
ORDINARY COUNCIL

ORD03

STAGED SUBDIVISION OF LAND TO CREATE 97 RESIDENTIAL LOTS AND 2 RESIDUE LOTS - WORKS TO INCLUDE DEMOLITION OF EXISTING BUILDINGS INCLUDING CARINYA COTTAGE, SITE REMEDIATION WORKS, TREE REMOVAL, LANDFORMING AND CONSTRUCTION OF ASSOCIATED INFRASTRUCTURE AND ASSOCIATED LANDSCAPE WORK AT NO 3A (LOT 92 DP 1051164) STEWART STREET, HARRINGTON PARK

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications 2009
DA NO:	DA 917/2009
OWNER:	Nepean Quarries and Mr & Mrs Purtle
APPLICANT:	Cardno (NSW) Pty Ltd
ZONING:	2(d) Residential
APPLICABLE PLANNING INSTRUMENT:	Camden Local Environmental Plan 74

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of a Development Application for the subdivision of land which also includes the demolition of a dwelling known as Carinya Cottage.

The application is referred to Council in accordance with its delegations, as there remain unresolved matters raised in submissions which were received during the notification period.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve this Development Application subject to the draft development consent conditions provided at the end of this report.

In addition, it is recommend that Council endorse the plans which indicate the Residential 1 and 2 classifications and also the Building Design Guidelines for the purpose of including such controls as draft amendments to the Harrington Park South Precinct Plan component of the Camden Development Control Plan 2006, which is currently under review and, on review of Camden LEP 2010, incorporate these sites within the appropriate low and medium density zones.

Finally, Council's resolution to notify the Building Design Guidelines and Residential 1 and 2 classifications for a period of 28 days is sought.

BACKGROUND

The site has been subject to various development proposals over the last few years. In 2006 the then owners lodged a Development Application to subdivide the land into 5 large superlots with a view to developing the land through a masterplanned approach

for a multi-unit dwelling development. The proposed built outcome consisted of semi-detached housing, attached townhouses and residential flat buildings which had an anticipated yield of approximately 220 dwellings.

This proposal was reflective of the desired future character statement within the then Development Control Plan which allowed *higher density residential opportunities as a transition from low density residential* (Harrington Park) *to the commercial centre of Narellan*. This strategy continues to be communicated within the current Camden Development Control Plan 2006 (the DCP) given the site's proximity to the expanding commercial centre.

That application was later refused as the proponent had not supplied Council with the necessary information to assess the Development Application.

The current application was lodged in September 2009 and has since been the subject of ongoing assessment and negotiation with the applicant to address issues identified in the application review process. That process is now completed and the application is able to be referred to Council for determination.

THE SITE

The land is located at No 3A (Lot 92 DP1051164) Stewart Street, Harrington Park. The subject site is bounded by Sharman Close to the south and Stewart Street to the west. Running parallel to these two roads are Camden Valley Way and The Northern Road.

Immediately north is the urban release area of Harrington Park and immediately south is the Struggle Town heritage conservation area which is made up of various dwellings and commercial uses and is regarded as having specific cultural, historical and architectural value.

There is also a single storey cottage known as "Carinya" on the site. Other structures within close proximity to the house and still on the subject site include a garage constructed of timber and the remains of an old timber shed which the applicant states was destroyed by fire a number of years ago. No part of the site or dwelling is part of the conservation area.

The site is located approximately 500m north of the developing Narellan Town Centre and is of irregular shape, predominately flat and is cleared of any significant vegetation.

Currently vehicle access is gained from Stewart Street. At the northern and western boundary there are existing local roads which terminate at the subject site and currently serve the existing residential subdivision of Harrington Park. The proposal seeks to remove the Stewart Street vehicle access and gain alternate access by connecting into the existing road network via Harrington Park. **A site location map is provided at the end of this report.**

THE PROPOSAL

The applicant seeks to carry out the development in three stages which comprises the following:

Stage One

- Demolition of the existing cottage & ancillary buildings;
- Demolition of the old auction building & ancillary buildings and structures which includes the removal of 2 septic tanks;
- Removal of trees identified within the Arborist Assessment;
- Remediation of contaminated land;
- Land forming;
- Subdivision of land to create 43 residential lots;
- Associated infrastructure and landscape work .

Stage Two

- Subdivision of land to create 36 residential lots and 1 residue lot;
- Associated infrastructure and landscape work.

Stage Three

- Subdivision of land to create 18 residential lots and 1 residue lot;
- Construction of temporary footway over residue lot;
- Associated infrastructure and landscape works.

The subdivision will create 94 “Residential 1” (R1) lots and 3 “Residential 2” (R2) lots. The R1 lots range in size from 437m² to 710m² and have lot frontages of between 13m and 32m. The R2 lots range in size from 802m² to 888m² and have lot frontages from 22m to 35m.

The R1 and R2 sites are a result of the Harrington Park component of the DCP which aims to deliver single detached dwellings (R1 land) and alternative housing being multi-unit dwellings (R2 land) in specific locations. This will be discussed further in the report. **A copy of the proposed plans is provided at the end of the report.**

NOTIFICATION

The proposal was notified between 23 September, 2009 and 22 October, 2009. A total of 48 properties surrounding the subject site were notified and an advertisement was placed in the local newspaper. In addition, three locally known community groups were notified including Camden Historical Society.

Five submissions were received during the exhibition period. The relevant matters raised in the submissions are discussed under the below heading ‘Any submissions made’. **Copies of the submissions are provided with the Business Paper supporting documents.**

PLANNING CONTROLS

The following list identifies the planning documents that are relevant to the proposal. Each is discussed in further detail later in this report.

- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River
- Camden Local Environmental Plan No 74
- Exhibited Draft Camden Local Environmental Plan 2010
- Camden Development Control Plan 2006
- Camden Residential Strategy 2008.

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:

The provisions of any Environmental Planning Instrument

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

SEPP 55 seeks to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health.

Clause 7(1) of SEPP 55 requires council to consider whether the land is contaminated and if so is satisfied *that the land will be remediated before the land is used for that purpose*.

SMEC Testing Services was commissioned to undertake contamination investigations within the site. Following the investigation it was established that remediation of the land is required for the residential development and the report recommended a level of remediation.

Other than those identified, it was determined that there is no significant widespread contamination impacting the site.

A Remedial Action Plan (RAP) has been prepared and has been accepted by Council staff. Works to be undertaken for the land to be remediated form part of the draft development consent conditions shown below.

The RAP was publicly advertised in accordance with clause 16 of SEPP 55 for 30 days with the Development Application.

Deemed State Environmental Planning Policy No 20: Hawkesbury/Nepean River

The aim of this plan is to protect the function of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The applicant states that the proposed drainage system has been designed to comply with the relevant guidelines (for example, NSW Floodplain Management Manual, NSW Department of Housing Manual, “Managing Urban Stormwater – Soils and Construction 2004” and Camden Council’s Engineering Design Specification 2009), thereby minimising any adverse impacts to the river system.

Further, clause 11 (4) of this Deemed SEPP states that all remediation works within Camden Local Government Area require development consent. As discussed earlier in this report, a RAP has been submitted and was advertised with the Development Application.

Therefore it is considered that the proposal is consistent with the aims and provisions of the Deemed SEPP 20 provided the site is suitably remediated to a state suitable for residential development. Remediation of the site will be required prior to release of any subdivision certificate.

Camden Local Environmental Plan No 74

Statement of Permissibility

The land is currently zoned 2(d) Residential under Camden Local Environment Plan 74 (LEP 74). The development proposal being subdivision of land is not listed as a prohibited activity and is permitted under Clause 20 Subdivision of LEP 74 which states

"a person shall not subdivide land to which this plan applies except with the consent of the Council".

The other development types listed under the heading 'The proposal' are all ancillary activities to the subdivision of land and are not listed as prohibited development.

Statement to achieving the aims and objectives of the zone

The objectives of the 2(d) Residential zone are as follows:

- a. to promote a distinctive character and quality of development, based on the historic and natural characteristics of the land,
- b. to allow the provision of a range of housing types,
- c. to promote the provision of accessible and convenient commercial, social, recreational, educational, religious, community and employment facilities close to public transport so as to serve the needs of the residential district for education, recreation, religious, community service and welfare activities,
- d. to provide an appropriate urban drainage system in an environmentally sensitive manner that provides a dual use facility for control of stormwater and for recreational use,
- e. to provide a visual and auditory buffer between residential areas and Camden Valley Way and The Northern Road,
- f. to allow open space for such active and passive recreation as may be required for proper accessibility and distribution in relation to the population generally and to young children in particular,
- g. to allow land for pedestrian and cycle routes between areas of activity,
- h. to protect and enhance areas of landscape and vegetation significance,
- i. to protect the ecological integrity of bush and riparian corridors by facilitating sensitive development on land adjoining land within Zone No 7 (a) and Zone No 7 (d4) and integrating existing bushland into planning for open space and active recreation areas,
- j. to ensure that development retains the significance of heritage items and archaeological sites and their settings and does not adversely impact on significant views,
- k. to protect the rural character of Cobbitty Road.

With respect to the relevant objectives and having regard to the ultimate development, the various lot sizes will allow the provision of a range of housing types which include both attached and detached housing. This is supported by the inclusion of different allotments to R1 and R2 which allow various density potentials, and therefore satisfies objective (b).

The development plays an important role in achieving objective (g) because it will ultimately connect the existing residential precinct to the north of the site (Harrington Park) to Narellan Town Centre by providing a shared public accessway which connects from the subject subdivision onto Stewart Street. It is proposed to provide this path over the residual lot marked stage 4 on the development plans.

This lot will be subject to future development, however the applicant has agreed to construct a temporary path until such time that further development occurs on the site. The reason for this is that the design and construction of a permanent pathway should be determined concurrently with adjoining development to ensure that, amongst other things, principles of Safer by Design and suitable landscape treatments are considered.

Finally, it is considered that the development retains the significance of the adjoining heritage items as required by objective (j) as the applicant has agreed to provide building design guidelines for the future development of residential lots immediately adjoining the conservation area of Struggle Town.

Other provisions

Clause 13A Land forming operations – this clause states that certain landforming operations require development consent. The proposal includes carrying out of such works over the identified threshold as noted in subclause 2 and as such the relevant conditions have been recommended below.

Clause 29 Development in the vicinity of heritage items and archaeological sites – This clause requires Council to consider the likely impact of the proposed development on the heritage significance of a heritage item (or conservation area) when determining an application for consent to carry out development on land in its vicinity. As discussed above, the subject land is adjacent to the heritage conservation area of Struggle Town.

The applicant has submitted a Heritage Impact Assessment. An assessment of the above is incorporated into the assessment of likely heritage impacts detailed further in this report.

Any draft Environmental Planning Instrument

Exhibited Draft Camden Local Environmental Plan 2010

Statement of Permissibility

The land is proposed to be zoned Residential 1 (R1) under the exhibited Draft Local Environmental Plan (LEP 2010). The development proposal being subdivision of land is not listed as a prohibited activity and is permitted under draft Clause 2.6 Subdivision – consent requirements. In the event that consent to the development is granted, it is appropriate to include the Residential 1 and 2 zoning classifications of individual allotments in the first review of the land to reinforce the site potential of those lots.

The other development types listed under the heading 'The proposal' are all ancillary activities to the subdivision of land and are not listed as prohibited development.

Statement to achieving the draft aims and objectives of the zone

The proposed objectives of the Residential 1 zone are as follows:

- a. to provide for housing needs of the community,
- b. to provide for a variety of housing types and densities,
- c. to enable other land uses that provide facilities or services to meet the day to day needs of residents,
- d. to allow for educational, recreational, community and religious activities that support the well-being of the community,

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

The development fulfils the objectives in that it provides opportunities for a variety of housing types and densities as required by objective (a) and (b), and is represented by the range of lot sizes for a growing and diverse community.

In addition, the subject site plays an important role in achieving objective (e) in that the final outcome of the proposed development allows for an urban corridor which provides a transition between traditional detached dwellings (Harrington Park), as well as providing opportunities for higher density housing (where permitted) to be located closer to the establishing commercial precinct and transport corridors.

Other provisions

Other relevant clauses within the draft exhibited LEP 2010 include clause 4.1 Minimum subdivision lot sizes and 2.6 C Earthworks. No part of the proposed development is contrary to any of the development standards within these clauses.

Any Development Control Plan

Camden Development Control Plan 2006

Part D: General Provisions

Chapter 2: Cut + Fill, land forming operations and erosion + sediment control

The controls within this chapter primarily relate to the protection of the environment as a result of any site works that need to be undertaken for the purpose of the subdivision.

In accordance with the definitions of this chapter, the extent of landforming is considered as minor, and given this all protective measures to ensure environment risks such as erosion and sediment control movement are minimised, and would be managed by imposing the relevant conditions of development consent.

Part E: Residential Development and Subdivisions

Chapter 1: Residential Subdivision

This chapter provides the minimum general standards for the subdivision of land for both R1 and R2 lots. Relevantly, controls for subdivision of land within the 2(d) Residential zone are as follows:

Control 2.2.c - Minimum lot sizes and dimensions; Residential 2(d) – Residential 1

- (i) Minimum area: 450m²*
- (ii) Minimum width: 15m (at building line)*
- (iii) Minimum depth: 27m*

Control 2.2.d - Minimum lot sizes and dimensions; Residential 2(d) – Residential 2

Alternative housing forms to provide a higher residential density. Lot areas are expected to be less than 450m² for a single dwelling, with an average of 350m².

Control 2.2f – Minimum lots sizes and dimensions; Corner Lots

- (i) Corner lots shall have a minimum area of 650m².*
- (ii) The area of a corner lot within an integrated housing development (small lots) shall be assessed as part of a Development Application.*
- (iii) The preferred outcome is for a dwelling to front both roads for it to provide a better presentation to the overall streetscape.*
- (iv) Privacy side fencing must be a minimum of 3m from the boundary to comply with 'Crime Prevention Through Environmental Design' guidelines.*

With respect to R1 lands, the control requires a minimum lot size of 450m², however the development seeks to vary 30 of the 94 R1 lots to produce a minimum lot size of 437m², which is approximately 3% smaller than the minimum lot size required under the DCP.

In addition, a variation is being sought for the minimum width control of 15m. The proposed development includes 70 lots with frontages less than 15m, with the smallest frontage being 13.015m (which is made up of approximately 32 of the 70 non-compliant lots).

Strict compliance with these controls is difficult because the block layouts were determined firstly by an existing road network which terminates at the subject site, and secondly the subdivision was designed to ensure that the number of common or adjacent boundaries was minimised.

This variation is supported by the current objectives of this Chapter which allows a higher density, as the site is considered as a 'transitional zone' site between the low density residential development (Harrington Park) and the commercial centre of Narellan. Despite this non-compliance the proposed yield supports this planning objective which is traditionally allocated for low density developments.

The applicant also states that the proposed lot sizes are adequate to provide the required setbacks, maintain site features and useable building space. This is supported by a solar assessment and maximum building footprint analysis which was prepared by Cardno, and adopts minimum setbacks and Camden Council's DCP Part E: Chapter 1 and Solar Access for Lots.

On the basis that the overall development achieves the specific density objective of this land and has the potential to meet the minimum building controls, it is recommended that this variation be supported.

The controls relating to R2 and corner sites land are complied with.

Other controls within the DCP

Control 3 Building envelopes – As required by this control, a plan was submitted which included building envelopes illustrating footprints, solar access zones, services and landscape as part of the Development Application documentation. The building envelope plan demonstrates each lot having the ability to satisfy the design criteria relating to solar access, provision of private open space and adequate setbacks.

Control 4 Solar assessment – As noted above, a solar analysis was undertaken as part of the development planning process. The analysis illustrates a level of compliance with solar access with the exception where the width of the block is required to increase depending on the orientation and slope.

This requirement was difficult to achieve given the site constraints as discussed above, however it is considered that the intention of solar access considerations were achieved in that the lots were designed to facilitate adequate solar access to each dwelling's future principal private open space and living zones.

Control 7 Road networks and Control 8 Road Design – The road networks generally comply with the DCP requirements. In summary, the three roads created within the subdivision will be considered as minor access roads and are capable of accommodating the traffic generated by this development.

Control 13 Open space and Landscaping – The development does not propose any open space and the applicant has stated that the provision for open space will be addressed through Section 94 Contribution.

Control 16 Crime Prevention Through Environmental Design (CPTED) – This section requires consideration of the design of the subdivision, both in the built and natural environment in ways which will enhance public surveillance and to ensure all public areas are well maintained to maximise their usage and discourage vandalism.

The applicant has submitted a CPTED analysis based on the four key CPTED principles being natural surveillance, access control, territorial reinforcement/ownership and space management. One main area identified that will be required to be specifically addressed within the overall development is a pedestrian and cycle accessway that connects Stewart Street to the proposed subdivision.

Upon final completion of this accessway it will be approximately 71.6m long and 4m wide and will share a boundary with one existing privately owned residential lot to the south. The remainder is bound by the residual lot proposed within this application. This access serves as an important function in achieving permeability and accessibility between the residential precinct and Narellan Town Centre.

Natural surveillance considerations are difficult in this case because the accessway will be mostly bounded by land subject to future development, however the width of this area allow for safe usage until that development is constructed. A condition of consent can be imposed to ensure that the relevant considerations (ie Safer by Design) and any other Council requirements are considered at the time the residual lot is developed.

Control 17 Noise Attenuation - An Environmental Noise Assessment for the proposal was submitted. Environmental noise factors assessed include traffic noise from Camden Valley Way and The Northern Road. As a result it was recommended that to achieve the required noise levels within the residential lots and dwellings, a noise fence barrier was required in addition to specific dwelling construction requirements.

The noise barrier, being a 1.8m high fence, is to be constructed along rear boundaries of Lot 319 and 320 to attenuate noise for the residential allotments proposed in the subdivision.

The applicant states that the fence along Lot 319 will be temporary and subject to a future noise assessment once this land is developed to ensure that both the subject site and residential allotments created are protected from noise. The fence along Lot 320 will be permanent.

This, and the recommended building construction requirements would form part of the proposed 88B Restrictions and draft development consent conditions at the end of this report.

Control 18 Waste Collection – The DCP requires consideration be given to the ability of waste trucks to manoeuvre and access the residential properties. The application was assessed in accordance with the relevant standards and the appropriate conditions would be imposed.

Part G: Site Specific Controls
Chapter 7: Harrington Park

Control 7 Residential 2 areas – Controls within this section requires that all R2 lands are:

- (a) within 200m of a bus stop;
- (b) no more than 500m from the neighbourhood centre or a village centre;
and
- (c) the proposed development form shall not adversely affect adjoining lower density development.

The applicant has provided aerial photography demonstrating that all R2 lots are within 200m of a bus stop and are no more than 500m from the town centre, thereby achieving (a) and (b). With respect to control (c), the development of such dwellings will be subject to a detail assessment upon lodgment of a Development Application for a dual occupancy.

Control 9 Water Quality and Control 10 Drainage and flood mitigation – The objectives of these controls are to ensure that development is carried out in such a manner so as to avoid any harmful effects or deterioration of the water quality of the water bodies and creeks within the Harrington Park Area and the creeks and rivers downstream (water quality), and finally to protect and prevent damage to the built and natural environment from changes in discharge levels within the site and from the site in a safe manner (drainage and flood mitigation).

The applicant states that the proposed drainage system has been designed to comply with the relevant guidelines and therefore minimises any adverse impacts to the river system.

Control 11 Noise – As discussed above, an acoustic assessment report was lodged as part of the Development Application and would be dealt with through various conditions of development consent.

Control 14 Archaeology – The applicant pursued a search of the Department of Environment and Climate Change and Water, Aboriginal Heritage Information Management System (AHIMS) and concluded that there is no record of any Aboriginal objects at the subject site.

Notwithstanding, a condition of consent would be imposed to ensure that all works cease in the event that any potential relics are encountered during any excavation. In addition the condition would make the applicant responsible for contacting the relevant government agencies immediately after any find to determine the appropriate course of action.

Chapter 22: Narellan

The purpose of this chapter was to articulate desired future characters of various precincts within Narellan and Harrington Park South. Each area is defined as different 'places' and its focus aims to deliver a certain development outcome which strengthens and complements the Narellan Township.

The subject site is within the place of Harrington Park South. The character statement can be summarised as follows:

- a. any new development associated with these cottages will be located at the rear of the properties and will support their conservation, minimise visibility from the street and maintain the predominantly domestic scale;
- b. the precinct immediately adjoining Harrington Park offers higher density residential opportunities as a transition from low density residential to the commercial centre of Narellan;
- c. future development shall be sympathetic to the existing character of adjoining development. The layout of the area will be based around a central open space, which will be designed to act as a community focal point; and
- d. pedestrian and cycle linkages between this Place, Harrington Park and Narellan will be maximised.

It is considered that the subject site plays an important role in achieving statement (b) given its proximity to the town centre. The developer proposes to provide a density marginally higher than the standard 450m² lot sizes as communicated in this statement.

As a result, this achieves an urban transition zone between the low residential dwellings in the existing Harrington Park residential area to a higher density area.

Historically it was always envisaged that the site was suitable to provide a higher density development and therefore a control was imposed within the development control plan to ensure that open space is provided within any proposed development.

However as the development is significantly less dense than previously planned, it is considered that statement (c) is not required to be achieved.

Finally, the development will provide an integral link between the two land uses by providing a pathway from the proposed subdivision to Stewart Street, therefore achieving the requirements of objective (d).

Any planning agreements

No planning agreements are subject to this land.

The likely impacts of the development

Impacts on surrounding neighbourhood during construction

Standard conditions would be imposed to ensure that all environmental impacts and amenity of the surrounding existing neighbourhood during the construction of the subdivision is minimised. For example, noise and dust impacts emanating from construction works.

Traffic and Noise

Once finished the proposed subdivision will provide residential lots consisting of attached and detached housing. The likely negative impacts from the finished development include traffic impacts and noise. These have been assessed and are not considered to be unreasonable.

Noise impacts are mitigated by the noise barrier and construction material for the dwelling, and traffic impacts would not be more than that expected for a residential environment.

Heritage

A Heritage Impact Statement was lodged as part of the Development Application with a view to assessing both the heritage significance of Carinya Cottage and also any likely impacts the subdivision would have on Struggle Town.

With respect to Carinya Cottage the Statement concluded that *"the significance of Carinya Cottage has been assessed as being of some historic and aesthetic interest as a characteristic early Federation Edwardian cottage dwelling, however it is not considered to be an exceptional example of the style and although relatively intact, the dwelling is not particularly refined in its architectural quality and detailing.....it is therefore considered that the Carinya Cottage and associated land, being Lot 92 DP 1051164 does not meet the criteria for heritage listing"*.

Furthermore and with respect to Carinya's contribution to Struggletown, the statement concludes *"that the dwelling does not relate to the Struggletown Conservation Area and cannot therefore be regarded as contributory"*.

Council requested further analysis on the associative significance be undertaken with a number of local historical identities in Camden as a result of various concerns raised the submissions about this matter.

In response to this the author of the report concluded that *"the cottage is not demonstrative of or directly associated with the contribution or accomplishments of any of the noted families and its retention or demolition will not alter their contributions as long term Narellan families. The house does not demonstrate strong or special associations with the life or works these individuals or families"*.

Council acknowledges that the dwelling was owned by some local identities who have contributed to the community of Camden. However, as the supplementary report concludes, there is limited contributive heritage significance between the dwelling and those local identities that justifies the physical retention of the dwelling.

On this basis it is recommended that a photographic archival record be prepared and submitted to Council prior to the commencement of any works to record the general context, setting and dwelling. The proposed conditions shown below state that the guide should be prepared in accordance with the minimum standards for Archival Recording prepared by the NSW Heritage Office and a copy of the report be lodged with Camden Council's Local History Library.

With respect to impacts from the subdivision to the Struggletown Conservation Area, the Statement concludes that *"the proposed residential subdivision is a consistent use in relation to the Struggletown Conservation Area. It is considered that the distances*

between the proposed new buildings and the Conservation Area, combined with the recommended Design Principles, will result in a minimal additional visual impact of both the Conservation Area and listed items. The Design Principles recommend roof forms, setbacks, materials and colours where relevant".

The recommended design principles within the Statement relate to proposed residue Lots 319 and 201. The principles also suggest design outcomes on the residential corner lots facing Stewart Street being Lots 126, 202, 220 and 301. It is considered that the best way to achieve the principles is to have 'Design Principal Guidelines' communicated within the 88B Instrument of the specific property. This is noted in the 88B Instrument restrictions within the draft development consent conditions below.

In addition, a reference would be included within the DCP to ensure that such design guidelines need to be referred to for all building Development Application designs and assessments

Social and Community Impact

On completion of the development the subdivision will complete an urban corridor between the established Harrington Park and developing Narellan Town Centre and will create a pedestrian and cycle network which connects into the existing network of Harrington Park to both Struggle Town precincts and Town Centre.

In addition, should the application be approved, positive economic impacts will be realised with the increase of population (and the higher densities) located within the commercial precinct which will ultimately support the town centre and existing commercial premises within the Struggle Town precinct.

The suitability of the site for the development

The site is considered suitable in terms of the environmental, engineering and planning issues associated with the proposal and the site's attributes are conducive to the proposed development.

Any submissions made

As stated above five (5) submissions were received during the notification period. The following summarises the issues raised and provides comments on those issues.

1 Heritage

The following is a summary of comments made with respect to both the assessment of the Heritage Impact Statement and general comments relating to Heritage:

- lack of understanding of the contextual setting of the cottage (Carinya) in the history of the Narellan area;
- although not vernacular in style, the cottage is highly representative of a period in Australian history when progress development in rural areas was not measured in the fussiness of an architectural style;
- the cottage is representative of a simple Federation style that is found in a number of similar cottages in other parts of Camden LGA. Local residents built cottages that were representative of the lifestyle and aspirations;
- the cottage is part of the social and cultural fabric of Narellan local history

- through its association with the Cross and Paxton families, who are pioneers and local identities of substance;
- The cottage is a valued part of the rural landscape of the Narellan area.

Officer comment:

A Heritage Impact Statement and subsequent Supplementary Report was prepared and submitted to Council.

The reports concluded that while *'the cottage has been assessed as being of some historic and aesthetic interest as a characteristic early Federation Edwardian Cottage dwelling....it is not an exceptional example of the style and is not particularly refined in its architectural quality and detailing'* and therefore is considered not critical to be retained.

This analysis noted various bibliography and references including correspondence with local historians, reference to the Camden History website and the NSW Heritage Office.

The Supplementary Report was requested by Council to further consider the associative significance of the dwelling to the Narellan area along with further providing a comparative analysis with respect to the conclusions reached regarding the architectural value. As mentioned previously, this was initiated due to various concerns within the submissions received by the community.

The supplementary report concluded that the relationship with Carinya cottage and the contribution of the past owners does not substantiate a direct historical connection between the life or works of the past owners with the cottage which would be required to meet the criteria for listing.

Further, the report concludes that the cottage does not achieve the rarity significance criteria when assessing the comparative design (of the cottage) within the context of the broader Camden Local Government Area.

2 Other

Loss of vehicular access to rear of property

Officer Comment:

A review of relevant deposited plans for both the site owned by the objector and land subject to this Development Application did not find any legal right-of-way access into the objector's property. The current legal access onto the site is from Stewart Street and as such it appears that the owner has enjoyed free and full access from the subject development site while the land has remained vacant. With the site having legal access from Stewart Street, it is considered that no other legal access needs to be maintained.

Lack of sewerage connection availability for the existing homes in Stewart Street

Officer Comment:

The obligation of the developer is to ensure that each site created within the proposed development will be adequately serviced. This has been demonstrated by the submission of a concept sewer plan.

With respect to the sites along both Stewart Street and Sharman Close which are currently unsewered and adjoin the subject site, the developer has provided a sewer main up to the boundary of the adjoining residential allotment within the area currently unsewered. This will ultimately provide opportunities for lots to connect into the reticulated sewer main.

During the assessment of the Development Application Council wrote to Sydney Water seeking a commitment for the Corporation to deliver the construction of the reticulated sewer main to these lands concurrently with construction of the subdivision.

The Corporation responded by stating *"Sydney Water has advised residents in this area that in line with our "New Connections" Policy (copy of Sydney Water's Guidelines enclosed) we may enter into a cost sharing arrangement towards wastewater construction dependent on the outcome of a feasibility investigation to identify the total cost of providing a sewer connection to the existing lots"*.

The letter concludes by stating *"The progression of a new investigation is dependant on the adjoining developer committing to the construction of wastewater facilities to service the proposed subdivision and secondly the receipt of a new application by one or more of the property owners. At this stage no plans have been received from the developer detailing the proposed extension of the wastewater system"*.

Should this Development Application be approved the developer will initiate the application for extending the reticulated sewer main (but as discussed only to service the subject development land), however in relation to the sites within Sharman Close and Stewart Street, Council officers will raise this matter with the Local Member.

Narellan proper was provided with reticulated sewer some 25 years ago and the lack of access to sewer has disadvantaged the residents of this group of dwellings for that period of time. Council proactively lobbied Sydney Water on behalf of residents of the precinct in the early 1990's for the provision of sewer on the then 'backlog sewerage program' to no avail.

Sydney Water responded by saying that there was no access to a reticulated main on the north-western side of Camden Valley Way and that sewer would be provided when development occurred in that immediate area. It now appears that the cost of the installation of mains to the area will be at the cost of the existing ratepayers of the precinct, whereas the remainder of Narellan was sewerred at the cost of the State Government. It is considered that Sydney Water has a responsibility to service these few remaining sites and this work should be done and funded by that authority as part of this development.

This leaves a pocket of allotments that rely on 'pump out services' or on-site systems that generally do not perform well and are amid newer development that is fully serviced.

This matter will be the subject of a separate report to Council within the near future. This report will highlight the issues that may be faced by residents/owners of properties in Sharman Close and Stewart Street in ensuring their septic systems are appropriate and do not impact on the adjoining land once it is developed.

Security and safety concern for pedestrian accessway

Officer Comment:

The accessway will be subject to a detailed assessment on the principles of Crime Prevention Through Environmental Design upon lodgment of a Development Application for works within Lot 201. Camden Police advise that there are no objections to the development proposed.

Need access to construction site manager

Officer Comment:

As required by the Environmental Planning and Assessment Act, 1979 a notice shall be displayed at the entry of the development site which provides the contact details of the Principal Certifying Authority (PCA). The PCA is responsible for ensuring that all conditions of development consent are being complied with and this includes all conditions relating to managing impacts directly related to construction works.

Non-provision of public open space

Officer Comment:

The requirement for public open space on the subject site was intended to support the medium density development originally proposed for the site where it was envisaged that approximately 220 dwellings/townhouses could be constructed on this parcel of land.

However given that there has been a significant reduction in the dwelling yield under this proposal, it is considered that the existing open space within 500m of the site is adequate to cater for the projected future population of the subdivision.

The public interest

At completion of the subdivision the development will not only serve an important role in completing the urban corridor to the existing residential area of Harrington Park, but will also contribute to the viability of the both Narellan Town Centre and existing and future businesses within the adjoining Struggle Town Conservation area.

This will provide both a local community advantage and will provide positive social and economic outcomes. Therefore it is considered that the approval of the Development Application will be in the public interest.

CONCLUSION

Council has received a Development Application for the subdivision of land within Harrington Park (south). The development will create 97 residential allotments and 2 residual lots. The subdivision of land will also see the classification of Residential 1 and Residential 2 sites as required by the Harrington Park Development Control Plan. This plan aims to deliver single detached dwellings (R1 land) and alternative housing being multi-unit dwellings (R2 land) in specific locations where it can be demonstrated that the sites are within close proximity to transport corridors and commercial centres.

The development of this land will also include some remediation and earth works, landscaping and demolition of various buildings, including the existing cottage which is

commonly known as Carinya Cottage.

Given the age of the cottage and the proximity of the land to the Struggle Town Conservation Area, the applicant was required to provide a Heritage Impact Statement. The statement was required to assess both the impacts to Struggle Town (as a result of the ultimate development) and the historical value of Carinya cottage.

The report concluded that the development will not have any adverse impact on the fabric or contribution of Struggle Town and recommended that building design guidelines be implemented on certain lots that may adjoin or are visible from the conservation area. This will be incorporated as a restriction as to user on the subject land and also be referenced within Camden Development Control Plan 2006.

Finally, with regard to the historical significance of Carinya Cottage, the report concluded that while some local identities have lived in the cottage and that its architectural design is unique to the immediate locality, there is limited direct contributive or architectural heritage significance.

Therefore it is recommended that approval be granted to remove the cottage subject to a detailed photographic archival report being produced by a suitably qualified person in accordance with the Heritage Branch Guidelines.

Council received five (5) submissions during the exhibition period. The submissions primarily relate to:

- a) heritage significance of Carinya cottage;
- b) lack of sewer connection for properties along Stewart Street;
- c) loss of vehicle access;
- d) amenity impacts to the surrounding environment as a result of construction works;
- e) security and safety concern for pedestrian access way; and
- f) lack of open space.

These objections have been considered and addressed as part of the assessment process.

The proposal has been assessed on its merits pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979, and is now recommended for approval subject to the draft conditions shown below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

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

- (a) Plan title – Plan of proposed subdivision; Drawing number - YN294100 SA-01; Revision C; dated 28 February 2010 as prepared by Cardno (NSW) Pty Ltd
- (b) Landscape and Street Tree Plan being Dwg. No. L01 dated 8 September 2009 as prepared by HLS Pty Ltd
- (c) Camden Council's standard drawing SD31 Rev. A dated Jan 2009

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 conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

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

(2) **Amendments to Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate.

- (a) The proposed 'screen planting' indicated on the approved Landscape and Street Tree Plan and along the southern boundary of the site shall be deleted
- (b) The street alignment edge of all concrete footpaths, as contained within the footways, is to be 900mm from the street alignment.
- (c) The 'temporary construction entry' at the intersection of Bentella Road and Pearson Crescent is to be deleted. The construction site shall be serviced from the proposed 'temporary construction entry' at Correllis Street only.
- (d) The road carriageway, at the curves denoted on the approved plans, shall be widened to provide for the swept turning path of the Heavy Rigid Vehicle (MRV) as noted in the current edition of AS/NZS 2890.2. Details of such widening shall be incorporated into the road design plans.

(3) **Staging** - The development is to be constructed across three separate stages as listed below:

Stage One

- Demolition of the existing cottage & ancillary buildings;
- Demolition of the old auction building & ancillary buildings and structures which includes the removal of two septic tanks;
- Removal of trees identified within the Arborist Assessment;
- Remediation of contaminated land;
- Land forming;
- Subdivision of land to create 43 Residential lots;
- Associated infrastructure and landscape work

Stage Two

- Subdivision of land to create 36 Residential lots and 1 Residue lot;
- Associated infrastructure and landscape work

Stage Three

- Subdivision of land to create 18 Residential lots and 1 Residue lot;
- Construction of temporary footway over Residue lot;
- Associated infrastructure and landscape works

A plan must be submitted showing details of subdivision boundaries for each stage and their relationship to adjoining buildings, together with details as to site and earth works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage, and the expected timing of such development.

The above details must be submitted to the Consent Authority (i.e. Camden Council) **prior to the Construction Certificate being issued.**

Further, details of any proposed easements, temporary public roads and/or other facilities to ensure the independent operational status of each individual stage shall also be included in the above plans.

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

- (a) Camden Council's current Engineering Specifications, and
- (b) the recommendations of the Salinity Management Plan.

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

- (5) **Provision of Public Infrastructure** – All infrastructure associated with any proposed and/or existing public land such as roads, public/drainage reserves, drainage easements, etc. contained within this subdivision must comply with the requirements of Camden Council's: -

- (a) Development Control Plan 2006, and
- (b) Current Engineering Specification and
- (c) Camden Council's Landscape and Streetscape Elements Manual 2006

- (6) **Footpath/Shared Way Construction (Road)**- The construction of any concrete footpath and/or pedestrian/cycle shared way, within any proposed/existing public road, **must not be** commenced until:

- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
- (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,
- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads Authority, Camden Council, and
- (d) a Public Road Activity (Roadwork) application has been submitted to and approved by the Roads Authority, Camden Council.

- (7) **Construction of shared cycleway/foot path along Residual Lot 201** – A shared cycleway/footpath (shared way hereunder) shall be constructed on land marked Stage 4 on the approved plans for the purpose of achieving pedestrian connectivity between the proposed subdivision and Stewart Street. The construction of the shared way must be in accordance with the following:

- a) the shared way shall be reconstructed to maintain a 4 metre wide path,
- b) the pram ramp constructed as part of the access way shall align with the pram ramp on the opposite side of Road 2,

- c) the path shall be signed and marked in accordance with Australian Standard AS 1742.9. Manual of Uniform Traffic Control Devices, and
- d) the construction specification of the shared path shall be as follows in accordance with Council's Engineering Specifications.

All work associated with the construction of the shared way shall be at no cost to Camden Council or the Roads and Traffic Authority.

- (8) **Landscaping Maintenance & Establishment Period** – Notwithstanding any condition of this development consent, all Landscaping works associated with this Consent (Landscape Plan - L01, Dated 8 Sept 2009, Job No0907, Drawn by HLS P/L) are to be maintained by the developer for a period of 24 months. The Maintenance and Establishment period is to commence from the date of issue of the Subdivision Certificate.

At the completion of the 24 month landscaping maintenance 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 24 month landscaping maintenance period, the landscaping works must comply with the approved Landscaping Plans.

Any landscaping that requires repair or replacement at the end of the 24 month maintenance period is to be repaired or replaced within 40 days following the end date of the 24 month maintenance period.

- (9) **Location of Proposed Street Trees** – The final location of all proposed street trees must comply with the requirements and directions of the Principal Certifying Authority. In that regard the location of such trees may require road alignments to be varied/modified with such variations to be included in any proposed Plan of Subdivision.
- (10) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, onsite and offsite disposal, asbestos management that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken on the site in accordance with the Remediation Action Plan Report titled *“Remediation Action Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 06/1016, Dated October 2006.”*

Note: The only **exception** to the Remediation Action Plan (for compliance) is that Council does not accept the *“hotspot criteria of 2.5 times the relevant criteria”* when assessing for validation. This criterion is not to be utilised in any validation assessment.

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

- (11) **Site Validation Report** – A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's Management of Contaminated Lands Policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority (Camden Council) within 30 days following the completion of the works.
- (12) **Compliance Of Remediation Work** - All remediation work must also comply with the following requirements:
- Contaminated Land Management Act 1997;
 - Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
 - State Environmental Planning Policy No 55 – Remediation of Land;
 - Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
 - Camden Council's Adopted Policy for the Management Of Contaminated lands.
- (13) **Timing of Remediation Works** – Remediation works is permitted to occur at the same time as construction works on the site providing that:
- (i) the construction project manager is made aware of all remediation works as per the Remediation Action Plan; and
 - (ii) a qualified environmental consultant is engaged to execute or oversee and report on the remediation and validation works and ensure that construction workers are not exposed to harmful contaminants.
- (14) **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (15) **Licenses** – It is the responsibility of the applicant / land owner / site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (16) **Approvals from Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits from all other approval authorities as required. The General Terms of Approvals from the Rural Fire Service are attached to and form part of this Development Consent.
- (17) **Alternative Ventilation for Habitable Rooms** - For Lots 312-318, Lot 220, and Lots 301-311, with reference to "Section 6.2 – Table 10 – Option 1" of the report titled "*Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09.*" all facades identified in "Table 10" will require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical

engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

- (18) **Construction of Acoustic Boundary Fence** – Notwithstanding any other condition of this consent an acoustic barrier must be constructed around the perimeter of the subdivision development land to reduce road traffic noise impacts from Camden Valley Way, The Northern Road and Narellan Road on the proposed development.

This fence shall:

- (a) be constructed to a height of 1.8 metres from the finished ground level along the boundaries as required by Section 6.3 – Boundary Fence and as indicated on the map within Appendix C - Noise Prediction (Plan ref TEA73-01; Figure P01; Dated 02/08/09) contained within the acoustic report titled *“Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09”*,
- (b) notwithstanding the above, where the barrier is to be constructed along a common boundary of an adjoining allotment then it must be constructed in accordance with the Dividing Fence Act, 1991, and
- (c) not be located or not encroach onto any drainage reserve.

Note 1 - Camden Council will not be responsible for the structural integrity of the wall/fence at any time.

Note 2 - All work associated with the proposed noise attenuation treatments shall be at no cost to Camden Council.

- (19) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc., shall be designed in accordance with the current edition of AS 2890.2 and more specifically with the Heavy Rigid Vehicle (HRV) swept turning path contained within that document, or as approved by the Principal Certifying Authority.

- (20) **Location of Public Utility Services** – The location of all Public Utility Services shall comply with the following requirements:

- i) All proposed Public Utility Authority plant/infrastructure shall be located in proposed public roads and shall be:
 - a) contained within the footway/s of that road, in accordance with the provisions of the current Streets Opening Conference, and
 - b) where visible, located within a distance of 1 metre either side of the prolongation of proposed lot boundaries (if any) except when such plant/infrastructure is to be located adjacent to splay corner/s associated with road intersections.
- ii) Notwithstanding i) above, the following plant/infrastructure:
 - a) Electrical pad-mounted substations, and

- b) Sewer Access Chambers and mains, **MUST NOT** be located within any proposed: -
- c) public road reserve,
- d) public reserve, and
- e) drainage reserve

EXCEPT where such subsurface plant/infrastructure, associated with such, is required to traverse a proposed public road. In such circumstances the traverse length must be minimal with the final location of the traverse being confirmed by the Principal Certifying Authority **prior to the commencement of any associated work.**

- iii) The design of proposed Public Utility Authority plant/infrastructure must be consistent with all aspects of the approved road design associated with the issued Construction Certificate.

All proposed Public Utility Authority plant/infrastructure connections in existing public roads must comply with the provisions of the Memorandum of Agreement associated with the current Streets Opening Conference.

- (21) **Salinity Management Plan (SMP)** - All proposed work that includes earthworks, landscaping and public infrastructure at the subject site, must be undertaken in accordance with “*Section 6 – Salinity Management Plan*” of the report titled “*Salinity Management Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 07/1549, Dated November 2007.*”

- (22) **No approval for additional works** - This approval does not grant or imply any approval for works other than for the purpose of Subdivision and Acoustic Wall (i.e. Retaining Walls). Any additional works will be subject to separate Development Consent.

2.0 - Construction Certificate Requirements

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

- (1) **Construction Certificate Prior to Commencement** – This development consent does not permit site and/or building works to commence, nor does it imply that the plans attached to this consent are suitable or adequate for the purposes of a Construction Certificate. All construction work associated with this development consent must be supported by an issued Construction Certificate and such works must only commence after a Principal Certifying Authority (PCA) has been appointed.
- (2) **Public Utility Service Plans** – Public Utility Service plans shall be submitted to the Certifying Authority for inclusion in any Construction Certificate application. The plan/s shall:
 - (a) be prepared by a designer accredited by a scheme approved by relevant Public Utility Service Authorities,
 - (b) be suitable for approval by relevant Public Utility Service Authorities,
 - (c) incorporate any relevant conditions associated with this Development Consent,
 - (d) recognise all provisions and requirements of the current Streets Opening

Conference.

(3) **Soil Erosion And Sediment Control Plans** - Erosion and sediment control plan/s must be:

- (a) prepared by persons with experience in civil engineering design,
- (b) designed in accordance with Camden Council's Development Control Plan 2006 and included in the Environmental Site Management Plan (ESMP), and
- (c) endorsed by a practicing engineer with National Professional Engineering Registration and associated General Area of Practice in civil engineering, and
- (d) be incorporated into the Environmental Site Management Plan.

Such plans shall detail the following:

- (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.
- (q) location of the Stabilised Access Point (SAP)

Control measures both with the subdivision site and any existing road reserve adjacent shall be maintained during the entire period of construction.

(4) **Flood Study** - A flood study:

- (a) prepared by a person with experience in the design of stormwater reticulation and management facilities, and
- (b) endorsed by a practising engineer/s with National Professional Engineering Registration and associated General Area of Practice in civil engineering,

shall be prepared in order to determine the impact of the proposed development on the flood behaviour of the existing watercourse. The results and recommendations of the study must be:

- (i) incorporated into the Stormwater Management Plan, and
- (ii) submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

(5) **Traffic Management Plan** – A construction traffic management plan relating to all

public places must be included in the submitted Environmental Site Management Plan (ESMP) associated with this development consent. The purpose of such is to ensure public safety and minimise/control potential adverse impacts on existing pedestrian and vehicular traffic systems. Plans detailing such matters shall: -

- (a) be prepared in accordance with the most current edition of AS1742.3, and
- (b) indicate, but not be limited to, all disposal and delivery routes, the location of the Stabilised Access Point/s (SAP) and any vehicular diversionary thoroughfares associated with the construction.
- (c) be submitted to and approved by the Roads Authority, Camden Council **prior to the issue of any Construction Certificate**. In that regard, a Public Road Activity (Other) application must be submitted to Camden Council.

Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

- (6) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared: -

- (a) in accordance with AS/NZ ISO 14000 – 2005, and
- (b) must address, but not be limited to, the following:
 - (i) all matters associated with Part D Chapter 2 of Camden Council's Development Control Plan 2006;
 - (ii) all matters associated with Occupational Health and Safety;
 - (iii) all matters associated with Traffic Management/Control;
 - (iv) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

- (7) **Additional Management and Operational Plan** – To support the remediation strategy additional Management and Operational Plans are required to be completed and submitted to the Certifying Authority for concurrence prior to the issue of the Construction Certificate. The plans shall include a:

- Emergency Response Plan (ERP);
- Occupational Health and Safety Plan (OH&SP);
- Contingency Management Plan (CMP); and
- Safe Work Method Statements.

- (8) **Dilapidation Survey** – A photographic dilapidation survey of existing public roads, drainage reserves, drainage easements and any other public infrastructure within the immediate area of the development site must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate.

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

- (9) **Public Risk Insurance Policy - Prior to the issue of any Construction Certificate**, the owner/contractor is to lodge with Camden Council a Certificate of Currency for a Public Risk Insurance Policy. The policy is to relate to the use, occupation of and works within Council's road reserve for all activities associated with this proposed subdivision. The certificate must provide the following details:

- (a) confirmation that such a policy provides a minimum public liability cover of \$20

million.

- (b) currency period for the policy.
- (c) the land to which the policy relates, and
- (d) the details of the person/company to whom the policy has been issued
- (e) The Certificate of Currency must remain current for the duration of all construction activities and until the Plan of Subdivision has been registered by Department of Lands - Land and Property Information.

- (10) **Performance Bond - Prior to the issue of the Construction Certificate** a performance bond of \$200,000 and must be lodged with Camden Council. Should any of Council's property sustain damage or the implementation of the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works.

The bond will be refunded when:

- (a) all work both within the subdivision site and the existing public road adjacent, has been completed in accordance with the issued consents, and
- (b) the Bond for Rectification of Public Work has been lodged with Council.

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

Note 1: In accordance with Council's current Fees & 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 performance bond, unless a suitable replacement bond is submitted.

- (11) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

Such kerb outlets shall be:

- (a) located within two (2) metres downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority. In that regard, where a location coincides with a stormwater drainage pit a connection to that pit shall be provided in lieu of the kerb outlet.
- (b) constructed in accordance with Camden Council's current Engineering Specification/s, and
- (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.

- (12) **Location of Drainage Pits** – Where drainage kerb inlet pits are proposed adjacent to any lot such pits shall be located within two (2) metres of either side of the prolongation of any proposed side/common boundary of the lot. The location of these structures shall be clearly delineated in any drainage infrastructure plan submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (13) **Common Drainage Lines** – Common drainage lines shall be constructed to service all lots that do not grade naturally to the road drainage system located

adjacent to any proposed lot. The drainage lines shall be designed for the 5% AEP, with a minimum pipe diameter of 150mm. The maximum number of lots to be serviced by any such common drainage system shall not exceed eight (8). Where necessary, and prior to the issue of any Subdivision Certificate, the Principal Certifying Authority, may require additional drainage work, not necessarily shown on the approved plans, to be constructed so as to protect proposed/existing lots downstream from flooding as a result of any overland flow.

Where sewer main construction is proposed adjacent to the proposed common drainage system, such system shall be installed after the sewer main has been constructed.

- (14) **Road Design Criteria** - Dimensions and pavement design details for proposed roads must align with the following:

ROAD NO	ROAD RESERVE	CARRIAGEWAY	Footway	DESIGN E.S.A'S	COMMENTS
1	16	8	4	5 x 105	
2	15	8	3.5	5 x 105	
3	16	8	4	5 x 105	

(Measurements are in metres)

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

Design parameters shall also comply with the provisions of Camden Council's current Engineering Design Specification and be included any application for a Construction Certificate.

- (15) **Temporary Turning Facility** – A temporary turning/manoeuvring facility shall be provided at the end of any proposed road that terminates as a result of the proposed staging plan. The facility shall be designed in accordance with:

- (a) the current edition of AS 2890.2 and more specifically the Heavy Rigid Vehicle (HRV) swept turning path contained within that document.
- (b) Camden Council's Development Control Plan 2006.

The manoeuvring area within the facility shall incorporate the pavement and wearing course design associated with the adjoining proposed public road and there shall be no kerb and gutter of any type within the facility. Any additional land required to accommodate the facility, adjacent to the proposed public road, shall be provided with such land being dedicated as a temporary public road in accordance with s.9, 39 and 40 of the *Roads Act 1993*.

The status of the facility shall remain as a temporary public road until such time as an alternative facility has been provided and dedicated as either:

- (i) public road, or
- (ii) temporary public road.

- (16) **Works Within the Site** - Plans for drainage (including all water quality facilities), roads, retaining walls, earthworks, road pavements, linemarking, vehicle/pedestrian

safety barriers, traffic management details and all other matters associated with this subdivision shall be: -

- (a) prepared by persons with experience:
 - (i) in civil and structural engineering design, and
 - (ii) the geotechnical aspects of earthworks
- (b) endorsed by a practising engineer/s with National Professional Engineering Registration and
 - (i) associated General Areas of Practice in civil and structural engineering, and
 - (ii) a Specific Area of Practice in Subdivisional Geotechnics.
- (c) submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

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

- (17) **Works Adjacent to the Site** – Any proposed activity (not including those of any Public Utility Authority) within any existing public road associated with the site must be approved by the Roads Authority, Camden Council, prior **to the issue of any Construction Certificate.**

In that regard the following items/matters are required to be completed **prior to the issue of any Subdivision Certificate:**

- (a) Work within the Stewart St road reserve
- (b) Kerb return reconstruction at the Pearson Cres/Bentella Rd intersection
- (c) All drainage work in Bentella Rd and Correllis St

Accordingly, a Public Road Activity (Roadworks) application for the above must be submitted to the Roads Authority, Camden Council. Public Road Activity application forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

The application shall:

- (a) include supporting information that addresses/details all proposed and related activities, and
- (b) include associated plans/documentation:
- (c) be prepared by a persons with experience in civil and structural engineering design, and
- (d) be endorsed by a practicing engineer/s with National Professional Engineering Registration and associated General Areas of Practice in civil and structural engineering.

It should be noted that designs for linemarking and regulatory signage for any proposed/existing public road associated with this subdivision MUST be:

- (a) included with this application, and

(b) have prior approval from the Roads Authority, Camden Council.

- (18) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary 'A' class type hoarding or security fence of a type approved by the Consent/Roads Authority, Camden Council. Such hoardings **MUST NOT** encroach upon any road reserve or other private land without the prior written concurrence of the affected property owner.

If it is proposed to locate such a hoarding within any property owned/controlled by Camden Council then a Public Road Activity (Hoarded Zone) Application must be submitted to and approved by Camden Council prior to its installation and **the issue of any Construction Certificate**. Applications forms are available from Council's Customer Service Counter or from Council's internet site <http://www.camden.nsw.gov.au/>

Note 1 No site work may commence until the hoarding/fence is installed.

Note 2 Public thoroughfares must not be obstructed during the course of construction work.

- (19) **Water Quality Conditions** – The following Water Quality conditions shall be complied with:

Water Quality - Stage 1, Phase 1

- (a) **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:

- (i) for sediment control, generally, Managing Urban Stormwater - Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (ii) 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.

- (b) **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.

- (c) **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
- (ii) 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.

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

Water Quality - Stage 1, Phase 2

- (e) **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:

- (i) a filter medium must be included in the design.
 - (ii) 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.
- (f) **Modified "Construction" On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual - Prior to the completion of the modified "construction" on-site detention/sediment control basin and water quality facility**, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for approval.

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

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

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

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

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

sampling period.

(g) **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: -

- (i) 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
- (ii) 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:

- (i) applies only where such a facility is located in existing and/or proposed public land,
- (ii) has been determined at an amount of \$70,000, and
- (iii) will be retained by Council until: -
- (iv) such works have been completed in accordance with the approved plans and to the requirements of Council,
- (v) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
- (vi) the completion of such work has been confirmed, in writing, by Council.

Water Quality - Stage 2

(h) **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.**

(l) **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.

Water Quality - Stage 3

- (j) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Camden Council.

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

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

- (i) in accordance with the approved plans,
- (ii) to the requirements of Camden Council,
- (iii) 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.

- (l) **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

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

- (q) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site; such a facility must be located within proposed and/or existing public land.

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

This written confirmation may be by way of either:

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

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

- All access roads have sufficient carriageway width.
- Verge widths are sufficient.
- Longitudinal grades are not too great.
- Horizontal geometry provides for appropriate access.
- Turning/manoeuvring is achievable.
- Kerb types are appropriate.
- On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
- On street parking restrictions / signage is not expected to be problematic for fire fighting vehicles to gain access.
- Access requirements with regards to perimeter roads has been achieved.
- The required Asset Protection Zones have been achieved.
- All requirements of the Rural Fire Service's General Terms of Approval reference D08/1768, dated 3 November 2009, as noted in Section 8.0 of the development consent have been met.

(21) **Waste Bin Provision** – Waste bin collection points must be provided for each residential lot. This area is to be 3 metres long x 0.9 metres wide and allow a 3.9 metre clear vertical space to allow for the waste collection vehicle truck-lifting arm. It must also be positioned parallel to the back of the kerb and ensure the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures.

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) **Signs To Be Erected On Demolition, Building and Subdivision Sites** – Pursuant to cl.98A of the *Environmental Planning and Assessment Regulation*

2000 , a sign must be erected on any site on which building, subdivision and/or demolition work is being carried out advising of the following:

- (a) the name, address and telephone number of the Principal Certifying Authority (PCA)
- (b) full details of the Construction Certificate/s
- (c) full details of Development Consent No 917/2009
- (d) the name of the 'principal contractor' (if applicable) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (e) unauthorised entry to the work site is prohibited.

The sign must be:

- (a) located within the site,
- (b) clearly visible and legible from the carriageway of any adjacent public road,
- (c) a minimum size of 300mm x 400mm,
- (d) erected prior to the commencement of any work, and
- (e) maintained throughout the duration of the construction works.

Note:

- 1. The Principal Certifying Authority and principal contractor must ensure that the sign/s required by this condition are erected and maintained.
 - 2. Any such sign may only be removed when the Department of Lands - Land and Property Information have registered the Subdivision Certificate/Plan of Subdivision.
 - 3. This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.
- (2) **Stabilised Access Point** - A Stabilised Access Point (SAP) must be installed and maintained at the construction ingress/egress location, in accordance with Camden Council's standard drawing SD31 Rev. A dated Jan 2009, **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 to/from the site must be limited to a single point unless noted otherwise on the approved plans. Refer to the approved Soil Erosion and Sediment Control Plan for location details.

The SAP must be sufficient for all proposed construction traffic associated with the proposed subdivision.

- (3) **Pollution Warning Sign** – Pollution warning signs must be erected at all entrances to the subdivision site prior to work commencing; such signage must be maintained until the subdivision has reached 80% occupancy. The signs must be constructed of durable materials, be of minimum dimensions 1200 x 900mm. And provide the following information: -

“WARNING - UP TO \$1,500 **penalty**. 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.” with: -

- (a) “WARNING - UP TO \$1,500 **penalty**” being in upper case text 120mm high and red in colour,

- (b) all other text being in lower case 60mm high and black in colour, and text in (a) and (b) above being on white background surrounded by a red border.
- (4) **WorkCover Approval** - It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (5) **Disconnection of Services** - All services (ie sewer, phone, gas, water and electricity) must be disconnected prior to commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (6) **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.
- (7) **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:
- (a) written notice indicating the date when demolition of the building is to commence;
 - (b) details of name, licence, address and business hours contact number;
 - (c) a copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$20,000,000.
- (8) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issue demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (9) **Giving Notice to Other Statutory Authorities** - The notice does not preclude the demolisher from the requirement of giving notice to other Statutory Authorities as the Sydney Water, WorkCover, etc.
- (10) **Erosion Control Demolition** - Prior to demolition commencing, erosion control measures shall be provided on site eg, siltation fences etc.
- (11) **Demolition Sign to Restrict Entry** - A sign shall be erected on the site stating that unauthorised entry is not permitted.
- (12) **Notice of Commencement of Work** – Notice as:
- (a) required by s.81A(4)(c) of the *Environmental Planning and Assessment Act 1979*, and
 - (b) prescribed by cl.104 of the *Environmental Planning and Assessment Regulation 2000*,
- shall be lodged with Camden Council **at least 2 days prior to the commencement of any subdivision work.**
- (13) **Archival Report** – Prior to the commencement of any works, the Heritage Impact

Statement, dated September 2009 and Supplementary Report, dated December 2009 as prepared by Urbis shall be submitted to Camden Council (at no cost to Council) in a form in accordance with the minimum standards of "Archival Recording" (NSW Heritage Office) and shall include:

- a) A location plan which cross references the photographs within the Statement of Heritage Impact
- b) A electronic version of the photographs as described in (a) and
- c) A written consent from the author/s of the Statement verifying that the report and photographs can be placed in Camden Council's Local History Library for the purpose of being publicly accessible.

4.0 - During Construction

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

- (1) **Principal Certifying Authority Inspections** – Due to the nature of this development consent Camden Council **must** be nominated as the Principal Certifying Authority (PCA). Inspections required by the PCA are required at the following stages of construction:
 - (a) prior to the installation of sediment and erosion controls measures,
 - (b) prior to the backfilling of pipelines and subsoil drains,
 - (c) prior to the casting of pits and other concrete structures including kerb and gutter, roads, accessways, aprons, footpaths, shared pedestrian/cycle paths, footpath crossings, dish/gutter crossings, steps, etc
 - (d) proof testing of road pavement sub-grade and sub-base layers,
 - (e) final proof testing of completed road pavement prior to the placement of the wearing course,
 - (f) prior to the backfilling of public utility service trenches within proposed road reserves,
 - (g) prior to the placement of asphaltic concrete,
 - (h) final inspection after all works are completed and "Works as Executed" plans have been submitted to the PCA,
 - (i) any other inspections deemed necessary by the PCA.
- (2) **Remediation Works Inspections** – A qualified environmental consultant or scientist will be required to supervise the remediation works to confirm compliance with the RAP and all health and safety requirements.
- (3) **Remediation and Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

(4) **Vehicles Leaving The Site** - The contractor / demolisher / construction supervisor **MUST** ensure that: -

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

(5) **Dust Control** – Potential dust generation areas on-site shall be provided with vegetation cover and/or aerial water sprays to ensure that airborne particles are suppressed especially during periods of dry/windy weather.

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

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

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

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

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

- (a) The delivery of material shall only be carried out between the hours of 7 am - 6pm Monday to Friday and between 8am - 5pm on Saturdays.
- (b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
- (c) All construction activities shall be confined to the curtilage of the site. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- (d) Construction waste must not be burnt or buried on site, nor should any wind-blown matter be permitted to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.

A waste control container shall be located within the development site.

- (8) **Salinity** – Site road works should be planned to reduce cut and fill to an absolute minimum and the earthworks undertaken in stages to alleviate erosion and localised instability problems. To minimise the effects of erosion, all road batters whether in cut or fill should be stabilized by planting (or the application of spray-on mulch) with appropriate species or vegetation as soon as practical after construction.

When planning and constructing the road way consideration should be given to the potential impacts of mild to moderately aggressive soil conditions on concrete and steel due to the pH of the soils at the site.

Any landscaping plans for the site are to reflect the moderately saline environment and should recommend the use of plants capable of growth in sodic soils of 5dS/m.

- (9) **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's current Engineering Specification and the most current edition of AS1289.

Compaction activities shall be undertaken by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics to Level 1 responsibility in accordance with the requirements of AS 3798 - 1996

Sample testing is to be undertaken by a NATA registered laboratory with laboratory reports being:

- (a) endorsed by the engineer noted above, and
- (b) submitted to the Principal Certifying Authority/Roads Authority **prior to the issue of any Subdivision Certificate.**

- (10) **Compaction (Lots)** – All proposed lots subject to filling shall be compacted to 95% standard compaction and tested in accordance with Camden Council's current Engineering Specification and the current edition of AS1289.

A practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics shall supervise compaction activities to Level 1 responsibility in accordance with the requirements of AS 3798 - 1996

Sample testing is to be undertaken by a NATA registered laboratory with laboratory reports being:

- (a) endorsed by the engineer noted above, and
- (b) submitted to the Principal Certifying Authority **prior to the issue of any Subdivision Certificate.**

- (11) **Nature Strip/Road Verge, Street Trees and Street Tree protective guards** - Any nature strip/road verge area, street tree, lawn area, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the development and/or establishment and maintenance period, shall be repaired and the tree, lawn area, bollards, tree guards, nature strip/road verge area repaired

or replaced with the same type, species and maturity.

Any necessary repair or replacement is to take effect prior to the finish of the Consent conditioned 12-month maintenance and establishment period.

- (12) **Conditional Approval for Tree Removal** - Consent is granted for the removal of those trees as indicated in the Arboricultural Assessment Report, prepared by Horticulture Management Services, Dated 28th August 2009.

Where possible all green waste generated from the approved tree work is to be recycled into mulch, reused on site or composted at a designated facility

The issuing of this Consent is conditioned upon the planting and maintenance of suitable replacement trees as a means to achieve a "No Nett Loss" approach to vegetation management. The plantings in this instance are indicated on the approved Landscaping Plan relating to this Consent.

At the appropriate time, arrangements will be made by the Applicant for a Council officer to inspect the planting's (referred to in the clause above) to ensure that Council's objectives for vegetation management are being achieved.

- (13) **Responsibility for Damage for Tree Removal** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.
- (14) **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.
- (15) **Asbestos** - All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.
- (16) **Demolition Access Authorised Persons** - Access to the site shall be restricted to Authorised Persons only and the site shall be secured against unauthorised entry when building work is not in progress or the site is otherwise unoccupied.
- (17) **Demolition (On Site Burning)** - The burning of any demolished material on the site is not permitted. Offenders will be prosecuted under the Environmental Protection Operations Act.
- (18) **Prevention of Nuisance to Inhabitants** - All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like.
- (19) **Unexpected findings Contingency** - Upon the identification of additional contamination or hazardous materials at any stage of the remediation or other construction processes all remediation / construction works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the

contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials.

- (20) **Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (21) **Offensive Noise, Dust, Odour, Vibration** - Remediation and construction work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997" when measured at the property boundary.
- (22) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.
- (23) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (24) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (25) **Fill Material For Remediation or Residential Subdivision - 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 and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:
 - (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
 - (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;
 - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - (iv) is suitable for its intended purpose and land use, and
- (e) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

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

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

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m3)
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.*

- (26) **Removal Of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlms/index.htm) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (27) **Decommissioning of the existing on-site sewage management system** - The septic tank and transpiration bed shall be decommissioned in accordance with the following:
- (a) The septic tank/holding well and grease trap shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council,
 - (b) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
 - (c) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a licensed liquid wastewater contractor.
 - (d) The septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site.

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

- (e) the septic tank and holding well shall be emptied by an authorised wastewater removal contractor and the contents disposed of at an approved wastewater depot,

- (f) receipts for emptying of tanks and disposal of contents shall be submitted to the Certifying Authority,
 - (g) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime,
 - (h) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level, and
 - (i) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.
 - (j) materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches shall be removed and disposed of at a suitably licensed landfill site. (I.e. aggregates, rubble, sand, concrete slabs and the like) The transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.
- (28) **Occupation Hygienist Certification** – Following the demolition of any dwellings and related infrastructure a qualified occupational hygienist must inspect the demolition site (after the removal of all demolition materials) and provide certification that the land is free of hazardous building materials. The certification must be provided to the Certifying Authority prior to further development works being conducted on the demolition site.
- (29) **Potential Archaeological Site Monitoring** - In the event that any potential archaeological relics are encountered during excavation, it is the applicant's responsibility to ensure that all ground disturbances in the area of the find cease and that relevant authorities are contacted immediately to determine an appropriate course of action.
- (30) **Compliance with the Noxious Weeds Act 1993** – During construction works for each stage of the development the developer must ensure that;
- (a) All measures are taken to fully and continuously suppress and destroy, by appropriate means, noxious weeds found to be present on the property.
 - (b) Other noxious or invasive weed infestations that occur during or after subdivision and prior to sale of the new lots, must be reported to Council and fully eradicated by appropriate means; and
 - (c) At all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

7.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until:
 - (a) all conditions of this consent have been satisfactorily addressed and all

engineering works are complete;
(b) the acoustic barrier has been constructed in accordance with the relevant conditions of this development consent and to the satisfaction of Camden Council,
unless otherwise approved in writing by the Principal Certifying Authority.

- (2) **Section 94 Contributions** - Prior to the Subdivision Certificate being issued for each stage of the development, the following Section 94 Contributions must be paid as prescribed hereunder:

Stage 1

- (a) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$44,662.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

The contribution must be indexed by the Road Cost Index, paid prior to issue of the Subdivision Certificate.

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

- (b) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$379,432.00, for **Community Facilities, Recreation Facilities and Open Space**.

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

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

- (c) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$45,322.00, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

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

- (d) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$1,075.00, 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.

Stage 2

- (e) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$34,182.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

The contribution must be indexed by the Road Cost Index, paid prior to issue of the Subdivision Certificate.

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

- (f) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$326,488.00, for **Community Facilities, Recreation Facilities and Open Space**.

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

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

- (g) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$38,998.00, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

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

- (h) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$925.00, 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.

Stage 3

- (i) Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$14,707.00 per hectare, total \$28,621.00, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

The contribution must be indexed by the Road Cost Index, paid prior to issue of the Subdivision Certificate.

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

- (j) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$8,824.00 per additional lot or dwelling, total \$158,832.00, for **Community Facilities, Recreation Facilities and Open Space**.

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

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

- (k) Pursuant to **Contributions Plan No 18** adopted in September 1995, a contribution must be paid to Council of \$1,054.00 per additional lot or dwelling, total \$18,972.00, for a **Library, Netball Courts, Swimming Pool and Professional Services**.

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

- (l) Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$25.00 per additional lot or dwelling, total \$450.00, 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) **Sydney Water Service Covers – Prior to the issue of any Subdivision Certificate** all Sydney Water service covers ie hydrants, stop valves etc., are to be made clearly identifiable by the installation of appropriate kerb markings and blue coloured raised reflective pavement markers placed at the centreline of the road opposite the hydrant to comply with AS2419. These pavement markers are to be reinstated after placement of the final layer of asphaltic concrete and prior to the release of the Final Layer Asphaltic Concrete bond.

- (4) **Street Signs** – Street signs are to be installed:

- (a) in accordance with the requirements of the Principal Certifying Authority (PCA) and the Roads Authority, Camden Council, and
(b) **prior to the issue of any Subdivision Certificate**.

- (5) **Stormwater Destination - Prior to the issue of any Subdivision Certificate** pit lintels must be permanently stenciled to clearly identify the watercourse into which stormwater from the pit drains. The stenciling medium must be of a good quality UV stabilised road marking/concrete paving paint and colour "Brunswick Blue" or similar; stencils are available from Camden Council.

- (6) **Damaged Assets** – Damage to Council's assets/infrastructure caused by any activity and/or work associated with public utility relocation shall incur no cost to Council. Any such damage must be made good **prior to the issue of any Subdivision Certificate**.

- (7) **Services - Prior to the issue of any Subdivision Certificate** the following service

authority certificates/documents must be obtained and submitted to the Principal Certifying/Certifying Authority for inclusion in any Subdivision Certificate application:

- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* indicating the status of availability of water and sewerage facilities for each allotment.

Application for such a certificate must be made through an authorised Water Servicing Coordinator.

- (b) a Notification of Arrangements from Integral Energy.

- (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.

- (8) **Geotechnical Certification – Prior to the issue of any Subdivision Certificate** certification from a practicing engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics shall be submitted to the Principal Certifying Authority (PCA) verifying that:

- (a) the work indicated in the approved plans and any associated geotechnical reports have been undertaken/completed:
 - (i) in accordance with those documents, and
 - (ii) with an appropriate level/s of supervision (level/s to be stated), and
- (b) the assumptions made, relating to site conditions, during the preparation of the subject documents were validated during construction.

The certification shall make reference to both the Works-as-executed and Fill plans.

- (9) **Fill Plan** – A Fill plan must be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Subdivision Certificate. The plan must:

- (a) show lot boundaries,
- (b) show road/drainage/public reserves,
- (c) show street names,
- (d) show final fill contours and boundaries, and
- (e) show depth of filling in maximum 0.5m increments.

be submitted electronically in Portable Document Format (.pdf) at 150 dpi with a maximum individual file size not exceeding 2 Megabytes and submitted both electronically and on A1 paper plan.

- (10) **Access Denial for Specific Lots** – The Principal Certifying Authority shall confirm the “access denied” location of any proposed lot adjacent to a proposed/existing public road. A description of the access denied section of the lot shall be noted in a restriction-as-to-user pursuant to s.88B of the Conveyancing Act 1919 and be included in any application for a Subdivision Certificate.

- (11) **Flood Line Identification** – A plan, indicating the following information, shall be included in any application for a Subdivision Certificate:

- (a) contours sufficient to determine any/all watercourses and associated areas of existing flood affectation,
- (b) 1% AEP and PMF advice, to AHD, noted at the areas determined in (a) above and at maximum 150 metres sectional intervals along the flowpath centreline within each area, and
- (c) a report or correspondence relating to a report that confirms/certifies the information referred to in (b) above

(12) Surveyors Report - Prior to the issue of any Subdivision Certificate certification prepared by a registered surveyor stating that:

- (a) all drainage lines and associated structures have been laid within their respective easements,
- (b) that no services or accessways encroach upon any proposed boundary other than as provided for by easements as created by the final Plan of Subdivision.

The certificate must be referenced to the works-as-executed plan, be submitted to the Principal Certifying Authority (PCA) and included in any application for a Subdivision Certificate.

(13) Footpath Construction Bond - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of concrete footpath and/or pedestrian/cycle shared way.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of such work, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges or as agreed with Council.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision **or** when Occupation Certificates for dwellings associated with 70-80% of the lots created by the subdivision, directly adjacent to the footway where the subject construction is proposed, have been issued.

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

Note 1: In accordance with Council's current Schedule of 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 bond until:

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

(14) Soil Classification - A soil classification report must be submitted to the Principal Certifying Authority (PCA) for inclusion in any application for a Subdivision Certificate. The report must:

- (a) indicate the classification of soil type generally found within the subdivision,

- (b) provide a lot classification for each lot within the subdivision,
 - (c) be prepared:
 - (i) by a person with experience in geotechnical aspects of earthworks
 - (ii) in accordance with the requirements of the current editions of AS 2870 "Residential Slabs and Footings" and AS 3798 "Guidelines on Earthworks for Commercial and Residential Development"
 - (d) be endorsed by a practising engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.
- (15) **Works as Executed Plan** – A Works as Executed plan shall be submitted to the Principal Certifying Authority (PCA) **prior to the issue of any Subdivision Certificate**. The plan shall:
- (a) be prepared in accordance with the requirements of Camden Council's current Engineering Specification,
 - (b) include Flood Line Identification requirements,
 - (c) be endorsed by a registered Land Surveyor,
 - (d) be submitted to the Principal Certifying Authority (PCA) for approval, and
 - (e) be submitted electronically in Portable Document Format (.pdf) at 150 dpi with a maximum individual file size not exceeding 2 Megabytes and submitted both on compact disk and an A1 paper plan.
- (16) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Integral Energy approval and the requirements of the Principal Certifying Authority. All such work must be complete and operative **prior to the issue of the Subdivision Certificate**.
- (17) **Lot Numbers and Street Names - Prior to issue of a Subdivision Certificate** lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.
- The stenciling medium must be of a good quality UV stabilised road marking/concrete paving paint and applied to the kerb accordingly:
- (a) Lot numbers:

White number on Brunswick Green, or similar, background located on the prolongation of both common boundaries of each lot.
 - (b) Street names:

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

(18) **Value of Works - Prior to issue of any Subdivision Certificate** the applicant must submit an itemised value of civil works for inclusion in Council's Asset Management System. The applicant can obtain a valuation sheet from Council upon request. A separate sheet is required for this work.

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

- (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
- (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,
- (c) the terms of any bond for such work have been confirmed to be satisfied by the Roads Authority, Camden Council, and
- (d) a Public Road Activity (Roadworks) application has been submitted to and approved by the Roads Authority, Camden Council.

(20) **Final Layer of Asphaltic Concrete (Bond) - Prior to the issue of the Subdivision Certificate** the applicant shall lodge a monetary bond with the Consent Authority, Camden Council, for the placement of the final layer of asphaltic concrete wearing course for all proposed roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of such work, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges or as agreed with the Consent Authority.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision **or** when Occupation Certificates for dwellings associated with 70-80% of the lots created by the subdivision directly adjacent and adjoining such road/s have been issued.

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

Note 1: In accordance with Council's current Schedule of 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 bond until:

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

(21) **Bond for Defect Rectification of Public Work - Prior to the issue of any Subdivision Certificate**, a bond for the rectification of any existing and/or proposed public work must be lodged with Camden Council.

The bond has been determined to be 10% of the contract value of all proposed/reconstructed public infrastructure, with a minimum amount of \$5000, and will be retained by Council for a period of six (6) months after work is

completed. Please be advised that:

- (a) this bond and the bond period extends to all work:
 - (i) previously rectified under the terms of this bond, and
 - (ii) that has not been completed for which an appropriate bond has also been lodged with Camden Council.
- (b) The contract value/bond amount must be confirmed by Camden Council prior to the lodging of any such bond.
- (c) Camden Council, must confirm the satisfactory completion of such work, in writing, prior to any release/ fund of the bond.

It should be noted that a bond processing administration fee is applicable and that such a fee aligns with Council's current Fees and Charges.

(22) **Temporary turning heads for Waste Trucks – Prior to the issue of any Subdivision Certificate** for any stage of the development the developer must provide the following:

- (a) temporary turning heads must be constructed on Road No. 2 adjacent to Lot 126 within Stage 1, Road No. 2 adjacent to Lot 237 within Stage 1 and Road No. 2 adjacent to Lot 220 within Stage 2, and
- (b) all temporary turning heads are to be constructed in accordance with Council's requirements. The dimensions are required to be followed for heavy vehicle manoeuvrability without posing a hazard to either the community or drivers.

(23) **Easements and restrictive/positive covenants** - Prior to the issue of any Subdivision Certificate an instrument pursuant to Division 4 of the Conveyancing Act 1919 must be prepared and submitted to the Principal Certifying Authority for approval. The instrument must incorporate, but not be limited to, the following applicable easements, restrictions to user and covenants:

- (a) Easement for services.
- (b) Easement to drain water over all common drainage lines.
- (c) 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.
- (d) Easement for water quality.
- (e) Easement for on-site-Detention.
- (f) Drainage easement over overland flow paths.
- (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.
- (h) Restriction as to user detailing that no person must alter, remove or destroy

any part of the fence which forms part of the acoustic fence without the prior approval of Camden Council and that the landowners or their assigns must maintain the acoustic barrier in good order at all times. If the acoustic barrier is not maintained to the satisfaction of Camden Council, Council may enter upon the land and carry out the necessary work at full cost to the owner.

- (i) Restriction as to user on all lots which stipulates that all work that includes earthworks, landscaping, construction of dwellings, public infrastructure, at the subject site must be undertaken in accordance with "*Section 6 – Salinity Management Plan*" of the report titled "*Salinity Management Plan: Sharman Close Harrington Park, Prepared for Nepean Quarries Pty Ltd, Prepared by SMEC Testing Services Pty Ltd, Report No 07/1549, Dated November 2007.*" The only exception to the SMP is that for "Concrete Floor Slabs" for dwellings, there must be a "Damp Proof Membrane" (rather than a Vapour Proof Membrane) laid under the slab. Compliance with the above must be demonstrated for each residential development application.
- (j) Restriction as to user on all lots indicating that the footings for any proposed structure/dwelling must be designed and certified by an accredited certify with Structural Engineering accreditation.
- (k) Restriction as to user on lots 126, 201, 219, 319, 320, 301 requiring that any future development application on these lots shall adhere to the Building Design Guidelines contained within the Heritage Impact Statement; produced by Urbis dated September 2009.
- (l) Restriction as to user on lots 312-318, Lot 220, and Lots 301-311, with reference to "*Section 6.2 – Table 10 – Option 1*" of the report titled "*Road Traffic Noise Impact Assessment: Harrington Park South Residential Subdivision, Prepared for Cardno NSW Pty Ltd, Ref No TE473-01F02 (REV4) Dated 3/09/09.*" all facades identified in "Table 10" will require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

The instrument must also indicate that Camden Council is the only authority permitted to modify, vary or extinguish such easements and restrictions as to user.

(24) General Terms of Approval from Rural Fire Service

- (a) Water, electricity and gas are to comply with Section 4.1.3(1) of Planning for Bush Fire Protection 2006.
- (b) Public Road Access shall comply with section 4.1.3(1) of Planning for Bush Fire Protection 2006.

END OF CONDITIONS

RECOMMENDED

That Council:

- i. **approve Development Application No 917/2009 for the purpose of a staged subdivision of land to create 97 residential lots and 2 residue lots. Works to also include demolition of various structures, including Carinya cottage, removal of various trees, remediation of land, bulk earth works, roads, associated infrastructure, landscaping works and access pathway at 3A (Lot 92 DP 1051164) Stewart Street, Harrington Park;**
- ii. **endorse the Residential 1 and Residential 2 land classifications with a view to include the subdivision plan within the precinct plan of Camden Development Control Plan 2006 and to incorporate this plan into the draft amendments being made to Camden Development Control Plan 2006 in association with a review necessitated through the making of Camden Local Environmental Plan 2010 and subsequently within the first review of the Camden Local Environmental Plan; and**
- iii. **endorse the Building Design Guidelines for specific allotments within the proposed subdivision with a view to incorporating the relevant aims and objectives within the draft amendments being made to Camden Development Control Plan 2006 for the purpose of protecting the visual impact of Narellan Struggletown Conservation Area.**

ATTACHMENTS

1. Location plan
2. Proposed plans
3. Submissions (sup doc)



Location plan 3A, Stewart St Harrington Park.pdf



DA 917-2009_Development Plans.pdf



Submissions DA917-2009.pdf

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that Council:

- i. approve Development Application No 917/2009 for the purpose of a staged subdivision of land to create 97 residential lots and 2 residue lots. Works to also include demolition of various structures, including Carinya cottage, removal of various trees, remediation of land, bulk earth works, roads, associated infrastructure, landscaping works and access pathway at 3A (Lot 92 DP 1051164) Stewart Street, Harrington Park;
- ii. endorse the Residential 1 and Residential 2 land classifications with a view to include the subdivision plan within the precinct plan of Camden Development Control Plan 2006 and to incorporate this plan into the draft amendments being made to Camden Development Control Plan 2006 in association with a review necessitated through the making of Camden Local Environmental Plan 2010 and subsequently within the first review of the Camden Local Environmental Plan; and
- iii. endorse the Building Design Guidelines for specific allotments within the proposed

subdivision with a view to incorporating the relevant aims and objectives within the draft amendments being made to Camden Development Control Plan 2006 for the purpose of protecting the visual impact of Narellan Struggletown Conservation Area.

- iv. write to the Local MP, Mr Geoff Corrigan, requesting he contact Sydney Water requesting the allocation of sewerage to Sharman Place and Stewart Street, Harrington Park

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

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

Councillors Anderson, Campbell, Cagney and Cottrell voted against the Motion).

ORD50/10

ACTIONS

CRMS number , Finalised 15/04/2010 8:57:19 AM

Action: Finalised,

Completed

Consent issued

[Link to CRMS document](#)

[CRMS: 11071414 25/03/2010, 08:12:44 AM](#)