment 3 to this report includes amendments to correctly identify the area of 'TL5' in terms of land to be dedicated and associated embellishment works.

Public Authority Consultation

In accordance with the Gateway Determination, Council has consulted with the NSW Rural Fire Service, the Office of Environment & Heritage (Heritage Branch), and the Sydney Catchment Authority. These public authorities have raised no objection to the Planning Proposal.

It should be noted that the Office of Environment & Heritage (OEH) has made comment regarding setbacks and the need for a perimeter road. The Turner Road DCP (which applies to land bordering the subject site) includes specific controls that address these issues. In order to develop land in a logical fashion, the Turner Road DCP provisions will inform the assessment of the DA. In addition, the DA will be assessed against the relevant heritage provisions contained within the Camden DCP 2011.

Public Exhibition

In accordance with the Gateway Determination and the Environmental Planning and Assessment Regulation 2000, the Planning Proposal and draft amendment to the Gregory Hills VPA were publically exhibited for a period of 28 days from 22 October 2014 to 19 November 2014. A notification was placed in the local newspaper with the exhibition material available on Council's website and available at Council's Customer Service Centres and Libraries. A letter was also sent to adjoining land owners inviting comment on the Planning Proposal.

During the exhibition period Council did not receive any submissions on this matter.

FINANCIAL IMPLICATIONS

The developer will make development contributions in accordance with the Camden Contributions Plan 2011 with the exception of local open space, which will be dedicated to Council via the proposed amendment to the Gregory Hills VPA.

A development contributions package with an estimated value of \$474,982 will be provided as a combination of land dedication, embellishment works and monetary contributions. This equates to \$21,590 per lot. Contributions under the Camden Contributions Plan 2011 are currently \$17,024 per lot.

The correction to the description of the 'TL5' electricity easement land area and associated cost of embellishment works has no financial implications for Council as this is being provided at no cost to Council. The monetary value of the embellishment works is only acknowledged in the VPA for the purposes of assisting in calculating relevant bond amounts, if required.

CONCLUSION

The proposed rezoning is considered minor and will provide for the site to be integrated into the ongoing development of the adjacent Turner Road precinct. The land will be subject to Camden LEP and Camden DCP. The land will be developed for residential purposes, contiguous to the residential development of the Turner Road precinct.

A package of development contributions has been negotiated with the applicant including the dedication and embellishment of local open space to be delivered via an amendment to the Gregory Hills VPA and monetary contributions to be levied in accordance with Camden Contributions Plan 2011. This contributions package will meet the infrastructure needs of the additional residents associated with the development of this land.

The amendment to the Gregory Hills VPA to correct the description of the 'TL5' electricity easement land area in the schedule of works is minor and does not have any material impact. The VPA shows the extent of the electricity easement corridor land to be embellished and dedicated at no cost to Council and this land area is now accurately described as a result of the proposed amendment.

Should Council resolve to proceed with the draft Planning Proposal, it will be submitted directly to Parliamentary Counsel for the plan to be made.

Amendments to the Turner Road DCP will be made as part of a future housekeeping amendment.

RECOMMENDED

That Council:

- i. adopt the attached Planning Proposal and VPA amendment;**
- ii. submit the attached Planning Proposal directly to Parliamentary Counsel for the plan to be made;**
- iii. execute the VPA using Council's Power of Attorney granted on 27 August 2013, Minute Number ORD215/13; and**
- iv. notify interested parties of its determination**

ATTACHMENTS

1. Revised Planning Proposal - Version F - Post Exhibition
2. Gateway Determination
3. Draft Gregory Hills Planning Agreement

ORDINARY COUNCIL

ORD03

SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY

FROM: Acting Director Customer & Corporate Services

TRIM #: 14/195752

PURPOSE OF REPORT

The purpose of this report is to:

- (i) advise Council of the response from the exhibition period for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy ('Policy'); and
- (ii) recommend a re-exhibition of the Policy to reflect further research undertaken with respect to telecommunications and carer's expenses.

BACKGROUND

On 28 October 2014, a revised Policy was considered by Council and it was resolved that Council:

- (i) submit the revised Policy for public exhibition for 28 days;
- (ii) consider any public submissions and formally adopt a revised Policy at its Ordinary Council Meeting on 9 December 2014; and
- (iii) ensure that the allowances provided for under the Policy are indexed each year by CPI (Sydney All Groups) as at 30 September.

MAIN REPORT

From 31 October 2014, the draft policy was placed on the Council's website, and advertised in the Camden Narellan Advertiser on 5 and 19 November 2014. Hardcopies of the proposed policy were also available for viewing at Council's Administration Centres.

A copy of the draft 'Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy' as publicly exhibited is attached to this report (see **Attachment 1**).

No submissions have been received during the 28 day public consultation period.

During the course of discussions at the Council meeting of 28 October 2014, it was identified that:

- the current, and revised, reimbursement amounts for mobile phone costs may be higher than the cost of the mobile phone contracts; and
- the revised amount of \$16 per hour allocated for the reimbursement of care arrangements was likely to be considerably less than the actual cost of arranging care.

Since then, a survey of a number of metropolitan councils has been undertaken into the reimbursement amounts for telecommunications and care arrangements. The results of the survey are discussed below.

Mobile phones, iPads and data plans

The survey of metropolitan councils, referred to above, showed that a variety of reimbursement amounts in relation to mobile phone calls are in place, ranging from \$140 per month to \$350 per month. The average amount is \$200 per month (inclusive of data costs).

Council currently provides iPhones and iPads to Councillors as follows:

- \$0 voice plan whereby calls are charged based upon usage;
- \$30 3GB data on a month to month basis for iPhones;
- \$50 4GB data on a month to month basis for iPads.

It is also noted that some Councillors maintain their own mobile phone and iPad.

Under the exhibited Policy, Council provides an allowance for any device of up to \$303 for mobile phone costs and up to \$42 for internet/ipad/smart phone usage costs per month.

A review of the major telecommunication providers shows that the monthly cost of a mobile phone plan (SIM-only) - including data - is considerably less than the combined monthly reimbursement amount for mobile phone costs (\$303) and internet/iPad/smart phone usage costs (\$42). As an example, Telstra currently provides a bundle for \$95.00 per month including unlimited standard national calls, SMS/MMS messaging and 4GB of data for individuals.

In light of the information set about above, it is recommended that Council revise its reimbursement amount for mobile phone costs to \$200 per month including GST (inclusive of mobile phone data). It is also noted that not all Councillors are using Council issued devices and the allowance is not a target for use. Rather, the allowance is available should it be required for Council related purposes.

It is also recommended that the data usage for internet/ipads allowance be increased from \$42 per month to \$50 per month so as to not disadvantage those Councillors who choose to use their own personal iPads for Council related business.

Cost of care arrangements

The exhibited Policy allows for reimbursement of \$16 per hour for the cost of care arrangements. The survey of metropolitan councils, referred to above, revealed that the majority of councils provide a reimbursement amount of between \$1,200 and \$4,000 per annum. Based on an approximate hourly rate for carers in the Camden area of between \$25-35 per hour, a reimbursement amount of \$4,000 per annum allows for between 114 and 160 hours of care per year, which equates to between 28 and 40 four hour meetings per year.

Camden's Councillors attend at least 22 Ordinary Council Meetings per year. In addition, Councillors attend regular 'off-week' briefings as well as Committee meetings and other Council related functions during the year. On this basis, it would be appropriate for the reimbursement amount for this item to be increased. As such, it is recommended that the carer allowance be increased to \$30 per hour when required for Council-related meetings and/or functions.

Statutory requirements

The *Local Government Act 1993* ('the Act') requires that Council annually review and submit its policy to the Director-General of the Office of Local Government by 30 November each year. Given that the information on telecommunication and carer expenses was not available at the Council meeting of 28 October 2014 and research had to be undertaken, it is now proposed to re-exhibit the Policy with the changes to the allowances for telecommunications and care arrangements. In accordance with the provisions of the Act, Council has an obligation to re-exhibit any changes which are considered 'substantial'. The definition of 'substantial' is described in the Office of Local Government's Guidelines as a change in the allowance level of more than 5%. Given that further amendment is recommended, it is proposed to formally advise the Office of Local Government in writing of Council's decision to re-exhibit the policy.

FINANCIAL IMPLICATIONS

The proposed alteration of the allowances for telecommunications and care arrangements is provided for within the Councillor's expense budget.

CONCLUSION

In summary, it is proposed that the allowances be amended as follows:

Item for Reimbursement	Existing Policy (incl GST)	Exhibited Policy (incl GST)	Recommended Allowance (incl GST)
Mobile phone costs including data usage (per month)	\$285	\$303	\$200
Internet / iPad data usage costs (per month)	\$40	\$42	\$50 (Note: this does not include mobile phone data usage)
Telephone line rental and call costs (per month)	\$115	\$122	\$122
Cost of care arrangements (per hour)	\$15	\$16	\$30
Note: the areas shaded grey remain unchanged from the exhibited version.			

A copy of the revised Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy, reflecting the recommended changes set out in the table above, is attached (see **Attachment 2**).

RECOMMENDED

That Council:

- i. note that no submissions have been made with respect to the Policy which has been publicly exhibited;**
- ii. place on public exhibition for 42 days (extended period due to the Christmas/New Year period) the revised 'Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy' with changes to the mobile phone usage and care arrangement allowances as attached to this report;**

- iii. **write to the Office of Local Government to advise of Council's decision to re-exhibit the Policy; and**
- iv. **consider any public submissions and formally adopt a revised Policy at its Ordinary Council Meeting of 10 February 2015.**

ORD03

ATTACHMENTS

- 1. DRAFT Policy - as exhibited
- 2. DRAFT Policy - for re-exhibition



ORD04

ORDINARY COUNCIL

ORD04

SUBJECT: BOUNDARY RE-ALIGNMENT - EAST LEPPINGTON (WILLOWDALE)
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/195761

PURPOSE OF REPORT

To seek Council's endorsement for a proposed re-alignment of the local government boundary at East Leppington (Willowdale).

BACKGROUND

The local government boundary at East Leppington (Willowdale) presently cuts across open rural land that has recently been subdivided into urban residential lots. Council was aware of the subdivision through the masterplan process but the full impact on property owners would not become clear until new lots were formed as part of the registration of the deposited plan.

In March 2014, the first stage of urban land was registered. In this deposited plan it is estimated that 32 urban lots would be dissected by the current Camden Council/Campbelltown City Council boundary. This information informed discussions on the most appropriate boundary re-alignment that would minimise disruption to the provision of rates and services.

Information on the proposed re-alignment of the boundary was provided to Councillors at a Workshop 12 August 2014. The proposed re-alignment is **an attachment to this report**. Subject to the registration of further stages of subdivision there will need to be a minor adjustment along the riparian boundary near Lot 5 DP 1193006 and Lot 71 DP 706546. The indicative change is shown (in blue) in the **attachment to this report**.

MAIN REPORT

In March 2014 officers from Camden Council and Campbelltown City Council met to discuss the impact on the provision of services to land owners with land dissected by the boundary in East Leppington (Willowdale). The most common issues included the development assessment process, the provision of domestic waste services, rating, road and general maintenance, signage and the defining of the boundary. Upon considering the re-alignment of the local government boundary a common sense approach was taken by both Councils to minimise disruption to current and future services. This would also result in a better defined local government boundary separated by riparian and larger lot boundaries.

Subject to both Camden Council and Campbelltown City Council endorsing the proposed re-alignment officers have reviewed the local government boundary from the intersection of Denham Court Road heading south to Raby Road and recommend the following re-alignment:

- From Denham Court Road along Camden Valley Way and across Willowdale Drive. It is agreed to leave the whole part of Camden Valley Way in the Camden LGA.

- From the northern corner of Lot 1000 DP 1185269 in a south easterly direction along Willowdale Drive following the lot boundary to the edge of the riparian corridor known as Lot 1262 DP 1189794. It is agreed that the whole of Willowdale Drive be in the Campbelltown LGA and the whole road reserve for Jamboree Avenue and Baden Powell Avenue would be within the Camden LGA.
- From the south eastern corner of lot 1262 DP 1189794 and along the riparian corridor near lot 5 DP 1193006.
- Following the northern edge of the riparian corridor to the boundary of Lot 71 DP 706546 where the boundary would resume its current position to St Andrews Road.
- The boundary crosses St Andrews road to Lot 10 DP 1173819 then south along this lot boundary to the Sydney Water Supply Canal.
- From the edge of Lot 1 DP 1086624 until the boundary of Lot 5 DP 214954, from where these two parcels intersect the boundary will continue south to Raby Road.

The recommended boundary re-alignment will result in approximately 174 urban lots being transferred to Camden Council at East Leppington (Willowdale). There will also be additional adjustments to lot boundaries to correct historical anomalies along the common boundary to Raby Road. There will be a net transfer of land of approximately 9 hectares from Campbelltown City Council to Camden Council. The majority of this land transfer is in the East Leppington (Willowdale) area.

The Boundary Adjustment Process

The process for a “minor” boundary adjustment is as follows:

- A resolution from both Councils is required approving the boundary change and authorising an application be made to the Office of Local Government.
- A copy of a map of sufficient quality that clearly shows the existing and proposed local government boundaries attached.

The Office of Local Government then:

1. considers the application on its merits,
2. writes to Land and Property Information (LPI) to obtain the metes and bounds description of the new local government areas;
3. sends the metes and bounds description to the Councils for approval;
4. prepares the necessary proclamation for submission to the Minister and Governor.
5. arrange for the proclamation to be published in the NSW Government Gazette upon approval by the Minister and Governor.

Subject to Ministerial and Governor approval both Councils are working towards gazettal of the boundary re-alignment by 30 June 2015.

Notification of Boundary Change

The Office of Local Government has advised that there is no formal requirement for public consultation; it is ultimately a matter for both Councils to determine how it should consult.

Subject to Council approval the notification process is recommended as follows:

- that land owners be formally advised of the proposed changes once both Councils have approved the boundary adjustment by resolution of Council.
- the use of co-branded information is to be considered where practical.
- a report to both Councils upon the publication of the boundary adjustment in the Government Gazette.
- all land owners impacted by the boundary adjustment be advised upon the publication in the Government Gazette with the letters tailored to detail how the change will impact their property (i.e. change of waste bins and collection day, development assessment and rating).
- The State and Federal Members of Parliament be advised of the change.
- Electoral Commission will be advised through the Gazettal process for the purposes of Local Government Elections.

It should be noted that land owners with dissected land were advised by Campbelltown City Council 2 September 2014 (by letter) that Camden Council and Campbelltown City Council were working towards re-aligning the boundary to a more suitable location. This notification was done as part of issuing rate notices, Camden Council had already issued rate notices in July 2014 and it was thought that one letter of notification was sufficient at that time.

In order to ensure a seamless transition upon the re-alignment of the boundary Camden Council and Campbelltown City Council continue to discuss operational issues at an officer level to ensure little or no disruption to services upon the re-alignment being gazetted. A liaison officer for Camden Council and Campbelltown City Council has also been nominated to ensure a co-ordinated response to issues that may arise before or after the boundary re-alignment.

The re-alignment of the boundary will also see some house keeping amendments to the East Leppington Voluntary Planning Agreement and the LEP maps. These adjustments will be the subject of a further report to Council (if required).

Council will be kept informed of operational changes or issues through workshops or a council report/s where a resolution of the Council is required.

FINANCIAL IMPLICATIONS

There are no direct financial implications relating to the process of the boundary re-alignment. At this point in time of the subdivision/s process Council will realise additional rate income from approximately 174 lots within East Leppington (Willowdale). It should be noted that while additional rate income is realised Council must now service those lots.

CONCLUSION

The need for a boundary re-alignment is critical to providing an efficient provision of rating and services to the East Leppington (Willowdale) area; the re-alignment is a common sense approach to resolving issues that are a direct result of development and the expansion of our growing community.

Next year further discussions will commence with Campbelltown City Council to review the remaining alignment of the common boundary on the basis of resolving long



standing anomalies where further efficiencies can be gained for the provision of current and/or future Council services.

RECOMMENDED

That Council:

- i. agree to re-align the Camden Council – Campbelltown City Council boundary from Denham Court Road to Raby Road in accordance with the boundary map as attached to this report.**
- ii. request the Office of Local Government to refer the boundary re-alignment to the Minister and Governor for approval.**

ATTACHMENTS

1. LGA Boundary Amendment

ORD04

ORDINARY COUNCIL

ORD05

SUBJECT: FAMILY DAY CARE FUNDING CHANGES
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/140310

PURPOSE OF REPORT

Funding changes announced recently will impact on Camden Family Day Care (FDC) which will see operational funding reduced by approximately \$215,000. Following a workshop held on 17th November 2014 this report provides information and options for the ongoing operations of the service assuming the changes as outlined in correspondence received are implemented.

BACKGROUND

FDC is an approved form of child care that is provided in the family day care educator's own home. Family day care educators are early childhood education and care professionals, registered with a family day care service that is responsible for approving, supporting, training and advising its educators.

In Camden, Council holds the licence and is the approved provider of the Camden FDC Scheme. Council is the employer of the 6 service staff. Many local councils are the licensee for Family Day Care Services in Western Sydney, including Campbelltown, Bankstown, Blacktown, Fairfield, Holroyd and Wollondilly.

Camden FDC is a highly accredited service which recently rated at the highest possible level under National Quality Standards. The service provides care for up to 399 families, of which nearly all are Camden residents, and last year had 60 registered providers or educators operating as small businesses from their homes. The coordination unit assists with recruitment, training, monitoring and compliance of educators and care placements and liaison with parents. The coordination unit staff monitor the quality of care provided and also assist both educators and parents with child development issues and other support. In addition, the unit administers the means tested child care benefit which varies according to parents' income and subsidises the cost of care.

MAIN REPORT

Funding Changes

Changes to the Commonwealth Community Support Program ("CSP"), will be introduced from 1 July 2015. Nationally, the CSP exceeded its budget by \$200 million. This is the reason that has been given for the changes to funding.

Council has contacted the Member for Macarthur requesting that the federal government review the changes to the eligibility criteria, consult further with the sector, consider "exceptional circumstances" funding and extend the transition time to allow sufficient time for changes to be implemented gradually.

These changes will direct funding to services setting up or operating in areas of need, in regional, remote and disadvantaged areas. Existing funding contracts, including the

contract between Camden Council and the Australian Government Department of Education for Camden Family Day Care to receive operational funding, will end on 30 June 2015. All services have been provided with 12 months notice to allow them to make adjustments to their business model.

The Australian Government Department of Education has provided an assessment tool and using this tool, Camden FDC is ranked as, “highly unlikely,” to be eligible for continued CSP funding. Using the broad criteria provided, Camden FDC ranks as it is the only service in the statistical area, but does not rank as being in a rural or regional area or an area of low socio economic ranking as per the SEIFA, (Socio-Economic Indexes for Areas) index. Given the available information it is anticipated that Camden will not be eligible to receive funding under the new guidelines for the CSP.

CSP funding currently comprises 46% of FDC’s operational income, (\$215,000) with balance coming from parent levies 39% and educator levies 12% with another 3% from a variety of activities. The loss of the CSP funded portion of the operating income will require changes to the business model of the service to ensure its ongoing viability.

Current Service Statistics

Camden FDC provides care to 399 families, nearly all local residents, with an effective full time enrolment each week of between 175 and 200 children.

Sixty educators are registered with Camden FDC and operate as small home based businesses with total earnings in the 13/14 financial year of over \$2 million.

Demand for service

Population growth and the anticipated demographic profile of new home buyers suggest that there will be a continuing demand for a range of child care options in Camden. One of the key differences between FDC and other forms of childcare is the ability to offer care for families who work extended hours and shift work including weekends or who may have long commutes to their place of employment. The hours of operation available in centre based care do not cater for these families. Whilst only a small percentage of families access extended hours care it is important that the option remains available.

Given Camden’s growth and a number of new and existing services it would be an appropriate time to prepare a detailed child care needs analysis to support appropriate levels of provision to meet future needs.

The following table gives an overview of population expectations:

Forecast age structure - 5 year age groups								
Camden Council	2011		2021		2036		Change between 2011 and 2036	
	Age group (years)	Number	%	Number	%	Number		
	0 to 4	4,677	8.0	9,814	9.1	21,282	10.0	+16,605
	5 to 9	4,778	8.2	9,115	8.5	19,441	9.1	+14,663

FINANCIAL IMPLICATIONS

Commonwealth operational funding equates to 46% of operational income for the service. The options available are to cease operations of the service, increase income from other sources available by increasing fees to parents and also educators to either the full or partial extent of the shortfall, or for Council to absorb the loss of income by supplementing the costs of the scheme from general revenue. Each of these options is examined in further detail below.

Cost of Care:

Fees charged in Family Day Care vary from educator to educator as each educator sets their own fee. Currently fees vary from \$6 per hour to \$11.05 per hour with the average fee being \$7.20 per hour. These fees include the levy paid by parents to fund the scheme. Families are eligible to claim the means tested government Child Care Benefit. For 40 hours care per week at the average fee the cost to parents is \$288.00 or \$57.60 per day before any eligible rebate. Centre based fees vary ranging from \$61.00 per day to \$83.00 per day with a median fee of \$75 a day or \$375 for a full week of care. Some services provide food and nappies, access to specialist services, while others do not.

If the recommendations in this report are adopted the average hourly fee for FDC would increase to \$7.52 per hour or \$60.16 per average day which is still below the average long day care cost.

Current Situation:

FDC operations are funded by Operational grant (46%), Parent levies (39%), Educator levies (12%) and other income (3%). Current reserve balance (FDC Reserve) is \$77,100, traditionally used for capital improvements, managing shortfalls/ surpluses from one year to next. The reserve has been generated by FDC operations and has no subsidy from Council's general funds.

Option 1: Cease Operations of the scheme:

Under this option Council has no ongoing financial liability or responsibility for the service.

There are some other impacts. There would be an immediate shortage of available childcare places, especially for children under 2 years of age and no extended hours or

weekend care available. Whilst existing centers and new centers could eventually absorb these places the immediate demand for care would outstrip the supply of places available. When last reviewed the LGA had 2033 licensed places for children 0-5 years, with some vacancies in some centres for some age groups, but increasing demand by over 400 children at one time needing to find places would create shortages. In the short term, it would also remove the choice of the type of childcare available for families to use, as many parents using Family Day Care prefer a home environment with a small number of children rather than to use center based care.

The LGA would lose up to 60 home based small businesses. Some educators may choose to transition to become licensed to provide a home based education and care service under State regulations. The increased business cost of attracting and placing families could inhibit business viability for the majority of educators. The support, policy base, family placement, insurance and business support provided by the coordination unit are what attract many educators to become Family Day Care educators as opposed to independent home based licensed education and care providers.

The impact on Council's Coordination Unit staff would also need to be considered if this option was chosen.

Option 2: Pass on nil, some or all costs to the users:

Under the model provided as option 2 the service can continue to operate at little or no cost to Council.

There are varying increases in fees to parents and to the levy paid by educators. This increase may result in some short term reduction in the number of educators and therefore the availability of care and income levels to support the service. Seven options for part funding including a two year phased options are presented below.

The modeling used for all options in this report is based on a best estimate of enrolments. Significant variations to either the number of children using the service or the number of educators registered with the service will necessitate adjustments	Option 1	Option 2	Option 3	Option 4	Option 5
Council Funding	100%	75%	50%	25%	0%
Budget Impact	\$215,000	\$161,300	\$107,500	\$53,800	\$0
Impact on Fees (Parent & Educator)	0%	22%	44%	67%	89%
Estimated Weekly Increase (Parent) <i>based on 35 hours per week</i>	\$0	\$4.20	\$8.40	\$12.95	\$17.15
Estimated Weekly Increase (Educator)	\$0	\$5.50	\$11.00	\$16.75	\$22.36

ORD05

Option 6 – Phased Funding	Year 1	Year 2	Year 3
Council Funding	25%	10%	0%
Budget Impact	\$53,800	\$22,200	\$0
Less: Transfer from Reserve , (FDC reserve not Council General funds)	\$53,800	\$22,200	\$0
Net Budget Impact	\$0	\$0	\$0
Impact on Fees (Parent & Educator)	67%	8%	5%
Estimated Weekly Increase (Parent) <i>based on 35 hours per week</i>	\$12.95	\$2.45	\$1.75
Estimated Weekly Increase (Educator)	\$16.75	\$3.42	\$2.19

Option 7 – Phased Funding	Year 1	Year 2
Council Funding	35%	0%
Budget Impact	\$76,000	\$0
Less: Transfer from Reserve, (FDC reserve not Council General funds)	\$76,000	\$0
Net Budget Impact	\$0	\$0
Impact on Fees (Parent & Educator)	58%	20%
Estimated Weekly Increase (Parent) <i>based on 35 hours per week</i>	\$11.20	\$5.95
Estimated Weekly Increase (Educator)	\$14.50	\$7.86

CONCLUSION

The decision to remove operational funding has been made by the federal government and will affect most FDC services in Australia with only one service per region eligible

to retain funding provided that the rural and remote and socio economic criteria are also met.

In order to provide assurance to staff, educators and families it is important that funding decisions are made early to allow families and educators the opportunity to make their own decisions, regarding increases in fees or finding alternate care or employment prior to the implementation of changes scheduled for July 2015.

This report recommends option 7 which will provide an ongoing choice of child care type for families in the LGA and also maintain the educators who operate as small business operators in the LGA. This option has no impact on Council's operational budget as the FDC will continue to operate as a cost neutral service. The option will utilize the existing FDC reserve, generated from the FDC service operations, to phase in fees charges that will recoup the loss of operational funding over a two year period resulting in a smaller increase of fees for both parents and educators in the first year. The educators levy is a tax deductible cost to educators.

It is also recommended that a detailed analysis of current and future child care needs in the LGA be conducted and reported to Council.

RECOMMENDED

That Council:

- i. adopt Option 7 as detailed in this report;**
- ii. advise families and educators that there will be an increase in fees and levies from 1 July 2015, as outlined in option 7, should the proposed changes to the Community Support Programme be implemented and Camden Family Day Care operational funding cease; and**
- iii. undertake a comprehensive review of child care in Camden LGA, including current and future demand.**

ORDINARY COUNCIL

ORD06

SUBJECT: POLICY DEALING WITH DOMESTIC VIOLENCE AT WORK
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/200042

PURPOSE OF REPORT

This report seeks Council approval for additional leave provisions to support staff dealing with domestic violence.

BACKGROUND

Family or domestic violence can affect an employee's attendance or performance at work. Workplaces play an important role in providing support to staff who experience domestic violence. An operational policy is being implemented but this will be a more effective policy with the inclusion of an additional paid leave clause.

MAIN REPORT

Domestic or family violence is an abuse of power by a partner, ex-partner or family member. It may take many forms and tends to increase over time, becoming more serious and more frequent. Domestic violence harms both the victim and children who witness the abuse.

Domestic Violence impacts on the workplace. The perpetrator may make it hard for the victim to get to work or target the victim at work, the most common form of domestic violence experienced at work is abusive calls and emails. Additionally, the strain of dealing with domestic violence at home can undermine a worker's productivity, performance and wellbeing. Domestic violence can also create problems for other staff and managers, who may also be targeted, posing a workplace safety issue.

Paid employment is a critical pathway for victims to leaving an abusive relationship and establishing a safe life without violence. The workplace has a key role to play in minimising the productivity and safety impacts of domestic violence by supporting victims to stay in their jobs.

Domestic violence does not easily fit the definitions and circumstances of other forms of workplace violence, such as workplace bullying or violence from customers and clients. For this reason it can be hard for a workplace to recognise it is happening or understand what can be done. The policy provides direction for all staff to assist in dealing with these issues.

When a worker is experiencing domestic violence it is critical for workplaces to play a role in prevention and safety. As employers we are required to provide a safe workplace and have an investment in staff retention and productivity. Workplace entitlements are the most effective way to encourage staff to disclose, to provide safety to individuals and ensure a safe and productive work environment for all staff.

Current best practice recommends that employers can significantly support staff experiencing domestic violence by:

- introducing workplace entitlements; and
- developing domestic violence policies and procedures for all staff.

This report recommends a special leave entitlement of up to five days per year for staff to attend medical appointments, legal proceedings and other activities related to dealing with domestic violence, be included in the Dealing with Domestic Violence at Work Policy. Proof of domestic violence will be required to access the special leave and can be in the form of a document issued by the Police Force, a Court, a health professional who specialises in dealing with domestic violence, district nurse or a Family Violence Support Officer.

HUMAN RESOURCE IMPLICATIONS

Research undertaken during the development phase of this Policy indicates that whilst a number of other local government authorities have considered the inclusion of special leave provisions to assist employees dealing with domestic violence to be of great benefit and in line with best practice, the actual allocation of additional leave must be approved by Council.

FINANCIAL IMPLICATIONS

There will be sufficient funds within existing budgets to support the leave entitlement and the implementation of the policy.

CONCLUSION

Importantly the inclusion of the special leave clause in the policy strengthens and adds value to the new policy. It provides a clear message of support for staff experiencing domestic violence and also that Council recognises that domestic violence is unacceptable either at home or in the workplace.

RECOMMENDED

That Council adopt the Special Leave provision, within the Dealing with Domestic Violence at Work Policy that allows up to five days per year special leave for staff experiencing domestic violence.

ATTACHMENTS

1. Dealing with Domestic Violence at Work Policy

ORDINARY COUNCIL

ORD07

SUBJECT: REQUEST TO APPLY FOR BIODIVERSITY CERTIFICATION OF EMERALD HILLS ESTATE

FROM: Director Community Infrastructure

TRIM #: 14/192991

PURPOSE OF REPORT

The purpose of the report is to advise Council of the application to the NSW Office of Environment and Heritage to confer biodiversity certification on the Emerald Hills Estate.

BACKGROUND

Emerald Hills Estate is a 150ha parcel of land bound by Camden Valley Way to the north-west, St Andrews Road to the north east, private property to the east, the Sydney Water Canal in the south-east and Raby Road to the south and west (as shown in **Attachment 1**). The land within the estate includes a large stand of regrowth Cumberland Plain Woodland, a critically endangered ecological community, of moderate quality. This vegetation is connected to other large stands of native vegetation to the east of the site. The bulk of the remaining land within the estate has been extensively cleared and modified through agricultural land uses and represents land with little biodiversity value.

At the Council meeting on 22 April 2014, Council resolved to endorse the planning proposal for Emerald Hills Estate. An application to confer biodiversity certification over the land will assist in streamlining the development assessment process moving forward.

The South West Growth Centre underwent Biodiversity Certification during the preparation of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The Emerald Hills Estate is outside the South West Growth Centre.

In accordance with the Threatened Species Act 1995, only planning authorities may make an application for biodiversity certification. It should be noted that a Council resolution is not required to make an application for biodiversity certification, however as this is the first application to be made by Council, this matter is being reported to Council for their information.

MAIN REPORT

Part 5A of the Environmental Planning and Assessment Act 1979 requires an assessment of the impact of development or activity upon biodiversity values during the development application process. This is known as an Assessment of Significance or 7 Part Test.

If the impacts on the site were found to be 'significant', a Species Impact Statement would be required as would the concurrence from the Director General of the NSW Office of Environment and Heritage.

An alternative method of biodiversity impact assessment is 'biodiversity certification'. Biodiversity certification, under Part 7AA Threatened Species Act 1995, offers planning authorities a streamlined biodiversity assessment process for areas marked for development at the strategic or development stage, along with a range of secure options for offsetting impacts on biodiversity.

The conferring of Biodiversity Certification is subject to the NSW Minister for Environment being satisfied that the conservation measures in the Biodiversity Certification application resulting in an overall improvement or maintenance in biodiversity values.

After biodiversity certification is conferred on an area, development may proceed without the usual requirement under the Environmental Planning and Assessment Act 1979 for site by site threatened species assessment.

It is considered that biodiversity certification provides greater certainty for Council, the developer, the community as the impacts of development are identified and the offset measures are agreed as part of the process. This saves both Council and the developer time and money in not needing to obtain individual flora and fauna studies and negotiating individual conservation outcomes.

Overall, the biggest benefit is for the community and its environment as conservation outcomes are secured for high value natural environments and there is a reduction in the cumulative impacts from ad-hoc development.

The proponents of Emerald Hills, Macarthur Developments, have requested Council make an application to the NSW Office of Environment and Heritage to confer biodiversity certification on the 126.79 ha of land within the Camden LGA. The remainder of the land is located within the Campbelltown LGA and contains public utility easements that are excluded from the biodiversity certification application.

As part of the rezoning process, the proponent engaged Ecological Australia to prepare a Biodiversity Certification Assessment Report to inform biodiversity outcomes on the site. The Biodiversity Certification Assessment Report maps areas to be retained and certified, identifies losses from certified areas and identifies potential conservation measures and offsets for losses of biodiversity. Offsets can be secured in a number of ways including Biobanking Agreements, which is proposed for the Emerald Hills Estate.

Following the rezoning, the proponent engaged Ecological Australia to prepare a Biodiversity Certification Assessment Strategy which identifies that of the 126.79 ha of land that is proposed for biodiversity certification, 23.4 ha of both moderate to good and low condition vegetation will require clearing. To meet the requirements for biodiversity certification, a combination of conservation measures is proposed including the Biobanking of the Cumberland Plain Woodland in the E2 conservation zone (on-site) and the purchase and retirement of Biobanking Credits (offsetting off-site) at The Oaks.

It is considered that the Emerald Hills Estate represents a sound opportunity for Council to proceed with an application to confer biodiversity certification of the Emerald Hills Estate. Further, as Council may receive further requests to seek biodiversity certification of land outside the South West Growth Centre, a policy to provide guidance to Council, proponents, and the community to the methodology and responsibilities of parties pursuing biodiversity certification of land within the Camden LGA is being prepared. It is anticipated that the draft policy will be presented to Council in the new year.

FINANCIAL IMPLICATIONS

The NSW Office of Environment and Heritage has advised that there is no fee incurred by Council in making an application to confer biodiversity over a parcel of land and that there are no costs of ongoing reporting requirements for Council as a result of biodiversity certification.

Macarthur Developments Pty Ltd has had the Biodiversity Certification Assessment Report and Biodiversity Certification Assessment Strategy prepared at their cost.

CONCLUSION

The Emerald Hills Estate is located outside the South West Growth Centre and Macarthur Development Pty Ltd has requested Council make an application to confer biodiversity certification for the land.

Biodiversity certification is a streamlined biodiversity assessment process for areas marked for development along with a range of secure options for offsetting impacts on biodiversity. Should biodiversity certification be conferred, the development of Emerald Hills Estate will be able to proceed without the usual requirement under the Environmental Planning and Assessment Act 1979 for site by site threatened species

RECOMMENDED

That Council:

- i. note the information contained in the report; and**
- ii. note that an application to the NSW Office of Environment and Heritage to confer Biodiversity Certification of the Emerald Hills Estate.**

ATTACHMENTS

1. Emerald Hills - Draft Indicative Layout Plan

ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: MULTIPURPOSE OUTDOOR YOUTH SPACE
FROM: Director Community Infrastructure
TRIM #: 14/181907

PURPOSE OF REPORT

The purpose of this report is to provide Council with the results of the public exhibition of the proposed location of the Multipurpose Outdoor Youth Space at Birriwa Reserve, Mount Annan. This report presents the submissions received during the consultation period and seeks endorsement for the proposed sites as recommended and supported by the Community.

BACKGROUND

At the meeting held 28 October 2014 Council resolved to;

- i. endorse Birriwa Reserve, Mount Annan, as the preferred location for the development of an outdoor multi-purpose youth space;*
- ii. agree to publicly exhibit the preferred location of the multi-purpose youth space including a possible range of elements proposed for the site for a period of 28 days; and*
- ii. be provided with a further report detailing the results of the exhibition of the preferred location and proposed elements of the multi-purpose youth space.*

The advertising period closed on 3 December 2014 with one (1) submission received.

This report presents the submissions received and seeks endorsement for the development of a Multipurpose Outdoor Youth Space at Birriwa Reserve.

MAIN REPORT

Following analysis of suitable sites, it was recommended that a multi-purpose outdoor youth space be located in Birriwa Reserve, at the corner of Waterworth and Welling Drive, Mount Annan to complement other passive and active recreational facilities within this precinct.

Council resolved to advertise this decision with a view to receiving public comment in this regard. Advertisements were placed in the local press, Council's website, Council's Administration Centres and Libraries in Camden and Narellan. The advertising period closed on 3 December 2014 with one (1) submission being received.

A total of one (1) comment was received in response to the advertising period. The comment is provided in the table below and the submission is contained within Supporting Documents.

Submission Number	Comment made	Staff comment
1	Happy with the location, however feels that restricting the age group (12-17 yrs) may reduce usage. The submission recommends the installation of a skateboard rink, push bike obstacle course or handball courts, as options to meet the needs of a wider range of users.	Additional skateboard facilities are being provided for in Oran Park, along with bike activities in the BMX park at Kirkham Oval. Other suggestions will be considered during the design phase of this project.

It is now proposed that Council commence detailed design of the Multipurpose Outdoor Youth Space which is planned for completion by 30 June 2016. Concept designs will be brought back and presented to Councillors prior to commencement of construction.

FINANCIAL IMPLICATIONS

Council has allocated \$50,000 in the 2014/15 budget to undertake the detailed design phase and a further \$600,000 in the 2015/16 budget for construction.

As part of adopting the 2014/2015 budget Council allocated \$50,000 towards the detailed design for a Multipurpose Youth Space at Birriwa Reserve and a further \$600,000 in 2015/2016 for construction. Funds have been allocated from the Section 94 Cash Reserves.

CONCLUSION

Council has endorsed the public exhibition of Birriwa Reserve as the preferred location for the Multipurpose Outdoor Youth Space. The advertising period closed on 3 December 2014 with one (1) submission received.

It is proposed that Council now commence detailed designs of the Multipurpose Youth Space to be completed by 30 June 2015, with construction commencing in the 2015/16 financial year.

RECOMMENDED

That Council:

- i. **adopt Birriwa Reserve as the location of the Multipurpose Outdoor Youth Space;**
- ii. **proceed with the preparation of detailed designs of the Multipurpose Youth Space at Birriwa Reserve with a view to commence construction in the 2015/2016 financial year; and**
- iii. **write and thank the resident who made a submission, and advise them of Council’s decision.**

ATTACHMENTS

1. Submission - Multipurpose Outdoor Youth Space - *Supporting Document*

ORD08

ORDINARY COUNCIL

ORD09

SUBJECT: NARELLAN SPORTS HUB
FROM: Director Community Infrastructure
TRIM #: 14/181966

PURPOSE OF REPORT

The purpose of this report is to inform Council of the results of the public exhibition of the draft masterplan for the proposed Narellan Sports Hub. This report presents the submissions received during the consultation period.

BACKGROUND

At the meeting held on 14 October 2014 Council resolved to:

- i. endorse the draft masterplan of the proposed Narellan Sports Hub;*
- ii. agree to public exhibition of the draft masterplan for a period of 28 days;*
- iii. hold further discussions with relevant sporting organisations on the proposal to develop the Narellan Sports Hub;*
- iv. continue negotiations with Dandaloo Pty Ltd regarding possible amendments to the Voluntary Planning Agreement for Harrington Grove;*
- v. receive a further report in relation to any amendments to the Voluntary Planning Agreement for Harrington Grove;*
- vi. receive a further report in relation to the outcome of the public exhibition period and any submissions that have been received as well as the proposed scope and budget for Stage 1 of the project;*
- vii. agree to bring forward \$200,000 from the current budget allocation of \$2.8M in 2015/16 to 2014/15 to enable preliminary design investigations including the required traffic assessment to be undertaken as soon as possible.*

The advertising period closed on Friday 21 November, 2014. This report presents the submissions received and seeks endorsement for the location of the Narellan Sports Hub as recommended and supported by the Community.

MAIN REPORT

The draft masterplan for the land adjacent to the existing Narellan Park was placed on public exhibition for a period of 4 weeks, with advertisements placed in the local press, Council's website, Council's Administration Centres and Libraries in Camden and Narellan.

In addition meetings were held with representatives of the existing clubs currently utilising Narellan Park, Macarthur Hockey Association and Narellan Jnr Rugby League Club. Consultation also occurred with the two sporting bodies currently proposed for the Narellan Sports Hub being Camden Athletics Club and Camden District Netball Association, to outline the indicative planning for the proposed site. All sporting club representatives were supportive of the draft masterplan and understood the detailed design would be the next phase of the project.

A total of 7 comments were received in response to the advertising period. A summary of comments received are included in the table below and submissions are contained within Supporting Documents. No negative comments were received.

Submission Number	Comment made	Staff comment
1	Supporting the development of new sports grounds for the growing community and is encouraging Council to investigate the installation of Solar PV shade structure.	The comments and suggestions are noted and will be taken into account in the detailed design.
2	Interested resident with a history of involvement with Hockey facility development, advising support for the development of additional sporting facilities and has offered to assist Council.	Noted
3	Advising that Netball NSW officially endorse the strategy and the development of the Sports Hub including 44 courts and associated facilities for use by Netball which can potentially host State Championships as well as State Age Championships.	Noted
4	The Association support the draft masterplan, and look forward to discussions on the detailed design.	Noted
5	Support the draft masterplan as it appears to have adequate space to accommodate the needs of Athletics, however advise that for the site to be viable to accommodate athletics and relocate from Onslow Reserve, a range of itemised facilities would need to be included.	The comments and items required are noted for consideration in the detailed design phase.
6	Support the concept and draft proposal and recommend that the multipurpose sports area be developed into soccer grounds including cricket. The Club has advised that they would like to be involved in the detailed design.	The comments and items required are noted for consideration in the detailed design phase
7	Support the draft concept and masterplan	Noted

Council is currently undertaking a traffic assessment study of the proposed Narellan Sports Hub location and adjoining streets. The Narellan Sports Hub is a staged development and the next phase of this project will be the development of the proposed scope of works, design and budget for Stage 1. A further report will be

presented to Council in the first quarter of 2015 at the completion of this phase, which will also include the results of the traffic assessment.

Council has commenced negotiations with Dandaloo Pty Ltd in relation to amendments to the Voluntary Planning Agreement (VPA). A further report will be provided to Council at the completion of the negotiations which is expected to be in April/May 2015.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

Council has identified \$2.8M from section 94 contributions in the 2015-16 financial year towards the first stage of the Narellan Sports Hub.

CONCLUSION

The Narellan Sports Hub is new development located adjacent to existing sporting facilities at Narellan Park. The Narellan Sports Hub is proposed to include the provision of a 44 netball complex, athletics facilities and sports grounds capable of being used by a variety of sports.

Council endorsed the advertising of the proposed location of the Narellan Sports Hub for public exhibition. The advertising period closed on 21 November with seven (7) submissions received. The submissions were all positive and the information contained within the submissions has been noted for the future phases of this development. It is therefore recommended that Council endorse the Narellan Sports Hub Masterplan, which was placed on public exhibition, subject to detail design.

Further reports will be presented to Council regarding the Stage 1 scope of works, design and budget as well as the results of the traffic assessment. The additional report to Council will provide advice on the results of negotiations with Dandaloo Pty Ltd regarding amendments to the VPA.

RECOMMENDED

That Council:

- i. endorse the Narellan Sports Hub draft masterplan;**
- ii. write and thank those who wrote submissions, and advise them of Council's decision;**
- iii. proceed with the development of a scope of works, design and budget for Stage 1 of the Narellan Sports Hub development;**
- iv. receive a further report on the above works inclusive of the results of the traffic assessment, in the first quarter of 2015; and**
- v. receive a further report on the outcome of negotiations with Dandaloo Pty Ltd regarding amendments to the VPA in April/May 2015.**

ATTACHMENTS

1. Submissions - Narellan Sports Hub - Submissions - *Supporting Document*

ORD09



ORD10

ORDINARY COUNCIL

ORD10

SUBJECT: DELEGATIONS TO THE MAYOR - CHRISTMAS/NEW YEAR PERIOD
FROM: Acting Director Customer & Corporate Services
TRIM #: 14/196083

Council will be in recess from 10 December 2014 until Tuesday 27 January 2015. During this period, it is appropriate to provide delegated authority to exercise the development approval function and allow Council to fulfil its statutory obligations between meetings. It may be necessary to approve development applications or other urgent matters requiring a decision, which are required to be approved as a matter of necessity and which may not fall within the delegations to staff, ie. matters of a contentious nature or where objections have been made.

The *Local Government Act 1993* ("the Act") allows Council to delegate functions and in addition, authority is also provided to the Mayor under section 226 of the Act, to exercise functions between meetings.

It has been the normal practice to provide a delegation to the Mayor for the period to the next Ordinary Meeting and that the delegation is limited to approval of development applications and matters of a critical nature.

This delegation would only be exercised in matters of extreme urgency and in the event of an issue of significant magnitude and impact occurring, a special Council Meeting would be convened. A report outlining the exercise of this delegation will be made to the Council meeting on 27 January 2015.

RECOMMENDED

That authority be delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) for the approval of development applications and cases of necessity, during the period 10 December 2014 to 27 January 2015 as provided under sections 226 and 377 of the *Local Government Act 1993*, and Council be informed of any use of such delegation in a report to Council on 28 January 2015.