

JOINT PLANNING PANEL (Sydney West Region)

JRPP No	2011SYW108
DA Number	DA 181/2011
Local Government Area	Camden Council
Proposed Development	Construction of 32 multi dwelling housing units, remediation of contaminated land, internal driveway, drainage, landscaping and associated site works under State Environmental Planning Policy (Affordable Rental Housing) 2009
Street Address	263A Camden Valley Way, Narellan
Applicant / Owner	Michael Brown Planning Solutions / Mr TD & Mrs AT Fitzpatrick & Mr LV Holmick
Number of Submissions	13 (including 12 submissions and 1 petition across 2 separate exhibition periods representing 7 individual persons)
Recommendation	Approval with Conditions
Report by	Andrew Ison, Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek a determination by the Joint Regional Planning Panel (the Panel) of a development application for the construction of 32 multi dwelling housing units at 263A Camden Valley Way, Narellan. The application has been lodged under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.

The application was lodged with Council on 18 February 2011 when Part 3 of the State Environmental Planning Policy (SEPP) 2005 – Major Development was in force. Clause 13B(1)(i) of the SEPP provided that development for the purposes of affordable housing with a capital investment of more than \$5 million was to be determined by the Panel. The capital investment of the proposed development is \$5.6 million and is therefore determined by the Panel.

However, changes to the Environmental Planning and Assessment Act 1979 (the Act) have repealed this provision from the SEPP. New classes of regional

development are now set out under Schedule 4A of the Act. Under the amended provision, the threshold for assessing affordable housing remains unchanged at \$5 million. Therefore the Panel remains the determining authority for the proposed development.

SUMMARY OF RECOMMENDATION

It is recommended that the Panel approve Development Application (DA) 181/2011 subject to the draft development consent conditions provided at the end of this report.

EXECUTIVE SUMMARY

The DA was lodged with Council on 18 February 2011 and at that time proposed the construction of 34 multi dwelling housing units on the site. The application was publicly notified for a period of 30 days between the 3 March and 1 April 2011. A total of 5 submissions and 1 petition with 32 signatures were received as a result of this notification.

Following a briefing session with the Panel on 13 October 2011 and concerns raised in the submissions received, amended architectural plans were submitted to Council. The amendments included the removal of two dwellings in order to provide additional open space and the proposed units fronting Camden Valley Way were reduced from two storey to single storey dwellings. In addition, an amended Remediation Action Plan was lodged due to a concern raised by Council officers in relation to existing stockpiles located on the site.

The application was re-notified between 16 November and 23 December 2011. A total of 7 submissions were received as a result of this notification, however, 6 of these submissions were from objectors who had previously lodged submissions during the initial notification period.

In relation to the amended plans, the bin storage area and upper storey of unit 31 present a blank façade to Camden Valley Way. To improve this elevation, it is recommended that the proposed roof structure of the bin storage area be deleted and the upper storey of unit 31 be constructed in a dark brick colour to be less obtrusive.

Additionally, concern is raised relating to the location of the sitting rooms on the first floor of units 4, 6, 7, 9, 10, 12, 13 and 15 due to the potential to overlook into the adjoining site. Accordingly, it is a recommended development consent condition that these upper level sitting rooms be relocated to the front of each of the dwellings. Additionally, it is a recommended development consent condition that the living room within unit 3 be relocated to the front of the dwelling on the north west side to ensure that solar access requirements are satisfied.

The proposed development has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is referred to the Panel for determination.

SITE LOCATION MAP / AERIAL PHOTO



THE SITE

The land subject to this application is known as 263A Camden Valley Way, Narellan and is legally described as Lot 1022, DP 1021756. The site is located on the southern outskirts of the Narellan township, between Camden Views Drive to the south west and Grahams Hill Road to the south east.

The site comprises a large vacant lot with an area of approximately 6,647 square metres (m²). The site has a frontage of 40 metres (m) to Camden Valley Way, a depth of 135m, is largely devoid of vegetation and has a fall of approximately 5.5m from east to west.

The surrounding properties are characterised by a mix of land zones including General Industrial, Low Density residential and Business Development. The Camden Council works and waste depot is located to the north, an industrial activity, dwelling and commercial premises (cake shop) lies to the east, dwellings and a medical practice lie to the south, and a veterinary clinic exists to the west. Within the proximity of the site are a range of other land uses, including the Narellan Police station, Narellan Hotel, two service stations, two schools, residential dwellings and industrial buildings.

The site is currently zoned R2 Low Density Residential pursuant to Camden Local Environmental Plan 2010.

HISTORY

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

Date	Development
12 August 2008	Approval by resolution of Council of Development Application 458/2007 for the construction of 20 housing units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

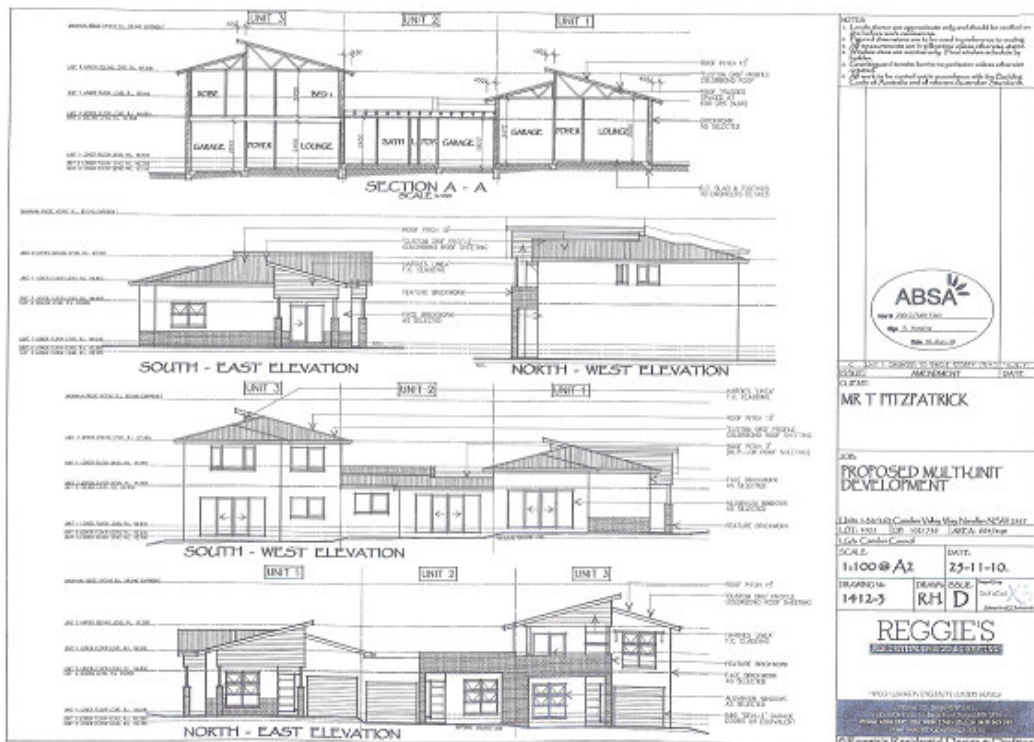
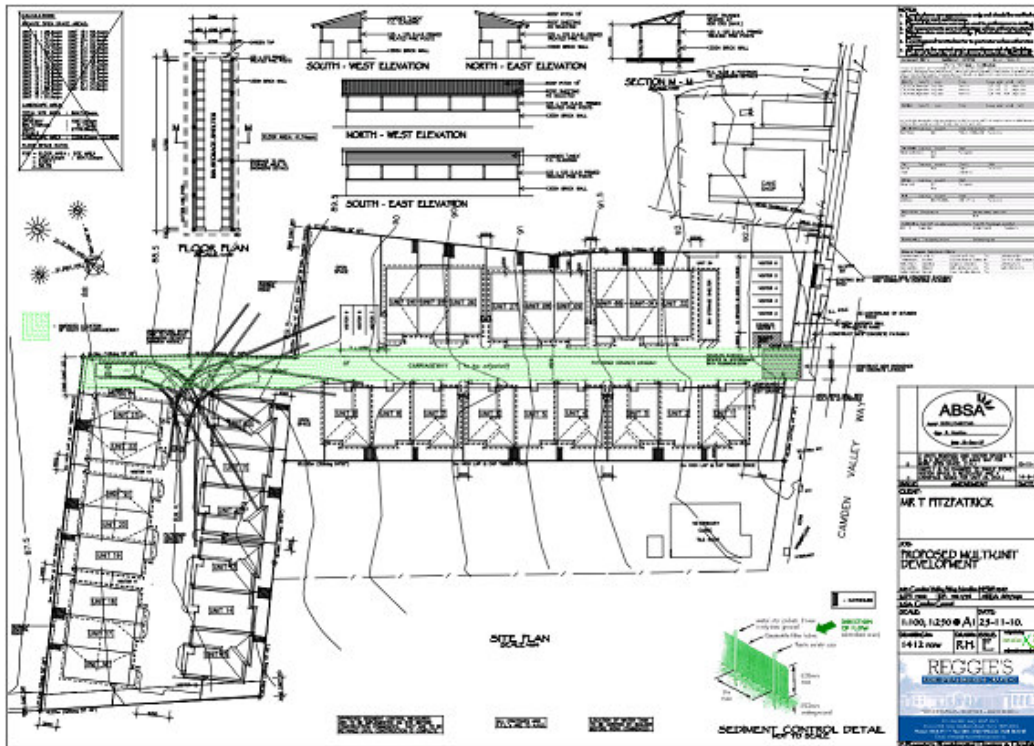
THE PROPOSAL

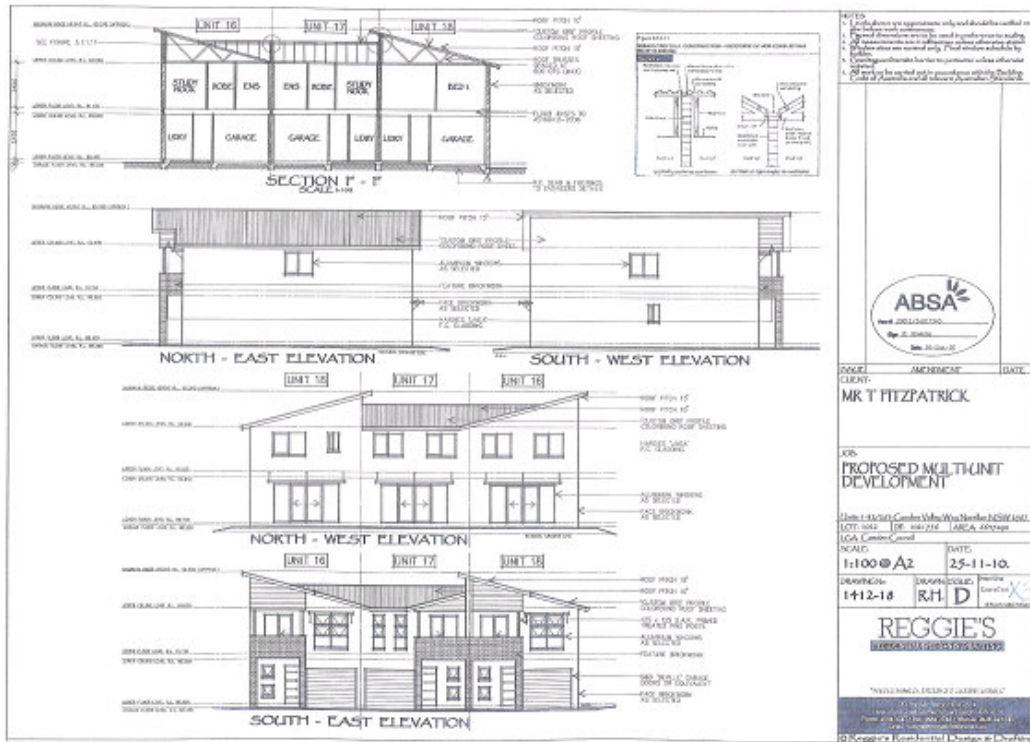
Development Consent is sought for:

1. the construction of 32 multi dwelling housing units comprising of 25 x 2 storey dwellings and 7 single storey dwellings. 7 of the dwellings contain 1 bedroom, 3 dwellings contain two 2 bedrooms and 22 bedrooms contain three 3 bedrooms;
2. communal open space at the rear of the development;
3. provision of 13 visitor car parking spaces and 16 resident car parking spaces;
4. construction of a 900mm masonry fence along the front boundary;
5. construction of a 4m high wall along the boundary of units 16 to 23 with the bottom half being of an impermeable construction and the top half being of polycarbonate sheeting;
6. construction of a timber fence along the other property boundaries, ranging in height between 1.8m and 2.4m;
7. remediation of contaminated land;
8. construction of a drainage pipe on the adjoining Council depot at the rear; and
9. associated site works including site landscaping, driveway access, etc.

The applicant has proposed a total of 20% of the total gross floor area (GFA) of the development to be provided as affordable rental housing, with those units being 1, 10, 17, 20, 23, 28 and 32. A copy of correspondence from Community Housing Ltd was submitted with the application confirming that preliminary discussions had been held with the applicant about the use of the aforementioned units as affordable housing.







ASSESSMENT

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

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

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

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

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy No. 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Camden Local Environmental Plan 2010

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

State Environmental Planning Policy (Major Development) 2005 (SEPP)

As previously noted, the DA was lodged with Council on 18 February 2011 when Part 3 – Regional Development of the Major Development SEPP was in force. Clause 13B(1)(i) of this SEPP provided that development for the purposes of affordable

housing with a capital investment of more than \$5 million was to be determined by the Panel. The capital investment of the proposed development is \$5.6 million and was therefore to be determined by the Panel.

However, changes to the Environmental Planning and Assessment Act 1979 (the Act) have repealed this provision from the SEPP. New classes of regional development are now set out under Schedule 4A of the Act. Under the amended provision, the threshold for assessing affordable housing remains unchanged at \$5 million. Therefore the Panel remains the determining authority for the proposed development.

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

Under this SEPP, a consent authority must not approve to the carrying out of any development on land unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable for its intended use in its contaminated state.

In accordance with this SEPP, the applicant has submitted a phase 1 and 2 contamination assessment for the site in support of this application. The contamination assessment notes that the site has a number of areas of environmental concern (AEC's) as a result of previous uses. These AEC's consist of bricks, concrete, asbestos and arsenic. Whilst some of these AEC's had contaminant levels that were within an acceptable range for the future residential use, the report recommended the remediation of the site.

Subsequently, a remediation action plan (RAP) was lodged for the site for those AEC's that required further investigation. The RAP was assessed by Council's environment and health officer, who agreed with the conclusion and recommendations of the RAP. It is a recommended development consent condition that the site be fully decontaminated in accordance with the submitted RAP. Subject to this occurring, the site will be made suitable for its intended residential use.

Deemed State Environmental Planning Policy No. 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it.

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

Pursuant to Clause 6, a BASIX certificate has been lodged in support of this application. This was assessed by Council's building surveyor, who agreed with the calculations and is therefore satisfied that the proposed development is consistent with the requirements of the SEPP.

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

State Environmental Planning Policy (Affordable Rental Housing) 2009 came into force on 31 July 2009. This planning instrument was amended on 20 May 2011 which provided for a number of changes to the nominated development standards and the permissibility criteria for these types of developments. The subject DA was lodged on 18 February 2011 under the provisions of Part 2, Division 1 'in-fill

affordable housing' of the ARH SEPP (i.e. the repealed SEPP dated 9 July 2010 to 24 February 2011).

Clause 10 - Land to which the division applies

The proposal satisfies the provisions contained within Clause 10 in that the land to which this proposal applies is zoned R2 Low Density Residential as per Camden Local Environmental Plan 2010. This is a prescribed zone as per Clause 10 of this ARH SEPP. Further, the development complies with the relevant development standard of being within 400m walking distance of a bus stop used by a regular bus service that has at least one bus per hour between 6am and 6pm Monday to Friday. A bus stop is located within the Camden Valley Way road reserve immediately in front of the subject land.

Clause 11 – Development to which division applies

As previously noted, the applicant has proposed a total of 20% of the total GFA to be designated as affordable housing. This equates to the provision of approximately 7 dwellings. However, Clause 11 of the SEPP ARH (as repealed) requires the provision of at least 50% of the dwellings proposed to be used as affordable housing, but only if the development does not result in a building on the land with a building height of more than 8.5 metres (m).

As the proposed dwellings have a maximum height of only 7.5m, a total of 50% of the dwellings must be designated as affordable dwellings pursuant to the repealed ARH SEPP. It is therefore a recommended development consent condition that a minimum of 16 of the 32 proposed dwellings be made affordable housing.

Clause 14 - Standards that can not be used to refuse consent

The application of this Clause for the purposes of this report is from the SEPP as currently made. It contains development standards that where, if satisfied, cannot be used as reasons to refuse the development application. The following table provides for an assessment against these standards:

Standard	Required	Proposed	Compliance
Site area	Minimum site area of 450m ²	The site area is 6,647m ²	Yes
Landscaped area	Minimum of 30% of the site area	32% provided (2,130 m ²)	Yes
Deep soil zones	A minimum of 15% of the site area (with a minimum 3m dimension)	23% provided (1,500 m ²)	Yes
Solar access	A minimum of 70% of the living rooms and private open spaces of the dwellings are to receive a minimum of 3 hours of solar access between 9am and 3pm in mid winter	79% of the dwellings receive solar access to their living rooms and private balconies.	Yes

Car parking	For applications not made by a social housing provider, at least 0.5 car parking spaces per dwelling	1 enclosed garage space is provided for each of the dwellings	Yes
Dwelling size	A gross floor area of at least: 50m ² for 1 bedroom 70m ² for 2 bedrooms 95m ² for 3 or more bedrooms	1 bedroom dwellings range from 65m ² to 67m ² 2 bedroom dwellings are 111m ² 3 bedroom dwellings are 140m ²	Yes

As demonstrated by the above table, the proposal complies with each of the standards contained in Clause 14 of the ARH SEPP.

Clause 15 - Design requirements

Under the provision of Clause 15(1) of the SEPP, the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development (Guidelines) are to be taken into consideration. The Guidelines were prepared to assist in the design and assessment of infill development under State Environmental Planning Policy (Seniors Living) 2001 (SEPP Seniors Living) and to provide a 'contextual approach' which is also relevant to infill affordable housing. The objectives of the guidelines are as follows:

- To minimise the impact of new development on neighborhood character.
- To retain existing natural features of the site that contributes to neighborhood character.
- To provide high levels of amenity for new dwellings.
- To maximize deep soil and open space for mature tree planting, water percolation and residential amenity.
- To minimise the physical and visual dominance of car parking, garaging and vehicular circulation.
- To provide housing choice through a range of dwelling sizes.

The proposed development meets the objectives of the guidelines in that the proposal provides for a sufficient area for deep soil planting and an area of open space which will increase the amenity for all residents. The proposed development provides for sufficient on-site car parking and does not dominate the streetscape. Further, the orientation, design and layout of the units will provide for a high degree of residential amenity for the future occupants of the development and a range of dwelling choice has been proposed.

Clause 17 - Affordable housing for 10 years

In order to satisfy the requirements of Clause 17, it is a recommended development consent condition that a minimum of 50% of the proposed dwellings to be affordable rental housing are to remain so for 10 years from the date of the issue of the Occupation Certificate, and are managed by a registered housing provider.

Additionally, a restriction on the title of the property must be implemented prior to the issue of the Occupation Certificate to ensure that applicable requirements are met.

Clause 54A - Savings and transitional provisions—2011 amendment

Pursuant to Clause 54A of the current ARH SEPP, an existing DA that has been lodged before the commencement of an amended SEPP may be determined as if the amending SEPP had not been made. For the purposes of this DA, Council has assessed it based on the repealed ARH SEPP (i.e. ARH SEPP dated 9 July 2010 to 24 February 2011).

However, the SEPP further notes that if an existing application relates to development to which Division 1 or 3 of Part 2 applied, the consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area. It further notes that any such application is to be determined by applying instead Clause 13(2) and (3) as inserted by the amending SEPP. Clause 13(2) and (3) set out specific floor space ratio's which must be complied with.

With respect to the compatibility with the local character of the area, a local character assessment has been provided which details the existing street layout and hierarchy, blocks and layouts, built environment and landscaping. Council is satisfied that the proposed development will not adversely impact the existing character of the area in that there is no defined built form character along Camden Valley Way, given the mixture of uses and buildings in the area. In addition, the narrow frontage and depth of the block should benefit any future development insofar that it ensures that the rear of the development will not be visually prominent from the road and thus impacting on the streetscape. Given the above, and Council's urban designer's support with respect to its compatibility with the existing streetscape, it is considered that the proposed development fits in with the local character of the area and therefore meets the requirements of Clause 54A(3).

With respect to Clause 13(2) and (3) of the ARH SEPP, there is no applicable floor space ratio set out under the Camden Local Environmental Plan 2011 and therefore no floor space control applies to the proposed development. However, the development proposes a maximum floor space ratio of 0.52:1 and this is considered to be acceptable in terms of overall site coverage and the developments ability to meet all other relevant controls.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

As noted, the subject site is zoned R2 Low Density Residential under the provisions of the LEP. The proposed development is defined as "multi unit housing", which is prohibited under the LEP. However, it is within a prescribed zone as per Clause 10 of ARH SEPP, and in the case of any inconsistency, a SEPP prevails over the LEP as per Clause 8 of the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposed development is therefore permissible pursuant to the ARH SEPP (as repealed).

Zone Objectives

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment

It is considered that the proposed development provides for the housing needs of the Narellan township in proximity to the town centre and public transit links. Whilst the development achieves this objective, it does so through the provision a medium density residential development. However, as noted, Clause 8 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 prevails over any inconsistency.

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

It is considered that the proposed development minimises conflict between other land uses by way of its design, particularly at the street frontage, and also acoustic attenuation of the dwellings to protect them from industrial and commercial uses within proximity of the site.

Clause 4.3 - Building Height

Pursuant to Clause 4.3 of the LEP, the proposed buildings will comply with the maximum building height of 9.5m as the proposed multi dwelling units have a maximum height of only 7.5m.

Clause 5.10 - Heritage

Pursuant to Clause 5.10 of the LEP, the site is located within the vicinity of five local heritage items identified under Schedule 5 of the LEP.

These items are the former milk receiving depot at 259 Camden Valley Way, a cottage at No 267 Camden Valley Way, a cake shop at No 269 Camden Valley Way, the Narellan Hotel at No 279 Camden Valley Way and St. Thomas Church at 1A Wilson Crescent.

A Heritage Impact Statement (HIS) has been lodged in support of this application which concludes that the development will have no impact of significance of these items and will not dominate or draw attention away from them. Council's heritage planner has reviewed the HIS and agrees with its conclusions. Therefore, it is considered that the proposed development will not adversely impact on the existing heritage items as described above.

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

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

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

Camden Development Control Plan 2011 (DCP)

Several parts of Camden Development Control Plan 2011 are relevant to this development. The following table is an assessment of the proposal's compliance with the applicable controls as set out in the DCP:

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Requirements can be conditioned prior to works commencing.	Yes
B1.2 Earthworks	Cut and fill to not exceed 1m.	No cut or fill on the site exceeds 1m.	Yes
B1.3 Salinity Management	Salinity resistant construction	Salinity management plan provided which recommends a number of measures to be undertaken during construction	Yes
B1.4 Water Management	Stormwater management, drainage and connection to the sewer	Deemed satisfactory. Drainage line is proposed through Council land at rear to be constructed before works commence to be conditioned.	Yes
B1.8 Environmental and Declared Noxious Weeds	Prevention and restriction of weeds to protect landholders.	Measures relating suppression and destruction of weeds before, during and after construction have been prescribed development consent conditions	Yes
B1.8 Waste Minimisation and Management	Waste management during construction and post occupation	Waste Management Plan to be provided in accordance with DCP requirements. All waste bins to be stored at the front and be collected from the street, with the use of communal bins for multiple units.	Yes
B1.12 Contaminated and	Contamination assessment and	Contamination report and	Yes

Control	Requirement	Provided	Compliance
potentially contaminated land	remediation (if required)	Remediation Action Plan provided.	
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	Acoustic study lodged identifying noise emissions from a number of sources. Recommendation for construction of 4m high wall along northern boundary (2m high colorbond construction on bottom half and 2m high clear translucent plexiglass on the top half), construction of 2m high colourbond fence along eastern boundary and mechanical ventilation, ceiling insulation and glazing of windows within the proposed dwellings.	Yes
B2 Landscape Design	Landscape plan	Detailed landscaping plan.	Yes, deemed to enhance built form, maximizes surveillance opportunities and deep soil zones are provided.
D2.2.3 Controls for specific forms of residential accommodation: multi dwelling housing and attached dwellings	Minimum width and depth of the lot	The width is 40m and the depth is 135m.	Yes for depth. Clause 15 of the SEPP overrides the DCP control and requires a 20m width which the proposed development complies with.
	Minimum front setback (4.5m)	Unit 1 is set back 7.5m.	Yes.
	Minimum side setback (0.9m)	Dwellings are set back a minimum of 3m from property boundaries.	Yes.
	Minimum rear setback (6m)	Dwellings are set back between 3m and 5.5m.	No, however it has been determined that the 3m lot width

Control	Requirement	Provided	Compliance
			set out under Clause 15 of the SEPP overrides this control.
	Maximum site coverage (50%)	45% provided (2,990 m ²)	Yes
	Minimum landscaped area (30%)	32% provided (2,130 m ²)	Yes
	Minimum private open space area for development (20%)	18% provided (1,174m ²)	No. However, each dwelling does provide the minimum area and dimensions required as per Clause 15 of the SEPP.
	Principal private open space (24m ² with a minimum dimension of 4m at ground level; 10 m ² with a dimension of 2.5m as balconies))	Minimum of 21.6m ² is provided for each dwelling.	No, however each 3-bedroom dwelling complies with the 15m ² and 3m minimum width control as set Clause 15 of the SEPP as does each 1 bedroom dwelling complying with the minimum of 6m ² and 2m width. Accordingly, these over ride the DCP.
	Maximum gradient of the principal private open space (1:10)	The maximum gradient is approximately 1:10.	Yes.
	Image and legibility	It is considered that the one storey design of units 1 and 32 with the architectural designs results in it blending with the surroundings and keeping the character of the area. It is also considered that it clearly identifies the entry point into each unit as well as visitor parking spaces.	Yes
	Access and entries	The proposed development demonstrates minimal vehicular and pedestrian	Yes

Control	Requirement	Provided	Compliance
		entries and exits to the site, will permit ground level entry for all dwellings.	
	External storage	8m ³ of storage space provided for each of the dwellings.	Yes
	Communal open space	Approximately 405m ² has been provided adjacent to unit 24, and a smaller area between units 9 and 10.	Yes
	Security	The proposed development was referred to the NSW Police for assessment under the Safer by Design Guidelines. Determined to be a low crime risk.	Yes

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several development consent conditions that are provided as part of the recommended development consent conditions at the end of this report.

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

Right of carriageway

A 6m wide carriageway dissects through the site, which burdens the subject property to benefit the Council depot at the rear. Council has determined that the carriageway is to be retained in order to provide emergency access for Council vehicles from the Council depot to Camden Valley Way in the event that Millwood Avenue is closed.

The carriageway is also proposed to be realigned in order to fit in units 1 to 9. This has been assessed by Council's property officer, and it has been determined that this proposed realignment is acceptable. Draft Development Consent Conditions provided at the end of the report specify that an amended Deposited Plan and Section 88B instrument will be required to be approved by Council in the first

instance and then to be registered with Land and Property Information prior to the issue of a Construction Certificate for the dwellings.

In relation to emergency service access, the proposed 6m internal road complies with the Guidelines for Emergency Vehicle Access including fire trucks and ambulances.

Social impacts

It is considered that the proposed development will provide a level of affordable rental housing which will be of benefit to the community. The development proposes a mix of dwelling size and affordability which will help create a more diverse community. Additionally, the proposed development will contribute to the vibrancy of the Narellan township by providing additional housing in close proximity to the Narellan Town Centre and surrounding areas in a sustainable manner.

Traffic generation

A traffic assessment undertaken by the applicant identified that Camden Valley Way experiences a number of “gap occurrences” (no traffic on the road for 10 seconds and greater) during peak periods courtesy of the signalised intersection further to the north at Grahams Hill Road and Richardson Road. This assists in vehicles entering into and exiting from the site with minimal interruptions to traffic. It also identified that the average number of vehicular movements in and out of the site per weekday would be 64, and on weekends 9 vehicles departing in the morning and 9 vehicles arriving in the afternoon. The report concluded that the proposed development will not have a significant impact on the local traffic network and its operation.

The application was referred to the Roads and Maritime Service (RMS) for comment and whilst the RMS did not raise any concerns with the proposed development, they did request that consideration be given to limiting the access point to a left in/left out configuration only. Council’s traffic engineer agrees with the left in/left out configuration and it is a recommended development consent condition that the access point is limited to a left in/left out configuration. With the inclusion of this condition, it is considered that the proposed development will not have any negative impacts on traffic in the surrounding area.

All other likely impacts of the development have been assessed elsewhere in this report.

(c) The suitability of the site

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

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

This application was publicly notified between 3 March and 1 April 2011. A total of 6 submissions, including a petition with 32 signatures were received as a result of this notification. The application was subsequently re-notified between 16 November and 23 December 2011 as a result of amendments made to the proposal. A total of 7 submissions were received as a result of this notification (6 of which were from previous submission writers). The following is a list of the issues raised and an assessment of those issues:

1. *The development is not in keeping with State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP)*

Officer comment:

As assessed previously in the “Provisions of any Environmental Planning Instrument” section of this report, it has been determined that the development is in keeping with the relevant provisions outlined in Part 2, Division 1 of the SEPP.

2. *The development contradicts the Community Guide for the SEPP*

Officer comment:

It is to be noted that the “Community Guide Supporting Affordable Rental Housing”, released by the NSW Government in July 2009 was an introductory guide to the SEPP. There are no statutory requirements in the SEPP to consider this document in the assessment of this development. Notwithstanding this, it is considered that it complies with the relevant requirements in the affordable infill housing section of this guide, with that being height limit, location with respect to public transport, privacy, solar access, landscaped areas, car parking, management by a community housing provider and community consultation.

3. *The development is not in keeping with the objectives of the R2 Low Density Residential zone in the Camden LEP 2010 (the LEP)*

Officer comment:

As assessed previously in the “Provisions of any Environmental Planning Instrument” section of this report, Clause 8 of the SEPP states that the SEPP prevails over the LEP to the extent of any inconsistency. This includes any identified non-compliances with the zones objectives in the LEP. However, it is considered that the proposed development is generally in accordance with the objectives of the R2 zone.

4. *The development is too close to the Narellan Hotel*

Officer comment:

The application was referred to the NSW Police for assessment under the Safer by Design Guidelines. The development has been determined to be a low crime risk, and the Police have informed the Council in writing that the assessment did include the Narellan Hotel.

5. *There is a lack of parking in the development and in the area, and it is a problem now further exacerbated by the adjacent police station*

Officer comment:

As assessed previously in the “Provisions of any Environmental Planning Instrument” section of this report, the car parking exceeds the development standard of 0.5 per dwelling per dwelling in the SEPP by providing 1 space per dwelling. Additionally, as assessed previously, the number of visitor spaces exceeds the numerical controls in the Seniors Living Policy of 2 spaces for 8 dwellings or greater, by providing 13 spaces.

6. *It will result in an increase in traffic generation, which is already a problem in the area*

Officer comment:

As assessed previously in the “Likely impacts of the development” section of this report, a traffic report was provided in support of the application, and it has been determined that the number of vehicles entering and exiting the site during will not have a negative impact on the local road network, and in particular Camden Valley Way.

7. *The traffic data provided in the accompanying report is outdated (from 2006) and pre-dates the establishment of a 40km/h school zone*

Officer comment:

It is to be noted that the proposed development is located outside of the school zone, which starts approximately 50m to the north east on Camden Valley Way. The data provided in the report has been assessed by Council's traffic engineer, and it has been determined that the figures provided in the 2006 report could be applied as there has only been a slight increase in traffic levels, and that no new traffic study was required.

8. *The development does not provide sufficient drainage*

Officer comment:

The development will provide sufficient drainage, by way of a connection to an easement at the rear of the site which runs through the adjoining property, which is the Council Waste Services depot. A draft development consent condition provided at the end of the report will specify that these works are to be completed before any works commence on the proposed development.

9. *The development will result in the establishment of a ‘micro ghetto’ and result in an increase in anti social behaviour*

Officer comment:

The future owners of any residential units is not an issue that can be considered as part of this assessment. With respect to an increase in anti-social behaviour, the proposed development has been assessed by the NSW Police by way of the Crime Prevention Through Environmental Design principles who concluded that it was a low crime risk.

10. *The existing approved DA for the seniors living development is a more suitable proposal as it is in harmony with its surroundings*

Officer comment:

The previously approved development on this property and its merits is not an issue that can be considered as part of this assessment.

11. *The development does not integrate and not in keeping with the surrounding locality and current streetscape*

Officer comment:

It is considered that the design of the proposed development is an appropriate response to the existing streetscape of the locality, by way of its presentation to the street with units 1 and 32 being single storey, as well as the contemporary design of the building by way of its façade treatments and building finishes.

12. There are concerns relating to overlooking into adjoining private open space

Officer comment:

In order to ensure no overlooking occurs into adjacent properties from the sitting area located on the first floor of units 3, 4, 6, 7, 9, 10, 12, 13 and 15, it is a recommended development consent condition that the living rooms are relocated to the front of the dwellings thus removing any potential to overlook adjoining private open space.

13. The density is significantly more than other residential developments in the locality, and is deemed to be overdevelopment

Officer comment:

As assessed previously in the “Provisions of any Environmental Planning Instrument” section of this report, the development complies with the relevant development standards in the ARH SEPP, that being the floor space ratio and also the dwelling size. Furthermore, the proposed development cannot be refused on account of compliance with these development standards.

14. The proposed 1.4m high masonry wall will be unsightly

Officer comment:

The height of the fence has been reduced to 900mm high. This has been determined to be an appropriate response to the streetscape in relation to its impact in particular on the adjoining heritage listed building at 269 Camden Valley Way (the cake shop).

15. The dual use of the car wash bay and turning bay will be problematic if the bay is being used for washing a car and a vehicle wishes to use it for manoeuvring

Officer comment:

The car wash bay has been removed from the plans, as that area of the development is required to remain unobstructed for the right of carriageway through the development, which benefits the Council depot at the rear of the proposed development.

16. The waste bin pick area only shows space for 15 bins

Officer comment:

A draft development consent condition provided at the end of the report will specify that a communal arrangement is to be organised for the bins, which will minimise the number of bins required for the development.

17. A loss in property values

Officer comment:

The potential loss of property values is not an issue that can be considered as part of this assessment.

18. There is a lack of landscaping

Officer comment:

As assessed previously in the “Provisions of any Development Control Plan” section of this report, it has been determined that the landscaping satisfies primary controls, relating to enhancing the visual setting and design qualities of the built form, maximising surveillance opportunities and a deep soil zone can be provided in the communal open space areas.

19. The gun barrel nature of the driveway contravenes the SEPP

Officer comment:

As assessed previously in the “Likely impacts of the development” section of this report, it is considered that there is adequate articulation as well as landscaping that will minimise the appearance of a gun barrel driveway appearance.

20. This development is missing an opportunity to demonstrate best practice for medium density housing

Officer comment:

It is considered that the design of the proposed development is an appropriate response to the locality by way of its design, building materials and also its bulk and scale.

21. The closest reserve is 700m away

Officer comment:

Whilst this is noted, the proposed development has been amended to now include the provision of 405m² of communal open space, adjacent to units 9 and 24, which will permit greater opportunities for passive and active recreation within the proposed development.

22. The grouping of the dwellings is an unsuccessful attempt at articulating building mass

Officer comment:

It is considered that the mass is appropriately articulated by way of the dwellings in groups of three, separated by openings, and also a variation in respect of building heights with a mixture of one and two storey dwellings.

23. The area between the buildings and the front fence is a wasted space

Officer comment:

It is considered that the area between the front façade of units 1 and 32 with respect to the front fence is an appropriate response with respect to use of space, by way of car parking, bin storage and landscaping. Additionally, it provides articulation by way of a staggered building line, and the setback for unit 1 is consistent with the setback for the adjoining building at 261 Camden Valley Way (the veterinary clinic).

24. The development is not responsive to the grade change of 5m

Officer comment:

It is considered that the development provides an appropriate response to the grade change of the land, by way of minimising cutting and filling.

25. The fence surrounding the development is inappropriate

Officer comment:

As assessed previously in the “Provisions of any Development Control Plan” section of this report, a new fence is to be constructed along the northern and western property boundary, to a height and of building materials recommended in the acoustic report. The existing perimeter fence along the eastern boundary is determined to be satisfactory by way of its existing height and building materials.

26. The floor space requirement requirements changed on 30 June 2011

Officer comment:

As assessed previously in the “Provisions of any Environmental Planning Instrument” section of this report, it is noted that there was changes to the SEPP, including Clause 13 relating to floor space ratios. However, there is no existing floor space ratio as mandated in the Floor Space Ratio maps under Camden Local Environmental Plan 2010, nor is it a residential flat building.

27. There should be a reduction in the number of dwellings to increase private open space

Officer comment:

The plans have been amended to remove 2 units from the rear of the property, adjacent to 269 Camden Valley Way, in order to provide a communal open space area. The proposed private open space provision is deemed to be satisfactory for the proposed units.

28. The adjoining veterinary clinic and cake shop, as well as traffic will impose noise problems on the development

Officer comment:

As assessed previously in the “Provisions of any Development Control Plan” section of this report, the acoustic report has made recommendations with respect to treatment of the dwellings and also the construction of a fence in order to attenuate the noise generated from the cake shop, the veterinary clinic and also Camden Valley Way.

29. The single exit could be problematic in the event of an emergency

Officer comment:

As assessed previously in the “Any impacts of the development” section of this report, it has been determined that the width of the internal road, at 6m, complies with the Guidelines for Emergency Vehicle Access, which applies to fire trucks but can also be used for other emergency vehicles such as ambulances. A single access to a development such as this is a common feature of many similar developments and will provide sufficient exit opportunities in the event of an emergency.

30. There is inadequate infrastructure to service the development

Officer comment:

Connection to essential services, such as water, electricity, telephone and connection to the sewer are recommended as a draft development consent condition provided at the end of the report.

31. There is a lack of public transport in the area

Officer comment:

As assessed previously in the “Provisions of any Environmental Planning Instrument” section of this report, it complies with the relevant development standard of being within 400m walking distance of a bus stop used by a regular bus service that has at least one bus per hour between 6am and 6pm Monday to Friday. This bus stop is located within the road reserve immediately in front of the subject site.

32. The development will result in overshadowing

Officer comment:

As assessed previously in the “Provisions of any Environmental Planning Instrument” section of this report, it complies with the relevant development standard in relation to solar access, with greater than 70% of the dwellings receiving a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. Furthermore, the proposed development cannot be refused on account of compliance with this development standard. Whilst it is noted that the proposed development will result in overshadowing to the adjoining property (veterinary practice), this will only occur in the morning, and the requisite minimum of 3 hours of sunlight can still be achieved for both the vet and any future dwellings that may be constructed on that property.

33. It is considered to be a “cheap” development

Officer comment:

It is considered that the design of this proposed development by way of its contemporary design in its façade treatments and building finishes results in a finished product that will positively compliment the existing streetscape.

34. There will be impacts on safety of children for nearby schools

Officer comment:

It is considered that the number of vehicles exiting the site during school periods will not contribute to a level of traffic that elevates the risk for school children at the two schools in the vicinity of the proposed development.

35. This will start similar developments in the area

Officer comment:

The prevailing zone and its objectives under the LEP as well as recent changes to the SEPP will ensure that no further developments of this type can occur in the southern part of the Narellan township.

36. The site is classified as an acoustic hill with nothing to be constructed on it

Officer comment:

There are no Council records or restrictions on the title of the land that refers to any part of the subject land being an acoustic hill.

37. The internal carriageway is too narrow

Officer comment:

The width of the internal carriageway has been widened to 6m to be consistent with the existing restriction on the land by way of a 6m wide carriageway burdening this lot to the benefit of the Council depot at the rear. This internal carriageway will provide sufficient access for all necessary vehicles.

38. Bin collection will obstruct vehicles wishing to exit the site

Officer comment:

It is considered that the very short time period per week that it takes for a Council waste truck to collect waste will not have an overall negative impact on vehicles exiting the development.

39. The land owner lives in Penrith and therefore does not have any regard as to how this development will impact on the community

Officer comment:

The permanent residence of the land owner is not an issue that can be considered as part of this assessment.

(e) The public interest

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

EXTERNAL REFERRALS

The proposed development was referred to the Roads and Maritime Services (RMS) for comment as it fronts a classified regional road, being Camden Valley Way. The RMS provided a number of recommendations which have been included as draft development consent conditions. These include the provision of a left in/left out access only and the provision of regulatory signage to reflect this configuration.

The proposed development was also referred to the Camden Local Area Command for comment. The Police have responded and have determined the proposed development to be a low crime risk.

CONCLUSION

Camden Council has received a development application for the construction of 32 multi dwelling housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 on this site. The application has been notified to adjoining properties with a total of 13 submissions received across 2 separate notification periods. The application has also been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

It is considered that the proposed development represents a suitably located and designed development for the Narellan township and subject to appropriate development consent conditions, will not have any significant impacts on any adjoining properties or the surrounding environment.

Consequently it is recommended that the Panel approve Development Application 181/2011 subject to the attached draft conditions provided at the end of this report.

RECOMMENDATION

It is recommended that the Panel approve Development Application 181/2011 subject to the attached draft conditions provided at the end of this report.

1.0 - General Requirements

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

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

Plan No.	Description	Prepared by	Dated
1412H	Proposed multi-unit development	Reggies	10/11/11
1412-1D	Proposed multi-unit development	Reggies	14/9/11
1412-2D	Proposed multi-unit development	Reggies	14/9/11
1412-3D	Proposed multi-unit development	Reggies	14/9/11
1412-4D	Proposed multi-unit development	Reggies	14/9/11
1412-5D	Proposed multi-unit development	Reggies	14/9/11
1412-6D	Proposed multi-unit development	Reggies	14/9/11

1412-7D	Proposed multi-unit development	Reggies	14/9/11
1412-8D	Proposed multi-unit development	Reggies	14/9/11
1412-9D	Proposed multi-unit development	Reggies	14/9/11
1412-10D	Proposed multi-unit development	Reggies	14/9/11
1412-11D	Proposed multi-unit development	Reggies	14/9/11
1412-12D	Proposed multi-unit development	Reggies	14/9/11
1412-13D	Proposed multi-unit development	Reggies	14/9/11
1412-14D	Proposed multi-unit development	Reggies	14/9/11
1412-15D	Proposed multi-unit development	Reggies	14/9/11
1412-16D	Proposed multi-unit development	Reggies	14/9/11
1412-17D	Proposed multi-unit development	Reggies	14/9/11
1412-18D	Proposed multi-unit development	Reggies	14/9/11
1412-19D	Proposed multi-unit development	Reggies	14/9/11
1412-20D	Proposed multi-unit development	Reggies	14/9/11
1412-21D	Proposed multi-unit development	Reggies	14/9/11
1412-22D	Proposed multi-unit development	Reggies	14/9/11
1412-23D	Proposed multi-unit development	Reggies	14/9/11
1412-24D	Proposed multi-unit development	Reggies	14/9/11
1412-25D	Proposed multi-unit development	Reggies	14/9/11
1412-26D	Proposed multi-unit development	Reggies	14/9/11
1412-27D	Proposed multi-unit development	Reggies	14/9/11
1412-28D	Proposed multi-unit development	Reggies	14/9/11
1412-29D	Proposed multi-unit development	Reggies	14/9/11
1412-30D	Proposed multi-unit development	Reggies	14/9/11
1412-31D	Proposed multi-unit development	Reggies	14/9/11
1412-32D	Proposed multi-unit development	Reggies	14/9/11
1412-33D	Proposed multi-unit development	Reggies	14/9/11
1412-34D	Proposed multi-unit development	Reggies	14/9/11
1412-35D	Proposed multi-unit development	Reggies	14/9/11
1412-36D	Proposed multi-unit development	Reggies	14/9/11
L-01/3B	Landscape Plan	RFA	21/3/12
L-02/3B	Landscape Plan	RFA	21/3/12
L-03/3B	Landscape Plan	RFA	21/3/12
06124DS, Sheets 2 & 3	Lot 18 DP 1010581 Millwood Avenue, Narellan	JMD	31/5/06
Units 1-34, 263 Camden Valley Way, Narellan	Colour Schedule for Scheme 1, Scheme 2 and Scheme 3	Distinguished Interiors	-

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

- (2) **Amendments to Approved Plans** – The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared prior to the issue of a Construction Certificate:

- (a) The sitting area on the first floor of units 4, 6, 7, 9, 10, 12, 13 and 15 are to be located at the front of the dwelling and the use of the upper level sitting room in these units are to be modified to a bedroom.
- (b) The sitting area on the first floor of unit 3 is to be located at the front of the dwelling to the north west and the use of the upper level sitting room in this unit is to be modified to a bedroom.
- (c) The study nook located within unit 16 must incorporate opaque glass.
- (d) The 8m³ storage area for units 15 and 16 are to be located outside of the drainage easement.
- (e) The 8m³ storage area for units 17, 20, 23 and 27 are to have a dimension of 3.5m x 1.5m.
- (f) The 8m³ storage area and clothes drying area for unit 23 is to be swapped around.
- (g) The proposed roof structure over the bin storage area is to be removed.
- (h) The upper storey façade of unit 31 on its south eastern elevation fronting Camden Valley Way must include further articulation through the provision of a mix of darker shades of brick.

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

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

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

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

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

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

- (4) **Building Code of Australia** – All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (5) **Design and Construction Standards** – All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
 - (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011

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

- (6) **Access In and Out of the Site** – Access / egress to the development must be limited to left in/left out movements facilitated through appropriate signage and a concrete median island in the access road. The measures must be designed in accordance with Austroads, Australian Standards RMS Supplements and are subject to the concurrence of the Camden Local Traffic Committee. Any loss of proposed off street parking spaces in this vicinity as a result of these measures must be provided adjacent to visitor space No. 9. Additionally, No Stopping and Bus Zone restrictions must be installed along the frontage of the property on Camden Valley Way, subject to the concurrence of the Camden Local Traffic Committee.
- (7) **Signposting** – All works/regulatory signposting associated with the proposed development is to be at no cost to RMS.
- (8) **Waste Storage and Collection** – This development must incorporate communal bin storage areas within the site adjacent to Unit 32 as shown on Drawing No: 1412 issue G. The bins provided for this development must be communal for the entire development.

The waste collection point for bin pick up on Camden Valley Way must be level and adjacent to the kerb. This area must run parallel to the rear of the kerb and measure 3m long by 900mm wide and allow 3.9m clear vertical space to allow for the truck-lifting arm.

A waste collection vehicle must be able to approach parallel to the collection area either directly next to or within a car width of the kerb. The designated area must also be clear from the positioning of tree plantings (or tree canopies), street lighting and other fixtures.

2.0 - Construction Certificate Requirements

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

- (1) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land must be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant must advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant must bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate.

- (2) **Provision of Fire Hydrant Coverage** – All buildings within the proposed development must be provided with fire hydrant coverage, in accordance with the requirements of AS2419.2005 and NSW Fire Brigades. Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate for the residential development.
- (3) **Section 94 Contributions** – Pursuant to **Contributions Plan No 3** amended in February 1998, a contribution must be paid to Council of \$26,120 per hectare, total \$17,632, for **Trunk Drainage, Water Quality Facilities and Professional Services**.

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

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

- (4) **Section 94 Contributions** – Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$4,587 per additional lot or dwelling, total \$142,197, for **Open Space, Recreation & Community land**.

The contribution must be indexed by the methods set out in Paragraph 2.15.2 of the plan and paid Prior to the issue of a Construction Certificate.

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

- (5) **Section 94 Contributions** – Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$6,118 per additional lot or dwelling, total \$189,658, for **Recreation & Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation & Administration Services**.

The contribution must be indexed by the methods set out in Paragraph 2.15.1 of the plan and paid Prior to the issue of a Construction Certificate.

- (6) **Civil Engineering Plans** – Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the

Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

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

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

This report must give details of the existing conditions of the acoustic mound, fence, trees, other vegetation, drainage pits, pipes, kerb and gutter, underground services and any other improvement in the drainage easement up to Millwood Avenue from the subject property.

- (8) **Environmental Site Management Plan** – An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control; and
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (9) **Performance Bond** – Prior to the issue of the Construction Certificate, a performance bond of \$20,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (10) **Civil Engineering Details** – The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (11) **Public Risk Insurance Policy** – Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (12) **Drainage Design** – A Stormwater Management Plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final

stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

- (13) **Car Parking Design** – The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (i.e. Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior to the Construction Certificate being issued.

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

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

All disabled parking shall be designed and constructed to comply with AS 2980.6.

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

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

- (15) **Right of Carriageway** – The proposed access way to the development must be contained within the existing right of way, and the design of the right way must be carried out to Council's Standard to cater for a Traffic loading of 5×10^5 ESA either to requirements of a rigid or flexible pavement.

- (16) **Detailed Engineering Plan** – A detailed engineering plan must be prepared for the proposed drainage system located within the drainage easement in Lot 18, DP 1010581 for the approval by the Principal Certifying Authority. The drainage system and construction process must address the following matters:

- (a) Any retaining wall proposed must be designed and constructed

- in accordance with the Structural Engineers recommendations and all retaining walls must be masonry and / or concrete;
 - (b) The reinstatement of the acoustic batter, with fill, should be compacted to 95% of the Standard Density;
 - (c) The acoustic fence must be retained with adequate support to address the noise impact on the adjoining residences;
 - (d) All exposed areas and any affected vegetation must be reinstated to satisfaction of the Council;
 - (e) Any impact on the existing drainage system, buildings or improvements should be address in consultation with the Council's Assets Section; and
 - (f) Any adjustment or impact on existing under ground and overhead cable must be addressed in consultation with the relevant Service Authority.
- (17) **Overland Flow Path** – A depression must be formed over the full width and length of the drainage easement to provide a stormwater escape route. The escape route must be designed to have a capacity to carry the difference between a 1:100 year flow and the flow in the pipe. Alternative methods to address the overland flow path must comply with the Design Specifications including the blockage factor.
- (18) **Road Design** – The internal road designed must be carried out in accordance with Council's design specifications. A gate must be located at the northern boundary with a minimum width of 4.0m, which opens to the right of way. A lock must be provided to Council, which can be opened from Council's depot using Council's Master Key system.
- (19) **Construction Management Plan** – The developer must prepare a Construction Management Plan for the work associated with the down stream drainage system in the Lot 18, DP 1010581 and this construction management plan must be submitted to the Principal Certifying Authority for approval and a copy must be submitted to Council (Asset Manager). The construction management plan must address the following matters:
- (a) The plan must identify the work method proposed;
 - (b) The work hours, and access arrangement to the work site;
 - (c) The method of providing stability to the existing acoustic fence on the mound while the batter of the acoustic mound is being excavated for drainage works;
 - (d) The method of dealing with existing drainage systems and underground utilities;
 - (e) The potential impact on security of the adjoining residences and the Council's Works Depot;
 - (f) The Construction access requirements. If access is required from the Council's depot, a prior arrangement must be made

- with a minimum period of 7 days notice to the Works Branch of Council;
- (g) Any damage to the roots of the tree must be assessed as to the viability of survival of trees and should it be damaged to such an extent that it will not survive then such trees must be removed at no cost to Council and subject to Development Approval from the Council;
 - (h) Method of controlling any sediment transfer due to the excavations and exposed ground;
 - (i) Traffic Management details in order to provide minimum impact on the operation of the depot, if the access or parking is affected by the proposed work; and
 - (j) Method of restoration of the Council's road, kerb and gutter, drainage pits, etc.
- (20) **Alternative Ventilation for Habitable Rooms** – For units 1, 2, 3, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, all facades identified may require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) may need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the lot prior to the issue of a construction certificate.
- (21) **Location and Construction of 4.0 Metre High Acoustic Barrier** – To reduce noise from the Council Depot and Steel Fabrication yard, a 4.0 metre high acoustic barrier must be constructed on the property boundaries shown in the plan "Appendix A" contained within *"Noise Assessment Report: 263 Camden Valley Way Narellan NSW 2567: Prepared by SLR Global Environmental Solutions, Report No. 610.07939.05313 Revision 3, Dated 5 April 2011."* The 4.0 metre high barrier is to be a composite barrier with the lower 2.0 metres to be constructed of double insulated colour-bond and the upper 2.0 metre section being constructed with a transparent barrier material.
- The section of this barrier which is in line with the 6m wide right of way is to be a gate that swings inward towards the residential development, and to be locked at all times with the exception of emergency uses. The master key is to be kept on site at the Council dept, with a copy of the key provided to either the nominated social housing provider or nominated resident on site.
- (22) **Location and Construction of 2.0 Metre High Acoustic Fence** – To reduce noise from the adjoining properties, a 2.0 metre high acoustic fence must be constructed on the property boundaries shown in the

plan "Appendix A" contained within *"Noise Assessment Report: 263 Camden Valley Way Narellan NSW 2567: Prepared by SLR Global Environmental Solutions, Report No. 610.07939.05313 Revision 3, Dated 5 April 2011."* The 2.0 metre fence must be constructed with colour-bond material.

- (23) **Roof Ceiling Construction Requirements** – For units 1, 2, 19, and 20 roof and ceiling construction requirements are to be consistent with "section 6 Acoustic Control" within the *"Noise Assessment Report: 263 Camden Valley Way Narellan NSW 2567: Prepared by SLR Global Environmental Solutions, Report No. 610.07939.05313 Revision 3, Dated 5 April 2011."*

- (24) **Window Construction Requirements** – For all first floor bedroom windows/glass doors, except bathrooms and toilets and laundry doors in units 1, 2, 3, 10, 11, 12, 30, 31, and 32, these identified units must be fitted with 10.38mm thick laminated glass in sealed heavy duty frames of Rw rating of at least 34.

All first floor bedroom windows in unit 24, and north east facing windows in units 25, 26, 27, 28, and 29 must be fitted with 10.38mm thick laminated glass in sealed heavy duty frames of Rw rating of at least 34.

All other windows /glass doors, except bathrooms and toilets and laundry doors, must be fitted with 4 mm thick laminated glass in well sealed heavy duty frames of Rw rating of at least 22.

- (25) **Double Glazing Requirements** – North west facing first floor bedroom windows/glass doors of units 16, 17, 18, 19, 20, 21, 22 are required to have a Rw rating of at least 42. This should be double glazing with a 10.38mm laminated glass and a 6.38mm laminated glass separated by a 50mm air gap.
- (26) **Concrete Footpath** – A concrete footpath must be constructed along the frontage of the development in Camden Valley Way to link up with the bus stop in accordance with the Council's Engineering Specifications.
- (27) **Registration of Re-Located Carriageway Location** – The relevant documentation for the amendment to the s88B instrument and Deposited Plan is to be approved by Council and then registered with Land and Property Information prior to the issue of a Construction Certificate.

3.0 - Prior To Works Commencing

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

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** – Erection of signs must be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (3) **Toilet Facilities** – Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (5) **Construction Certificate before Work Commences** – This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **Soil Erosion and Sediment Control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved

plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

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

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

- (7) **Site Signage and Contact Numbers** – A sign displaying the contact details of the remediation contractor (and site supervisor if different to remediation contractor) must be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
- (8) **Stabilised Access Point** – A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point. Council's standard details as per SD 31 must be used for construction.
- (9) **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.
- (10) **Works on Camden Valley Way** – Any work within the Camden Valley Way road reserve will be subject to an approval under the Road Act and inspection by the Road Authority.
- (11) **Construction of Drainage Work within Council Depot** – Prior to commencement of any works for the residential development, all downstream drainage works within the Council depot easement are to be constructed and fully completed in order to control the increase of runoff and the potential impact on the residential development and the operation of the Council depot. Details of these works must be submitted to the Principal Certifying Authority for approval.

4.0 - During Construction

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

- (1) **Survey Report (Peg Out)** – The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in

relation to the allotment boundaries must be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.

- (2) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (3) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.
- (4) **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 must only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material must be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and must have measures in place to prevent the movement of such material off the site;
 - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying must be confined to the building

allotment. All pollutants from these activities must be contained on site and disposed of in an appropriate manner;

- (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container must be located on the development site.
- (5) **Footpath Levels** – The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (6) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of building/buildings must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (7) **Shoring and Adequacy of Adjoining Property** – shoring and adequacy of adjoining properties must be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (8) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (9) **Drainage Easements** – No changes to site levels, or any form of construction must occur within any drainage easements that may be located on the allotment.
- (10) **Access from Public Places** – Construction access from public places (reserves, parks, walkways and the like) other than roads must not occur without the prior consent of Camden Council. Bonds or legal

agreements may be required to protect Council's assets if access from these places is approved.

- (11) **Remediation Works Inspection** – A qualified Environmental Consultant or Scientist will be required to frequently inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (12) **Construction Noise** – Noise Levels emitted during construction works must be restricted to comply with the DECCW's Interim Noise Construction Guidelines dated July 2009.
- (13) **Salinity Management Plan** – All proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan under "Section 10.2" in the report titled *"Salinity Management Plan No 263 Lot 1022 DP 1021756 Camden Valley Way Narellan NSW, Prepared by GeoEnviro Consultancy Pty Ltd, Ref No JC07063A, Dated March 2008."* and *"Addendum to RAP Report Ref JC07063A-r3 dated June 2008 and Salinity Management Plan Ref JC07063A dated March 2008: No 263 Lot 1022 DP 1021756 Camden Valley Way Narellan, Prepared by GeoEnviro Consultancy Pty Ltd, Dated 17/09/11."*
- (14) **Noxious weeds** – As per the requirements of the Noxious Weeds Act 1993, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from property.
- (15) **Civil Engineering Inspections** – Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
 - (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (16) **Compaction** – Any filling of up to 1.0m on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (17) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;
 - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - (iv) is suitable for its intended purpose and land use; and
 - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- (e) less than 6000m³ - 3 sampling locations,

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

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

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

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

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

- (18) **Workcover Authority** – All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (19) **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 the Consent Authority (Camden Council).
- (20) **Off-Site Disposal Of Contaminated Soil / Materials** – All contaminated materials proposed to be disposed off-site must be disposed to a Licensed Landfill Facility able to accept the classification of waste material.
- (21) **Unexpected Findings Contingency (Remediation)** – Upon the identification of additional contamination or hazardous materials at any stage of the remediation process, all remediation works in the vicinity of the findings must cease and compliance with the approved RAP must be adopted.
- (22) **Delivery Register** – The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (23) **Suppression and destruction of weeds** – The suppression and destruction, by appropriate means, is to continually occur on any

noxious or environmentally invasive weed infestations that occur during or after the completion of this development. New infestations must be reported to Council.

- (24) **Maintenance work** – Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occur during construction and after completion of the residential development must be reported to Council, and be fully and continuously suppressed and destroyed, by appropriate means.
- (25) **Remediation Works** – All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, on site and off site disposal; that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security must be undertaken in accordance with the Remedial Action Plan titled:

“Remediation Action Plan No 263 Lot 1022 DP 1021756 Camden Valley Way Narellan NSW, Prepared by GeoEnviro Consultancy Pty Ltd, Ref No JC07063A-r3, Dated June 2008.” And “Addendum to RAP Report Ref JC07063A-r3 dated June 2008 and Salinity Management Plan Ref JC07063A dated March 2008: No 263 Lot 1022 DP 1021756 Camden Valley Way Narellan, Prepared by GeoEnviro Consultancy Pty Ltd, Dated 17/09/11.”

Any variation or modification to the Remedial Action Plan in terms of compliance work must be requested from the Consent Authority (Camden Council) in writing prior to validation. 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.

- (26) **Compliance of Remediation Work** – All remediation work must also comply with the following requirements:
- Contaminated Land Management Act 1997;
 - Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
 - SEPP55 – Remediation of Land;
 - Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 – 1997); and,
 - Camden Council’s Adopted Policy for the Management Of Contaminated lands.
- (27) **Damaged Assets** – Any work and public utility relocation within a public place will incur no cost to Council.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** – During any earthworks and development works relating to this Consent, the Applicant is advised:
 - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision/Occupation Certificate.
 - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
 - (d) The inspection must occur prior to the issue of the Subdivision/Occupation Certificate.
- (2) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.
- (3) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.
- (4) **Fire Hydrants** – Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The

direction of the offset should indicate on which side of the road the hydrant is located.

- (5) **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.
- (6) **Emergency and Evacuation Plan** – An emergency and evacuation plan is to be prepared prior to the issue of an Occupation Certificate, detailing the following:
 - (a) under what circumstances the complex will be evacuated;
 - (b) where the occupants will be evacuated to;
 - (c) roles and responsibilities of people co-ordinating the evacuation;
 - (d) roles and responsibilities of people remaining in the complex after evacuation; and
 - (e) a procedure to contact the relevant emergency service to inform them of the evacuation and where they will be evacuated to.
- (7) **Site Validation Report** – A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's adopted policy and clause 17 & 18 of SEPP 55 for the completed remediation works. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works.
- (8) **Gutter / Footway Crossings** – The following works must be constructed prior to the issue of the Occupation Certificate and under the Roads Act 1993 must be approved by Camden Council:
 - (a) Provision of a heavy duty industrial gutter crossing at all points of ingress and egress.

All services within 1m of the crossing and all affected services due the proposed work shall be adjusted in consultation with the appropriate Service Authority. A Minimum splay of 1.5m shall be provided on either side of the proposed driveway at the gutter.

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

- (9) **Section 88E restriction** – A restriction is to be registered, against the title of the property, in accordance with section 88E of the

Conveyancing Act 1919, which ensures that a minimum of 50% of the total dwellings are to be affordable rental housing for a minimum of 10 years from the date of issue of the Occupation Certificate, and that all accommodation that is used for affordable housing will be managed by a registered community housing provider.