



# Camden Council Minutes

**Ordinary Council Meeting**  
**14 December 2010**

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**Camden Civic Centre  
Community Room  
Oxley Street  
Camden**



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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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

### **RECOMMENDED**

**That leave of absence be granted.**

### **RESOLUTION**

There were no leave of absence to be granted.

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

ORD268/10

### **ACTIONS**

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## **ORDINARY COUNCIL**

**SUBJECT: DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

### **RESOLUTION**

There were no declarations to be noted.

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

ORD269/10

### **ACTIONS**

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 23 November 2010.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 23 November 2010, copies of which have been circulated, be confirmed and adopted.**

### **RESOLUTION**

Moved Councillor Funnell, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 23 November 2010, copies of which have been circulated, be confirmed and adopted.

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

### **MOTION**

### **ORDER OF BUSINESS**

Moved Councillor Campbell, Seconded Councillor Funnell that Item ORD02 be dealt with prior to Public Addresses.

THE MOTION ON BEING PUT WAS **CARRIED**.  
(Councillor Patterson voted against the Motion).

ORD270/10

### **ACTIONS**

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## ORDINARY COUNCIL

ORD02

**CONSTRUCTION OF TWO ATTACHED TWO-STOREY DWELLINGS,  
RESTORATION OF EXISTING DWELLING, PARKING, LANDSCAPING,  
ASSOCIATED WORKS AND STRATA SUBDIVISION AT NO 7 (LOT 16, DP  
735998) VIEW STREET, CAMDEN**

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2010
<b>DA NO:</b>	DA 440/2010
<b>OWNER:</b>	Harvest Holding Company Pty Ltd
<b>APPLICANT:</b>	Mart Rampe
<b>ZONING:</b>	3(f) - Town Centre Support (B4 - Mixed Use)
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Camden Local Environmental Plan No 45

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### PURPOSE OF REPORT

The purpose of this report is to seek a determination of a Development Application for the construction of 2 x 2 storey attached dwellings, restoration of an existing dwelling, car parking, landscaping and associated works, and strata subdivision at No 7 (Lot 16 DP 735998) View Street, Camden.

The application was referred to Council for determination in accordance with its delegations as a variation from the prevailing development control plan is sought.

### SUMMARY OF RECOMMENDATION

It is recommended that Council grant consent to Development Application 440/2010 subject to draft conditions of consent provided at the end of this report.

### BACKGROUND

DA 508/2005 for the construction of a two-storey residential building with underground car parking containing two residential units, the restoration of the existing dwelling and strata subdivision at 7 View Street, Camden was approved under officer delegations on the 4 August 2006. This application has since lapsed.

DA 440/2010 was lodged on 5 March 2010 and notified in accordance with Council's notification policy. No submissions were received. Following preliminary assessment of the application, issues in relation to remediation, heritage impact and staging were raised by Council. The application was amended by the applicant on 19 October 2010 and publicly exhibited for a period of 30 days. No submissions were received. DA 440/2010 has been assessed in accordance with Section 79C and is now referred to

Council for determination.

## THE SITE

The subject site is No 7 (Lot 16 DP 735998) View Street, Camden. The property is located on the western side of View Street and has a frontage of approximately 12.5m and a total site area of 502.9m<sup>2</sup>.

The site comprises a single storey dwelling house which is a listed heritage item. The cottage is of weatherboard construction standing on stone pylons and is in a dilapidated state requiring refurbishment. The cottage is one of several similar cottages located in a row on View Street. A driveway providing access to the rear of the site is located alongside the house on the northern boundary of the property. The site is 90m from Argyle Street, Camden.

No 5 View Street is located to the north of the site and comprises a similar heritage listed single-storey cottage towards the front of the property. To the rear of the property is a two-storey duplex development. Subsequent to that approval, this duplex has since been converted into commercial offices. No 9 to the south is a similar heritage listed single-storey cottage to front of the property. No 11 View Street to the south of the site is currently vacant following a fire which destroyed the heritage listed cottage.

No 16 Hill Street is located to the rear of the site and comprises a two-storey commercial building occupied by a variety of offices. No 16 Hill Street is substantially higher than the subject site resulting in a prominent building when viewed from the rear garden of No 7 View Street. **A location plan is provided at the end of this report.**

## THE PROPOSAL

Development consent is sought for:

- the construction of a two-storey dual occupancy comprising 2 x 1 bedroom dwellings. Each unit is two-storey with a bedroom and ensuite at ground floor level and living areas at first floor level. The units will be orientated to the east facing the rear of the existing cottage. The units will benefit from large balconies off the living areas measuring 25m<sup>2</sup> each;
- demolition of 4.5m of an addition to the rear of the heritage listed dwelling;
- refurbishment of the existing dwelling in accordance with heritage guidelines. Works include structural repairs, interior and exterior refurbishment and a roofing upgrade;
- 4 car parking spaces to be provided on-site immediately addressing the rear dwellings;
- a new turning circle/ driveway along the path of the existing driveway and behind the existing cottage, which will provide a turning and access area for vehicles accessing the car parking spaces;

- landscaping works to create a 'cottage style' front garden to the cottage. Fencing of the property is also proposed including the construction of a picket fence to the front boundary and side return;
- strata subdivision of the existing property into 3 lots, as;
  - Lot 1 (183.53m<sup>2</sup>), comprising a single storey cottage and garden area.
  - Lot 2 (56.4m<sup>2</sup>), comprising the southern unit in the proposed new building.
  - Lot 3 (56.3m<sup>2</sup>), comprising the northern unit in the proposed new building.
  - Common Area (206.67m<sup>2</sup>), comprising the driveway/turning areas and parking spaces.

**A plan of the proposed development is provided at the end of this report.**

### **NOTIFICATION**

The proposed development was notified in accordance with Part C: Chapter 2 (Notification Processes for Development Applications) of Camden Development Control Plan 2006, from 13 May 2010 to 27 May 2010.

Following preliminary assessment, a Remediation Action Plan was received and this was advertised for 30 days in the Camden Advertiser from 9 June 2010, in accordance with State Environmental Planning Policy 55.

No submissions were received in regards to this application.

### **PLANNING CONTROLS**

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy 55 - Remediation of Contaminated Lands
- Camden Local Environmental Plan No 45
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006
- Draft Camden Local Environmental Plan No 149 – Heritage Schedules

### **ASSESSMENT**

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

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

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

Rather, the DA must be assessed under Camden Local Environmental Plan No 45

which was in place before the gazettal of Camden LEP 2010.

#### Camden LEP No 45 (Camden Town Centre)

The land is zoned 3(f) – Town Centre Support pursuant to Camden LEP No 45 (LEP 45). The proposed development is best described as ‘multi unit housing development’ which is defined by Camden LEP No 45 as:

*‘Residential development (not being two-dwelling development) resulting in two or more dwellings on one lot, whether the dwellings are attached or detached, and includes town-houses and the like’.*

Multi unit housing development is permissible within the 3(f) – Town Centre Support zone with development consent.

LEP 45 requires that Council shall not grant consent to the proposed development unless it is satisfied the application is consistent with the objectives of the 3(f) – ‘Town Centre Support’ zone.

The proposed development would result in the upgrade and preservation of the heritage listed dwelling and would subsequently preserve and enhance the character and appearance of the Conservation Area. Further, the site would provide alternative housing options in the Camden area through the provision of medium density residential accommodation in close proximity to the Camden Town Centre. The proposal is therefore considered to be consistent with the objects of the Camden LEP 45.

The proposal was advertised in accordance with Clause 12 of the Camden LEP No 45.

The proposed development is considered to be in accordance with the development principles set out in Clause 13 for the following reasons:

- The proposal would not significantly overshadow or overlook any public places.
- The proposed development will not impact upon any existing significant views and vistas for commercial property, and will not impose on views and vistas for residential property.
- The proposed development is considered to contribute positively to the existing and desired future character of Conservation Area and the broader town centre in terms of the proposed architecture, scale and character.
- Given its location outside of the commercial precinct, the provision of covered areas is not required.
- Sufficient off-street car parking has been provided in accordance with the Camden Development Control Plan 2006.
- The development is not a commercial premise and therefore loading facilities are not required.
- View Street is predominantly residential and the provision of medium density housing in close proximity to the retail precinct of Argyle Street is considered complementary to the functions of the centre.
- The proposal is not identified in a flood risk area.

Clause 14 of LEP 45 limits the height of building to 7m or two storey (whichever is

lower). The application proposes a maximum height of 6.95m above ground level, which is compliant with Clause 14.

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been provided for the new building comprising the two dwellings and a separate certificate for the restoration of the existing building.

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

#### State Environmental Planning Policy 55 - Remediation of Contaminated Land

The requirements of SEPP 55 are considered applicable to the assessment of this DA. This DA includes remediation works upon land identified for residential development.

A Remediation Action Plan (RAP) has been submitted and advertised with the application and it is considered that the carrying out of the proposed development would not cause risk of harm to human health providing the remediation works proposed as part of this application are carried out in accordance with the details of the submitted RAP.

#### Draft Camden Local Environmental Plan 149 – Heritage Schedules

Draft Camden LEP 149 sought to make amendments to the existing Local Environmental Plans by way of updating those items of listed local and state heritage. The LEP lists Nos 5-13 (Workers Cottages) View Street as items of local heritage significance. The provisions of Draft Camden LEP 149 have since been incorporated into Camden Local Environmental Plan 2010.

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

The land is zoned B4 Mixed Use pursuant to the LEP.

The proposed development is best described as 'multi dwelling housing' which is defined by the LEP as:

*'3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.'*

Multi dwelling housing is permissible in the zone with development consent. The proposed development would provide medium density housing in close proximity to the Camden Town Centre and local public transport services, therefore encouraging sustainable living. As View Street is primarily residential, the proposed development is consistent with the surrounding area and would not compromise the business and retail uses that dominate Argyle Street. The proposal is considered to be consistent with the objectives of the zone.

The LEP sets a maximum building height of 7m for the site. The application proposes a maximum height of 6.95m, compliant with this Clause 4.3.

No. 7 view Street is identified in Schedule 5 of the LEP and on the heritage map as a local heritage item. The property is also located within the Camden Town Centre Conservation Area. Clause 5.10 stipulates that consent is required for demolition of a heritage building and that Council may require the submission of a heritage impact statement and conservation management plan to support the application.

The proposed development includes the demolition of between 2m-4m of the rear addition to the heritage dwelling. To support the application, a Statement of Heritage Impact has been submitted. A Conservation Management Plan was deemed unnecessary in this case, however a Schedule of Works has been provided for the refurbishment of the dwelling.

Clause 5.10 requires the consent authority to consider the impact of the demolition and refurbishment works on the heritage significance of the item and the conservation area. In this regard the proposed development is considered appropriate.

Council has previously considered the extent of the demolition permitted off the rear of the existing cottage under a now lapsed approval for the site. This approval allowed for the demolition of up to 4m of the rear of the cottage as that section of the structure was part of a later addition, not being a part of the original building.

This approved demolition was then considered to not affect the heritage significance of the building which is mostly dependent on the preservation of the front of the cottage. The heritage report submitted with the application further justifies the demolition of the rear section of the dwelling. It must be stated that DA 508/2005 has now lapsed.

The proposal will include refurbishment of the existing cottage which is in a dilapidated state and would not result in the demolition or removal of original fabric. Recommended conditions of consent are proposed to be placed on any development consent granted by Council. Further, the proposed building at the rear is consistent with others in View Street and meets the design guidelines set out in the View Street chapter of the Camden Development Control Plan 2006.

As such, the proposed development is considered to preserve and enhance the character and appearance of the both the item and the Camden Town Centre Conservation Area.

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

Camden Development Control Plan 2006 (the DCP)

*Part G: Chapter 19 – View Street, Camden*

Part G: Chapter 19 of the DCP is specific to View Street in Camden. It sets out controls which include parking concessions to promote the refurbishment of the heritage items. An assessment of the relevant controls is below.

CONTROL		PROPOSED	COMPLIANCE
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<b>Minimum Lot Size</b>	600m <sup>2</sup>	502.9m <sup>2</sup>	Does not comply
<b>Building Height</b> Front Building Rear Building	One Storey Two Storey	One Storey Two Storey	Complies
<b>Fencing</b> Maximum Front Fence Maximum Rear Fence Maximum Side Fence	1m 1.8m 1m grading to 1.8m at front building alignment	Fencing heights to be conditioned if consent is granted.	To be conditioned
<b>Car Parking</b> 1 bed unit 2 or more bed unit	1 space 2 spaces	1 space per 1 bed unit 2 spaces for the cottage	Complies
<b>Private Open Space</b> Area per unit (behind primary building line)	25m <sup>2</sup> (minimum dimension of 5m)	2 x 25m <sup>2</sup> balconies provided to the units 1 x 25m <sup>2</sup> rear deck provided to the cottage. All POS has a minimum dimension of 5m in one direction	Complies

*Minimum Lot Size-* The property has a total site area of 502.9m<sup>2</sup>. This is almost 100m<sup>2</sup> below the minimum lot size of 600m<sup>2</sup> stipulated in the DCP. The variation from the DCP control is significant, however it is not considered unreasonable for the following reasons:

- i) With the exception of No 15 View Street and No 10-12 View Street which have been consolidated, all other properties identified in the View Street chapter are also well below 600m<sup>2</sup>. If this control is enforced, the desired future character for View Street outlined in the chapter would not eventuate and the refurbishment of the heritage listed cottages would be unlikely to occur.
- ii) Development consent for a similar development on the subject site was approved in 2006 (DA508/2005) but has since lapsed. The general merits of that application are not considered to have changed.
- iii) Development consent has been granted for similar developments at Nos 5, 11 and 13 View Street despite their lot sizes being approximately 505m<sup>2</sup>, 531m<sup>2</sup> & 578m<sup>2</sup> respectively. Both Nos 5 and 13 View Street have since constructed the approved developments. In this regard the current proposal is considered to be generally consistent with these approvals.
- iv) The lot is already below the minimum of 600m<sup>2</sup> and this development will not of itself further reduce the lot size.

The proposal is generally in accordance with the controls of Part G: Chapter 19 – View Street, Camden of the DCP with the exception of the minimum lot size for which the

variation is considered justified. It is considered the DA provides for residential accommodation which is acceptable in terms of its amenity and appearance.

*Part E: Chapter 2 – Detached Dwellings and Multiunit Housing*

Where Part G: Chapter 19 of the DCP is silent on a particular control type, the controls of Part E: Chapter 2 are applied. An assessment of the proposal against the relevant controls of Part E: Chapter 2 is in the table below.

<b>CONTROL</b>		<b>PROPOSED</b>	<b>COMPLIES</b>
6.1 Design		Enhances streetscape Preserves heritage building and conservation area. Built form is proportionate to surrounding buildings. Development is appropriate to the character of the area. Height and setbacks acceptable. Fences to be conditioned.	Yes
6.4(A) Side and Rear Setbacks	<u>Side</u> – min BCA N/NW boundary – 5m for at least 50% of the site <u>Rear</u> – 6m	New building 900 - 905mm 50% of the Northern boundary remains free from buildings  397mm-435mm	Yes   No - Condition to be no less than 900mm
6.9 Rainwater Tanks	Locate 2m behind building line. Max height 2.4m	Rain water tanks are proposed in accordance with BASIX behind the front building line. Height to be conditioned.	Yes
10 Solar Access	Min 3hr sunlight to living room windows and POS	New and existing dwellings and neighbouring properties achieve a min 3hours	Yes
12.3 Landscaping	Max 50% of site impervious	>50% of the site is impervious	No
13 Visual Privacy		See 'likely impacts of the development'	Yes
14 Acoustic Privacy		Complies	Yes

6.4(A) Side and Rear Setbacks

The proposal fails to comply with the 6m rear setback proposing a rear setback of between 397mm and 435mm. The 6m setback, though included in the general chapters of DCP 2006, were not anticipated to apply to infill development such as this proposal. Rather, it was to apply to new subdivision areas. Adopting a 6m setback would render the character sought in View Street unattainable. Section 6.4(A)(g) states that Council may consider variations to side and rear setback controls for infill detached housing in established areas, but only to the extent that variation complies

with the Building Code of Australia (BCA).

The proposed new building at the rear of the site is detached from the existing heritage cottage and although it comprises two dwellings, the principle of a variation can be applied, but only to a minimum side and rear setback of 900mm. A rear setback of 900mm is consistent with adjoining development and that previously approved in View Street. The proposed variation is necessary to enable the construction of the proposed development. To enforce the control would limit development and the desired future character envisaged in Part G: Chapter 19, would not be achieved.

The proposed variation is necessary to achieve an effective design and layout while at the same time not negatively impacting on the heritage significance of the development. For these reasons it is considered acceptable.

### 12.3 Landscaping

Given the site area of only 502m<sup>2</sup>, it is not possible to provide 50% of the site as pervious landscaped area and still develop the site in accordance with the controls of the Part G: Chapter 19. The application is assessed to provide approximately 20% pervious area, which is generally consistent with development and that previously approved in View Street.

A cottage garden measuring 40.5m<sup>2</sup> is proposed at the front of the site and the driveway is to be conditioned to be comprised of concrete strips with grass surrounds to further add to pervious services and preserve the setting of the heritage cottage. However the footprint of the buildings and the need to provide vehicle circulation area and parking in accordance with Part G: Chapter 19 of the DCP precludes the incorporation of any additional soft landscaped area.

It is not considered this variation would significantly impact on the appearance of the development, particularly as the cottage garden and partially turfed driveway will soften its appearance when viewed from the street. It is noted that Nos 5 and 13 View Street have been granted a similar variation for the same reasons.

#### **(1)(a)(iia) The provisions of any Planning Agreement**

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

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

All relevant provisions of the Environmental Planning & Assessment Regulations 2000 would be imposed by way of conditions of any development consent.

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

The key impacts of this development relate primarily to the amenity of neighbouring properties and future occupiers.

### Overshadowing

The proposed development would result in limited overshadowing of No 16 Hill Street between 9 am and 12 noon. Partial overshadowing of the rear garden of No 9 View Street between 9am and 3pm at the winter solstice will occur. As No 16 Hill Street is used for commercial purposes, a reduction in solar access is not as significant as an impact on residential properties and is therefore consistent with solar access requirements for principle private open space.

The windows of the property would receive more than 3 hours of direct sunlight throughout the winter solstice. The proposed development would overshadow varying sections of the rear garden throughout the winter solstice, however it is not considered that the overshadowing would be of such significance that it would prejudice future redevelopment of No 9 Hill Street.

The proposed building at the rear of the site would also not overshadow the existing cottage to be refurbished. Consequently limited overshadowing of adjoining properties is considered acceptable and would not unreasonably impact on the amenity of neighbouring residents or future occupiers.

#### Privacy

No windows are proposed in the rear elevation of the two-storey dwellings and only a kitchen window is proposed in the side elevations of the dwellings at first floor level. Privacy screens are proposed to the side of each of the balconies. The kitchen windows are not considered to give rise to any significant overlooking of the property at No 5 View Street and would not prejudice the future redevelopment of No 9 View Street. Privacy screens to the side of the balconies will ensure the privacy of adjoining occupiers is maintained and is therefore consistent with Council's requirements for privacy and overlooking.

Openings in the rear elevation of the single-storey dwelling are limited to small windows to the bathroom, laundry and kitchen, successfully preventing any overlooking or loss of privacy to the internal spaces from the proposed dwellings at the rear. Planters along the deck edge will further create a sense of privacy for occupiers of the cottage. Further, the cottage is also to benefit from a landscaped front garden with verandah.

#### Acoustics

There are unlikely to be any acoustic impacts arising from the development. The proposed residential use is consistent with the zone and compatible with the adjoining residential and commercial premises. The attached dwellings are a mirror image layout in order to locate living spaces away from bedrooms.

The proposed building at the rear of the site has been well designed to appear recessive to the existing cottage to preserve the significance of the dwelling and also the character and appearance of the streetscape. The colours and materials to be used are traditional heritage colours and would result in the development appearing comfortable and cohesive with its setting.

Sufficient parking has been provided to meet the DCP requirements. The proposal

would not result in increased pressure on on-street parking or give rise to significant traffic impacts.

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

The proposed residential development is consistent with the objectives of the 3(f) zone and also successfully contributes to the desired future character of the area as detailed in the DCP. This type of development is very specific to View Street in order to preserve the significant cottages through the provision of additional residential accommodation. It is considered the development as proposed would provide accommodation of an acceptable standard whilst also making a positive contribution to the streetscape and the Camden Local Government Area through the preservation and refurbishment of the cottage. As such, the site is considered suitable for the development.

#### **(1)(d) Any submissions**

The proposed development was notified in accordance with Part C: Chapter 2 (Notification Processes for Development Applications) of the DCP, from 13 May 2010 to 27 May 2010, and again advertised for 30 days in accordance with SEPP 55 in the Camden Advertiser from 9 June 2010. No submissions were received in regards to this application.

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

It is considered that the proposed development would not be contrary to the public interest. The provision of a new residential development and support of further conversation of the View Street precinct is considered to be both appropriate and supportive of the broader objectives for the Camden Town Centre.

### **CONCLUSION**

Development consent is sought for the construction of a two-storey attached building comprising 2 x 2 story dwellings, refurbishment of the existing cottage, parking, landscaping and associated works, and strata subdivision of a site at View Street, Camden.

The proposal is in accordance with the objectives of LEP 45, the LEP and the DCP and the variations from the numerical controls in the DCP are considered acceptable. The proposal would be a positive contribution to the locality as it would provide residential accommodation in close proximity to the Camden Town Centre whilst preserving an important dwelling of historical significance.

The proposal has been considered on its merits and is now able to be recommended to Council for approval subject to draft conditions shown below.

### **DRAFT CONDITIONS OF CONSENT**

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

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

- Development Plan - Sheets 1 to 7 Job No: VIEWNO7, Prepared by J-Designs Architectural Services dated 7/1/2010, except where amended
- Concept Subdivision - Sheet 1 of 1 Job No: VIEWNO7, Prepared by J-Designs Architectural Services dated 3/5/2010, except where amended
- Concept Stormwater – Sheet 1 of 1 Job No 05124 C01 Rev B prepared by SitePlus dated 25/2/2010, except where amended

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

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

(2) **Reduction of Deck** - The length of the proposed timber deck shall be reduced by 1.0m on the northern side to facilitate the manoeuvring of vehicles to the parking spaces, in particular the southern-most space.

(3) **Amendments to Plans** - Side and Rear setback of Proposed Units “A” and “B” be no less than 900mm from any boundary.

(4) **Remediation** - That the site shall be remediated in accordance with Remedial Action Plan prepared by Harvest Scientific Services Pty Ltd job ref: 200382 dated 26 May 2010.

(5) **Site Validation Report** – A validation report incorporating a notice of completion must be submitted to Council pursuant to clause 17 & 18 of SEPP 55. The notice/report must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan. The validation report shall be submitted to Council prior to the commencement of any Building Works.

(6) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia* .

(7) **Fencing** - Any fence erected on the property boundary or within the allotment must comply with *Camden Council Development Control Plan 2006 (DCP 2006)*.

(8) **Heritage Conservation** –

(a) A simple photographic record of the interior and exterior should be carried out as a historic record of the front cottage prior to commencement of works.

(b) All conservation work to the front cottage shall be carried out in accordance with:

- (i) Section 4 of the *Statement of Heritage Impacts* prepared by Banksia Heritage and Archaeology, dated April 2010 (later version, stamped DA 440/2010), except that the chimney and fireplaces must be retained and colour schemes are specified below; and
- (ii) the Schedule of Works specified in the *Supplementary Heritage Analysis of*

*No 7 View Street, Camden* by Banksia Heritage and Archaeology, dated September 2010.

- (c) All conservation and maintenance work on the cottage shall be carried out in accordance with the principles of the Australian ICOMOS Burra Charter (1999).
  - (d) Maintenance and conservation of historic fabric is to be carried out by people qualified and experienced in historic building conservation.
  - (e) All work to the front cottage and rear dwellings must be in accordance with the approved plans.
  - (f) The colour scheme for the front cottage must be in accordance with Schedule A - *Colour Scheme for Front Cottage* attached as an advice to this consent, or equivalent colours.
  - (g) The colour scheme for the rear dwellings must be in accordance with Schedule B - *External Colour and Finishes Schedule for New rear units Residential Development* attached as an advice to this consent, or equivalent colours, except that:
    - (i) Soffits shall be changed to "Pale Wood"
    - (ii) Paving to the front door of the front cottage shall be changed to recessive grey tiles
    - (iii) The driveway at the side of the front cottage shall be two plain concrete wheel strips with grass in between
    - (iv) Pavement at the rear of the front cottage can use stencilled concrete but must be recessive colours, with a different recessive colour to delineate the parking spaces.
  - (h) The original timber floor of the cottage is to be finished in a traditional oil finish, rather than a polyurethane based product.
  - (i) The front and return picket fence shall have the same height of adjoining picket fences of neighbouring properties.
  - (j) Smoke detectors shall be installed in the front cottage in accordance with the BCA.
  - (k) All heritage conservation work to the front cottage shall be completed prior to the release of any Occupation Certificate.
- (9) The water tanks must not exceed a maximum height of 2.4m.

## **2.0 - Construction Certificate Requirements**

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 Camden Council's Development Control Plan 2006 and Engineering Specifications and are to be submitted for approval to the

Principal Certifying Authority prior to the Engineering Construction Certificate being issued.

Please note that:

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

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

(2) **Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:

- (a) All matters associated with Council's Erosion and Sediment Control Policy.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage of material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involves access to a public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

(3) **Performance Bond - Prior to the issue of the Construction Certificate** a performance bond of \$3000 must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

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

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

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

bond unless a suitable replacement bond is submitted.

- (4) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2007 and Engineering Specifications for roadworks, drainage and other works associated with subdivisions and other developments.
- (5) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (6) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the issuer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided to Council.

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

- (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 the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

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

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

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)

- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

### 3.0 - Prior To Works Commencing

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

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Signs to be Erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
  - (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (3) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one 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.

- (4) **Notice of Commencement of Work** – Notice in the manner required by Section

81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.

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

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

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

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1,500 for a corporation maybe issued by Camden Council.

- (7) **Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (8) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point

#### **4.0 - During Construction**

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the dwelling must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **Salinity** - That all buildings and infrastructure shall be constructed in accordance with the Salinity Management Plan “ 7 View Street, Camden” prepared by Harvest Scientific Services Pty Ltd job ref. 201216 Dated 16 April 2010.
- (3) **Works By Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (4) **Survey Report (Peg Out)** - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (5) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. This area should not exceed 2 metres from the external walls of the building. Furthermore, any excavation or fill must not exceed 500mm in height and must in all other respects comply with *Camden Council Development Control Plan 2006 (DCP 2006)* , unless otherwise specifically approved by Camden Council.
- (6) **Retaining Walls** - If the soil conditions require it:
  - retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
  - adequate provision must be made for drainage.

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

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be obtained prior to any works commencing on the site. Manufacturers installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;
- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to a stormwater disposal system within the property boundaries;
- (c) retaining walls shall not be erected within drainage easements;
- (d) retaining walls shall not be erected in any other easement present on the land

without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as, easements for support and maintenance).

(7) **Hours of Work** – The hours for all construction and demolition work are restricted to between:

- (a) 7am and 6pm Monday to Friday (inclusive);
- (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
- (c) work on Sunday and Public Holidays is prohibited.

(8) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
- Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- A waste control container shall be located on the development site.

(9) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.

(10) **Surface Drainage** – To prevent surface water from entering the building:

- The floor level for slab on ground construction shall be a minimum of 150 mm above finished ground level for habitable rooms;
- Seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
- The control of surface water drainage shall in all respects comply with the *Building Code of Australia (Housing Provisions)* ;
- Where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.

(11) **Support For Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

(12) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:

- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- building involves the enclosure of a public place,

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

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

(13) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.

(14) **BASIX Certificate** – Under Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

(a) relevant BASIX Certificate means:

- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

(15) **Mechanical Ventilation** – The bathrooms shall be provided with mechanical ventilation which shall be designed to operate simultaneously with the light switch.

(16) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.

(17) **Seal Up Redundant Laybacks** - In the event that the existing driveway and layback does not align with the proposed access, a new concrete layback must be constructed to Council's standards and the existing layback sealed up to match the existing concrete gutter prior to the Occupation Certificate being issued.

(18) **Rainwater tanks** - The rainwater tank approved as part of the BASIX Certificate for the development must be constructed to comply with the following standards:

- The tank must be designed to capture and store roof water from gutters or downpipes on a building only.
- The tank must be structurally sound.
- The tank must be prefabricated, or be constructed from prefabricated elements that were designed and manufactured for the purpose of the construction of a rainwater tank.
- The tank must be assembled and installed in accordance with the instructions of the manufacturer or designer of the tank.
- The installation of the tank must not involve the excavation of more than 1m from the existing ground level, or the filling of more than 1m above the existing ground level.
- The tank must not be installed over or immediately adjacent to a water main or a sewer main unless it is installed in accordance with any requirements of the public authority that has responsibility for the main, nor is the tank to be installed over any structure or fittings used by a public authority to maintain a water or sewer main.
- No part of the tank or any stand for the tank may rest on a footing of any building or other structure, including a retaining wall, unless the structure is designed for such purposes.
- The tank must not exceed 2.4m in height above ground level, including any stand for the tank.
- The tank must be located at least 450mm from any property boundary.
- The tank must be located behind the front alignment to the street of the building to which the tank is connected (or, in the case of a building on a corner block, the tank must be located behind both the street front and street side alignments of the building or fencing).
- The overflow from the tank must be directed and connected to the street gutter, drainage easement or an existing stormwater system.
- Any plumbing work undertaken on or for the tank that affects a water supply service pipe or a water main must be undertaken:
  - (i) with the consent of the public authority that has responsibility for the water supply service pipe or water main, and
  - (ii) in accordance with any requirements by the public authority for the plumbing work, and
  - (iii) by a licensed plumber in accordance with the *New South Wales Code of Practice—Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales.
- A sign must be affixed to the tank clearly stating that the water in the tank is

rainwater:

**Note:** If water in rainwater tanks is intended for human consumption, the tank should be maintained to ensure that the water is fit for human consumption—see the *Rainwater Tanks* brochure produced by NSW Health and the publication titled *Guidance on the use of rainwater tanks*, Water Series No 3, 1998, published by the National Environmental Health Forum.

- Any motorised or electric pump used to draw water from the tank or to transfer water between tanks:
  - (i) must not create an offensive noise, and
  - (ii) in the case of a permanent electric pump, must be installed by a licensed electrician.
- The tank must be enclosed, and any inlet to the tank must be screened or filtered, to prevent the entry of foreign matter or creatures.
- The tank must be maintained at all times so as not to cause a nuisance with respect to mosquito breeding or overland flow of water.
- It is recommended that the tank is fitted with a first-flush device, being a device that causes the initial run-off of any rain to bypass the tank to reduce pollutants entering the tank.

## 5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an “interim” Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:
  - (a) Insulation installation certificates.
  - (b) Termite management system installation certificates.
  - (c) Smoke alarm installation certificate from installing licensed electrician.
  - (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
  - (e) Hot water system installation details or certification.
  - (f) All certificates or information relating to BASIX compliance for the development.
  - (g) An ‘Approval to Operate a Sewage Management System’ issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
  - (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.

- (i) All certificates relating to salinity, as required by conditions of the development consent. These include evidence of the required construction inclusions, such as evidence of concrete strength (MPa), membranes and damp proof course material used, and/or the use of saline resistant materials.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

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

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

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

- (3) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (4) The following works must be constructed prior to the issue of the Occupation Certificate and under the Roads Act 1993 must be approved by Camden Council:
  - (a) provision of a gutter crossing at all points of ingress and egress
  - (b) all services within 1.0m of the crossing and all affected services due to the proposed work shall be adjusted in consultation with the appropriate Service Authority.
  - (c) A minimum splay of 1.0m shall be provided on either side of the proposed driveway (3.0) at gutter.

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

- (5) All redundant gutter crossings and footpath crossing must be reinstated to the existing standards on the road.

- (6) **Footpath Crossing Construction** - Prior to the issue of any Occupation Certificate a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.

To obtain such information a Public Road Activity application must be submitted to Camden Council with the appropriate fee. Application forms are available from Council's Customer Service Centre, and internet site – [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au)

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

## **6.0 - Subdivision General**

- (1) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2007 and Engineering Specifications for roadworks drainage and other works associated with subdivisions and other developments.
- (2) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$26.00 per additional lot or dwelling, total \$52.00, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed by the Consumer Price Index, **paid prior to issue of the Subdivision Certificate**.

- (3) Pursuant to Camden Contributions Plan amended July 2004, a contribution must be paid to Council of \$5,944.00 per additional lot or dwelling, total \$11,888.00 for **Community & Recreation Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and **paid prior to issue of the Subdivision Certificate**.

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

- (4) Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$372.00 per additional lot or dwelling, total \$744.00, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and **paid prior to issue of the Subdivision Certificate**.

- (5) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution

must be made to Council of \$10,794.00 per additional lot or dwelling, total \$21,588.00, for **s.94 Open Space Land Acquisition and Community Land Acquisition**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid **prior to issue of the Subdivision Certificate**.

- (6) **Services** - All services (water, sewer, electricity, telephone and gas including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

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

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
- (7) **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 building, engineering, landscaping and heritage conservation works are complete, unless otherwise approved in writing by the Principal Certifying Authority.
- (8) A waste bin collection point is to be provided for each dwelling. This area shall be on level ground, running parallel to the rear of the kerb and measure 3.0 metres x 0.9 metres x 3.9 metres high (allowing for the trucks lifting arm arc).

All waste bins shall be kept behind the building line, not visible from road.

## END OF CONDITIONS

### RECOMMENDED

That Council approve DA 440/2010 being construction of 2 x 2 storey attached dwellings, restoration of the existing dwelling, car parking, landscaping and associated works and 3 lot Strata subdivision at No 7 (Lot 16 DP 735998) View Street, Camden, subject to draft conditions shown above.

### ATTACHMENTS

1. Location plan
2. Proposed plans



DA2010\_0440\_\_plans.pdf



Location Plan - View St Camden.pdf

### RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council approve DA 440/2010 being construction of 2 x 2 storey attached dwellings, restoration of the existing dwelling, car parking, landscaping and associated works and 3 lot Strata subdivision at No 7 (Lot 16 DP 735998) View Street, Camden, subject to draft

conditions shown above.

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

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

No Councillor voted against the Motion).

ORD271/10

## **ACTIONS**

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## ORDINARY COUNCIL

### SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

### **RECOMMENDED**

**That the public addresses be noted.**

### **RESOLUTION**

Mr Michael Baker addressed the Council in relation to Item ORD01.

Moved Councillor Symkowiak, Seconded Councillor Funnell that the public addresses be noted.

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

ORD272/10

**ACTIONS**

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## ORDINARY COUNCIL

ORD01

**CONSTRUCTION AND DEDICATION OF NEW ENTRANCE ROAD AND ASSOCIATED SITE WORKS AT NO 50C (PART LOT 1, DP 1142394) AND NO 50E (LOT 2, DP 1142394) RABY ROAD, CATHERINE FIELD**

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2010
<b>DA NO:</b>	967/2010
<b>OWNER:</b>	Narellan Properties Holdings Pty Ltd and SH Camden Lakeside Pty Limited
<b>APPLICANT:</b>	SH Camden Lakeside Pty Ltd
<b>ZONING:</b>	R1 General Residential and RE2 Private Recreation
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Camden Local Environmental Plan 2010

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### PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Development Application for the construction and dedication of a new entrance road and associated site works on these sites. The application is referred to Council in accordance with its delegations as the proposal involves non-compliances with Camden Development Control Plan 2006. Council is also requested to adopt the proposed variations from Camden Development Control Plan 2006 relating to the landscaped road verges for the Lakeside entry road.

### SUMMARY OF RECOMMENDATION

It is recommended that Council approve this Development Application (DA) subject to the draft development consent conditions provided at the end of this report. Council is also requested to adopt the proposed variations from Camden Development Control Plan 2006 relating to the landscaped road verges for the Lakeside entry road.

### BACKGROUND

Council originally received a rezoning application for the 'Central Hills' area in November 2004. The Central Hills comprises the properties of Lakeside Golf Course, Gledswood and El Caballo Blanco that bound the south-eastern side of Camden Valley Way in Catherine Field.

Since that time the rezoning of the Lakeside property was separated from that of the Gledswood and El Caballo Blanco sites and was the subject of a separate draft Local Environmental Plan (draft LEP) 148. Subsequent to this, the rezoned Lakeside property was incorporated into the recently gazetted Camden Local Environmental

Plan 2010. The Development Application the subject of this report relates to the Lakeside property.

The Lakeside rezoning allows the development of residential dwellings, community and recreation facilities, vegetation rehabilitation and the retention of the existing golf clubhouse and golf holes on the property subject to separate DAs.

At the meeting of 10 March 2009, Council approved a DA to subdivide this property into two separate lots. These lots have since been registered with the Land and Property Management Authority and are currently owned by two different owners.

Council staff are currently assessing several DAs for these sites which propose the construction of a new car park for Lakeside golf clubhouse, a residential subdivision, community title open space and 15 new dwellings.

The DA, the subject of this report, was received on 6 September 2010. It was publicly notified to surrounding property owners between 16 and 30 September 2010. No submissions were received in response to this notification.

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is now able to be referred to Council for determination.

## **THE SITE**

These sites are known as No 50C (Part Lot 1, DP 1142394) and 50E (Lot 2, DP 1142394) Raby Road and are located on the corner of Camden Valley Way and Raby Road in Catherine Field. The sites contain the Camden Lakeside Golf Club which comprises a clubhouse, 18 golf holes, existing dams and remnant Cumberland Plain Woodland. Riley's Creek also flows through a portion of the property. The site is burdened by existing Transgrid electricity transmission structures and an associated easement.

The site is bounded by Raby Road to the north-east and Camden Valley Way to the north-west. The Sydney Catchment Authority water supply canal bounds the site to the south/south-east whilst the south-west is bounded by the El Caballo Blanco and Gledswood sites. The Turner Road precinct of the South West Growth Centre lies further to the south-west of the site. **A location map is provided at the end of this report.**

## **THE PROPOSAL**

Development Consent is sought for the following development:

- the construction and public dedication of a new entrance road into the site including a new roundabout to be constructed within the existing Raby Road reserve;
- demolition of one of the golf clubhouse's existing car parks;
- associated landscaping, and
- stormwater drainage works.

The applicant also proposes a minor boundary adjustment between the sites' two

existing lots in order to facilitate the public dedication of the entry road. This does not require development consent, pursuant to Clause 2.6 of Camden LEP 2010, in that it is only a minor boundary realignment that does not create additional lots nor the opportunity for additional dwellings. However the applicant has provided a copy of proposed plans showing the boundary adjustment in support of the application.

As these boundary adjustment plans have been provided for information only, and the boundary adjustment will involve residentially zoned bush fire prone land, the application was referred to the Rural Fire Service (RFS). The RFS have made several recommendations regarding the design and servicing of the proposed road which are recommended as draft development consent conditions to the subject DA.

As the site is burdened by existing Transgrid electricity transmission structures and an associated easement, the application was referred to Transgrid pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Transgrid has advised Council that no objections are raised to the proposed development. **A copy of the proposed plans is provided at the end of this report.**

### **NOTIFICATION**

The application was publicly notified to surrounding property owners between 16 and 30 September 2010. No submissions were received in response to this notification.

### **PLANNING CONTROLS**

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

- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006

### **ASSESSMENT**

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

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

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

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system. The draft development consent conditions provided at the end of this report require that appropriate stormwater quantity and quality control measures be provided to help ensure that the integrity of the Hawkesbury/Nepean River system is protected.

##### **Camden LEP 2010**

The proposed road construction and dedication are permissible with development consent in the site's applicable R1 General Residential and RE2 Private Recreation zones.

The development is also considered to be consistent with the relevant zone objectives which seek to "provide for the housing needs of the community", to "provide for a variety of housing types and densities" and to "enable land to be used for private open space or recreational activities."

Whilst the proposed entrance road will not itself directly achieve these objectives, it will facilitate access to the site from a dedicated public road which will allow the site to be developed for housing and recreational activities subject to further DAs.

No other parts of the LEP are relevant to the proposed development.

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

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

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

The following parts of Camden Development Control Plan 2006 (DCP) are relevant.

Part G, Chapter 23: Camden Lakeside

The following parts of this chapter are relevant to this proposal:

2.1 - Desired Future Character Statement

It is considered that the proposed entrance road will contribute to the achievement of the desired future character statement for Camden Lakeside through future development of the area. The entrance road will provide a dedicated public road access to the sites that will facilitate their future development for the housing and recreational activities sought by the DCP.

2.3 - Design Structure

The location of the proposed entrance road, and its intersection with Raby Road, is inconsistent with the DCP's indicative masterplan in that it is located approximately 130m further to the south-east.

The applicant has requested that Council approve this variation on the basis that the objectives of the DCP are still being achieved, ie that an entry point to Camden Lakeside from Raby Road will still be provided and that the amended location of the road will not impact upon any of the site's existing vegetation which is to be retained.

This variation from Council's DCP is supported for the following reasons:

- (a) it is agreed that the general intent of the DCP will still be achieved in that an entry point to Camden Lakeside will still be provided from Raby Road and that this link will facilitate future pedestrian/cyclist and bus links to the adjoining Gledswood site (subject to future DAs);
- (b) the modified location of the entry road will also not impact upon any of the sites' existing vegetation which is to be retained and rehabilitated; and
- (c) the indicative masterplan for Lakeside will still be achievable despite the modified entry road location. Although it will be located approximately 130m further to the south-east, this will still allow the residential precincts, golf course holes and overall road hierarchy required by the DCP to be achieved through future DAs.

Such variations from DCPs are often necessary. DCPs by their nature seek to guide new development, while recognising that as further site specific and development specific detail becomes available, variation may be needed.

### 8.3 - Controls for Vehicular and Pedestrian Systems

As detailed previously in the assessment of the proposal against the DCP's Section 2.3 "Design Structure," the proposed entrance road is located approximately 130m further to the south-east than is articulated in the DCP. However, as stated previously, the intent of the DCP has been achieved by providing an entry road from Raby Road that will help support and achieve the other objectives of the DCP.

It is also noted that the proposed design of the entry road does not fully comply with the DCP in the following respects:

- i) the proposed road carriageway will be approximately 8.5m wide which exceeds the DCP's required carriageway width of 7m;
- ii) the on-street reserve landscaped areas (as required by the DCP) are proposed to be 3m wide which is a variation from the DCP's required 3.5m and 2.5m wide landscaped areas;
- iii) the proposed dual use pedestrian/cyclist path will be located partly within the on-street reserve and partly outside of it in a landscaped road verge area that is subject to a future DA; and
- iv) the proposed landscaped road verges on either side of the carriageway will vary in width between 3.5m and 12m which is inconsistent with the DCP's required 5m. These landscaped road verges are proposed as part of a separate DA that is currently being assessed by Council staff.

The above listed variations from Council's DCP are supported for the following reasons:

- a) The proposed additional 1.5m road carriageway width results in an extra wide road carriageway. The additional width will help facilitate the safe and efficient movement of vehicular traffic throughout the area.

- b) The varied on-street reserve landscaped areas will still achieve the DCP objective of providing well vegetated, attractive streetscapes in that the same overall width of landscaped areas is still being provided. Their proposed alignment has been simply been altered to make them symmetrical on both sides of the road carriageway.
- c) A proposed dual use pedestrian/cyclist path will still be provided despite it being partially located within the road reserve and partially in the landscaped road verges which are subject to a separate DA. The modified location of this path will still achieve the DCP objectives of providing pedestrian connection with the Gledswood homestead precinct and promoting safe pedestrian and bicycle movement.

It is however a recommended development consent condition that this dual use path, part of which is proposed by separate DA, be fully constructed prior to the entry road the subject of this report being dedicated to Council. This will ensure that pedestrian and cyclist access into, through and out of Camden Lakeside is provided as soon as the entry road is dedicated to Council.

- d) The landscaped road verges on either side of the road are the subject of a separate DA currently being assessed by Council staff.

Although in some locations these verges are less than the DCP's required 5m width, in others they exceed it by reaching a maximum width of 12m.

These variations take account of the new entry road location and its position adjacent to the new clubhouse car park (which is currently the subject of a DA being assessed by Council staff). The varied verge widths will still achieve the DCP objective of providing a well vegetated and attractive streetscape for the main entry road into Camden Lakeside.

It is noted that these verge widths, the subject of a separate DA, are proposed to be retained as part of the Lakeside golf course lands and not dedicated to Council as part of the public road reserve. Therefore where these verges are wider than the DCP's minimum 5m, no additional maintenance burden will be presented to Council as they will be privately maintained in perpetuity.

On the basis of the above, the proposed variations from the DCP are considered to be acceptable and are supported.

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

There are no planning agreements applicable to this site or development.

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

The Regulations do not specify any matters that are relevant to this development.

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

It is considered that this development will have a positive impact on access to this site. This road will help facilitate the further development of these sites for residential and recreational uses which is consistent with the objectives of the relevant LEP and DCP.

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

This site is considered to be suitable for the proposed development. The applicable LEP and DCP provide for the site to be accessed from Raby Road and although the location of this road is different to that shown in the DCP, it will still achieve its objectives.

The development will not have any negative environmental impacts upon surrounding properties or the environment and there are no site specific conditions that render this site unsuitable for this development.

### **(1)(d) Any submissions**

The application was publicly notified to surrounding property owners between 16 and 30 September 2010. No submissions were received in response to this notification.

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

This development is considered to be within the public interest. It will help facilitate the further development of the Lakeside properties, generally in accordance with the applicable LEP and DCP, by providing dedicated public access in accordance with Council's Engineering Design Specifications.

## **CONCLUSION**

Council has received a DA for the construction and dedication of a new entrance road and associated site works on the subject land. The application has been publicly notified with no submissions being received. The application has also been assessed in accordance with Section 79C of the Act.

It is considered that, whilst not fully compliant with Camden DCP 2006, the proposed development achieves the relevant DCP objectives for the Lakeside properties and will not have any negative environmental impacts upon surrounding properties or the environment.

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

## **DRAFT CONDITIONS OF CONSENT**

### **1.0 - General Requirements**

#### **(1) Sewer Access Chambers and Mains -**

- No sewer access chambers are to be constructed within the proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
- No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal

Certifying Authority.

- (2) **Salinity** – All works shall be in accordance with the “Report Salinity Assessment and Management Plan, Lakeside, Stage 1A Catherine Field” prepared by Douglas Partners. Project 40470.16 dated September 2010, in particular Section 10.2.2 – “Construction of Roads.”
- (3) **Approved Plans** – The development must be carried out generally in accordance with the following approved plans or other documentation:
- Statement of Environmental Effects (including all attachments) for Camden Lakeside stage 1 Entrance road development application dated 6 September 2010 by SJB Planning Pty. Ltd.

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

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

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

- (4) **Planning for Bush Fire Protection 2006** - All water electricity and gas services must comply with Section 4.1.3 of Planning for Bush Fire Protection 2006. All public road access must comply with Section 4.1.3 (1) of Planning for Bush Fire Protection 2006.
- (5) **Landscaping Maintenance & Establishment Period** - All landscaping works associated with this Consent, are to be maintained and successfully established for a period of 12 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works ie, the Date of Practical Completion (DPC).

The DPC is that date when the Applicant and the Principal Certifying Authority (PCA) agree that the landscaping works have been satisfactorily completed as per the approved Landscaping Plans applying to this Consent and the Construction Certificate (CC). The agreed DPC date will trigger the commencement of the landscaping maintenance and establishment period.

It is the applicant's responsibility to arrange a site inspection, upon initial completion of the Landscaping works, to determine and agree upon, an appropriate DPC.

At the completion of the landscaping maintenance and establishment period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, garden areas or lawn areas in a state of decline, damaged or missing are to be replaced or restored to a healthy and vigorous condition.

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

Any landscaping works that require repair or replacement are to be successfully repaired or replaced prior to the completion of the maintenance and establishment period.

## **2.0 - Construction Certificate Requirements**

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 Camden Council's Development Control Plan 2006 (except as varied in the approved plans) and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority **prior to the Engineering Construction Certificate being issued**.

Please note that:

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

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

- (2) **Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:

- (a) All matters associated with Council's Erosion and Sediment Control Policy.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage of material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involves access to a public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.
- (f) How traffic from existing area is to be facilitated through the site.

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

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

- (5) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications for roadworks, drainage and other works associated with subdivisions and other developments.

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

- (7) **Temporary Turning Head** - A temporary sealed turning head must be provided at the end of the approved road. The pavement must be constructed to the ultimate road levels and pavement depth. Any additional land required for such works must be provided for the ultimate road alignment by way of a Right of Way to be extinguished upon extension of the road.

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

- (9) **Public Risk Insurance Policy - Prior to the issue of a Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the issuer of such policy must be submitted to the Council as

evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided.

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

- (10) **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.
- (11) **Stormwater Disposal** - Stormwater runoff from the whole development must be properly collected and discharged to a natural watercourse or the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (12) **Destination** - Pit lintels must be labelled with permanent stencilled signs to identify the watercourse into which the pit drains.
- (13) **Inter-Allotment Drainage Construction** – Inter-allotment drainage lines minimum 150mm in diameter must be constructed to service all lots that do not grade naturally to the road drainage system in the road fronting the property. The maximum number of lots served by a common drainage line must not be more than (8) eight. Where necessary at any time up to the release of the approved plan of subdivision, Council may require drainage works, not necessarily shown in the approved drawings, to be constructed to protect the lots being created or land downstream from flooding as a result of overland flow.

Inter-allotment drains must be installed after Sydney Water sewerage lines have been installed where sewer is proposed adjacent to inter-allotment drains.

- (14) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval with the Construction Certificate.

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

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

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

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

- (i) view the state of repair of the basin;
- (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (iii) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

(15) **Flood Line Identification** - The 1:100 year flood line (1% AEP) must be marked on the plan of subdivision.

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

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

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

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips

- (h) catchment area boundaries
  - (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
  - (j) location of topsoil or other stockpiles
  - (k) signposting
  - (l) diversion of uncontaminated upper catchment stormwater around areas to be disturbed
  - (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
  - (n) procedures for maintenance of erosion and sediment controls
  - (o) details for staging of works
  - (p) details and procedures for dust control.
- (17) **Desilting Dams or Creeks** - A geotechnical report must be submitted detailing works required to desilt any existing dams or creek beds in conjunction with the engineering drawings **prior to a Construction Certificate being issued**. Such report must be prepared by a suitably qualified and experienced Geotechnical Engineer.
- (18) **Location of the “Construction” On-site Detention/Sediment Control Basin** - A “construction” on-site detention/ sediment control basin must be provided for within the site.
- (19) **Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:
- i) within any proposed public road and/or drainage reserve contained within the site,
  - ii) within any proposed residue lot contained within the site,
  - iii) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.
- (20) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Should this facility be in private land, Council is to be granted an easement for access and maintenance.
- (21) **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, 4<sup>th</sup> Edition, March 2004 as produced by Landcom,
  - b) Camden Council’s Current Engineering Design Specification,
- and must not concentrate final discharge flows from the facility.

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

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

(22) **Overland Flow Path** - A depression must be formed over the full width and length of any drainage easement to provide a stormwater escape route. The escape route must be designed to have a capacity to carry the difference between a 1:100 year flow and the flow in the pipe. A Restriction as to User must be created on the title of affected lot/s prohibiting the alteration of the surface levels within the drainage easement and limiting permissible fencing across the easement to an open form fence to allow overland flow to be contained within the easement.

(23) **Roundabout Design and Construction** – The design of the roundabout at the intersection of Raby Road and Road No.1 must demonstrate provision for the future reconstruction of Raby Road including road alignment, drainage, pavements, footpath formation and service adjustments.

The roundabout must be designed to the following parameters:

- The design is to be in accordance with the AUSTRROADS Guide to Road Design.
- The design is to accommodate a B-Double travelling through the roundabout along Raby Road (whilst Raby Road is not currently a B-Double route it could become one in the future).
- The design is to accommodate 14.5 metre bus entering and exiting the site at the roundabout.
- The vehicle swept paths are 500 mm clear of physical objects such as splitter islands and 300 mm clear of other painted objects (edge lines, chevrons etc.).

Concept plans showing all signage and line marking must be submitted to and approved by the Local Traffic Committee **prior to the issue of a Construction Certificate.**

(24) **Water Supply** - Water services must be provided to the proposed development. Application for water supply must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the website [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

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

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

- (25) **Transgrid Approval - Prior to the issue of a Construction Certificate**, detailed design of the proposed roundabout and all other works located within the existing Transgrid easement must be approved by Transgrid.

### **3.0 - Prior To Works Commencing**

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

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

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

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

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

- (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: -

- i) in accordance with the approved plans, and
- iii) 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) **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 (ie. Camden Council). An application must be lodged with 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.

#### **4.0 - During Construction**

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

- (1) **Survey Marks** - Permanent survey co-ordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (2) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
  - (a) prior to installation of sediment and erosion control measures;
  - (b) prior to backfilling pipelines and subsoil drains;
  - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
  - (d) proof roller test of subgrade and sub-base;
  - (e) roller test of completed pavement prior to placement of wearing course;
  - (f) prior to backfilling public utility crossings in road reserves;
  - (g) prior to placement of asphaltic concrete;
  - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

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

- (3) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's Engineering Design Specifications and associated guidelines and AS1289 by a NATA registered laboratory.
- (4) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.

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

The validation of the fill material must be done prior to use of any fill material and a validation report must be submitted to the Principal Certifying Authority **prior to the issue of a Construction Certificate**.

The validation report and sampling location plan must be prepared:

- a) by a practising engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics, and
- b) in accordance with:
  - 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".
- c) and 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;
  - iv) is suitable for its intended purpose and land use, and
  - v) has been lawfully obtained.

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

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

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

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

- (6) **Transport** - All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to provide the shortest travel distance (or most appropriate) from the site to a State road. Applicants may

consult Council prior to selecting the most suitable transport route. All remediation work shall ensure that:

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

(7) **Fencing of the “Construction” On-site Detention/Sediment Control Basin –** Any “construction” on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence. Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.

(8) **Potential for Contamination** - Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earthworks / site preparation / construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

(9) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://www.environment.nsw.gov.au/waste/envguidlms/index.htm)) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

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

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

- (11) **Street Trees, Tree Protective Guards and Road Verge Areas** - Any street trees, tree guards, protective bollards or any area of the nature strip/road verge, which are disturbed, relocated, removed, or damaged during the development, construction, maintenance and establishment periods, must be successfully repaired, relocated or replaced.

Any repairs, relocations or replacements needed to the tree/s, lawn areas, bollards, tree guards, nature strip/road verge areas are to be completed with the same type, species and maturity and the works carried out successfully prior to the completion of the maintenance and establishment period.

## 5.0 – Subdivision Certificate for Boundary Adjustment

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate for the boundary adjustment to facilitate the dedication of the approved road as a public road.

- (1) **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 issue of a Subdivision Certificate**. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

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

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

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

- (2) **Road Surfacing Bond - Prior to the issue of a Subdivision Certificate** the applicant is to lodge a monetary bond with the consent authority (ie. Camden Council) for the placement of the final layer of asphaltic concrete wearing course for any proposed Public Road within this subdivision.

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

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

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

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

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

- (3) **Value of Works - Prior to issue of a Subdivision Certificate** the applicant must submit an itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request.
- (4) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate**, lot numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

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

1 Lot numbers:

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

2. Street names:

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

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

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

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

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

- (7) **Works as Executed Plan - Prior to a Subdivision Certificate being issued**, a works-as-executed drawing (in hard copy and .dwg format) signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (8) **Surveyor's Report - Prior to the issue of a Subdivision Certificate** a certificate from a registered surveyor must be submitted to the Certifying Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (9) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Integral Energy approval and the satisfaction of Council. All physical works must be complete **prior to the issue of a Subdivision Certificate**.
- (10) **Services** - All services (water, sewer, electricity, telephone and gas including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

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

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
  - A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
  - A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development.
- (11) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
  - (12) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
  - (13) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.
  - (14) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

- (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Drainage easement over overland flow paths.
  - (d) Easement for on-site detention.
  - (e) Easement for water quality.
  - (f) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-of-Way shall be responsible for ongoing maintenance and the Public Liability of the Right-of-Way.
  - (g) Restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council.
- (15) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (16) **Construction of Permanent Water Quality Facilities** – A permanent water quality facility must be constructed: -
- a) in accordance with the approved plans,
  - b) to the requirements of Camden Council,
  - c) when Occupation Certificates for dwellings associated with 70-80% of the lots have been issued.

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

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

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

- i) method of desilting
- ii) method of removal of sediment and gross pollutants
- iii) method of removal of noxious weeds.

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

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

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

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

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

must be lodged with Camden Council.

The bond:

- a) applies only where such a facility is located in existing and/or proposed public land,
- b) has been determined at an amount of \$25,000, and
- c) will be retained by Council until: -
  - i) such works have been completed in accordance with the approved plans and to the requirements of Council,
  - ii) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
  - iii) the completion of such work has been confirmed, in writing, by Council.

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

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

bond unless a suitable replacement bond is submitted.

- (19) **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:

- i) vegetation management
- ii) removal of noxious weeds
- iii) replacement of filter medium
- iv) water quality

Sampling - water quality sampling must 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.

Methodology for attainment of the required water quality discharge parameters.

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

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

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

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

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

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

The water quality component must have the following: -

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

(22) **Fill Plan** - A separate fill plan on plastic (sepia) film and electronic copy (in .dwg format) must be submitted to Council **prior to the issue of a Subdivision Certificate**. The fill plan must show allotment boundaries, road reserves and street names only and include details of fill, boundaries, depth of such filling in maximums of 0.5m increments and overall finished contours.

(23) **Development Application 1265/2010 - Prior to the issue of a Subdivision Certificate**, the dual use path proposed by Development Application 1265/2010 must be approved by Council and be fully constructed.

#### **END OF CONDITIONS**

#### **RECOMMENDED**

**That:**

- i. **Council approve Development Application 967/2010 for the construction and dedication of a new entrance road and associated site works at No 50C (Part Lot 1, DP 1142394) and No 50E (Lot 2, DP 1142394) subject to the draft development consent conditions shown above; and**
- ii. **Council approve the proposed variations to Camden Development Control Plan 2006 in relation to the landscaped road verges on either side of the proposed entry road the subject of this report.**

## ATTACHMENTS

1. Location plan
2. Proposed plans



Location Plan - DA 967-2010 Raby Road.pdf Landscape plans DA967-2010.pdf Plan DA967-2010.pdf

## RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that:

- i. Council approve Development Application 967/2010 for the construction and dedication of a new entrance road and associated site works at No 50C (Part Lot 1, DP 1142394) and No 50E (Lot 2, DP 1142394) subject to the draft development consent conditions shown above; and
- ii. Council approve the proposed variations to Camden Development Control Plan 2006 in relation to the landscaped road verges on either side of the proposed entry road the subject of this report.

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

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

No Councillor voted against the Motion).

## PUBLIC ADDRESSES

Following voting on Item ORD01, Mr Peter Cashman addressed Council in relation to Item ORD04.

Mr Tony Elazzi addressed Council in relation to Item ORD04 and asked if Council can ensure there was a provision for an easement for the properties located on Anderson Road, Smeaton Grange with respect to future development on Turner Road, Smeaton Grange?

Moved Councillor Symkowiak, Seconded Councillor Funnell that the public addresses be noted.

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

ORD273/10

## **ACTIONS**

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# ORDINARY COUNCIL

**ORD03**

**SUBJECT:** PLANNING PROPOSAL - MINOR HOUSEKEEPING  
AMENDMENTS TO CAMDEN LEP 2010  
**FROM:** Director Governance  
**FILE NO:** Camden LEP

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## PURPOSE OF REPORT

The purpose of this report is to seek Council's resolution to prepare a planning proposal which includes minor housekeeping amendments to Camden Local Environmental Plan 2010 (LEP 2010), and to forward the planning proposal to the Department of Planning (DoP) for Gateway Determination so that the planning proposal may be exhibited.

## BACKGROUND

LEP 2010 was gazetted on 3 September 2010 and subsequently became the principal planning instrument covering zoning and land use in the Camden LGA. Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and several errors of a minor nature have been identified. This is a normal practice that occurs with the implementation of a new LEP. These errors will be addressed via the preparation of a planning proposal which seeks to amend the LEP. The matter was reported to Council on 23 November where Council resolved the following:

*"that the matter be deferred for further consultation clarification and brought back to the next Council meeting".*

A subsequent meeting was held with Landturn and appropriate additions made to this report.

## MAIN REPORT

A detailed planning proposal will be prepared which includes several minor amendments to LEP 2010 and the accompanying maps. The amendments will ensure that the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPs into the new LEP template format.

The proposed amendments are grouped into two categories which are 'LEP Instrument Amendments' and 'LEP Map Amendments'.

### **LEP Instrument Amendments**

#### Land use tables

The land use tables in LEP 2010 were created by translating the former Camden LEPs

into the new LEP template format as a 'like for like' conversion. This was intended to ensure that the permissible and prohibited land uses under the former LEPs were carried over to LEP 2010 as far as the LEP template allowed.

A review of the land use table in LEP 2010 has identified minor errors which occurred during the final legal drafting of the LEP land use tables. A list of the minor errors and the proposed amendments **are included as Attachment 1 this report**. The amendment of the land use tables will ensure that they are more consistent with the 'status quo' approach adopted in the preparation of the LEP, and will better reflect the range of permissible and prohibited land uses under the former LEPs.

The planning proposal will seek to amend the land use tables contained in LEP 2010 in accordance with Attachment 1.

#### Schedule 1 – Seniors housing on Lot 1 DP 1019708 No. 359 Narellan Road Currans Hill

Schedule 3 of Camden LEP 48 permitted the use of the above site for the purpose of seniors housing subject to the granting of development consent. A map showing the site **is included as Attachment 2 to this report**. Consent was granted under DA 2770/1999 and construction of the seniors housing development commenced, however the development was never fully completed.

The 'Seniors Housing' was not listed as a 'scheduled use' in Camden LEP. It is considered that this use should be reinstated as an additional use to ensure consistency between Camden LEP 48 and Camden LEP 2010.

The planning proposal will seek to amend Schedule 1 of LEP 2010 by adding a new additional permitted use which allows seniors housing on the site subject to development consent.

#### Schedule 1 – Landturn Site, bordered by The Northern Road, The Old Northern Road and Camden Valley Way, Narellan

A map showing the location of the Landturn site is included as **Attachment 3 to this report**.

Under LEP 46 shops were a prohibited use. Schedule 8 of the LEP did however allow a limited variety of shops with a floor space limit of a maximum 11,300 sq m provided for in schedule 5. In the conversion of the schedule uses from the existing Camden LEPs to the new Camden LEP 2010 which is based on the Template format, the scheduled use term inadvertently changed from "shop" to "retail premises". This unintended error associated with the conversion would allow a number of uses under the group term "retail premises" that were previously prohibited. It would also result in such uses being included in the floor space limitation.

In order to return the land use permissibility back to one of status quo, the planning proposal seeks to amend schedule 1 in LEP 2010 by amending Clause 19 so that it refers to "shops" rather than "retail premises". Further, "retail premises" will be noted as a prohibited use in the land use table with the exception of "food and drink premises". Food and drink premises include pubs, restaurants and take-away food and

drink premises. These uses were all previously permissible uses under zone 3 (b1) in LEP 46. Food and drink premises will therefore be noted as permissible in the land use table. The result of the Planning Proposal will facilitate the previously permissible range of shops by the use of the term “neighbourhood shop” and will reinstate the cap of 11,300 sq m applying to shops.

As per the Council resolution of 23 November, 2010 discussions have been held between Council officers and the proponents of the site regarding the floor space limitation and the permissible land use controls applying to the site. This planning proposal seeks to rectify an unintended error which occurred during the preparation of the LEP and will ensure that the LEP is consistent with the status quo approach adopted in its preparation. The proponents have expressed concern that these controls limit the viability of development on the site, and therefore seek to vary these planning controls.

This is a matter which is considered to be outside of the scope of the proposed housekeeping planning proposal and should be considered as part of a separate process. Accordingly, the proponents are considering lodging a separate planning proposal and/or development application which may seek additional retail floor space and a wider range of permissible land uses on the site. As per the Council resolution, the intention of this report has been discussed with the proponents at some length.

#### Schedule 5 – Items of heritage significance

During the preparation of the final LEP 2010 instrument by Parliamentary Counsel drafting officers, the suburb names for several heritage items has been omitted from Schedule 5 of the LEP.

The planning proposal will seek to amend the list of heritage items in Schedule 5 by adding the suburb names where they have been omitted.

### **LEP Map Amendments**

#### Miscellaneous map amendments

LEP 2010 is accompanied by a set of detailed maps which relates to various parts of the LEP. The gazetted version of the LEP maps contain some minor errors relating to suburb name spelling and the type of font used for the text. In addition, there are some minor discrepancies between the mapping cadastre (the road and lot boundary layout) and the boundaries on the maps.

The planning proposal will identify each of the minor mapping errors and will seek to amend them.

#### R3 Medium Density Residential zoning at Harrington Park

Camden DCP 2006 designates certain sites within the Currans Hill, Harrington Park and Mount Annan release areas as ‘Res 2’. Under the previous LEPs, these sites had the same 2(d) Residential zoning as the surrounding land. DCP 2006 provides additional controls relating to reduced lot sizes and the suitability of these sites for medium density residential development types.

During the preparation of LEP 2010, the Res 2 sites were converted into R3 Medium Density Residential to better reflect the intended use of these lots, and the applicable minimum lot size was mapped via the Lot Size Maps rather than via the DCP. An area of land at Harrington Park was omitted from the conversion of the Res 2 lots to R3 Medium Density Residential. A map which shows the subject land **is included as Attachment 4.**

The planning proposal will seek to amend the Land Zoning Map to show the sites as R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m<sup>2</sup>.

R3 Medium Density Residential zoning at 3A Stewart Street, Harrington Park (Lot 92 DP 1051164)

At the Ordinary Council Meeting held on 23 March 2010, Council resolved to approve DA 917/2009 which sought consent for the subdivision of the site for residential purposes. Three of the proposed lots were designated as 'Res 2' lots in accordance with DCP 2006. A map showing the land to which this applies **is included as Attachment 5 to this report.**

To maintain consistency with the approach outlined above regarding the zoning of Res 2 sites under LEP 2010, the planning proposal will seek to amend the Land Zoning Map to show the sites as R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m<sup>2</sup>.

Mater Dei heritage curtilage and zone boundary

The proponents of the Mater Dei rezoning lodged a submission during the exhibition of LEP 2010 which sought two amendments to the exhibited maps applying to the site. A map showing the land **is included as Attachment 6 to this report.**

The first amendment included the adjustment of the heritage curtilage shown on the Heritage Map so that it corresponded with the revised heritage conservation management plan. The second amendment included the realignment of the zone boundary on the Land Zoning Map so that the existing stables would be located within the same R5 Large Lot Residential zone as the rest of the heritage listed buildings at Mater Dei.

On 24 November 2009, Council resolved to support the above amendments. However, these amendments to the maps were omitted in error.

The planning proposal will seek to amend the LEP by including the above amendments.

Height of buildings on certain sites at Elderslie

As part of the rezoning process undertaken for the Elderslie Release Area, the accompanying chapter in DCP 2006 included a single storey height limit for certain land adjoining the existing residential areas at Elderslie and Narellan. This map showing this land **is included as Attachment 7 to this report.** The reduced height limit was omitted from the Height of Buildings Map in LEP 2010.

The planning proposal will seek to amend the Height of Buildings Map to show a maximum building height of 6.5m applying to this land.

#### Spring Farm – minimum lot size and zoning adjoining Narellan Vale

The Spring Farm Release Area and the locality of Narellan Vale each have different minimum lot sizes and land zonings applying to that land. The boundary between these two localities, and the corresponding land zoning and minimum lot size applying to land on either side of that boundary, has been shown incorrectly on the Minimum Lot Size Map and the Land Zoning Map. A map showing the subject land **is included as Attachment 8 to this report.**

The planning proposal will seek to amend the Minimum Lot Size Map and Land Zoning Map for the subject land by applying the zoning and minimum lot size controls that applies to the Spring Farm Release Area.

#### Minimum lot size for zero lot line development at Elderslie Release Area

The preparation of LEP 2010 included the conversion of the minimum lot size controls contained in DCP 2006 into the LEP template format. The existing Elderslie Release Area control for zero lot line development (minimum 240m<sup>2</sup> lot size) could not be included in the Lot Size Map due to the limitations of the mapping technical requirements and the allocation of lot sizes and colours on the map.

The planning proposal will seek to have the minimum lot size of 240m<sup>2</sup> included in LEP 2010 via an amendment to the Minimum Lot Size map for the Elderslie Release Area, or if this cannot occur, via the inclusion of an appropriate clause in the LEP.

#### Zoning of land at Macarthur Resource Recovery Park (MRRP) at Spring Farm

Council has received notification from WSN (the proponents of the MRRP facility) regarding an amended Project Approval obtained from the Department of Planning for the waste services operations on this site. The amended approval involves the use of an adjacent lot for the purpose of slope stabilisation. The adjacent lot is currently zoned RU1 Primary Production and 'waste or resource management facilities' are permissible in this zone. WSN have requested that this land be rezoned to SP2 Waste or Resource Management Facility so that the zoning is consistent with the rest of the MRRP site. A map showing the subject land **is included as Attachment 9 to this report.**

The planning proposal will seek to rezone this lot to SP2 Waste or Resource Management Facility. This is a housekeeping matter which will result in the entire operations of the MRRP being located within the same zone.

#### **Community and government agency consultation**

The proposed amendments to LEP 2010 are housekeeping only and reflect the 'status quo' and do not seek to impose new planning provisions that have not already been subject to public exhibition or a Council resolution at a previous stage. Accordingly, it is considered that a community and government agency consultation period of 14 days is

appropriate.

## **CONCLUSION**

Council officers will prepare a detailed planning proposal for submission to the Department of Planning which aims to make minor amendments to the LEP as outlined in this report. These amendments will address anomalies and omissions which occurred during the conversion of the former Camden LEPs into the new LEP template process. These amendments will ensure the LEP is robust.

## **RECOMMENDED**

**That Council:**

- i. resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report;**
- ii. forward the planning proposal to the DoP for Gateway Determination;**
- iii. pending a favourable response from DoP, proceed directly to public exhibition;**
- iv. if submissions are received, report back to Council at the conclusion of the public exhibition period; and**
- v. if no submissions are received, forward the planning proposal directly to the DoP for the plan to be made.**

## **ATTACHMENTS**

- Attachment 1 - Land Use Table
- Attachment 2 - Seniors Housing Currans Hill
- Attachment 3 - Landturn
- Attachment 4 - Harrington Park
- Attachment 5 - R3 Medium Density 3A Stewart Street
- Attachment 6 - Mater Dei Curtilage
- Attachment 7 - Elderslie Building Height
- Attachment 8 - Spring Farm
- Attachment 9 - MRRP



Attachment 1 - Land Use Table Amendments.doc Attachment 2 - Seniors Housing Currans Hill.pdf



Attachment 3 - Landturn Site.pdf Attachment 4 - R3 Zone Harrington Park.pdf



Attachment 5 - R3 Medium Density at 3A Stewart St Harrington Park.pdf Attachment 6 Mater Dei Curtilage and Zoning.pdf



Attachment 7 - Elderslie Building Height.pdf Attachment 8 - Spring Farm Land.pdf Attachment 9 - MRRP.pdf

## **RESOLUTION**

**Moved** Councillor Anderson, Seconded Councillor Funnell that Council:

- i. resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report; forward the

- planning proposal to the DoP for Gateway Determination;
- ii. pending a favourable response from DoP, proceed directly to public exhibition;
  - iii. if submissions are received, report back to Council at the conclusion of the public exhibition period; and
  - iv. if no submissions are received, forward the planning proposal directly to the DoP for the plan to be made.

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

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

No Councillor voted against the Motion).

ORD274/10

## **ACTIONS**

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## ORDINARY COUNCIL

ORD04

**SUBJECT:** AMENDMENT TO SMEATON GRANGE CONTROLS  
**FROM:** Director Governance  
**FILE NO:** Binder: Smeaton Grange

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### PURPOSE OF REPORT

The purpose of this report is to inform Council of the submissions received during the recent exhibition of the amendments to development controls relating to the future road layout of land in the north western section of the Smeaton Grange industrial area.

### BACKGROUND

Council, at its meeting held on 26 October 2010 considered a report which proposed the following amendments to the development controls for Smeaton Grange:

1. Removing the proposed internal roads bounded by Dunn Road and Anderson Road;
2. Permitting those properties in Smeaton Grange that front Turner Road, which are located opposite the land now zoned IN1 General Industrial in the Turner Road Precinct, to have access to Turner Road. (It should be noted access onto Turner Road is denied for the remainder of properties on the southern side of Turner Road which are opposite land Zoned R1 General Residential) and
3. To insert a clause in the DCP controls requiring that owners of properties which front Turner Road, upgrade Turner Road to an industrial standard should they wish to develop for industrial purposes. The first property to develop would need to fund the upgrading of that section of Turner Road to an industrial standard, on both sides, from that property to the proposed intersection of Dunn Road.

These amendments were placed on public exhibition from 3 November until 1 December 2010.

### MAIN REPORT

#### **Submissions**

During the exhibition period 3 submissions from adjoining landowners were received. ***Copies of all submissions are provided as supporting documents to this report.*** A schedule detailing each submitter's comments, together with staff comment, is provided ***as Attachment 1 to this report***. The matters raised in the submissions are summarised below.

1. The owners of the two properties affected by the proposed future road to the west of Dunn Road have requested the location of the road to be moved approximately 20 metres south to align with the property boundary. As both affected owners are in agreement there is no objection to this variation.
2. The owner of the poultry farm located on part Lot 9 DP 28024 Dunn Road advised that he did not object to the changes to the proposed roads however he was concerned with the effect of stray vehicle headlights from Dunn Road on his chickens. He has requested that a sight barrier be constructed on his property along Dunn Road similar to the one that was provided when Simpson Road was constructed.

The poultry farm has been in existence for many years and operates under the provisions of existing use rights. There is a Restriction As To User applying to all land within the immediate vicinity which lists the following matters which need to be addressed when any development is carried out:

- detailed lighting plans to ensure no negative impact to the poultry operation,
- construction noise and ongoing development operations to comply with stated noise criteria,
- controls to mitigate dust and air pollution during construction stages and
- hours of operation restricted to 7am to 5pm Mondays to Fridays and 8am to 5pm Saturdays, Sundays and Public Holidays.

This report is dealing with the amendments to the proposed roads and access to Turner Road. While the issue raised in this submission is not necessarily within the scope of this report it can nevertheless be addressed. The extension of Dunn Road through to Turner Road will require Council's development consent. Given the sensitive nature of the poultry operations, despite its location within an industrial area and fronting Camden Valley Way, it will be recommended that the Development Application for the extension of Dunn Road to Turner Road is to include studies to determine what steps, if any, can be taken to mitigate the impact of such road extension on the operation of the poultry operation in Dunn Road.

3. An owner on Turner Road has advised of his agreement to the removal of the proposed road however requests that Council provide drainage easements for those properties unable to drain to Turner Road. The removal of the proposed road will necessitate the provision of inter allotment drainage. The usual practice is for an individual developer to arrange for the required drainage easement. In this instance Council will require drainage from that property through the adjoining properties fronting Anderson Road to the south.

The drainage easement is acquired through negotiation with the downstream owner. Should these negotiations fail then there are legal negotiation avenues available to the applicant to achieve such easement.

### **Connection of Dunn Road and Turner Road**

In the report to Council on 26 October 2010 it was stated that the construction of the connection from Dunn Road to Turner Road would be undertaken by BMD Constructions. This was to provide access for Turner Road residents due to the

temporary closure of the intersection of Turner Road and Camden Valley Way during the reconstruction of Camden Valley Way. BMD Constructions have decided not to proceed with the connection to Dunn Road and will now maintain access to Camden Valley Way from Turner Road during the construction phase.

Investa Property Group, the owner of the land required for the road connection, have advised Council that they will now be undertaking the road connection subject to development consent.

### **Proposed amendments to Smeaton Grange development controls**

Given the above comments the following amendments are proposed for the Smeaton Grange development controls:

1. That map showing the future road layouts for Smeaton Grange be amended to show the location of proposed future road to the west of Dunn Road be moved south by approximately 20 metres.
2. That the following clauses be inserted in the Smeaton Grange development controls

#### **Proposed Road off Dunn Road**

Council will require the construction of a road delineated as 'Proposed Future Road' off Dunn Road shown on Figure 1 (in the DCP) to an industrial standard as part of any development consent issued on Lot 77 DP 805851 (552 Camden Valley Way). A map showing the location of the proposed road off Dunn Road, shown in red, is provided (*as Attachment 2 to this report*).

#### **Upgrade of Turner Road**

Any redevelopment of properties that have frontage to souther side of Turner Road, being:

Lot 6 DP 657664 (556 Camden Valley Way)  
Lot 40 DP 28024 (36 Turner Road)  
41 DP 28024 (42 Turner Road)  
Lot 1 DP 603134 (52 Turner Road)  
Lot 200 DP 746842 (62 Turner Road)  
Lot 202 DP 746842 (66 Turner Road)  
Lot 435 DP 1129749 (67 Anderson Road),

will be required, as part of any future development consent to develop the land for industrial use to upgrade that section of Turner Road fronting their property and extending to the intersection with Dunn Road, to an industrial standard on both sides.

#### **Stormwater Drainage (Properties fronting Turner Road)**

Any redevelopment of properties that have frontage to southern side of Turner Road, being:

Lot 40 DP 28024 (36 Turner Road)  
41 DP 28024 (42 Turner Road)  
Lot 1 DP 603134 (52 Turner Road)  
Lot 200 DP 746842 (62 Turner Road)  
Lot 202 DP 746842 (66 Turner Road)  
Lot 435 DP 1129749 (67 Anderson Road),

will acquire an easement to convey stormwater drainage from that property through the adjoining properties fronting Anderson Road to the south in the event that drainage is required, Documentary evidence of the acquisition of this easement must be submitted with any Development Application for further development of these properties fronting Turner Road.

### **Extension of Dunn Road to Turner Road**

A Development Application for the extension of Dunn Road to Turner Road is to include studies to determine what steps, if any, can be taken to mitigate the impact of such road extension on the operation of the poultry operation in Dunn Road.

### **CONCLUSION**

The amendments to the future road and access provisions for this section of the Smeaton Grange industrial development reflect to changes that have occurred to the area over the past few years and also expand on the opportunities provided with the connection of Dunn Road through to Turner Road.

### **RECOMMENDED**

**That Council:**

- i. incorporate the amendments, contained in this report, into the Smeaton Grange development controls contained in the Camden DCP;**
- ii. place notification of Council's determination in the press pursuant to clause 21 of the EP&A Regulation; and**
- iii. write to all submitters to the exhibition advising of Council's resolution.**

### **ATTACHMENTS**

Attachment 1 - Schedule detailing submittor's comments

Attachment 2 - Map showing the location of the proposed road off Dunn Road

Supporting document - submissions



supporting document submissions.pdf



Amendment to Smeaton Grange Controls - Attachment 1 Schedule of Submissions.doc



Attachment 2 Smeaton Grange Road Layout.JPG

### **RESOLUTION**

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. incorporate the amendments, contained in this report, into the Smeaton Grange development controls contained in the Camden DCP;
- ii. place notification of Council's determination in the press pursuant to clause 21 of the EP&A Regulation; and
- iii. write to all submitters to the exhibition advising of Council's resolution.

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

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

No Councillor voted against the Motion).

ORD275/10

## **ACTIONS**

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## ORDINARY COUNCIL

ORD05

**SUBJECT:** CAMDEN GAS PROJECT  
**FROM:** Director Governance  
**FILE NO:** Binder: Camden Gas Project - Stage 3 (The Northern Expansion)

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a submission to the Environmental Assessment for the Camden Gas Project Northern Expansion which was recently placed on public exhibition.

### BACKGROUND

The Camden Gas Project (CGP) currently operates 130 coal seam methane (CSM) wells within the southern coal fields. The first stage of the project was within the Cawdor area and received approval in July 2002. Stage two extended from Cawdor through the Elizabeth Macarthur Agricultural Institute to Spring Farm, Glenlee and Menangle Park. The current project is known as the "Northern Expansion Area" and is located on an area of land which is situated within the Camden and Campbelltown local government areas straddling the South Western Freeway from Glen Alpine then north through to Leppington. A map showing the extent of the project area is provided as **Attachment 1 of this report.**

The Minister for Planning has declared the Northern Expansion to be a "Major Development" under the provisions of State Environmental Planning Policy (Major Development) 2005 (SEPP 2005 ) and is subject to the provisions of Part 3A of the Environmental Planning and Assessment Act.

A draft Environmental Assessment was prepared in March 2010. The proposal at that stage included a gas plant which has now been removed from the current proposal.

The Department of Planning has now placed the Environmental Assessment for the Camden Gas Project - Northern Expansion (Stage 3) on public exhibition from 26 October to 7 December 2010.

### MAIN REPORT

#### **Description of Project**

The purpose of the project is to continue with the production of gas to supply the NSW energy market. The project will involve the following:

- Construction of twelve well surface location sites which may contain up to six well heads each. Six of these wells are located in the Camden LGA and five are in the

Campbelltown LGA. Well No. W11 is shown on the boundary between the Camden and Campbelltown LGAs with its exact location dependant on site location principles;

- Associated gas gathering lines, including connection to the existing gas network and water storage points where required;
- Access yards and ancillary infrastructure; and
- Subsurface drilling.

It was originally proposed to include a gas gathering plant as part of this project. AGL has now decided to not proceed with the plant and instead tie into the existing gas line.

### **Location of wells**

A map showing the location of the well sites is provided as **Attachment 2 of this report**. The following sites are located within the Camden LGA.

Well sites CU14, CU10 and CU06 are located on the Marist Brothers land. Well site CU02 is located on land within the Turner Road area. Well sites CU20 and CU22 are located on the eastern side of the Sydney Upper Canal to the south of Raby Road. Well site W11 is located on the border of Camden and Campbelltown LGAs to the north of Raby Road.

The final well locations will be subject to detailed design criteria and consultation with land owners. While not referred to in the Environmental Assessment, landowners whose land is required for gas wells, pipelines and/or access roads enter into financial agreements with the proponent.

### **Gas Gathering Lines**

Each well will be connected with a gas gathering line which will collect the gas and connect to a main spine line which is located along the drainage lines in the Upper Canal access corridor.

### **Access Roads**

Access roads will be constructed to provide access to the wells and gas gathering lines. They will be located on private tracks within each of the properties.

### **Construction**

Each well will contain a well head, piping for gas gathering system, tanks to collect water; water lines and telemetry instrumentation. A diagram of the construction footprint of a well is provided as **Attachment 3 of this report**. The outside fenced area could be up to 100 x 100 metres and the final well area is approximately 20 x 20 metres.

Wells are drilled vertically from the surface and then gradually on an angle until it intersects with the coal seam, at around 700 metres below the surface, at a near parallel angle. It then can move up to 2,500 metres through the seam. This drilling continues continuously for 24 hours a day 7 days per week.

## **Well Stimulation and Completion**

Once the drilling has been completed fracture stimulation is undertaken to increase the flow and recovery of gas. The Environmental Assessment provides the following description of the fracture stimulation;

*"Fracture stimulation involves the injection of a slurry of sand and water at high pressure which in turn stimulates the reservoir by providing a highly conductive flow path for gas and water that extends away from the wellbore and into the seam. The frac sand is locked in place by the pressure of the coal formation and the injected water and formation water is allowed to flow back out. As a result of the water production, the reservoir pressure is reduced at which time gas then begins to desorb from the coal and produce to the wellbore. The well then requires a work over to clean the wellbore and to install the wellhead equipment."*

Each well will require between 250 and 500 kilolitres (kL) of water with the wells having capacity for 750 kL. Following the fracture stimulation water is removed from the well and either reused or disposed of in accordance with Department of Environment Climate Change and Water (DECCW) guidelines.

## **Operation**

Once a well has been commissioned, gas is transported through a low pressure gathering line to the main collection line. A well will normally be serviced twice in the first year and once in the third and fifth years then every 5 years after that. The life of a well is approximately 15 years.

Re-fracking of wells may be required after a period of operation.

## **Closure and Rehabilitation**

At the end of the life of a well the land will be rehabilitated. This will involve:

- Sealing of the well;
- removing plant and equipment including all fencing;
- filling in excavation; and
- full rehabilitation including contouring and revegetation.

## **Issues for Council**

### Location of Wells

The Environmental Assessment states that the final well locations will be subject to detailed design criteria and consultation with land owners. Given that a number of the wells are located within future residential areas it is vital that Council is part of any discussions held with land owners.

### Water Quality (Surface and Groundwater)

Section 9 of the Environmental Assessment – "Surface Water", highlights that up to 500 KL of water is required for "fracing" a new well. To offset the requirement to

provide, store, and reuse water for the drilling of wells and the collection of saline water from the wells storage tanks and / or lined pits will be provided to balance the water needs and manage salinity. Some surplus water may be taken offsite and disposed to a licensed waste facility.

Section 12 of the Environmental Assessment – “Groundwater”, highlights that the recovery of groundwater from the additional wells is expected to be a few ML per annum and the requested allocation of 30 ML per year should be adequate to cover this volume. Tanks and lined pits will be used to store the recovered groundwater which is expected to be saline.

It is considered that the procedures undertaken to ensure water quality are adequate.

### Hazard and Risk

Section 10 of the Environmental Assessment - “Hazard & Risk”, revealed that a detailed Preliminary Hazard Analysis was undertaken under SEPP33 – Hazardous and Offensive Development for the proposal to ensure that any risk is addressed. Only the components of the 12 new coal seam methane gas well surface locations and the gathering system to transport the gas to the CGP network was considered in the assessment.

The assessment concluded that the risks are acceptable provided the environmental safeguards are implemented. These safeguards include security around wells, the control of vegetation around the site, a comprehensive safety management system be applied, fencing off the “hazardous zone”, and bollard protection in high risk areas.

It is considered that the environmental safeguards identified in Section 10 of the Environmental Assessment are appropriate.

### Noise

Appendix F in the Environmental Assessment contained the “Noise and Vibration Impact Assessment” report produced by Heggies. The report assessed the potential noise and vibration impacts associated with the proposed Northern Expansion of the CGP.

Ambient background noise levels were monitored at 5 residential locations within the vicinity of the proposed surface wells.

To mitigate the noise impact from construction drilling noise, especially during the night, additional noise control in the form of barriers will be provided together with other noise management controls.

However, there will be some exceedance of noise criteria resulting from the construction of roads, earth moving activities, and the installation of gas gathering systems and when well “fracing” is required. The report advises that these events will only occur during the daytime as construction will be limited to this time and the impacts will be relatively short in their duration.

Vibration impacts were assessed and this impact is expected to be negligible for

residents (below levels for human perception) and minimal for the water canal provided that specific site vibration monitoring is installed when construction activities occur next to the canal.

Some concern exists in relation to noise associated with the construction phase. It is recommended that the applicant further review how the noise associated with construction activities can be mitigated.

### Air Quality

Appendix G in the Environmental Assessment contained the "Air Quality Assessment" report produced by PAEHolmes. The assessment has been undertaken on the proposed Northern Expansion of the CGP and focuses on the surface project area for potential air quality impacts related to surface infrastructure only.

The report concludes that *"emissions from the CGP would not be significantly altered and would not be likely to result in any detectable changes at sensitive receptors. It is therefore concluded that the project would have no discernible impact on air quality."*

Appendix H in the Environmental Assessment contained a "Greenhouse Gas Assessment" report produced by PAEHolmes to provide input on emission of greenhouse gases for the proposal.

The project was predicted to release additional greenhouse gases but there would be an overall emission benefit by displacing other fossil fuels. The savings were estimated to be approximately 180600 tonnes of CO<sub>2</sub><sup>e</sup> per annum by displacing natural gas for the NSW market.

The report concluded that whilst there will be some impact caused from the extraction, processing and supply of coal seam methane, there are benefits from the use of Coal Seam Methane as an alternative energy source when compared to other fossil fuels that have higher carbon intensities.

Council is satisfied with the above air quality assessment and generally supports the intent and outcome of the greenhouse gas assessment. However it should be noted that Council staff do not have the expertise to confirm if the greenhouse gas assessment has been undertaken in accordance with the Director-General's Environmental Assessment Requirements. Council will therefore rely on the NSW DECCW for their comments in this area.

### **Process from here**

As stated in this report the Minister has declared the Camden Gas Project - Northern Expansion (Stage 3) to be a 'major project' in accordance with Part 3A of the EP&A Act.

This exhibition is being undertaken by the Department of Planning. At the end of the exhibition period Departmental officers will consider the submissions received and prepare a report for the Minister to make a determination. It is not expected that such determination will be forthcoming until early next year.

## **CONCLUSION**

The Camden Gas Project - Northern Expansion (Stage 3) is part of a major coal seam gas extraction within the Macarthur area. There are already a number of gas wells operating within the Camden LGA at Spring Farm and Glenlee. It is recommended that Council support the project subject to appropriate noise mitigation being undertaken during the construction phase and Council being included in discussions in determining the final well locations being addressed by the proponent.

## **RECOMMENDED**

**That Council provide a submission to the exhibition of the Camden Gas Project - Northern Expansion (Stage 3) in support of the project subject to the following matters being taken into consideration:**

- a. further consideration be given to noise mitigation strategies during the construction phase; and**
- b. that Council be included in any discussions held with land owners in the determination of the final well locations.**

## **ATTACHMENTS**

Attachment 1 - Map showing extent of project area

Attachment 2 - map showing the location of well sites

Attachment 3 - Diagram of the construction footprint of a gas well



Attachment 1 Gas Project.pdf Attachment 2 Gas Project.pdf Attachment 3 Gas Project.pdf

## **RESOLUTION**

Moved Councillor Anderson, Seconded Councillor Cagney that Council provide a submission to the exhibition of the Camden Gas Project - Northern Expansion (Stage 3) in support of the project subject to the following matters being taken into consideration:

- a. further consideration be given to noise mitigation strategies during the construction phase; and
- b. that Council be included in any discussions held with land owners in the determination of the final well locations.

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

ORD276/10

## **ACTIONS**

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## ORDINARY COUNCIL

ORD06

**SUBJECT:** ADOPTION OF CAMDEN 2040  
**FROM:** Director Governance  
**FILE NO:** Camden 2040

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### PURPOSE OF REPORT

To seek endorsement of *Camden 2040* as the new long term Community Strategic Plan for the Camden Local Government Area, as per the Local Government Act.

### BACKGROUND

Under the Integrated Planning and Reporting Amendments to the Local Government Act, 1993, which came into effect in October 2009, all NSW councils are required to prepare a long term Community Strategic Plan for their local areas, on behalf of their local communities.

Council endorsed a community engagement strategy for the preparation of this plan on 11 August 2009 and considered the results of this community engagement process at its meeting of 9 February 2010.

*Camden 2040* was drafted following this consultation process, and Council approved the draft *Camden 2040* for the purposes of public exhibition at its meeting of 28 September 2010.

It is a requirement of the Integrated Planning and Reporting Amendments to the Local Government Act for Council to "place the draft Community Strategic Plan on public exhibition for a period of at least 28 days and comments from the community must be accepted and considered prior to the endorsement of the final Community Strategic Plan."

The draft *Camden 2040* was on public exhibition from Monday 11 October to Monday 8 November 2010 inclusive.

This report presents the results of this public exhibition process and an amended draft *Camden 2040* for Council's consideration and adoption. The amended Draft *Camden 2040* is shown as **Attachment 1 to this report**.

### MAIN REPORT

#### ***Consultation and Exhibition Process***

Community consultation on the draft *Camden 2040* involved seeking the community's feedback as to whether the plan adequately reflects the aspirations and concerns of local residents. This was undertaken within the context of the urban growth that is

coming to the Camden area as a result of the State Government's Metropolitan Strategy.

The public exhibition and consultation process involved the following elements:

1. Advertising - the public exhibition and consultation on the draft Plan was advertised through Let's Connect (October-December 2010) edition and through advertisements in the Camden Advertiser, the District Reporter and the Macarthur Chronicle. Brochures were distributed at the Narellan Rhythms Festival. A range of mailing lists were also used to advertise the process.
2. Website - the webpage [www.camden2040.com.au](http://www.camden2040.com.au) was used to exhibit the Plan, enable feedback through email or survey, and advertised the Open House sessions.
3. Telephone Survey - Council's annual telephone survey was conducted in October 2010 as part of this community consultation process and to measure Council's Sustainability Indicators. In addition, participants were asked whether they would be interested in attending future community consultations about local issues, and a register has been established for this purpose. Of the 404 residents surveyed, 167 expressed an interest in being included on this register, which represents 41% of respondents. Two resident focus groups were drawn from this register and consulted on the draft *Camden 2040*.
4. Standard exhibition points - the draft Plan was placed at Council's customer service counters and libraries, in addition to the website.
5. Open House sessions - two public open house sessions were conducted on Monday 25 October at Camden and Wednesday 27 October at Narellan. Though the total number of people attending was disappointing, the issues raised were important and the format enabled in-depth understanding of the issues within the Plan.
6. Agency Forums - specific forums were held for State Agencies, Non-Government Organisations, Developers and Business Groups.
7. Resident Focus Groups - two residents focus groups were held on Monday 1 November using participants taken from the "Future Consultation Register" established through the telephone survey.
8. Staff consultation - staff were invited to attend specific Open House sessions at Camden and Narellan.

In total, nineteen (19) written submissions were received providing comment on the draft Plan. These submissions in summary form, as well as officer comment and any amendments can be found in the Community Consultation Report shown as **Attachment 2 to this report**.

### ***Key Issues Raised***

It was notable that the bulk of the issues raised by groups and individuals throughout the process were a reconfirmation of issues that are already addressed in the draft

Plan. Of note were concerns about the timely delivery of infrastructure, particularly transport, and ensuring commitment from State Government to the funding of this infrastructure; the effective management of growth to ensure good quality urban design and public spaces to overcome concerns about densities and lots sizes; the importance of building vibrant town centres with individual identity and a strong local economy with local employment; and the need to encourage community pride and ownership in new areas of the LGA.

The community consultation report at shown as **Attachment 2** to this report details the issues raised by the different groups.

Perhaps the issues that required greatest consideration, and proposed amendment to the draft Plan, was that of the need for greater clarity and definition of where rural character and lifestyle can realistically be achieved, and the significant opportunities that will come to the Camden area as a result of urban development planned under the Sydney Metropolitan Strategy.

In relation to clarity about where rural character can be achieved and preserved, there was concern raised that the Vision in the *Camden 2040* was ultimately unrealistic and created false expectations within the community that the entire LGA can remain rural into the future. The Vision in the draft Plan that was publicly exhibited read. "In the year 2040, the Camden Local Government Area will be a place that has maintained its country town feel and rural character in the face of large scale urban development and population growth."

A further concern related to the tone of the draft Plan as emphasising the detrimental impacts of urban growth and development, which needed to be balanced with acknowledgement of the potential benefits that can come through urban growth. An example of this is the emphasis in the section on the Environment about mitigating the detrimental impacts of growth on the natural environment in Camden, without consideration of how the development process can facilitate restoration and management of already degraded natural areas.

A concern raised by a number of groups through forums and written submissions was the need for the Plan to address the needs of specific groups within the community. Examples include children, people from culturally and linguistically diverse backgrounds, and young people.

There were a range of other issues and concerns raised throughout the consultation process, and these are provided in detail in the community consultation report.

### ***Amendments to the draft Camden 2040***

A number of amendments are proposed to *Camden 2040* as a result of the community feedback. Most significant are amendments in response to the concerns about where rural character can be achieved, the opportunities afforded by urban growth, and access and equity for all within the community.

#### ***Clarity about where rural character and heritage can be preserved***

It is proposed that the Vision be amended to provide a more realistic expectation about

where rural character and heritage can be preserved within the Local Government Area. The Vision that was taken to public exhibition was as follows:

"In the year 2040, the Camden Local Government Area will be a place that has maintained its country town feel and rural character in the face of large scale urban development and population growth.

It can be said that Camden residents have the best of both worlds – whilst continuing to enjoy the rural setting and country feel, they have access to the services, facilities and opportunities afforded by a large and bustling urban area."

The following is proposed as an amendment:

"In year 2040, the Camden Local Government Area is a dynamic, modern, urban place which is defined by its unique history and rural backdrop, and has realised the many opportunities presented by urban development and population growth.

This has been achieved through effectively managing urban and population growth to:

1. protect Camden Town, the floodplain and associated rural hinterland, and promote and celebrate the area's unique country history and heritage.
2. maximise the many opportunities presented by large scale modern urban development in terms of improved access to high quality services, facilities and infrastructure.
3. support and maintain opportunities for rural living during urban growth and carefully manage the transition to an increasingly urban environment"

This proposed amendment better clarifies both what is achievable in terms of preservation of rural character and lifestyle, as well as where this might be achieved. The previous vision is really not achievable in hindsight given the distinctly urban nature of the Growth Centre and the size of the population that is expected to be housed there, as well as elsewhere in the LGA.

#### *Balance the negative impacts of growth with the potential opportunities from growth*

In order to improve the balance and tone of the draft Plan to not only deal with the detrimental impacts and challenges of growth, but also the many opportunities that the Camden area would not otherwise have had access to, a range of amendments are proposed:

- Change the title of the section "Impacts of Growth" (page 10-11) to "Opportunities and Impacts of Growth", and acknowledge and discuss the range of opportunities that may be realised as a result of growth
- Amend the Vision (page 13) as proposed above to highlight the opportunities
- Within each Key Direction change the section titled "Growing Pains" to "Growing the Camden Area - Key Opportunities and Challenges" (page 17, 22, 28, 35, 41, 47) and provide a more balanced discussion of both the opportunities and the challenges facing the area as a result of urban growth

#### *Addressing the needs of specific groups within the community*

Camden should be a place that accepts, values, engages and provides opportunities for all people and groups within the community, regardless of age, gender, cultural background or ability. Therefore rather than deal specifically with each "target" group individually, it is proposed that the Vision be amended from "is home to an enriched and connected community, where people are involved and belong, enjoy a range of community events and celebrations, and are supported by high quality social and health services" to the following:

"Camden will be a place that...is home to an enriched and connected community, where all people are welcomed and belong, can participate fully in their local community, enjoy a range of community events and celebrations, and are supported by high quality social and health services" (page13).

In addition, it is proposed to amend the Values (page 13) to include:

"Access and equity - ensuring all people and groups within the community are able to fully participate in community life and the decisions that impact on the local area".

It should be noted that this amendment would ensure that *Camden 2040* more overtly responds to the requirements in the Integrated Planning and Reporting amendments to the Local Government Act, which require the Community Strategic Plan to be based on social justice principles of equity, access, participation and rights".

#### Further amendments

A number of further amendments that respond to more specific issues raised through the submissions and surveys consultation process are proposed, and the detail of these is contained in the attached community consultation report.

#### **Where to from here**

Under the Integrated Planning and Reporting requirements of the Local Government Act, Council is required to submit a copy of its Community Strategic Plan to the Deputy Director General (Local Government) within 28 days of the plan being endorsed. This includes submitting the Community Engagement Strategy which was adopted by Council in August 2009.

Staff are currently in the process of preparing a Delivery Program that identifies the actions that Council will be responsible for implementing over the coming four year period. In addition, Council's Resourcing Strategy is being prepared which includes a Long Term Financial Plan Strategy and Plan, Asset Management Strategy and Plans and Workforce Strategy and Plan. These documents will come before Council in early 2011, with a view to meeting the compliance date of 30 June 2011.

#### **CONCLUSION**

Council publicly exhibited the draft Community Strategic Plan, *Camden 2040*, from 11 October to 8 November 2010 inclusive, as per the requirements of the Local Government Act, 1993.

Community feedback on the draft Plan was gathered through a range of means during

this period, including forums, focus groups, written surveys and formal submissions. This community feedback has been considered and a range of amendments are proposed to the draft *Camden 2040*.

The amended draft *Camden 2040* is submitted to Council for formal endorsement.

### **RECOMMENDED**

**That Council:**

- i. Endorse *Camden 2040* as the Community Strategic Plan for the Camden area as per the requirement of the Local Government Act; and**
- ii. Submit *Camden 2040* to the Deputy Director General (Local Government) as per the requirements of the Local Government Act.**

### **ATTACHMENTS**

Attachment 1 - Draft 2040

Attachment 2 - Community Consultation Report



Camden 2040 Final Draft for Adoption.doc Draft 2040 community consultation report.doc

### **RESOLUTION**

Moved Councillor Warren, Seconded Councillor Anderson that Council:

- i. endorse Camden 2040 as the Community Strategic Plan for the Camden area as per the requirement of the Local Government Act; and
- ii. submit Camden 2040 to the Deputy Director General (Local Government) as per the requirements of the Local Government Act.

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

ORD277/10

### **ACTIONS**

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## ORDINARY COUNCIL

**ORD07**

**SUBJECT: FINANCIAL STATEMENTS - FINANCIAL YEAR ENDING 30 JUNE 2010**

**FROM:** Director Governance

**FILE NO:**

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The audit of Council's Financial Statements was completed by Pitcher Partners on 25 November 2010.

In accordance with Section 418 of the Local Government Act, a copy of Council's Financial Statements has been made available to the public for inspection since 6 December at the Camden and Narellan Customer Service Centres, Libraries and Council's Website. As required by Section 418, public notice of tonight's meeting appeared in the Camden Advertiser on 8 December 2010.

Under Section 420 of the Local Government Act, "Any person may make submissions in writing to the Council with respect to the Council's audited Financial Statements or with respect to the auditors report". Submissions must be in writing and received by Council before close of business 21 December 2010. Any submissions received are to be forwarded to Council's external auditor for comment. In the event that a submission referred to the auditor results in amendments to the audited Financial Statements or auditors report, public notice of the amendments is required.

A copy of the Financial Statements was distributed to Councillors on 2 December 2010 under separate cover. The Financial Statements include:

- A) An Executive Summary prepared by the Responsible Accounting Officer, and
- B) The Auditor's Report prepared by Pitcher Partners.

Although Pitcher Partners is not presenting at tonight's meeting, an invitation has been extended to the public and/or Councillors wishing to discuss any aspect of the auditors report.

### **RECOMMENDED**

**That the Financial Statements for the Financial Year ending 30 June 2010 be adopted.**

### **RESOLUTION**

Moved Councillor Anderson, Seconded Councillor Symkowiak that the Financial Statements for the Financial Year ending 30 June 2010 be adopted.

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

ORD278/10

**ACTIONS**

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## ORDINARY COUNCIL

**ORD08**

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

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### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 November 2010 is provided.

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

The weighted average return on all investments was 5.79% p.a. for the month of November 2010.

The Principal Accounting Officer is the Manager Corporate Services.

### RECOMMENDED

**That:**

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for November 2010 be noted.**
- iii. the weighted average interest rate return of 5.79% p.a. for the month of November 2010 be noted.**

### ATTACHMENTS



Investment Report November 2010.xls

### RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Funnell that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.
- ii. the list of investments for November 2010 be noted.
- iii. the weighted average interest rate return of 5.79% p.a. for the month of November 2010 be noted.

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

ORD279/10

### **ACTIONS**

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# ORDINARY COUNCIL

**ORD09**

**SUBJECT:** ASSIGNMENT OF ACCESS & COMPENSATION AGREEMENT WITH  
AGL LIMITED - GUNDUNGURRA RESERVE  
**FROM:** Director Governance  
**FILE NO:**

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## **PURPOSE OF REPORT**

The purpose of this report is to advise Council that there has been a restructure within AGL Group that necessitates a change to the Access and Compensation Agreement Council has with AGL. This Agreement relates to gas extraction within Gundungarra Reserve.

## **MAIN REPORT**

Council at its meeting held 27 October, 2009 resolved to enter into the Access and Compensation Agreement with AGL Gas Production (Camden) Pty Limited and AGL (SG) (Camden) Operations Pty Limited for the purpose of gas extraction for a period of 15 years situated on part of Lot 1 DP 1007608 and part of Lot 4 DP 10007608 - Gundungarra Reserve, in accordance with the Local Government Act, 1993.

AGL Gas Production (Camden) Pty Limited, now known as AGL Upstream Investments Pty Ltd, and AGL (SG) (Camden) Operations Pty Limited each hold a 50% interest in the Petroleum Production Lease No. 4 (PPL), however as part of an internal restructure of the AGL Group the AGL Gas Production (Camden) Pty Limited will be the holder of 100% of the PPL.

Pursuant to clause 15.1 of the Access and Compensation Agreement - Assignment *"any party may assign all or part of its rights and obligations under this Agreement to a third party provided that:*

*15.1.1 it first obtains the prior written consent of the other parties".*

Accordingly, Council sought legal opinion and concluded that there are no reasonable grounds to withhold consent to the assignment. It should be noted Council is entitled to recover the costs associated with its consent from AGL (SG) (Camden) Operations Pty Ltd.

## **CONCLUSION**

A restructure within AGL Group necessitates a minor change to the Access and Compensation Agreement insofar as the name of the party involved in the Agreement has now changed from AGL (SG) (Camden) Operations Pty Limited to AGL Upstream Investments Pty Limited. Council's solicitor has reviewed the 'Assignment and

Assumption Deed' and can see no risks associated with Council agreeing to the change in parties involved.

### **RECOMMENDED**

**That:**

- i. Council consent to the assignment of AGL (SG) (Camden) Pty Limited's interests in the Access and Compensation Agreement to AGL Upstream Investments Pty Limited; and**
- ii. the Council Seal be affixed to the necessary documents.**

### **RESOLUTION**

Moved Councillor Funnell, Seconded Councillor Anderson that:

- i. Council consent to the assignment of AGL (SG) (Camden) Pty Limited's interests in the Access and Compensation Agreement to AGL Upstream Investments Pty Limited; and
- ii. the Council Seal be affixed to the necessary documents.

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

ORD280/10

### **ACTIONS**

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## ORDINARY COUNCIL

**ORD10**

**SUBJECT: COUNCIL SEAL - EASEMENT FOR GAS MAIN - LOT 823 DP1051150  
ANZAC AVENUE, SMEATON GRANGE**  
**FROM: Director Governance**  
**FILE NO: Council Property Easements**

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### PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a Linen Plan and Section 88B Instrument depicting the location of an easement on Council Land.

### MAIN REPORT

Council is the owner of Lot 823 DP1051150, a drainage reserve located in Anzac Avenue, Smeaton Grange. A location plan of the site is **provided at the end of this report**.

In order to facilitate the ongoing provision of gas supply to new and existing development in the area, Jemena Gas requires a new mains connection to the gas network located at the intersection of Camden Valley Way and Anderson Road, Smeaton Grange.

The route proposed by Jemena for the high pressure gas main includes the crossing of Anzac Avenue bridge which spans Councils drainage reserve.

Initially Jemena intended to lay the gas main within the footpath of the Anzac Avenue bridge, which would not have required construction within Council's drainage reserve. However, an alternative route through the drainage reserve adjacent to the bridge was required in order to bury the gas main appropriately. A copy of the easement route is **provided at the end of this report**.

Council staff investigated the matter and, due to the urgency of the project, entered into an access agreement with Jemena to allow construction within the affected area prior to the establishment of the easement.

A Linen Plan and Section 88B Instrument depicting the easement has now been created. The 88B Instrument contains a provision that Jemena will maintain permanent markers along the line of the easement for the term of the easement.

A valuation was carried out by Council's valuer to determine the effect of the easement on the value of Council's property. As a result, Jemena has agreed to pay Council compensation in the amount of \$5,000 for the creation of the easement. Jemena will also be responsible for payment of all associated costs, including legal and lodgement fees.

The Council Seal is required to be affixed to the necessary Linen Plan and Section 88B Instrument to allow for registration at the Land and Property Information Office. This is a procedural requirement and Council staff are satisfied with the location of the easement.

### **RECOMMENDED**

**That the Council Seal be affixed to the Linen Plan and Section 88B Instrument depicting the gas main easement on Lot 823 DP1051150 Anzac Avenue, Smeaton Grange.**

### **ATTACHMENTS**



anzac ave easement location.pdf    anzac avenue location plan.pdf

### **RESOLUTION**

Moved Councillor Anderson, Seconded Councillor Dewbery that the Council Seal be affixed to the Linen Plan and Section 88B Instrument depicting the gas main easement on Lot 823 DP1051150 Anzac Avenue, Smeaton Grange.

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

ORD281/10

### **ACTIONS**

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## ORDINARY COUNCIL

**ORD11**

**SUBJECT:** COUNCILLOR REPRESENTATION - SYDNEY GAS COMMUNITY  
CONSULTATIVE COMMITTEE  
**FROM:** Director Governance  
**FILE NO:**

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It is a normal procedure to reappoint Councillor representatives to various external Committees in instances where a Councillor can no longer fulfill his or her obligations.

Councillor Funnell, having served six and half years as the Councillor representative on this Committee, has now tendered his resignation.

As such, Council is now seeking a new Councillor representative to the Sydney Gas Community Consultative Committee. Sydney Gas Community Consultative Committee is linked to the operations of Sydney Gas as required by the Production Lease. This Committee meets quarterly on a daytime basis at Wollondilly and Campbelltown Council.

### **RECOMMENDED**

**That Council nominate a new councillor representative to the Sydney Gas Community Consultative Committee.**

### **RESOLUTION**

#### **MOTION**

Moved Councillor Campbell, Seconded Councillor Dewbery that Councillor Anderson be nominated as the new councillor representative to the Sydney Gas Community Consultative Committee.

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

ORD282/10

#### **ACTIONS**

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# ORDINARY COUNCIL

ORD12

**SUBJECT:** CAMDEN COUNCIL LEADERSHIP DEVELOPMENT PROGRAM  
**FROM:** General Manager  
**FILE NO:**

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## PURPOSE OF REPORT

To provide Councillors with information about a new skills development program for Council staff.

## BACKGROUND

As one of the fastest growing local authorities in Australia, the population of Camden will grow from 54,000 now to more than 260,000 (480%) over the next three decades. The Council organisation will also grow substantially, though not in the same proportion, from a current cohort of 290 equivalent full time positions to one of 850 staff (290%) by 2040. It will be essential, in a jobs market facing intergenerational change and tightening skills shortages, to be able to provide for sufficient leadership capability within the Council workforce.

## MAIN REPORT

To cater for the emerging need for leadership development as the Council workforce grows, the Camden Council Leadership Development Program has been developed.

Utilising existing funding from within the training and development budgets, the Leadership Development Program will comprise three streams of activity aimed at differing sectors of our workforce. Each stream will involve ten modules and seminars over the course of a calendar year, usually of a half day's duration on each occasion.

The streams are:

**Leadership Skills** stream - aimed at introducing existing and potential team leaders to a range of practical skills necessary for supervisory roles. Successful completion of this stream will result in the awarding of a Certificate IV qualification in Frontline Management.

**Future Leaders** stream - will target existing or future supervisory/managerial staff who have demonstrated the potential to progress or improve in the area of leadership.

**Leadership Growth** stream - is aimed at adding value to the existing leadership skills of personnel in current leadership roles.

In each of the streams, there is a high concentration on coaching and mentoring to aid

in the transfer of skills learned or enhanced back into the workplace in a practical way .

The majority of the modules/seminars will be delivered by external partners and providers, however several will be delivered by internal staff in order to ensure that the appropriate 'Camden' focus is maintained.

Despite the program being funded entirely from within existing training and development budgets, there will be no diminution of technical training for staff.

## **CONCLUSION**

The development of a program of this nature is unique in an organisation of Camden Council's size however it is a very necessary step in ensuring that Council is seen to be an employer of choice in the difficult employment market of the near future. It is also vital to ensuring the ongoing growth and development of the unique culture of the organisation, providing every opportunity to "grow our own" leadership aspirants. As the Council organisation almost triples in size there will be an emerging need to build its leadership capacity. This program is one element of that capacity building.

## **RECOMMENDED**

**That the information relating to the Camden Council Leadership Development Program be noted and endorsed.**

## **RESOLUTION**

Moved Councillor Warren, Seconded Councillor Dewbery that the information relating to the Camden Council Leadership Development Program be noted and endorsed.

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

ORD283/10

## **ACTIONS**

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## ORDINARY COUNCIL

ORD13

**SUBJECT:** MACARTHUR ZONE, RFS ZONING AGREEMENT  
**FROM:** Director Works and Services  
**FILE NO:** Assets/Emergency Services/RFS/Service Agreements

---

### PURPOSE OF REPORT

To seek Council endorsement for the Macarthur Zoning Agreement between Camden, Liverpool and Campbelltown Councils for sharing of the Rural Fire Service (RFS) provision.

### BACKGROUND

In 2003 the Camden Rural Fire District amalgamated with Liverpool and Campbelltown to become the Macarthur Zone. Since that time, Service Level Agreements between the Councils and the RFS have been developed and monitored and were appropriately adjusted through regular meetings between the RFS and representatives from the three Councils.

A formal Zoning Agreement for the Macarthur Zone which formalised this framework was drafted with the assistance of NSW RFS in liaison with the three Councils. This was endorsed by Council at its meeting of 27 May 2008 and commenced from 1 July 2008.

### MAIN REPORT

One of the provisions within the Zoning Agreement allowed for review of the Agreement after it had been operating for at least 12 months.

This review has now been completed and has resulted in a series of changes. A copy of the updated Agreement **is attached to this report**. Most of the changes are of a 'housekeeping' nature and remove names of holders of roles to make the Agreement a document which survives the replacement or change in staff and RFS membership.

However, the funding model has been amended to reflect:

- (i) the reduction in Councils' contribution to the RFS to 11.1% of the estimated costs of the service;
- and
- (ii) the sharing of the costs of the Macarthur Zone office and support activities on an equal 1/3rd contribution from each of Camden, Campbelltown and Liverpool Councils.

This latter change recognises that the current approach under the Agreement

allocating discrete brigade groups or activities (such as the catering group) to each Council may cause an inappropriate cost allocation between Councils. The proposed equal sharing recognises that many of the Zone costs are 'fixed' and each of the Councils, while having a slightly different mix of brigades, membership and call on RFS operational services, should each contribute equally to these core functions.

The agreement continues to provide Council procedures on how the management and the operations will occur for the Rural Fire District to function as a Zone. Councils' previous delegation of certain functions, power and duties to the Zone Manager (Fire Control Officer) in accordance with the Service Agreement continue to operate. Councils also continue to retain their individual Rural Fire financial and accounting functions and responsibilities as detailed in the agreement.

## **RECOMMENDED**

**That**

- i. the updated Macarthur Zone, RFS Zoning Agreement be endorsed by Council; and**
- ii. authority be granted for the relevant documentation be completed under Seal of Council.**

## **ATTACHMENTS**



Zoning Agreement MACARTHUR SEPT 2010.pdf

## **RESOLUTION**

Moved Councillor Funnell, Seconded Councillor Symkowiak that:

- i. the updated Macarthur Zone, RFS Zoning Agreement be endorsed by Council; and
- ii. authority be granted for the relevant documentation be completed under Seal of Council.

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

ORD284/10

## **ACTIONS**

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## ORDINARY COUNCIL

ORD14

**SUBJECT:** DELEGATION TO MAYOR - CHRISTMAS/NEW YEAR PERIOD  
**FROM:** General Manager  
**FILE NO:** Delegations

---

Council will be in recess for a period of 6 weeks until the next Ordinary Council Meeting on Tuesday 25 January 2011. During this period, it is appropriate to provide Delegation of 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 satisfy the delegations to staff, ie. matters of a contentious nature or where objections have been made.

The Local Government Act, 1993 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 be limited to approval of Development Applications and matters of a critical nature.

This delegation would only be exercised in matters of extreme urgency.

### 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 15 December 2010 to 25 January 2011 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 25 January 2011.**

### RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery 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 15 December 2010 to 25 January 2011 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 25 January 2011.

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

**THE MEETING CLOSED AT 6.45PM.**

ORD285/10

**ACTIONS**