

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	2013SYW005
DA Number	1182/2012
Local Government Area	Camden
Proposed Development	Construction of an arterial road (to be known as Liz Kernohan Drive), associated earthworks, drainage and landscaping in 4 stages and a 9 lot Torrens title subdivision for the purpose of dedicating the road to Council as a public road
Street Address	A, B, 275A, 275B, 275C 275D, 275E and 275F Richardson Road, Spring Farm
Applicant	SMEC Urban on behalf of Urban Growth NSW
Owner	Urban Growth NSW, Minister for Planning and Infrastructure and Camden Council
Number of Submissions	0
Recommendation	Approve with conditions
Report by	Ron P Dowd, Urban Planner

PURPOSE OF REPORT

The purpose of this report is to seek the determination of a development application (DA) by the Joint Regional Planning Panel's (the Panel) for the construction of an arterial road (to be known as Liz Kernohan Drive) together with associated earthworks, drainage and landscaping in 4 stages and a nine (9) lot, Torrens title subdivision for the purpose of dedicating the road to Council as a public road at A, B, 275A, 275B, 275C 275D, 275E and 275F Richardson Road, Spring Farm.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$8.5 million. This exceeds the CIV threshold of \$5 million for Council to determine the DA which applies given that the proposed development is Crown Development and Council owns some of the land on which it will be carried out.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 1182/2012 for the construction of an arterial road (to be known as Liz Kernohan Drive), associated earthworks, drainage and landscaping in 4 stages and a nine (9) lot Torrens title subdivision for the purpose of dedicating the road to Council as a public road at A, B, 275A, 275B, 275C 275D, 275E and 275F Richardson Road, Spring Farm pursuant to Section 89 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of an arterial road (to be known as Liz Kernohan Drive) and associated earthworks, drainage and landscaping in 4 stages and a nine (9) lot, Torrens title subdivision for the purpose of dedicating the road to Council as a public road at A, B, 275A, 275B, 275C 275D, 275E and 275F Richardson Road, Spring Farm.

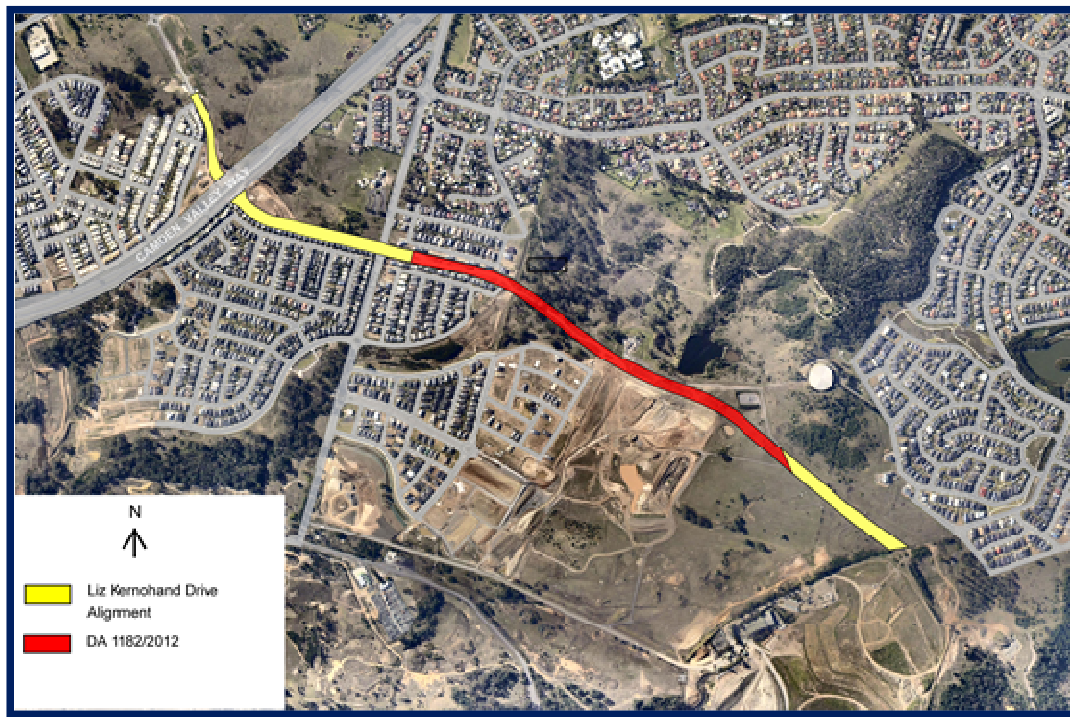
The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and Council policies. The outcome of this assessment is detailed further in this report.

The DA was placed on public exhibition in accordance with Camden Development Control Plan 2011 (DCP). No submissions were received.

Council staff have worked with the applicant to address a number of issues relating to road design, landscaping and construction noise. All issues have now been resolved subject to the conditions contained in this report.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as A, B, 275A, 275B, 275C 275D, 275E and 275F Richardson Road, Spring Farm and legally described as lot 4 and 5, DP 1173382, lot 1, DP 1007608, lots 1101, 1102, 1103 and 1104, DP 1139217. The land subject to the DA is in the ownership of Urban Growth NSW, the Minister for Planning and Infrastructure and Camden Council.

The site is located within the Spring Farm urban release area. The exact site of the proposed road begins 95m to the east of Richardson Road before continuing east through Spring Farm's largely developed northern village and along the northern edge of Spring Farm's eastern village.

The above aerial photo shows the full extent of the road through this area in yellow. The part of the road the subject of this DA is highlighted in red. Other sections of the road are currently under construction to the west.

The proposed road is crossed in 2 locations by existing electricity transmission lines, which are proposed to be placed underground with future residential developments. Part of the site is mapped as being bush fire prone.

The site is partially bound by Marshall and Ancona Avenues, Gundungurra and William Howe Reserves to the north, the developing precinct 200 and future precinct 400 of Spring Farm's eastern village to the south, the Spring Farm Advanced Resource Recovery Park to the east and Richardson Road to the west.

To the north and east of Spring Farm are the residential suburbs of Narellan Vale and Mount Annan respectively. To the south is the Nepean River. Camden lies to the west.

HISTORY

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

Date	Development
21 May 2004	Spring Farm rezoned by the NSW government for urban development. The subject road corridor was re-classified to operational land (within the meaning of the Local Government Act 1993)

THE PROPOSAL

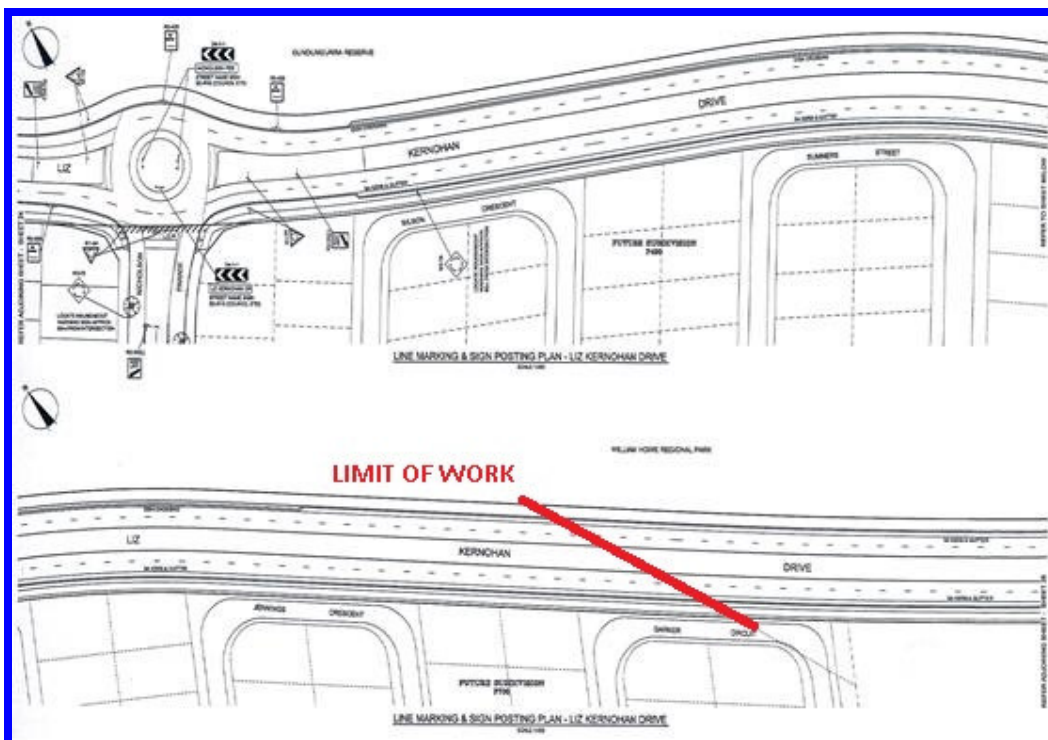
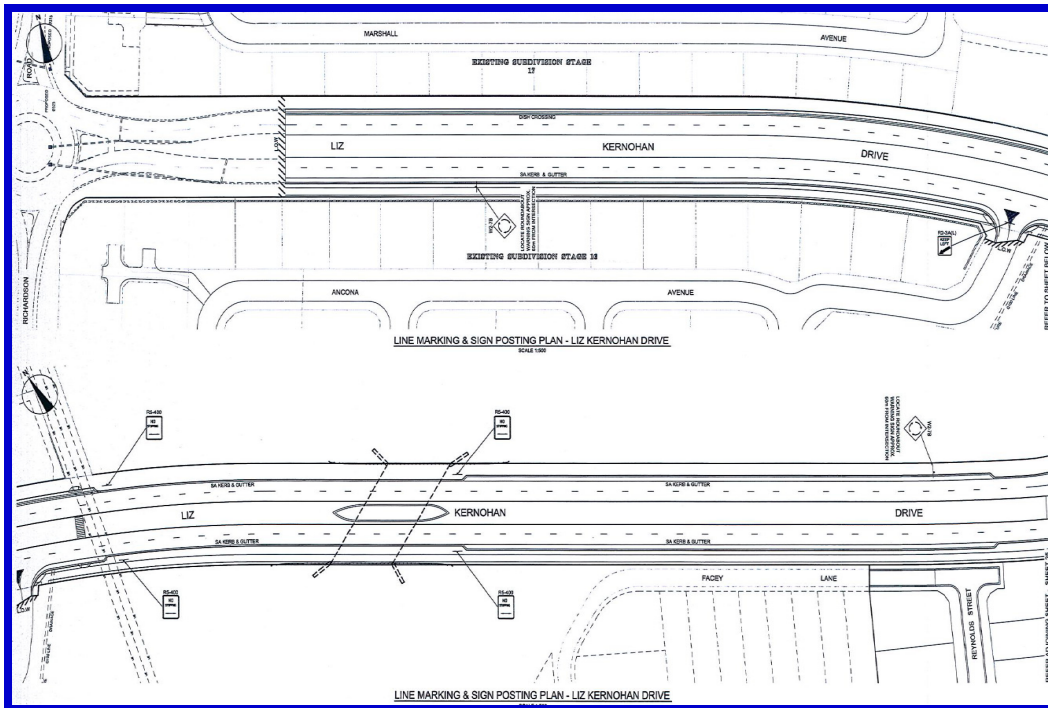
DA 1182/2012 seeks approval for the construction of an arterial road (to be known as Liz Kernohan Drive), associated earthworks, drainage and landscaping in 4 stages and a nine (9) lot Torrens title subdivision for the purpose of dedicating the road to Council as a public road.

Specifically the proposed development involves the construction of:

- a 1.3km section of 4 lane divided arterial road (in 4 stages). The road will have a design speed of 70km/h but be sign posted at 60 km/h;
- a creek crossing and two roundabouts;
- removal of 0.63ha of vegetation in Gundungurra Reserve;
- associated earthworks, drainage and landscaping; and
- a nine (9), lot Torrens title subdivision for the purpose of dedicating the road to Council as a public road. No development lots will be created by this subdivision.

This CIV of the works is \$8.5 million.

PROPOSED PLANS



ASSESSMENT

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

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

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

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

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

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$8.5 million. This exceeds the CIV threshold of \$5 million for Council to determine the DA which applies given that the proposed development is Crown Development and that Council owns some of the land on which it will be carried out.

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. A phase 2 detailed contamination assessment for the site was submitted with the DA and reviewed by Council staff.

The contamination assessment concluded that no contaminants of concern are present and therefore the land is suitable for the proposed development. Council is satisfied with the findings of the assessment and considers the site to be suitable for the construction and use as a road.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The aim of the SEPP is to provide a consistent planning regime for infrastructure and the provision of services across NSW.

The proposed road is crossed in 2 locations by existing transmission lines, which are proposed to be placed underground with future residential developments. The SEPP provides that the DA shall not be determined until it has consulted with, and considered any response from, the electricity supply authority for the area.

The DA was referred to Endeavour Energy (Endeavour) in accordance with Clause 45 of the SEPP as works are proposed within the transmission easements. No response was received from Endeavour Energy however it is recommended that all works in the vicinity of an easement and any service relocations occur in accordance with Endeavour Energy's requirements.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

It is considered that there will be no detrimental impacts upon the Hawkesbury-Nepean River system, subject to compliance with Council's current engineering specification, as a result of the proposed development. Stormwater quantity and quality control will be managed by existing and proposed detention basins in Spring Farm to the south. Conditions are recommended to provide appropriate soil and sediment erosion control measures during construction.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned SP2 Infrastructure and E2 Environmental Conservation under the provisions of the LEP. The proposed development is defined as a "road" which is permitted with consent in these zones. The subdivision of land is also permitted with consent in these zones.

Objectives

The objectives of the SP2 Infrastructure zone are as follows:

- To provide for infrastructure and related uses.

Officer comment:

The development proposes a 1.3km segment of arterial road which is a significant piece of transport infrastructure.

- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for transport infrastructure.

The objectives of the E2 Environmental Conservation zone are as follows:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

Officer comment:

The development will result in the loss of 0.63ha of mostly highly modified vegetation. In the context of other Spring Farm bush corridor regeneration works and adjoining managed lands (NPWS' William Howe Reserve and Council's Gundungurra Reserve), it is not considered that the proposed development will have a significant impact upon any ecological, scientific, cultural or aesthetic values and is consistent with this objective. The location of the proposed road, and the consequent removal of this vegetation, is consistent with the DCP.

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

Officer comment:

As aforementioned, it is not considered that the proposed development will have significant adverse effects on the listed values.

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

Officer comment:

The proposed development will not have a significant adverse impact upon the items listed in this objective and is generally consistent with its intent.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
5.9 Preservation of Trees or Vegetation	Preserve the amenity of the area including biodiversity through the preservation of trees and other vegetation	Native vegetation near the proposed creek crossing is proposed to be removed. A Flora and Fauna Assessment and 7 Part Test was prepared by Travers Bushfire and Ecology and submitted in support of the DA. The report concludes that the loss of 0.63ha of degraded vegetation, in the context of other Spring Farm bush corridor	Yes

Clause	Requirement	Provided	Compliance
		<p>regeneration works and adjoining managed lands (NPWS' William Howe Reserve and Council's Gundungurra Reserve), is not significant. Council staff have reviewed the assessment and 7 part test and agree with its conclusions.</p> <p>The location of the proposed road, and the consequent removal of this vegetation, is consistent with the DCP</p>	
5.10 Heritage Conservation	To conserve Aboriginal objects and Aboriginal places of heritage significance	<p>An aboriginal heritage assessment prepared by Kelleher Nightingale was submitted in support of the DA. The site contains 3 potential archaeological deposits and salvage works are proposed to be undertaken.</p> <p>The report was referred to the Office of Environment and Heritage (OEH) who have acknowledged that an application for an Aboriginal Heritage Impact Permit (AHIP)</p>	Yes

Clause	Requirement	Provided	Compliance
		must subsequently be made if the DA is approved. This requirement is a recommended condition	
6.2 Public Utility Infrastructure	Public utility infrastructure to service the proposed development	It is a recommended condition that appropriate utility infrastructure be provided for the proposed development	Yes
6.5 Matters to be specifically considered for residential development at Spring Farm	Consider whether remnant vegetation and bush corridors will be protected, enhanced and managed	As aforementioned, 0.63ha of degraded vegetation will be affected by the DA. Again, in the context of other Spring Farm bush corridor regeneration works and adjoining managed lands (NPWS' William Howe Reserve and Council's Gundungurra Reserve) the loss of vegetation is not considered to be significant	Yes
	Consider whether adverse odour impacts from the Macarthur Resource Recovery Park will be mitigated	This matter is not relevant to the construction of an arterial road	Yes
	Consider whether adverse noise and dust impacts from sand mining will be mitigated	This matter is not relevant to	Yes

Clause	Requirement	Provided	Compliance
		the construction of an arterial road	
7.4 Earthworks	Ensure earthworks will not have a detrimental impact on the environment, neighbouring uses, heritage items and surrounding land	Erosion and sediment control measures will be required during earthworks to protect the environment and are recommended conditions. The site is not in the vicinity of any heritage items. An acceptable construction noise management plan has been prepared with the aim of controlling impacts of noise and vibration on surrounding residential properties during earthworks	Yes

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

There is no draft environmental planning instrument applicable to the proposed development.

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

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sediment control measures	Yes

Control	Requirement	Provided	Compliance
		are a recommended condition	
B1.2 Earthworks	Minimise cut and fill and use clean fill material	The proposed cut and fill is appropriate and necessary for the construction of the road. It is a recommended condition that only clean fill material is used	Yes
B1.3 Salinity Management	Salinity resistant construction	Compliance with the recommendations of a salinity assessment lodged with the DA is a recommended condition	Yes
B1.4 Water Management	Stormwater control measures compliant with Council's engineering specifications	Compliance with Council's engineering specifications is a recommended condition	Yes
B1.5 Trees and vegetation	Consider the significance of trees to be removed	<p>As aforementioned, the proposed removal of highly modified native vegetation is not considered to be significant given other Spring Farm bush corridor regeneration works and surrounding reserves were such vegetation will be regenerated and conserved</p> <p>The location of the proposed road, and the consequent removal of this vegetation, is consistent with the DCP</p>	Yes
B1.6 Environmentally sensitive land	Ensure that all new development considers and maximises the protection of	As aforementioned, 0.63ha of degraded vegetation will be affected by the DA. Again, in the context	Yes

Control	Requirement	Provided	Compliance
	existing natural features at the site planning, design, development, construction and operation phases of the development.	<p>of other Spring Farm bush corridor regeneration works and adjoining managed lands (NPWS' William Howe Reserve and Council's Gundungurra Reserve) the loss of vegetation is not considered to be significant</p> <p>The location of the proposed road, and the consequent removal of this vegetation, is consistent with the DCP</p>	
B1.7 Riparian Corridors	Ensure protection, enhancement of riparian areas in accordance with the DCP	A creek crossing is proposed as part of this development. The DA was referred to the NSW Office of Water (NOW) who have granted general terms of approval for the crossing. It is a recommended condition that the crossing be designed and constructed in accordance with NOW's requirements which will satisfy the intent of the DCP	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weed control and management	This matter will be dealt with by the recommended conditions	Yes
B1.9.1 Waste Management Plan	Submission of a waste management plan	A waste management plan has been provided and is deemed to be sufficient	Yes
B1.10 Bushfire risk management	Submission of a bush fire protection and	Part of the site is mapped bush fire prone. No bush fire	Yes

Control	Requirement	Provided	Compliance
	attack assessment report must form part of all development applications on land identified as bush fire prone land on Camden Council's Bush Fire Prone Land Map	<p>assessment was submitted with the DA. However given that the DA proposes to remove vegetation and construct a road, it is anticipated that any bush fire threat will actually be reduced by the proposed development.</p> <p>It is considered that the intent of this control can be complied with upon the submission of a bush fire assessment report prior to the issue of a Construction Certificate, demonstrating the proposed development's consistency with Planning for Bush Fire Protection 2006, asset protection zones being identified fully within the road boundaries and updated bush fire prone land mapping. This is a recommended condition</p>	
B1.12 Contaminated and Potentially Contaminated land	Contamination assessment and remediation (if required)	It is considered that the site is suitable for its intended use as a road which has been confirmed by a contamination assessment submitted with the DA	Yes
B1.13 Mine Subsidence	Mine Subsidence Board approval required	Approval from the Mine Subsidence Board has been submitted with the	Yes

Control	Requirement	Provided	Compliance
		DA	
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	Noise mitigation measures during construction and operation are recommended conditions. These include the placement of temporary noise screens to protect dwellings during construction and are considered to be acceptable	Yes
B2 Landscape Design	Ensure development integrates with existing landscape character of the street	<p>A landscape plan was submitted with the DA. Council staff have assessed this plan however found it to be non-compliant with Austroads and inconsistent with the section of Liz Kernohan Drive currently under construction to the west</p> <p>It is a recommended condition that amended landscaping be provided that ensures compliance with Austroads and consistency with the section of Liz Kernohan Drive currently under construction to the west</p>	Yes
B3.2 Aboriginal Culture and Heritage	An AHIP is required from OEH for any activity likely to have an impact on Aboriginal objects and places before work takes place	An aboriginal heritage assessment prepared by Kelleher Nightingale was submitted in support of the DA. The site contains 3 potential archaeological	Yes

Control	Requirement	Provided	Compliance
		<p>deposits and salvage works are proposed to be undertaken.</p> <p>The report was referred to OEH who have acknowledged that application for an AHIP must subsequently be made if the DA is approved. This requirement is a recommended condition</p>	
C7.3 Street Network and Design	<p>Development to be consistent with the Spring Farm masterplan</p> <p>Road constructed in accordance with Figure C22.1 35m arterial road</p> <p>Verge = 4.5m Median = 9m Lanes = 8.5m</p>	<p>It is considered that the proposed development is consistent with the Spring Farm masterplan.</p> <p>The DCP's required verge, median and lane widths will be complied width.</p> <p>However the detailed arrangement for this road (positions of trees, kerb design etc.) shown in the DCP does not comply with Austroads and presents safety issues relating to required clear zones for a road of this design speed and traffic volumes.</p> <p>Consequently it is a recommended condition that the road be approved in a form that complies with Austroads and achieves the required clear zone requirements for safety. The use of</p>	<p>Yes</p> <p>No, however sufficient justification provided</p>

Control	Requirement	Provided	Compliance
		<p>high profile kerbs may also be required in order to provide sufficient vehicle deflection.</p> <p>It is a recommended condition that details of the above must be submitted to the Certifying Authority and Council prior to the issue of a Construction Certificate.</p> <p>The above is consistent with the approach taken with the section of Liz Kernohan Drive under construction to the west of this section and will achieve an acceptable balance between providing a safe and well designed road</p>	
C7.4 Pedestrian and Cycle Network	Pedestrian and cycle connections to be consistent with Figure C23	The proposed road will have a 2.5m wide shared pedestrian/cyclepath along its southern side. This is in excess of the DCP's requirements, however will match in with the segment of Liz Kernohan Drive under construction to the west and is deemed to be within the public interest	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 DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

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

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

(c) *The suitability of the site*

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

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

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. The exhibition period was from 24 January to 1 March 2013. No submissions were received.

(e) *The public interest*

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

EXTERNAL REFERRALS

Road and Maritime Services (RMS)

Due to the nature and design of the road project as an arterial road, the DA was referred to the RMS for comment only. A number of design and safety related comments were received from the RMS on 20 March 2013. These included ensuring that all stages of the road comply with Austroads and Council's requirements, the provision of raised medians and line marking in accordance with relevant RMS Technical Directions. Council staff have considered RMS' comments and recommend that they be complied with via a condition.

The only exception to this is a requirement for Nicholson Parade (a previously approved road which connects into Liz Kernohan Drive via a roundabout) to have two travel lanes inbound and outbound at its interface with Liz Kernohan Drive. Council staff have reviewed this comment however do not consider two travel lanes to be warranted at this location. The traffic volumes along Nicholson Parade do not justify this requirement and Nicholson Parade is currently under construction in accordance with a development consent that was previously granted by the Panel on 2 September 2011.

NSW Office of Water (NOW)

The DA was referred to NOW seeking approval for the proposed creek crossing as part of the road. Conditional approval was issued by NOW on 6 February 2013. The

conditions include provisions for erosion and sediment control and the need to obtain a Controlled Activity Approval prior to any controlled works occurring on waterfront land.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment as the proposed road is crossed in 2 locations by existing electricity transmission lines and requires the concurrence of Endeavour pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. No response was received from Endeavour Energy however it is recommended that all works in the vicinity of an easement and any service relocations occur in accordance with Endeavour Energy's requirements.

Sydney Water

The site is traversed by a 1050mm water main owned by Sydney Water. Sydney Water were referred the DA and have provided comments dated 15 February 2013 specifying requirements to be complied with in order to limit potential impact to the water main. Council staff consider these requirements to be reasonable and compliance with them is part of the recommended conditions.

Office of Environment and Heritage (OEH)

The DA was referred to OEH as the site adjoins NPWS' William Howe Reserve and as aboriginal archaeological deposits have been identified within the site.

OEH have also made comment on the DA in regards to the land adjoining William Howe Reserve, requesting that Council ensure the proposed development complies with OEH's "Guidelines for Developments Adjoining Department of Environment and Climate Change Land." Council staff have considered the proposed development in accordance with the aims of the guidelines consider the proposed development can comply with the guidelines subject to the recommended conditions.

An aboriginal heritage assessment prepared by Kelleher Nightingale was submitted with the DA. The site contains 3 potential archaeological deposits including stone tools and other artefacts and salvage works are proposed to be undertaken. OEH have acknowledged that an application for an aboriginal heritage impact permit must subsequently be made if the DA is approved. It is a recommended condition that this occurs.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1182/2012 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

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

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

Plan / Development No.	Description	Prepared by	Dated
76893.01M14 Rev C 76893.01M15 Rev C 76893.01M16 Rev C 76893.01M17 Rev D 76893.01M18 Rev D 76893.01M19 Rev C 76893.01M20 Rev C 76893.01M21 Rev C 76893.01M22 Rev C 76893.01M23 Rev D 76893.01M24 Rev C 76893.01M25 Rev C 76893.01M27 Rev D 76893.01M28 Rev C 76893.01M32 Rev C 76893.01M33 Rev C 76893.01M34 Rev C 76893.01M35 Rev C 76893.01M36 Rev C 76893.01M43 Rev C	Engineering Plans	SMEC Urban	28 February 2013
76893.01 P04 Sheet 1 Revision D	Subdivision Plan	SMEC Urban	13 July 2013
DA-LR-L101 DA-LR-L102 DA-LR-L103 DA-LR-L104	Landscape Plan	Oculus	3 August 2013
Report No 11/0813	Contamination & Salinity Assessment Link Road Glenlee Road Haul Road and Water Quality Basins Spring Farm New South Wales	SMEC Testing Services Pty Ltd	August 2013
	Flora & Fauna Assessment: Proposed Link Road Spring Farm	Travers Bushfire & Ecology	25 June 2012
	Aboriginal Heritage Assessment and Research Design for Salvage Excavation	Kelleher Nightingale Consulting Pty Ltd,	30 September 2010
	Waste Management Plan (WMP): Proposed Road Construction Works Construction of Liz Kernohan Drive (Link Road)	SMEC Urban	December 2010
	Statement of Environmental Effects	SMEC Urban	December 2012
76893.01	Additional information dated 5 July 2013	SMEC Urban	5 July 2013

76893.01 LE.22	Additional information dated 11 April 2013	SMEC Urban	11 April 2013
Project 17911/2740C	Advice regarding salinity for land at Link Road Glenlee Road and Haul Road Spring Farm NSW	SMEC Testing Services Pty Ltd,	2 April 2013
Ref No Tb705-48F02 (REV1)	Liz Kernohan Drive: Richardson Road To Haul Road Construction Noise And Vibration Assessment	Prepared by Renzo Tonin & Associates,	17 May 2013

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

- (2) **Development Adjoining Managed Land** – Where the development adjoins William Howe Regional Park, the development must be carried out in accordance with the “Guidelines for Developments Adjoining Department of Environment and Climate Change Land.”
- (3) **Sydney Water Main** – A 1050mm drinking water main traverses the site of the proposed Liz Kernohan Drive. The developer must comply with the following to ensure the water main is not impacts during or after the construction process:
 - (i) Water main and associated fittings to be protected from damage or breakage at all times during works.
 - (ii) The developer should engage a Water Services Coordinator to calculate allowable loadings over the 1050mm water main. These loadings are not to be exceeded before, during or after works.
 - (iii) If water main adjustments are required, mains are to be laid as per Sydney Water Codes.
 - (iv) If mains are adjusted, all works for this development will be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002).
 - (v) Where mains are adjusted, details are to be provided of how these mains will be reconnected to existing mains.
 - (vi) Clearances are to be maintained from all other services as per Water Supply Code of Australia (Sydney Water addition 2012). Details of critical assets also to be provided.
- (4) **AGL Wells Access** – Access to existing AGL wells and associated infrastructure must be maintained in accordance with the existing right of way, at all times to the satisfaction of AGL. Prior to the issue of the relevant Subdivision Certificate all weather access and required easements and/or right of ways must be provided, in accordance with plans 76893.01M23 Rev D and 76893.01M27 Rev D.
- (5) **Prescribed Conditions** - The applicant shall comply with the prescribed conditions of development consent under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

- (6) **Lane Widths** – The lanes for the approved road (on either side of the central median) must have a consistent width of 8.5m.
- (7) **Mine Subsidence Board (MSB)** – All requirements of the MSB must be fully complied with. The MSB must be consulted for their requirements prior to the issue of a Construction Certificate for this development
- (8) **Roads and Maritime Services** – Points 1, 2, 3, 4, 6, 7 and 8 of the letter from the Roads and Maritime Services dated 20 March 2013 must be complied with.

2.0 - Construction Certificate Requirements

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

- (1) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
 - (a) Camden Council's current Engineering Specifications; and
 - (b) Camden Council's Development Control Plan 2011.

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

- (2) **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.
- (3) **Compliance with Austroads** – The proposed road must comply with Austroads including, but not limited to, landscaping and clear zone requirements.

Prior to the issue of a Construction Certificate, details demonstrating compliance with Austroads must be provided to the Certifying Authority and Council. A road safety audit, completed in accordance with Austroads, must also form part of this submission.

- (4) **Waterfront Construction Works** - A Construction Certificate will not be issued over any part of the site that requires a Controlled Activity Approval (CAA), in accordance with General Terms of Approval dated 6 February 2013 and issued by NSW Office of Water, until a copy of the CAA has been provided to Council and the certifying authority.
- (5) **Aboriginal Archaeology** - A Construction Certificate will not be issued over any part of the land until a copy of Aboriginal Heritage Impact Permit issued by the Office of Environment and Heritage has been provided to Council.
- (6) **Completed In Stages** - Where the development must be completed in stages, a plan must be submitted showing details of subdivision boundaries for each stage and their relationship to adjoining buildings, together with details as to site works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage, and the expected timing of such development.

In addition, details must be shown as to any proposed reciprocal rights of access and rights of way or easement designed to ensure the effective future functioning, maintenance and use of common areas such as roadways and open spaces.

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

The following staging options apply to the proposed development:

- 1. Stages 1 and 2 must be constructed concurrently and dedicated to Council as a public road concurrently; or
 - 2. Stage 1 must be designed to fully comply with Austroads and details of this must be provided with the Construction Certificate application in accordance with Condition 2.0 (3) of this consent. This may involve further works to extend the proposed stage 1 verge to provide adequate clear zones etc.
- (7) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 5% value of civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
 - (8) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional runoff from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a Registered Surveyor or the Design Engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the Designer and are to clearly make reference to:

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

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

- (a) Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
 - (i) view the state of repair of the basin;
 - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach, and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
 - (b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (9) **Location of the “Construction” On-site Detention/Sediment Control Basin** - A “construction” on-site detention/sediment control basin must be provided for within the site.
- (10) **Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:
- (a) within any proposed public road and/or drainage reserve contained within the site,
 - (b) within any proposed residue lot contained within the site,
 - (c) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.
- (11) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Such a facility must be located within proposed and/or existing public land.

- (12) **Design of “Construction” On-site Detention/Sediment Control Basin** - The design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:

- (a) for sediment control generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (b) Council’s current Engineering Design Specification,
- (c) and must not concentrate final discharge flows from the facility.

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

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

- (13) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Council’s current Engineering Design Specifications.

The design must be certified by an Accredited Certifier with civil engineering accreditation and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (14) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application in accordance with Council’s current Engineering Design Specifications.

The following items listed must be included with the other landscaping elements, in the detailed Landscaping Plans.

- (a) Nature strip street trees are to be installed:
 - (i) Ensure that the necessary street tree installation and their proposed establishment schedules are clearly shown in the detailed Landscaping Plans.
 - (ii) That all street trees have at time of planting, well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.
 - (iii) Eucalyptus, Angophora, Araucaria, Tristaniopsis and other very large trees are not to be installed in any median strip, road

verge or nature strip planting. These species must be replaced with the following more suitable varieties:

- *Melaleuca linariifolia*
- *Melaleuca decora*
- *Melaleuca styphelioides*
- Any of the *Callistemon viminalis* varieties (e.g. Kings Park Special).

(iv) That all the street trees are sourced in a minimum 75 litre container size, are not multi-stemmed and can stand alone without the need for staking.

(b) The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans lodged with the Development Application for Consent.

(c) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 12 years maturity. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.

(d) The Landscaping Plans lodged for the issue of the Construction Certificate must include all proposed public open space landscaping. The Landscaping Plans must detail all proposed recreational park landscaping and any proposed recreational or ornamental playground equipment, signage, paths, bins, seating, street art or other hard landscaping items, etc.

The above landscaping must be designed to ensure overall compliance with Austroads in accordance with the requirements of condition 2.0 (3) of this consent. The placement of landscaping and the species/sizes to be used must be consistent with the landscaping to be undertaken in the segment of Liz Kernohan Drive that is currently under construction to the west.

(15) **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 12 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.

- (16) **Bush Fire Safety** - Prior to the Issue of a Construction Certificate, the applicant must provide to the Certifying Authority, written confirmation from an appropriate qualified bush fire risk assessor that the approved development is compliant with the requirements of Planning for Bush Fire 2006.

3.0 - Prior To Works Commencing

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

- (1) **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
- (2) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

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

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

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

- (3) **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.
- (4) **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.

- (5) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 and to the requirements and approval of Council Plans and proposals must be approved by Council prior to the Construction Certificate being issued.
- (6) **Construction of the “Construction” On-site Detention/Sediment Control Basin** - Prior to the commencement of any other subdivision work the “construction” on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:
- (a) in accordance with the approved plans, and
 - (b) to the requirements of the Principal Certifying Authority.

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

- (7) **Construction Noise Mitigation (Temporary Noise Screens)** – For all existing dwellings within the identified streets and future dwellings in the proposed or approved residential release areas of P300 & P400, that adjoin the proposed construction of Liz Kernohan Drive as identified in “*Table 7 – Predicted Construction Noise Levels*” within report “*Liz Kernohan Drive: Richardson Road To Haul Road Construction Noise And Vibration Assessment, Prepared by Renzo Tonin & Associates, Ref No Tb705-48F02 (REV1) Construction Noise And Vibration Assessment, Dated 17 May 2013,*”

that are predicted to be affected by construction noise levels equal or greater than 58 dB(A) (LA eq,15min) a temporary noise screen is to be constructed. The screen is to be suitably sized to control noise from plant and equipment to a level where noise does not exceed 58 dB(A) (LA eq,15min) when measured at the most affected dwelling façade for all impacted dwellings. The screens are to be located along sections of road under construction and erected in locations that are not on or within private residential land. The screens are to be put in place before road construction work commences for the relevant section of road being constructed and remain until construction work has ceased for the specific section or stage of road construction.

4.0 - During Construction

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

- (1) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:
 - (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
 - (b) the wheels of vehicles leaving the site:
 - (i) do not track soil and other waste material onto any public road adjoining the site,
 - (ii) fully traverse the Stabilised Access Point (SAP).
- (2) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.
- (3) **Survey Marks** - Permanent survey coordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (4) **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.

- (5) **Construction Vibration** – All construction plant items capable of creating potential vibration effects on existing or future building occupants or capable of structural damage to buildings must have a separate vibration emission level measurement undertaken when the plant item is onsite. The measurement must occur before the commencement of road construction work. The results of the vibration emission levels for each plant item must be compared to “Table 12 – Recommended Minimum Working Distance for Vibration Intensive Plant” contained within report “*Liz Kernohan Drive: Richardson Road To Haul Road Construction Noise And Vibration Assessment, Prepared by Renzo Tonin & Associates, Ref No Tb705-48F02 (REV1) Construction Noise And Vibration Assessment, Dated 17 May 2013,*” in order to determine the correct minimum buffer distance from affected receivers being residents and buildings. The minimum buffer distance in Table 12 from receivers and buildings must be complied with.
- (6) **Construction Vibration Management and Noise Mitigation Measures** - Must be undertaken in accordance with the report entitled “*Liz Kernohan Drive: Richardson Road To Haul Road Construction Noise And Vibration Assessment, Prepared by Renzo Tonin & Associates, Ref No Tb705-48F02 (REV1) Construction Noise And Vibration Assessment, Dated 17 May 2013.*”
- (7) **Refuelling** – All plant, vehicles and equipment required for the development can be either refuelled offsite or refuelled onsite within a properly constructed work compound. The work compound must contain a suitable bunded area and have impervious surfaces for refuelling and the bund must be located away from all drainage lines.
- (8) **Bund Capacities** – Impervious bunds of sufficient capacity to contain at least 120% of the stored chemical, fuel and lubricant volumes must be constructed around all chemical, fuel and lubricant storage areas.
- (9) **Unexpected Findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the construction works all works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) and be approved in writing prior to the removal or treatment of such findings of contamination / hazardous materials.
- (10) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill, landscaping, buildings, roads, drainage, and associated infrastructure proposed to be constructed on the development site must be carried out or constructed in accordance with “Section 14 – Salinity Management Plan” within the report “*Contamination & Salinity Assessment Link Road Glenlee Road Haul Road and Water Quality Basins Spring Farm New South Wales, prepared by SMEC Testing Services Pty Ltd, Report No 11/0813, Dated August 2013.*”

- (11) **Salinity Management For Road Construction Where Cut Exceeds Four Metres** – For the section of road where existing soil levels require cut to a depth of four (4) metres or deeper the road to be constructed in these sections must have a concrete strength of 40 MPa with a minimum curing period of seven (7) days and a minimum cover to reinforcement (steel) of 55mm.
- (12) **Salinity Impacted Soil (Bore Hole 6)** – The highly saline soils identified at “bore hole 6” in the “Drawing 11/0813/3” contained within the “*Contamination & Salinity Assessment Link Road Glenlee Road Haul Road and Water Quality Basins Spring Farm New South Wales, prepared by SMEC Testing Services Pty Ltd, Report No 11/0813, Dated August 2013,*” are to be excavated, waste classified, and disposed to an EPA licensed landfill. Tipping receipts must be provided to the PCA that identifies the material, quantity and disposal facility. The salinity affected soil is not to be reused or placed on any other land.
- (13) **Removal of Waste Materials** - Where there is a need to remove any identified materials that includes soils from the site that contain fill / rubbish / asbestos/ salinity, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlms/index.htm) Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (14) **Construction Noise Levels** - Noise levels emitted during all works shall be restricted to comply with the Department of Environment and Climate Changes (DECC) Interim Construction Noise Guideline 2009. The provisions of the
- (15) **Fill Material** - 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.

- (16) **Location of Stockpiles** - Stockpiles of soil should not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of materials shall be suitably covered to prevent dust.
- (17) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (18) **Storage and Water Quality Controls** – Prior to the establishment of stockpile and compound sites, temporary stormwater and water quality control devices and sediment controls must be implemented.
- (19) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (20) **General Requirement** - All activities associated with the development must be carried out within the site boundaries as determined by the development application, and must be carried out in an environmentally satisfactory

manner as defined under Section 95 of the *Protection of the Environment Operations Act 1997*.

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

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

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (22) **Protection of Adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (23) **Landscaping Installation, Establishment and Maintenance Costs** - The applicant will pay for all costs involved with the landscaping installation, establishment and maintenance works. The costs involved will include, but not limited to, such items as electricity costs and water usage.

- (24) **Installation of Street Trees and their Protective Guards and Bollards** –

- (a) The Applicant is advised that nature strip street trees are to be installed.
- (b) All street trees are to have well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x

150mm width. Timber bollards are to be a durability minimum of H4 CCA.

- (b) All street trees are to have root barrier installation to the kerb.
- (c) Prior to the issue of the Subdivision Certificate, 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.
- (d) Any repairs, relocations, installations 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 Certificate.

5.0 - Subdivision Certificate

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

- (1) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

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

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

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

- (2) **Value of Works** - Prior to issue of a Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (3) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.
- (4) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.

- (5) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying Authority, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (6) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (7) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.
- Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
- (b) a Notification of Arrangements from Endeavour Energy.
 - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (8) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (9) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (10) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
- (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.
 - (d) Easement for on-site-Detention.
 - (e) Easement for water quality.
- (11) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.

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

- (a) in accordance with the approved plans,
- (b) to the requirements of Camden Council,
- (c) when Occupation Certificates for dwellings associated with 80% of the lots have been issued.

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

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

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

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

Water quality sampling must be undertaken for all relevant water quality parameters contained within the approved Spring Farm Water Cycle Master Plan prepared by J Wyndam Prince. Samples are to be taken from the inlet point of the “on-site detention / sediment Control Basin” and the outlet point of the “Water Quality Facility”.

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

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

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

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

information regarding the following:

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

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

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

Methodology for attainment of the required water quality discharge parameters.

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

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

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

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

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

- (16) **Transmission lines** - Transmission lines affected by the development shall be relocated, subject to the requirements of Endeavour Energy, with each stage of development and existing easements be extinguished or relocated as part of the release of each relevant Subdivision Certificate.

- (17) **Update of Bush Fire Prone Land Maps** - Prior to the issue of the Subdivision Certificate a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and shall include the following:
- (a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900. Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:
- (i) experience in identifying bushfire prone land within NSW,
 - (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas,
 - (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
 - (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,
 - (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
 - (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
 - (vii) public liability/professional indemnity insurance, each to a minimum of \$20 Million
- Note:** The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme) (see [website http://www.fpaa.com.au/certification/index.php?certification=bpad](http://www.fpaa.com.au/certification/index.php?certification=bpad))
- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.
- (18) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning that a special infrastructure contribution has been made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning's website:

www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx

RECOMMENDED

That the Panel approve DA 1182/2012 for construction of an arterial road (to be known as Liz Kernohan Drive) and associated earthworks, drainage and landscaping in 4 stages and a nine (9) lot, Torrens title subdivision for the purpose of dedicating the road to Council as a public road at A, B, 275A, 275B, 275C 275D, 275E and 275F Richardson Road, Spring Farm subject to the conditions listed above.