

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

JRPP No	2013SYW006
DA Number	1189/2012
Local Government Area	Camden
Proposed Development	Staged subdivision to create 392 residential lots, 1 public reserve and associated site works
Street Address	B Plymouth Boulevard, Spring Farm
Applicant/Owner	Cardno (on behalf of Urban Growth NSW)
Number of Submissions	0
Recommendation	Approval 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 (the Panel) for a staged subdivision to create 392 residential lots, 1 public reserve and associated site works at B Plymouth Boulevard, 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 \$26 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).

SUMMARY OF RECOMMENDATION

That the Panel determine DA 1189/2012 for a staged subdivision to create 392 residential lots, 1 public reserve and associated site works at B Plymouth Boulevard, Spring Farm pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a staged subdivision to create 392 residential lots, 1 public reserve and associated site works at B Plymouth Boulevard, Spring Farm.

The applicant for this DA is Cardno on behalf of Urban Growth NSW. Urban Growth is classed as the Crown. Pursuant to Section 89 of the *Environmental Planning and Assessment Act 1979*, the Panel **cannot refuse** a DA lodged by the Crown except with the approval of the Minister. Should the Panel resolve not to approve the DA, the Panel must write to the Minister and ask for the DA to be determined. The Panel is legally bound by the decision the Minister makes regarding the DA in this circumstance.

The applicant is also required to approve all conditions that the Panel imposes on a development consent granted for a Crown DA. The applicant has reviewed the conditions contained in this report and has raised no issues with them.

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 publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011 (DCP). No submissions were received.

The site is located 270m from the Spring Farm Advanced Recourse Recovery Facility (ARRT) which has had a history of odour complaints made against it. An odour impact assessment report was submitted with the DA which indicates that the proposed development is not affected by the 2 odour unit contour. The EPA documents "Technical Framework for the Assessment and Management of Odour from Stationary Sources in NSW" and its associated technical notes for the "Assessment and Management of Odour from Stationary Sources in NSW" establish a 2 odour unit (OU) criterion for new residential development.

The report was referred to the Environmental Protection Authority (EPA) for comment, who raised no objection to the methodology used in the odour modelling.

The EPA does however continue to receive complaints regarding odour from residents that are up to 1.5km away from the Spring Farm ARRT. The EPA considers that there will be times that, when there are adverse operational and weather circumstances, nearby residents will experience negative odour impacts. The EPA has therefore recommended an appropriate notation be placed on the Section 149 Certificates for the proposed lots that reflects the risks of odour impacts.

The above comments from the EPA have been considered by Council staff. It is accepted that even though the odour modelling prepared by the applicant demonstrates that the proposed development will not be affected by the 2 odour unit contour, that future residents may still at times be affected by adverse odour impacts from time to time given the history of complaints received by the EPA.

It is recommended that notations are placed on the 149(5) Certificates for the proposed lots to warn future residents of this potential impact. It is noted that Council currently imposes a notation regarding potential odour impacts on 149(5) Certificates on residential lots within the area.

The applicant proposes a variation to Camden Development Control Plan 2011 relating to the design of roads and the locations of pedestrian/cycle paths. Certain roads are proposed as wider than that required by the DCP whilst others are narrower. In addition, the locations of several on and off-road shared pedestrian/cycle paths are proposed to be modified.

Council staff have assessed the proposed variation and recommend that it be supported. The proposed road cross sections remain consistent with previously approved and constructed sections of the adjoining road and cycle network.

However part of the proposed variation is not supported as it proposes a local road with a narrower than normal carriageway and verge in two locations. It is considered that this road should be widened to ensure that a consistent streetscape is provided throughout the subdivision and that the verge width is wide enough to allow pedestrian traffic and provide street tree planting. This has been discussed with and agreed to by the applicant.

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 B Plymouth Boulevard, Spring Farm and is legally described part lot 3181, DP 1170664.

The site has an overall area of 56.5ha, slopes downwards from north to south and is largely vacant save for some vegetation on the southern boundary. Parts of the site are mapped as bush fire prone land and some environmentally sensitive land is located on the southern boundary. Two electricity transmission lines traverse the site from south to north and a further five from west to east, all emanating from the Nepean substation to the south east.

The site is located within the eastern village of the Spring Farm urban release area. The exact area of the site proposed to be developed by this DA is shown in pink on the above aerial photo.

The site will be bound to the north by the future Liz Kernohan Drive sub-arterial road approved by the Panel under DA 1182/2012 on 23 October 2013. Further to the north lies Council's Gundungurra reserve and the existing residential suburb of Narellan Vale. To the east lies undeveloped residential land and the Spring Farm ARRT (formerly the Macarthur Resource Recovery Park and originally the Jacks Gully Waste and Recycling Centre). To the south lies the Nepean River with the developing Spring Farm east village and the neighbourhood centre to the west.

HISTORY

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

Date	Development
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2 August 2011

Approval of DA 926/2011 for earthworks and remediation of contaminated land

THE PROPOSAL

DA 1189/2012 seeks approval for a staged subdivision to create 392 residential lots and associated site works.

Specifically the proposed development involves:

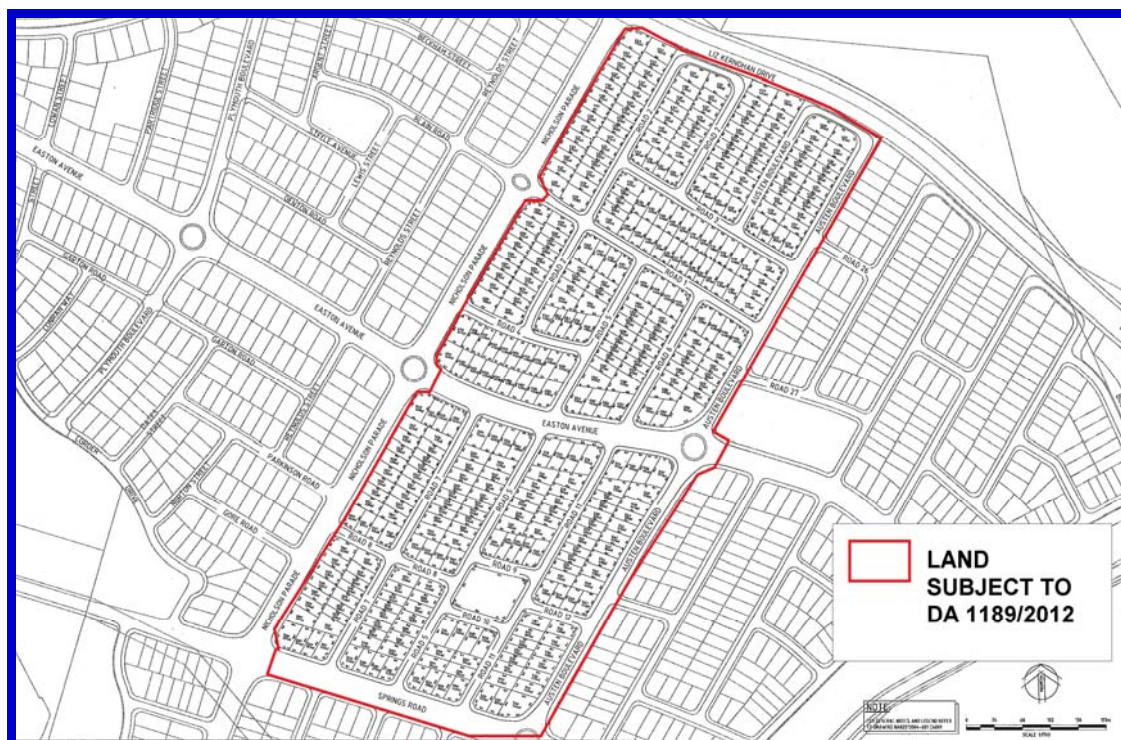
- subdivision to create 392 residential lots ranging in area from 300m² and 867m² in 5 phases over 8 stages.

These stages are further contained within 2 overall precincts referred to by the developer as precincts P400 and P500. Precinct P400 contains all of the proposed development north of the proposed Easton Avenue extension whilst Precinct P500 contains all of the proposed development to the south of the proposed Easton Avenue extension.

- creation of an open space lot with an area of 2,950m². This lot will be embellished as a public reserve and dedicated to Council as part of stage 8;
- 1 residue lot will be created to contain the remainder of the land;
- earthworks and remediation works; and
- construction of roads, drainage, services, and landscaping.

This CIV of the works is \$26 million.

PROPOSED SUBDIVISION PLAN



ASSESSMENT

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

In determining a DA, the consent authority is to take into consideration the following matters as are of 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 (State and Regional Development) 2011
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- Deemed State Environmental Planning Policy No 9 – Extractive Industry
- 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 \$26 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).

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

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

The applicant submitted a phase 2 contamination assessment and a remediation action plan (RAP) in support of this DA for precinct P500 only. The contamination assessment identified some contamination (manganese and polyaromatic hydrocarbons), however the RAP provides a series of remediation actions that if implemented will decontaminate the site.

Precinct P400 has previously been subject to a separate phase 2 detailed contamination assessment and RAP, approved under DA 926/2011 by Council staff under delegated authority. That contamination assessment also identified similar contamination requiring remediation to decontaminate precinct P400.

It is a recommended condition that the site be remediated in accordance with both RAPs prior to the issue of a Subdivision Certificate for each stage. This will ensure that the land is made suitable for its intended residential use.

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.

Two electricity transmission lines traverse the site from south to north and a further five from west to east, all emanating from the Nepean substation to the south east.

Pursuant to Clause 45 of the SEPP, the DA was referred to Endeavour Energy (Endeavour) for comment. Endeavour has not made a response to this referral. It is a recommended condition that an application be made to Endeavour to relocate any affected overhead transmission lines underground prior to the issue of a Subdivision Certificate and that any redundant easements be extinguished.

The proposed development is traffic generating development as defined by the SEPP and accordingly the DA was referred to the Roads and Maritime Services (RMS) for comment. The DA was discussed at the Sydney Regional Development Advisory Committee on 7 March 2013 and correspondence was received from the RMS providing comment in regards to road widths, traffic signals, location of noise walls and construction management.

Council staff have considered the RMS' comments and note that several of the matters relate to the recently approved 4 lane sub-arterial road (known as Liz Kernohan Drive) to the north of this site. The remaining matters that are relevant to this DA can be complied with via the recommended conditions.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (SEPP)

The aim of this policy is to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State.

The DA site is located in the vicinity of two AGL gas wells (96m from well "SF01" and 93m from "SF20") and within the Elderslie sand extraction area (gazetted by Deemed State Environmental Planning Policy No 9 – Extractive Industry).

Clause 13 of the SEPP requires the proposed development to be assessed in terms of its compatibility with mining, petroleum production or extractive industries. As stated, the site is located, at its closest point, 93m from a gas well. The well is covered by a Petroleum Production Lease (PPL) 4. In accordance with the Department of Planning and Infrastructure's Locational Guidelines: Development in the Vicinity of Operating Coal Seam Methane Wells, residential dwellings can be located as close as 10m to an operational well. It is noted that Council currently imposes a notation on all 149(5) Certificates for properties within the Camden LGA noting that coal seam gas extraction takes place within the Camden LGA.

The sand resource on the site within the Spring Farm east village has generally been extracted with no further commercial extraction to take place on this site. The land was rezoned in 2004 for urban development.

Sand extraction is taking place approximately 2km to the west of the site (M. Collins and sons). It is considered that adequate buffer distance exists between the extractive activity and the proposed development.

Deemed State Environmental Planning Policy No 9 – Extractive Industry (SEPP)

The aim of this plan is to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential.

The DA was referred to the Department of Trade and Investment (DTI) in accordance with Clause 8 of the SEPP. DTI have recommended that the DA be staged in such a way as to mitigate potential impacts (eg. noise, dust and vibration) on the proposed development by use of buffer zones between the remaining quarries and proposed residential development.

As aforementioned, sand extraction is taking place approximately 2km to the west of the site (M. Collins and sons). It is considered that adequate buffer distance exists between the extractive activity and the proposed development. Therefore it is considered that the proposed development will not be adversely affected by noise, dust, vibration or reduced visual amenity, thereby satisfying the requirements of the SEPP.

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

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. Stormwater quantity and quality control will be managed by existing and proposed stormwater detention basins in Spring Farm to the south west. Conditions are recommended to provide appropriate soil and sediment erosion control measures during construction.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The subject site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as “earthworks”, “roads” and a “recreation area” which are permitted with consent in this zone. The subdivision of land is also permitted with consent in this zone.

Objectives

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

The proposed development will create new residential lots and therefore provide new housing opportunities for the community.

- To provide for a variety of housing types and densities.

Officer comment:

The development proposes the subdivision of land and to create a variety of lot sizes ranging in area between 300m² and 867m² which is consistent with the objective.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

The proposed development includes the creation of a public reserve which will provide open spaces facilities to help meet the recreational needs of future residents.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Officer comment:

The proposed development includes the creation of a public reserve which will provide open spaces facilities to support the wellbeing of the community.

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

Officer comment:

It is not considered that the proposed development will impact upon, or be impacted upon by, land uses within this or adjoining zones.

Relevant Clauses

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

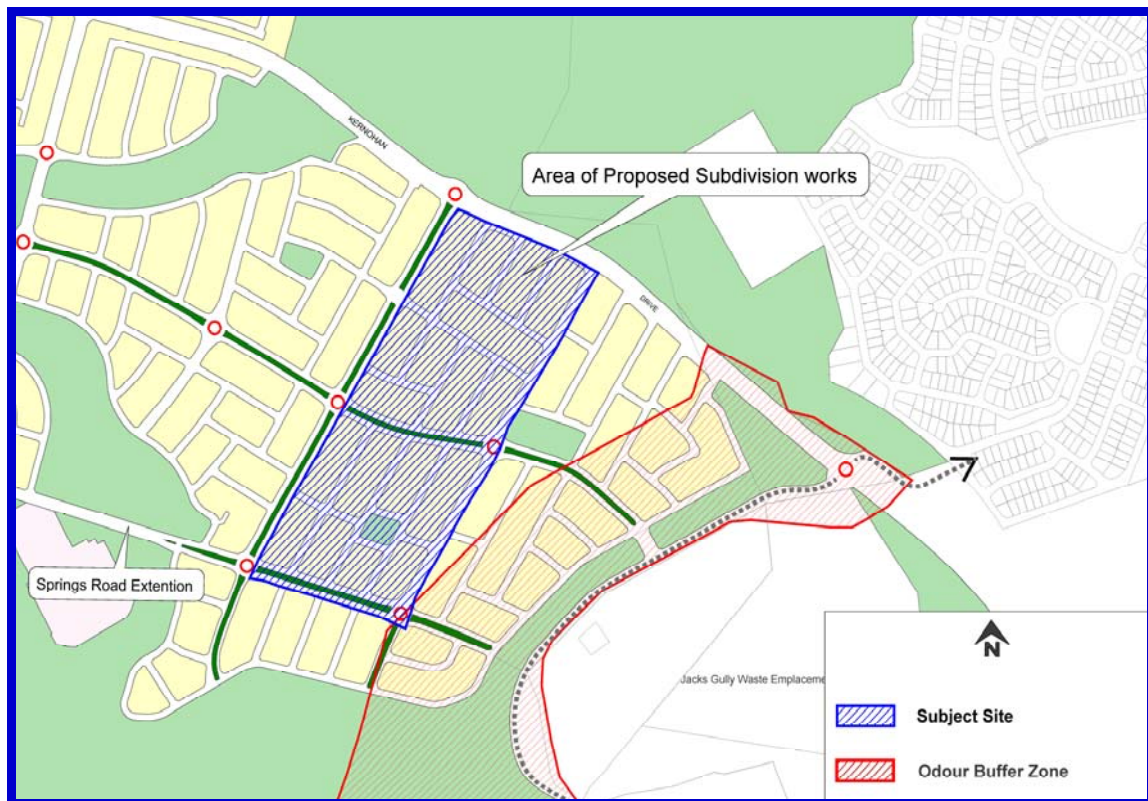
Clause	Requirement	Provided	Compliance
4.1 Minimum Lot Size	Minimum 300m ² lot area	<p>The proposed development proposes the creation of a variety of lots ranging in area between 300m² and 867m².</p> <p>The number of lots and their areas are:</p> <p>300-400m² = 208 (53%)</p> <p>400-500m² = 141 (36%)</p> <p>500-600m² = 36 (9%)</p> <p>600m²+ = 7 (2%)</p>	Yes
5.9 Preservation of Trees or Vegetation	Preserve amenity and biodiversity of the area	The DA does not propose the removal of any trees or vegetation not already approved for removal under a	Yes

Clause	Requirement	Provided	Compliance
		separate DA	
6.1 Arrangements for designated State public infrastructure	Ensure satisfactory arrangements are made for the provision of State public infrastructure	It is a recommended condition that satisfactory arrangements be made with the Department of Planning and Infrastructure for the provision of State public infrastructure for this development	Yes
6.2 Public Utility Infrastructure	Public utility infrastructure to be provided for new 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	(a) consider whether remnant vegetation and bush corridors will be protected, enhanced and managed.	The site does not contain any identified remnant bushland or bush corridors	Yes
	(b) consider whether adverse odour impacts from the Spring Farm ARRT will be mitigated	<p>The DCP identifies an odour buffer for the Spring Farm urban release area that emanates from the Spring Farm ARRT Facility. The proposed development is located outside of this buffer except for a small section of a roundabout in its south western corner.</p> <p>A copy of a map showing the proposed development in relation to the DCP's odour buffer is provided below this table.</p> <p>The site is located 270m from the Spring Farm ARRT which has had a history of odour complaints made against it. An odour impact assessment report was submitted with the DA</p>	Yes

Clause	Requirement	Provided	Compliance
		<p>which indicates that the proposed development is not affected by the 2 odour unit contour. The report was referred to the EPA for comment, who raised no objection to the methodology used in the odour modelling.</p> <p>The EPA does however continue to receive complaints regarding odour from residents that are up to 1.5km away from the Spring Farm ARRT. The EPA considers that there will be times that, when there are adverse operational and weather circumstances, nearby residents will experience negative odour impacts. The EPA have therefore recommended an appropriate notation be placed on the Section 149 Certificates for the proposed lots that reflects the risks of odour impacts.</p> <p>The above comments from the EPA have been considered by Council staff. It is accepted that even though the odour modelling prepared by the applicant demonstrates that the proposed development will not be affected by the 2 odour unit contour, that future residents may still at times be affected by adverse odour impacts from time to time given the history of complaints received by the EPA.</p> <p>It is recommended that a notation is placed on the</p>	

Clause	Requirement	Provided	Compliance
	(c) consider how adverse noise and dust impacts from sand mining operations will be mitigated	<p>149 Certificates for the proposed lots to warn future residents of this potential impact. It is noted that Council currently imposes a notation regarding potential odour impacts on 149(5) Certificates on residential lots within the area</p> <p>Sand extraction is taking place approximately 2km to the west of the site. It is considered that an adequate buffer distance exists between the extractive activity and the proposed development. Therefore it is not considered that the proposed development will be adversely affected by noise and dust impacts</p>	Yes
7.4 Earthworks	Consider the effects of earthworks on existing drainage patterns, future uses/redevelopment, quality of fill, amenity impacts, the source of fill, relic disturbance and potential impacts on watercourses, drinking water catchments or environmentally sensitive areas	<p>The proposed earthworks will not have any detrimental impacts upon the matters listed for consideration by this clause.</p> <p>Erosion and sediment control measures will be required during earthworks to protect the environment and are recommended as conditions</p>	Yes

Map Showing the Proposed Development in Relation to the Spring Farm Urban Release Area Odour Buffer



(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 proposal'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 are a recommended condition	Yes
B1.2 Earthworks	Minimise cut and fill and use clean fill material	The proposed cut and fill is appropriate and necessary for the residential subdivision. It is a recommended condition that only clean fill material be used	Yes
B1.3 Salinity Management	Salinity resistant construction	Compliance with the recommendations of a salinity assessment and	Yes

Control	Requirement	Provided	Compliance
		management plan lodged with the DA is a recommended condition	
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	All remaining vegetation on the site has been approved to be removed by DA 926/2011	Yes
B1.6 Environmentally sensitive land	Ensure that all new development considers and maximises the protection of existing natural features at the site planning, design, development, construction and operation phases of the development	All remaining vegetation on the site has been approved to be removed by DA 926/2011	Yes
B1.7 Riparian Corridors	Ensure protection, enhancement of riparian areas in accordance with the DCP	The DA was referred to the NSW Office of Water (NOW). Correspondence was received from NOW indicating that the proposed development is not located in the vicinity of any riparian corridors	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weed control and management	A condition is recommended to ensure that noxious weeds are managed in accordance with the DCP	Yes
B1.9 Waste Minimisation and Management	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 attack assessment report must form part of all DAs on land identified as bush fire prone land on Council's Bush Fire Prone	Part of the site is mapped as bush fire prone land. A bush fire assessment was submitted with the DA and forwarded to the Rural Fire Service (RFS) for assessment. The RFS response requires the development to demonstrate consistency with Planning for	Yes

Control	Requirement	Provided	Compliance
	Land Map	Bush Fire Protection 2006. This is a recommended condition	
B1.12 Contaminated and Potentially Contaminated land	Contamination assessment and remediation (if required)	It is considered that the site will be suitable for its intended residential use subject to the land being remediated	Yes
B1.13 Mine Subsidence	Mine Subsidence Board approval required	Approval from the Mine Subsidence Board has been submitted with the DA	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	<p>Noise mitigation measures in the form of window treatments and the construction of a 2.4m acoustic barrier are recommended for lots adjoining Liz Kernohan Drive, in accordance with the submitted acoustic report.</p> <p>Potential noise impacts from Springs Road, whilst it is being used to access the Spring Farm ARRT and Glenlee, will be mitigated by conditions which restrict the issue of a Subdivision Certificate for lots affected by road noise until alternative heavy vehicle access is provided to the satisfaction of Council. It is noted that a DA has been lodged with Council for part of an alternative access road to these sites</p>	Yes
B1.17 Air Quality	An odour assessment is required where development is likely to be affected by odour impacts	An odour impact assessment has been submitted with the DA and reviewed by the EPA. It is a recommended that notations are placed on the 149 Certificates for the proposed lots advising future residents of potential odour impacts they may be affected by	Yes
B2 Landscape Design	Ensure development integrates with existing landscape character of the street	A landscape plan was submitted with the DA. Council staff have assessed this plan and it is deemed to be sufficient subject to recommended conditions	Yes
B3.2	An Aboriginal	An aboriginal heritage	Yes

Control	Requirement	Provided	Compliance
Aboriginal Culture and Heritage	Heritage Impact Permit (AHIP) is required from OEH for any activity likely to have an impact on Aboriginal objects and places before work takes place	assessment prepared by Kelleher Nightingale was submitted in support of DA 926/2011. This assessment identified aboriginal artefacts on the site. An AHIP has been issued by the Office of Environment and Heritage. A condition is recommended to ensure that the proposed development is compliant with the requirements of the AHIP	
C5.1 Neighbourhood Amenity and Subdivision Design	Subdivision design requirements	The proposed development is generally consistent with these DCP controls	Yes
C5.2 Street Network and Design	Street design requirements and compliance with the Spring Farm masterplan	Variations are proposed to the DCP's street network and design requirements	No – DCP variation 1
C5.3 Pedestrian and Cycle Network	Pedestrian and cycleway design requirements and compliance with the Spring Farm Masterplan	Variations are proposed to the DCP's pedestrian and cycle network requirements	No – DCP variation 1
C5.4 Public Transport Network	Bus routes in accordance with the Spring Farm masterplan	The proposed development is generally consistent with the Spring Farm masterplan	Yes
C5.5 Parks and Open Space	Open space is to be provided in accordance with the applicable contributions plan	The proposed open space complies with the requirements of Camden Contributions Plan 2011	Yes
C5.7 Provision of Adequate Infrastructure and Facilities	Adequate infrastructure must be provided to service the development	It is a recommended condition that adequate infrastructure, including water and electricity, be provided to the proposed development	Yes
C7.1 Residential Density	Ensure the density target of 353-400 lots for Precinct 400 and Precinct 500 combined is achieved	The DA proposes to create 392 residential lots thereby achieving the DCP density	Yes
	Development to be consistent with the Spring Farm	The proposed development is generally consistent with the Spring Farm staging plan	Yes

Control	Requirement	Provided	Compliance
	staging plan		
C7.2 Neighbourhood and Subdivision Design	Maximum block length of 200m	The maximum proposed block length is 195m	Yes
	No residential development below the 100 year ARI flood line	No residential lots will be affected by the 100 year ARI flood line	Yes
	Noise attenuation measures along Link Road and Camden Bypass	The DA is supported by a traffic noise assessment report indicating that façade treatment and the construction of a 2.4m noise barrier will be required to ameliorate road traffic noise from Liz Kernohan Drive. Conditions are recommended to ensure the design of the wall incorporates a combination of architectural treatment and visual articulation to satisfy the intent of the DCP	Yes
	Electricity easements incorporated into road reserves	The relocation of electricity transmission lines and easements into road reserves in accordance with Endeavour Energy's requirements is a recommended condition	Yes
	View corridors protected	The proposed development will not negatively impact any view corridors	Yes
C7.3 Street Network and Design	Alignment of Springs Road to be maintained	The DA proposes to retain the existing Springs Road alignment	Yes
	Road connections to Liz Kernohan Drive in accordance with the masterplan	There are no proposed connections to Liz Kernohan Drive, which is consistent with the masterplan	Yes
	Minimum 8.5m kerb returns at intersections	Conditions are recommended to ensure compliance with this requirement	Yes
	Roads constructed in accordance with Figures 22.1 to	The DA proposes to vary the road hierarchy and cross sections contained in the	No – DCP variation 1

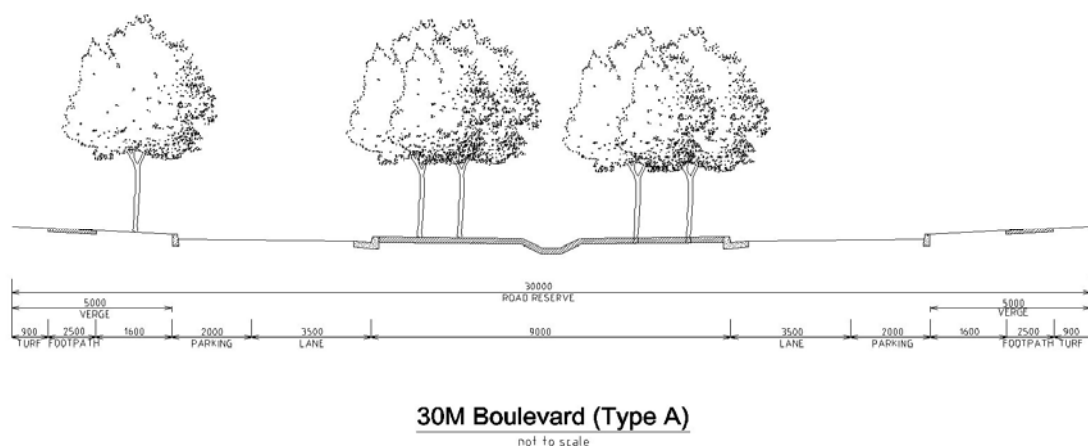
Control	Requirement	Provided	Compliance
	22.11	DCP	
C7.4 Pedestrian and Cycle Network	Pedestrian and cycle connections to be consistent with Figure C23	The DA proposes a variation to Figure C23 in the DCP	No – DCP variation 1
C7.5 Public Transport Network	Public transport network be provided in accordance with Figure C24	The proposed development can accommodate bus routes in Figure C24. It is recommended condition that bus stops be provided in accordance with Figure C24	Yes
C7.6 Parks and Open Space	Location of parks and open space be consistent with the Landscape Master Plan report	The proposed park is consistent with these DCP controls	Yes

DCP Variation 1 – Road Cross Sections

DCP Control

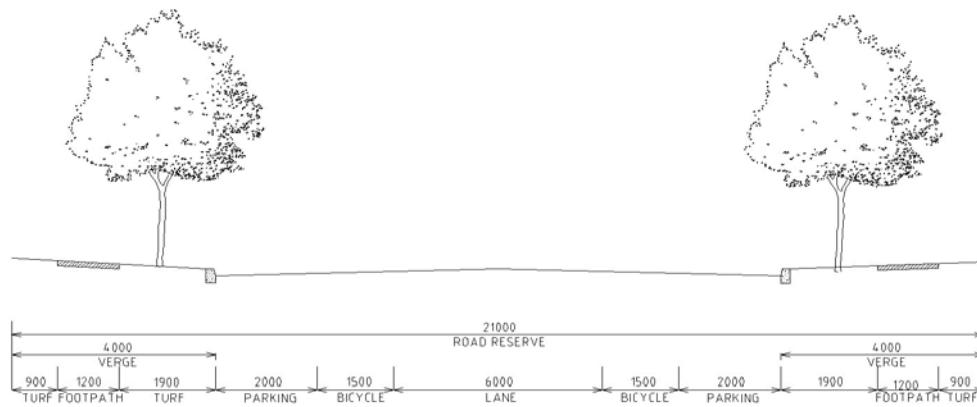
The DCP requires that the street network be provided generally in accordance with Figures 22.1 to 22.11.

The relevant road cross sections that relate to the proposed development, together with a description of the proposed variations, are provided below:



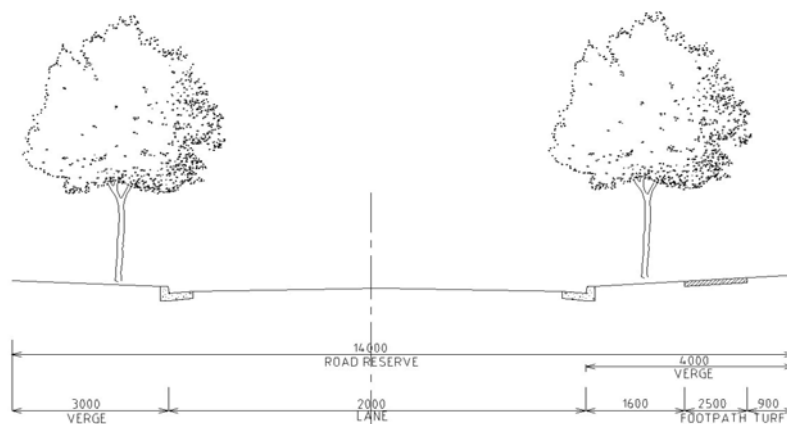
- Figure 22.3 – 30m boulevard road in which a required 2.5m wide off-road shared pedestrian/cycle path will be replaced with an on-road 1.5m cycleway in each direction. In addition, the carriageway lane widths have been reduced from the DCP required 3.5 to 3m wide and the verge widths from 5m to 4m.

The section of Springs Road to be constructed as part of this DA (which is also identified as a 30m wide boulevard by the DCP) is proposed with a overall width of 35m in order to convey stormwater drainage.



21-22M Collector Road
not to scale

2. Figure 22.5 – 21m collector road in which a required 1.5m on-road cycleway in both directions will be replaced with a 1.2m pedestrian path and a 2.5m shared cycle/pedestrian path in the verge. The carriageway width for this road will also increase from the DCP required 6m to be 7m wide; and



14-15 Access Road
not to scale

3. Introduction of an alternative 9m wide access road in place of a required 14m access road in two 19m long sections of Precinct P400 adjacent to the future Liz Kernohan Drive. This narrower access road will have a carriageway of 6m with 1.5m wide verges on either side. Neither of the verges will contain a footpath.

Variation Request

The applicant has requested that the Panel support a variation to this DCP control on the basis that the proposed road configuration is consistent with previous stages of Springs Farm's eastern village approved by the Panel under DA 4/2011 on 2 September 2011.

Council Staff Assessment

Council staff has reviewed this variation request and recommend that points 1 and 2 be supported for the following reason:

- The proposed road cross sections remain consistent with previously approved and constructed sections of the adjoining road and cycle network.

However the proposed 9m wide access road is not supported in its proposed form. It is considered that the carriageway of this road should be widened to 7m wide (consistent with all the other local roads within the subdivision) and that the southern verge be increased in width from 1.5m to 4m.

This will ensure that the a consistent streetscape is provided throughout the subdivision and that the verge width is wide enough to allow pedestrian traffic and provide street tree planting that will further soften a required acoustic barrier along the adjacent lots.

It is however recommended that the northern verge be approved at 1.5m wide as it will be adjacent to the verge in Liz Kernohan Drive which will contain landscaping to soften the appearance of the road.

The above has been discussed with and agreed to by the applicant.

Consequently it is recommended that the proposed variation to the DCP be supported in part as described above.

(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

Environment Protection Authority (EPA)

The site is located 270m from the Spring Farm ARRT which has had a history of odour complaints made against it. An odour impact assessment report was submitted with the DA which indicates that the proposed development is not affected by the 2 odour unit contour. The report was referred to the EPA for comment, who raised no objection to the methodology used in the odour modelling.

The EPA does however continue to receive complaints regarding odour from residents that are up to 1.5km away from the Spring Farm ARRT. The EPA considers that there will be times that, when there are adverse operational and weather circumstances, nearby residents will experience negative odour impacts. The EPA has recommended an appropriate notation be placed on the Section 149 Certificates for the proposed lots that reflects the risks of odour impacts.

The above comments from the EPA have been considered by Council staff. It is accepted that even though the odour modelling prepared by the applicant demonstrates that the proposed development will not be affected by the 2 odour unit contour, that future residents may still at times be affected by adverse odour impacts from time to time given the history of complaints received by the EPA.

It is recommended that notations are placed on the 149 Certificates for the proposed lots to warn future residents of this potential impact. It is noted that Council currently imposes a notation regarding potential odour impacts on 149(5) Certificates on residential lots within the area.

Endeavour Energy (Endeavour)

Pursuant to Clause 45 of the SEPP, the DA was referred to Endeavour for comment. Endeavour has raised no objection to the proposed development. It is a recommended condition that an application be made to Endeavour to relocate any affected overhead transmission lines underground prior to the issue of a Subdivision Certificate and that any redundant easements be extinguished.

Road and Maritime Services (RMS)

The proposed development is traffic generating development as defined by the SEPP and accordingly the DA was referred to the Roads and Maritime Services (RMS) for comment. The DA was discussed at the Sydney Regional Development Advisory Committee on 7 March 2013 and correspondence was received from the RMS providing comment in regards to road widths, traffic signals, location of noise walls and construction management.

Council staff have considered the RMS' comments and note that several of the matters relate to the recently approved 4 lane sub-arterial road (known as Liz Kernohan Drive) to the north of this site. The remaining matters that are relevant to this DA can be complied with via the recommended conditions.

NSW Office of Water (NOW)

The DA was referred to NOW. Correspondence was received from NOW indicating that the proposed development is not located in the vicinity of any riparian corridors.

Rural Fire Service (RFS)

The DA was referred to the RFS for assessment as the development proposes the subdivision of residentially zoned bush fire prone land and therefore requires a bush fire safety authority pursuant to Section 100B of the *Rural Fires Act 1997*.

The RFS require the proposed development to demonstrate consistency with Planning for Bush Fire Protection 2006. A condition is recommended to ensure 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 1189/2012 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

- (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
Precinct 400			
C4000 B	Cover Sheet and Index Plan	Cardno	4 July 2013
C4001 A	General Notes Sheet	Cardno	13 December 2012
C4002 B	General Arrangement Layout Key Plan	Cardno	4 July 2013
C4003 B	General Arrangement Layout Sheet 1	Cardno	4 July 2013
C4004 B	General Arrangement Layout Sheet 2	Cardno	4 July 2013
C4005 B	Road Network Layout Plan	Cardno	4 July 2013

C4006 B	Pedestrian and Cycle Network and Proposed Future Bus Route Plan	Cardno	4 July 2013
C4007 B	Bulk Earthworks Layout Plan	Cardno	4 July 2013
C4008 A	Road Long Section Layout Plan Sheet 1	Cardno	13 December 2012
C4009 A	Road Long Section Layout Plan Sheet 2	Cardno	13 December 2012
C4010 A	Road Long Section Layout Plan Sheet 3	Cardno	13 December 2012
C4011 A	Road Long Section Layout Plan Sheet 4	Cardno	13 December 2012
C4012 A	Road Long Section Layout Plan Sheet 5	Cardno	13 December 2012
C4013 A	Road Long Section Layout Plan Sheet 6	Cardno	13 December 2012
C4014 A	Road Long Section Layout Plan Sheet 7	Cardno	13 December 2012
C4015 A	Road Long Section Layout Plan Sheet 8	Cardno	13 December 2012
C4016 A	Road Long Section Layout Plan Sheet 9	Cardno	13 December 2012
C4017 A	Road Long Section Layout Plan Sheet 10	Cardno	13 December 2012
C4018 A	Road Long Section Layout Plan Sheet 11	Cardno	13 December 2012
C4019 A	Road Long Section Layout Plan Sheet 12	Cardno	13 December 2012
C4020 A	Road Long Section Layout Plan Sheet 13	Cardno	13 December 2012
C4021 A	Typical Details Plan Sheet 1	Cardno	13 December 2012
C4022 B	Typical Details Plan Sheet 2	Cardno	4 July 2013
C4023 B	External Catchment Layout Plan	Cardno	4 July 2013
C4024 B	Stormwater Drainage Layout	Cardno	4 July 2013

	Plan Sheet 1		
C4025 B	Stormwater Drainage Layout Plan Sheet 2	Cardno	4 July 2013
C4026 B	Cut and Fill Layout Plan	Cardno	4 July 2013
C4027 B	Soil and Water Management Layout Plan	Cardno	4 July 2013
C4028 B	Services Concept Layout Plan	Cardno	4 July 2013
C4029 C	Proposed Staging Layout Plan	Cardno	4 July 2013
C4030 B	Vehicle Movement Layout Plan	Cardno	4 July 2013
C4031 B	Subdivision Layout Plan Sheet 1 of 5	Cardno	4 July 2013
C4032 B	Subdivision Layout Plan Sheet 2 of 5	Cardno	4 July 2013
C4033 B	Subdivision Layout Plan Sheet 3 of 5	Cardno	4 July 2013
C4034 B	Subdivision Layout Plan Sheet 4 of 5	Cardno	4 July 2013
C4035 B	Subdivision Layout Plan Sheet 5 of 5	Cardno	4 July 2013
C4036 A	Overall Subdivision Layout Plan	Cardno	4 July 2013
C4037 A	Sediment Basin Staging Strategy Layout Plan	Cardno	4 July 2013
Precinct 500			
C5000 C	Cover Sheet and Index Plan	Cardno	13 December 2012
C5001 B	General Notes Sheet	Cardno	13 December 2012
C5002 C	General Arrangement Layout Key Plan	Cardno	13 December 2012
C5003 C	General Arrangement Layout Sheet 1	Cardno	13 December 2012
C5004 C	General Arrangement Layout Sheet 2	Cardno	13 December 2012
C5005 C	Road Network Layout Plan	Cardno	13 December 2012
C5006 C	Pedestrian and Cycle Network and Proposed Future Bus Route Plan	Cardno	13 December 2012

C5007 C	Bulk Earthworks Layout Plan	Cardno	13 December 2012
C5008 B	Road Long Section Layout Plan Sheet 1	Cardno	13 December 2012
C5009 B	Road Long Section Layout Plan Sheet 2	Cardno	13 December 2012
C5010 B	Road Long Section Layout Plan Sheet 3	Cardno	13 December 2012
C5011 B	Road Long Section Layout Plan Sheet 4	Cardno	13 December 2012
C5012 B	Road Long Section Layout Plan Sheet 5	Cardno	13 December 2012
C5013 B	Road Long Section Layout Plan Sheet 6	Cardno	13 December 2012
C5014 B	Road Long Section Layout Plan Sheet 7	Cardno	13 December 2012
C5015 B	Road Long Section Layout Plan 8	Cardno	13 December 2012
C5016 B	Typical Details Plan Sheet 1	Cardno	13 December 2012
C5017 B	Typical Details Plan Sheet 2	Cardno	13 December 2012
C5018 C	External Catchment Layout Plan	Cardno	13 December 2012
C5019 C	Stormwater Drainage Layout Plan Sheet 1	Cardno	13 December 2012
C5020 C	Stormwater Drainage Layout Plan Sheet 2	Cardno	13 December 2012
C5021 C	Cut and Fill Layout Plan	Cardno	13 December 2012
C5022 C	Soil and Water Management Layout Plan	Cardno	13 December 2012
C5023 C	Services Concept Layout Plan	Cardno	13 December 2012
C5024 C	Vehicle Movement Layout Plan	Cardno	13 December 2012

Landscape			
DA-P-L100 E	Cover Sheet and Location Plan	Oculus	28 September 2012
DA-P-L101 E	Landscape Plan	Oculus	28 September 2012
DA-P-L102 E	Landscape Plan	Oculus	28 September 2012
DA-P-L103 E	Landscape Plan	Oculus	28 September 2012
DA-P-L104 E	Landscape Plan	Oculus	28 September 2012
DA-P-L104 E	Landscape Plan	Oculus	28 September 2012
DA-P-L201 C	P500 Lower Green E3 Park Plan	Oculus	28 September 2012
DA-P-L202 D	Streetscape Planting Image Palette	Oculus	28 September 2012
DA-P-L203 D	Streetscape Planting Image Palette	Oculus	28 September 2012
DA-P-L204 D	Streetscape Planting Image Palette	Oculus	28 September 2012
DA-P-L205 C	Streetscape Materials Image Palette	Oculus	28 September 2012
DA-P-L206 C	P500 Lower Green E3 Planting Image Palette	Oculus	28 September 2012
DA-P-L207 C	P500 Lower Green E3 Park Material and Character Image Palette	Oculus	28 September 2012
DA-P-L300 D	Landscape Details 1	Oculus	28 September 2012
DA-P-L301 D	Landscape Details 2	Oculus	28 September 2012
Documents and Reports			
82013004-01/Report 001 Ver 2	Statement of Environmental Effects – Spring Farm P400 & P500 Residential	Cardno	December 2012

	Subdivision		
FN11-07226P2DB:LE	Mine Subsidence approval P400	Mine Subsidence Board	23 August 12
FN11-07226P2DB:LE	Mine Subsidence approval P500	Mine Subsidence Board	23 August 12
12/1653	Remediation Action Plan P500	SMEC Testing Services	October 2012
	Traffic Assessment P400 and P500	Cardno	Sept 2012
12/1653	Remediation Action Plan P500	SMEC Testing Services	October 2012
A102085B	Bushfire Protection Assessment P400 and P500	Travers	September 2012
NA82013004-01 Report 002 Rev 1	P400-500 DA Stormwater Addendum Report	Cardno	30 May 2013
Permit No 1132060	AHIP Permit P400	OEH	15 Jan 2013
TB705-43F02 (rev2)	Traffic Noise Assessment P400 and P500	Renzo Tonin and Assoc	18 April 2013
TB705_51F01 (rev1)	P400 Acoustic Fence Addendum	Renzo Tonin and Assoc	25 September 2013
	Odour Assessment – Response to EPA Comments	Pacific Environment Limited	13 August 2013
	Landcom Integral Energy Deed of Agreement Spring Farm	Integral Landcom and	12 September 2008
	Deed of Agreement – Acoustic Treatment at Nepean Transmission Substation, Spring Farm	Landcom Endeavour Energy	23 April 2013
G1008 CSG 02	Coal Seam Gas Well Locations	Cardno	9 April 2013
820130014-01/Letter 001	Letter response to Council request for additional Information DA1189/2012	Cardno	17 April 2013
7900	Spring Farm Residential Development – Level 3 Odour Impact Assessment	Pacific Environment Limited	14 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) **Approvals From Other Authorities** – It is the applicant's responsibility to acquire all other necessary approvals/permits from all other approval authorities as required.
- (3) **Prescribed Conditions** - The applicant shall comply with the prescribed conditions of development consent under Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (4) **AGL Access** – Access to AGL wells, infrastructure and right-of-ways must not be altered without the prior written authority of AGL. A copy of any authority must be submitted to Camden Council
- (5) **Access to Jacks Gully and Glenlee** – Existing access and right of way to the Spring Farm AART Facility and Glenlee must not be affected without the prior written authority of all affected land owners and operators. A copy of any authority must be submitted to Camden Council.

Works that require development consent must not be commenced without the prior written consent of Camden Council, under the *Environmental Planning and Assessment Act 1979*.

- (6) **Landscaping Maintenance and Establishment Period** - All landscaping works associated with this Consent, are to be maintained and successfully established for a period of 12 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works ie, the Date of Practical Completion (DPC).

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

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

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

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

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

- (7) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval.
 - pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.
- (8) **Roads and Maritime Services (RMS) Requirements** – Points 2, 6 7 and 8 of the letter from the RMS dated 13 March 2013 must be fully complied with.
- (9) **Kerb Returns** – Kerb returns with a 8.5m radius must be provided.
- (10) **9m Wide Access Road** – The proposed 9m wide access road in precinct P400 is not approved and must be modified as follow:

- the carriageway must be widened to 7m; and
- the verge on the southern side must be widened to 4m and contain a pedestrian footpath and landscaping consistent with the adjoining roads in the subdivision.

The surrounding subdivision must be adjusted to accommodate the above modifications. The resulting adjustments must achieve lots that comply with the minimum lot sizes and development controls specified by Camden Local Environmental Plan 2010 and Camden Development Control Plan 2011. Amended plans demonstrating this must be provided to Council prior to the issue of a Construction Certificate.

- (11) **Landscaping Within the Springs Road Median** – The median within the section of Springs Road approved by this development consent must be landscaped consistent with all other landscaping conditions of this development consent.
- (12) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (13) **Non-Sacrificial Graffiti Coating** – In the approved park, all concrete materials must be provided with a non-sacrificial graffiti coating.
- (14) **Graffiti Resistant Materials** - Graffiti resistant materials must be used where practicable in the park.

- (15) **Timber** – In the design of all elements of the park, there must be no timber components in contact with the ground.
- (16) **Provision of Locks to Access Gates and Removable Bollards** - All gates and removable bollards that provide restricted access to Council reserves and other property shall be fitted with a padlock which is required to be master keyed to Camden Council's requirements. The supply of the padlocks is at the applicant's cost. Enquiries are to be directed to Council's Works and Services Division.
- (17) **Waste Disposal Areas for Residential Allotments** - A waste bin collection point must be provided for each residential allotment and must be in accordance with the following requirements:
- (a) Each residential allotment must be provided with a level area adjacent to the kerb suitable for the placement of bins for collection. This area must be on ground level; running parallel to the rear of the kerb and measured 3 metres long by 900mm wide and allow 3.9 metres clear vertical space to allow for the truck-lifting arm.
 - (b) The 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 or other fixtures.

If this area cannot be provided in front of the lot to which the service is allocated, a more appropriate location shall be provided in front of another lot following consultation with Council. The nominated area shall not be located more than 50 metres from the lot and must be agreed to by Council.

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, bus stops 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, paths and shareways, bus stops 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) **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.
- (4) **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.
- (5) **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.
- (6) **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.
- (7) **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.
- (8) **Design of “Construction” On-site Detention/Sediment Control Basin** - The design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:
 - (a) for sediment control generally, *Managing Urban Stormwater – Soils and Construction*, Volume 1, 4th Edition, March 2004 as produced by Landcom,
 - (b) Camden Council’s current Engineering Design Specification,
 - (c) and must not concentrate final discharge flows from the facility.

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

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

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

- (10) **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 Camden 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 and other very large trees are not to be installed in any median strip, road verge or nature strip planting without approval from the Consent Authority (i.e. Camden Council).
 - (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.

- (e) The detailed Landscaping Plans must clearly show any proposed road verge estate entry feature, statement feature wall, or entry statement signage. These works are not to be positioned on any public open space areas such as the nature strip or other Council maintained area. Any entry statement wall or entry feature is to be positioned wholly within the boundaries of private property.
- (11) **Weed Eradication and Management Plan** – A Weed Eradication and Management Plan shall be produced by a suitably qualified consultant prior to the issue of a Construction Certificate being issued and shall include the following;
- (a) An assessment of all noxious and environmental weed infestations currently on the proposed site.
 - (b) The degree of the infestations, outlining the area infested and density of the infestations.
 - (c) The processes which will be engaged throughout the subdivision, to continually suppress and destroy and declared noxious weeds on the site.
 - (d) The ongoing management of noxious weeds, including the processes used for the decontamination of machinery prior to the movement on and off the site to prevent the spread of weed material.
 - (e) The Management Plan must also outline the details of disposal and transport methods of any noxious weed material.
 - (f) All other matters required by Section B1.8 of Camden Development Control Plan 2011.
- (12) **Residential Boundary Acoustic Fences** – For proposed lots 4143 – 4144, lots 4170 - 4171, lots 4179, lots 4202 – 4203, and lot 4226 an acoustically rated residential boundary fence of 2.1 metres in height is required to be constructed. The location for the fence must be consistent with the plan “TB705-51.3.1.P01 (rev 0), Dated 23 September 2013” contained within “P400 Acoustic Fence Addendum Report, prepared by Renzo Tonin and Associates ref no TB705_51F01 (rev1) dated 25 September 2013”. This report is an addendum to “Spring Farm Precinct 400 & 500 Traffic Noise Assessment, Prepared by Renzo Tonin & Associates, Ref no TB705-43F02 (Rev 2), Dated 12 October 2012.” The height of the fence is relative to the ground at the base of the fence and the proposed road level. The fence must be of sufficient mass (consistent with a lapped timber fence with minimum 20mm thick planks and minimum 35mm overlay of planks with three supporting horizontal support rails) and have no gaps between or underneath panels.
- The barrier shall be constructed as part of works subject to this development application and in accordance with the following requirements:
- (a) No part of the acoustic barrier or associated supports are to be located in any existing or future road reserve consistent with “Spring Farm Precinct 400 & 500 Traffic Noise Assessment, Prepared by

Renzo Tonin & Associates, Ref no TB705-43F02 (Rev 2), Dated 12 October 2012."

- (b) The barrier must have no gaps in the completed structure, including or at the base of the barrier where the barrier meets any retaining wall structure.
 - (c) The colour scheme for the external materials of the acoustic barrier and associated supports shall be consistent with Drawing 76338.01.M93 prepared by Lean and Hayward (reference DA330/2009). Any variation to the colour scheme must have the prior written approval of Camden Council.
 - (d) On completion of the acoustic barrier and prior to the Subdivision Certificate being issued a Works-As-Executed plan must be submitted to Camden Council verifying that the barrier has been constructed wholly within the boundary of the residential allotment (including footings and associated supports).
- (13) **Bush Fire Safety** - Prior to the Issue of a Construction Certificate, the applicant must provide to the Certifying Authority, written confirmation that the development proposal is compliant with all requirements of the Rural Fire Service.

This written confirmation may be by way of either:

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

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

- (a) All access roads have sufficient carriageway width.
- (b) Verge widths are sufficient.
- (c) Longitudinal grades are not too great.
- (d) Horizontal geometry provides for appropriate access.
- (e) Turning/manoeuvring is achievable.
- (f) Kerb types are appropriate.
- (g) On street parking (kerbside and indented) is not expected to be problematic for fire fighting vehicles to gain access.
- (h) On street parking restrictions/signage is not expected to be problematic for fire fighting vehicles to gain access.

- (i) Access requirements with regards to perimeter roads has been achieved.
 - (j) The required Asset Protection Zones have been achieved.
 - (k) All requirements of the Rural Fire Service's General Terms of Approval for Development Consent No. 1189/2012 have been met.
- (14) **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.
- The above details must be submitted to the Consent Authority (i.e. Camden Council) prior to the Construction Certificate being issued for each stage of the development.
- (15) **Temporary Turning Head** - A temporary sealed turning head must be provided at the end of all staged roadworks where residential lots front the section of road. The pavement must be constructed to the ultimate road levels and pavement depth. Any additional land required for such works must be provided for the ultimate road alignment by way of a Right of Way to be extinguished upon extension of the road.
- (16) **Play Equipment Design** – All play equipment must be of a modular, anti-vandal design that allows for the maintenance and replacement of individual components of each piece of equipment. Details of the final play equipment design that demonstrates this must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- Note: No wood must be used in any of the playground equipment poles that come into contact with the ground.
- (17) **Waste Bin Locations** – Details of all waste bin locations must be provided to the Principal Certifying Authority for review prior to the issue of a Construction Certificate which demonstrates that rubbish storage areas will not be located at the front of the site where they will have an adverse impact on any surrounding dwellings, streetscapes or pedestrians.

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

- (2) **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.

- (3) **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.

- (4) **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

- (5) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval. 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.

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

- (8) **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 commencement of works.

- (10) **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 commencement of works.

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

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) **Survey Marks** - Permanent survey coordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.

- (3) **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.

- (4) **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.
- (5) **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.

- (6) **Compaction (Roads)** - All filling on roadways must be compacted in accordance with Camden Council's current Engineering Construction Specifications.
- (7) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (8) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Section 14 – Salinity Management Plan" in the report titled *"Contamination & Salinity Assessment Precinct 500 Spring Farm New South Wales, Prepared by SMEC Testing Services Pty Ltd, Report No 12/1573, Dated October 2012."*
- (9) **Additional Salinity Investigations** – Where development involves excavation of soils deeper than 3 metres, or into rock (at shallower depth), where previous sampling and testing of salinity has not already been carried out, then additional soil and potentially ground water investigations must be

undertaken by deep test pitting and /or drilling. Such investigations must test soil and water for aggressiveness to concrete and steel and include: pH, EC, ECe, TDS, sodicity, sulphates, chlorides and resistivity. Where results of additional testing require additional salinity management to that contained within the existing consented Salinity Management Plan (SMP), this must be submitted to and approved in writing by Council.

- (10) **Unexpected Findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the bulk earthworks or other construction processes 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) for assessment and be approved in writing prior to the removal or treatment of such findings contamination / hazardous materials.
- (11) **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.
- (12) **Offensive Noise, Dust, Odour or Vibration** - Bulk earthworks work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (13) **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.
- (14) **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.
- (15) **Refuelling** – All plant, vehicles, and equipment, required for the proposal will need to be refuelled offsite or within a compound site or designated bunded area. Any refuelling location must contain an impervious surface and be located away from any drainage lines.
- (16) **Storage & Water Quality Controls** – Prior to the establishment of stockpile and compound sites, temporary stormwater and water quality control devices and sediment controls must be implemented.
- (17) **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.
- (18) **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.

- (19) **General Requirement** - All activities associated with the development must be carried out within the boundaries of the site, and must be carried out in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment Operations Act 1997*.
- (20) **Remediation Works Inspections** – A qualified environmental consultant or scientist will be required to inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (21) **Compliance of Remediation Work** - All remediation work must comply with the following requirements:
- (a) Contaminated Land Management Act 1997;
 - (b) Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
 - (c) SEPP55 – Remediation of Land;
 - (d) Sydney Regional Plan No. 20 Hawkesbury Nepean River (No.2 –1997); and,
 - (e) Camden Council's Adopted Policy for the Management Of Contaminated lands.
- (22) **Workcover Authority** - All construction and remediation work must comply with relevant requirements of NSW WorkCover Authority.
- (23) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos / contamination, then 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).
- (24) **Subdivision Work Hours** - All work must be restricted to the following hours:
- a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive); and
 - b) between 8.00am to 5.00pm on Saturdays.
- Work is prohibited on Sundays and Public Holidays.

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) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.

- (2) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Infrastructure 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.

- (3) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$7,110 per additional lot or dwelling, total \$2,787,120, 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 Subdivision 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 and Council Works in Kind Policy. If such an agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

- (4) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$9,914 per additional lot or dwelling, total \$3,886,288, 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 Subdivision Certificate.

- (5) **Section 94 Contributions** - Pursuant to Camden Contributions Plan 2011 adopted in April 2012, a contribution must be paid to Council of \$41,216 per additional lot or dwelling, total \$16,156,672 for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan.

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 Subdivision Certificate.

The monetary contribution for Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan 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 and Council Works in Kind Policy. If such an agreement is to be undertaken, it must be signed prior to the release of a Subdivision Certificate.

- (6) **Bond for Final Layer of Asphaltic Concrete** – Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with

Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 130% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

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

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

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

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

- (7) **Footpath Construction Bond** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the construction of a concrete footpath and/or pedestrian/cycle shared way. This applies only where such a Facility is located in existing and/or proposed public land

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 125% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

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

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

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

- (a) the work has been completed to the requirements of Camden Council, and/or
 - (b) where applicable a suitable replacement bond is submitted.
- (8) **Connection to Existing Public Roads** - The proposed road construction must connect with the existing public roads. The connection at such locations must be carried out in accordance with the provisions and requirements of Camden Council's issued Public Road Activity (Roadworks) approval. Further, all such work must be completed to the satisfaction of the Camden Council, prior to the issue of any Subdivision Certificate.
- (9) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (10) **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.
- (11) **Final Layer Asphaltic Concrete (Roads)** - The final asphaltic concrete wearing course layer must not be placed on the carriageway of any road until:
 - (a) a Subdivision Certificate has been issued by the Principal Certifying Authority, Camden Council,
 - (b) the Subdivision Certificate/Plan of Subdivision has been registered with the Department of Lands - Land and Property Information,
 - (c) the terms of any bond for such work have been confirmed to be satisfied by Camden Council, and
 - (d) a Public Road Activity (Roadworks) application has been submitted to and approved by Camden Council.
- (12) **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.
- (13) **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.
- (14) **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.
- (15) **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.
- (16) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
 - (17) **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.
 - (18) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
 - (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.
 - (d) Easement for on-site-Detention.
 - (e) Easement for water quality.
 - (f) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-Of-Way shall be responsible for on-going maintenance and the Public Liability of the Right-Of-Way.
 - (g) Asset Protection Zones.
 - (h) Temporary right of carriageway and services over the frontage lot in favour of the rear lot. Such restriction to be extinguished whereby the benefiting lot acquires a frontage to a public road.
 - (i) Restriction as to user detailing that no person must alter, remove or destroy any soil, planting or any part of the fence which forms part of the acoustic barrier without the prior approval of the Consent Authority (ie Camden Council) and that the landowners or their assigns must maintain the acoustic barrier in good order at all times. If the acoustic barrier is not maintained to the satisfaction of Camden Council, Council may enter upon the land and carry out the necessary work at full cost to the owner.

- (j) Restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council.
- (k) Restriction as to user on those lots adjacent to the overland flow paths to ensure that the floor level of any habitable room is not less than 600mm above the 1% AEP level, such levels to be detailed on the Section 88b Instrument and related to AHD.
- (l) Salinity Management Plan - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with "Section 14 – Salinity Management Plan" in the report titled *"Contamination & Salinity Assessment Precinct 500 Spring Farm New South Wales, Prepared by SMEC Testing Services Pty Ltd, Report No 12/1573, Dated October 2012."*
- (m) Dwelling Layout - For Lots 4141 – 4145, lots 4169 – 4172, lots 4179 - 4181, lots 4201- 4204, lots 4225 – 4226, the dwelling layout is to be consistent with "Section 5.3 House Design and Layout" and plans "TB705-43PO1 (Rev 1)" contained within the *"Spring Farm Precinct 400 & 500 Traffic Noise Assessment, Prepared by Renzo Tonin & Associates, Ref no TB705-43F02 (Rev 2) Traffic Noise Assessment, Dated 12 October 2012."* Compliance with the above is to be demonstrated for each dwelling application.
- (n) Construction Requirements, window and Door treatments, Internal Noise Levels - For Lots 4141 – 4145, lots 4169 – 4172, lots 4179 - 4181, lots 4201- 4204, lots 4225 – 4226, construction requirements and window and door treatments are to be consistent with "Appendix B, Table 5 – Façade treatment recommendations" and Table 6 – Treatment Category recommendations" contained within the *"Spring Farm Precinct 400 & 500 Traffic Noise Assessment, Prepared by Renzo Tonin & Associates, Ref no TB705-43F02 (Rev 2) Traffic Noise Assessment, Dated 12 October 2012."* For the above lots, the internal noise levels contained within "Table 1 – Internal Noise Level Criteria For Road Traffic Noise" of the above report must be achieved for each dwelling. Compliance with the above is to be demonstrated for each dwelling application.
- (o) Acoustic Boundary Fence - For lots 4138 – 4149, lots 4165 – 4176, lots 4179 - 4185, lots 4196- 4210, and lots 4220 – 4226 standard solid boundary fences at least 1.8 metres in height are required consistent in location with the plan TB705-43 P08 (Rev 1) contained within the *"Spring Farm Precinct 400 & 500 Traffic Noise Assessment, Prepared by Renzo Tonin & Associates, Ref no TB705-43F02 (Rev 2) Traffic Noise Assessment, Dated 12 October 2012."* and *"P400 Acoustic Fence Addendum Report, prepared by Renzo Tonin and Associates ref no TB705_51F01 (rev1) dated 25 September 2013"*.
- (p) Alternative Ventilation for Habitable Rooms - For Lots 4141 – 4145, lots 4169 – 4172, lots 4179 -4181, lots 4201- 4204, lots 4225 – 4226,

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) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

- (19) **Residential Boundary Acoustic Fences** – Prior to the issue of a Subdivision Certificate for lots 4143 – 4144, lots 4170 - 4171, lots 4179, lots 4202 – 4203, and lot 4226, acoustic fences in accordance with condition 2(12) of this consent must be constructed.
- (20) **Deed of Agreement** – Prior to the issue of Subdivision Certificate for final lots 5001-5019, 5020 to 5024 and 5075-5084 in precinct 500, all works required by the Deed of Agreement between Urban Growth NSW (Trading name of Landcom) and the operator of Nepean Transmission Substation, dated 24 April 2013, must be completed.
- (21) **Access Denial for Specific Lots** – The Principal Certifying Authority shall confirm the “access denied” location of any proposed lot adjacent to a proposed/existing public road. A description of the access denied section of the lot shall be noted in a restriction-as-to-user pursuant to s.88B of the *Conveyancing Act 1919* and be included in any application for a Subdivision Certificate.
- (22) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (23) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 “Residential Slabs and Footings”. The classification reports must be submitted to Council prior to release of the Subdivision Certificate.
- (24) **Site Validation Report** – Consistent with Development Consent 926/2011, 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 for consent 1189/2012 and must be submitted to the Consent Authority within 30 days following completion of the remedial works and prior to the issue of a Subdivision Certificate for the subdivision works. The validation report must be approved in writing prior to the issue of any subdivision certificate applicable to any land covered by the RAP.

- (25) **Site Audit Statement** – At the conclusion of all remediation works and prior to the issue of the Subdivision Certificate the applicant shall have all remediation work and validation documentation reviewed by an independent NSW Site Auditor accredited by the Department of Environment and Conservation under the *Contaminated Land Management Act 1997*. The auditor shall undertake a full site audit of the works and documentation and provide only an unconditional Site Audit Statement (SAS) that clearly states that the land is suitable for the intended use. The unconditional SAS must be submitted to the Consent Authority (Camden Council) within 30 days following the completion of the remediation works. The SAS and Site Audit Report (SAR) must be reviewed and approved in writing prior to the issue of any subdivision certificate applicable to the land covered by the RAP.
- (26) **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.

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

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

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

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

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

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

quarterly sampling period.

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

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

must be lodged with Camden Council.

The bond:

- (a) applies only where such a facility is located in existing and/or proposed public land,
- (b) has been determined at an amount of \$50,000, and
- (c) will be retained by Council until:
 - (i) such works have been completed in accordance with the approved plans and to the requirements of Council,
 - (ii) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and
 - (iii) the completion of such work has been confirmed, in writing, by Council.

- (29) **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.

- (30) **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.

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

The water quality component must have the following:

- (a) a filter medium must be included in the design.
 - (b) 50% of the total number of “macrophyte” type plants, the details of which are noted on the approved plans, must be planted within the filter medium area.
- (32) **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.

- (33) **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>)

- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.
- (34) **Springs Road** - Lots 5007-5012, 5078-5083, 5091-5096 and 5158-5161 must not to be released until alternate heavy vehicle access to Spring Farm AART Facility and Glenlee is in place or that the prior written approval of Camden Council is granted.

Works that require development consent must not be commenced without the prior written consent of Camden Council, under the *Environmental Planning and Assessment Act 1979*.

- (35) **Dedication of Recreation Area** – Upon completion of all works in accordance with the approved plans for the recreation area and surrounding roads, the lot identified as a public park shall be dedicated to Council as open space.

- (36) **Remediation Approved by Development Consent 926/2011** – Prior to the issue of a Subdivision Certificate, all remediation approved by DA 926/2011 must be fully completed and all related conditions of that consent complied with.

RECOMMENDED

That the Panel approve DA 1189/2012 for a staged subdivision to create 392 residential lots, 1 public reserve and associated site works at B Plymouth Boulevard, Spring Farm subject to the conditions listed above.