

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

|   |   |
|---|---|
| JRPP No   | 2014SYW061  |
| DA Number   | 308/2014  |
| Local Government Area   | Camden  |
| Proposed Development  | Construction of a 915m upgrade of part of Raby Road, provision of a new signalised intersection, relocation of services and associated site works   |
| Street Address  | 1100 Camden Valley Way Leppington and 50A, C & E Raby Road Gledswood Hills  |
| Applicant/Owner   | Macarthur Developments Pty Limited  |
| Number of Submissions   | No public submissions   |
| Regional Development Criteria (Schedule 4A of the Act)                      | Council related development over \$5 million (clause 4, Schedule 4A)  |
| List of All Relevant s79C(1)(a) Matters                                     | <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011,</li> <li>• State Environmental Planning Policy (Infrastructure) 2007,</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land,</li> <li>• Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River – deemed SEPP,</li> <li>• Camden Local Environmental Plan 2010,</li> <li>• Camden Development Control Plan 2011.</li> </ul> |
| List all documents submitted with this report for the panel's consideration | <ul style="list-style-type: none"> <li>• Assessment Report, including recommended conditions,</li> <li>• Statement of environment effects,</li> <li>• Engineering Development Report, version 3, August 2014,</li> <li>• Noise Impact Assessment Report, and</li> <li>• Engineering plans.</li> </ul>   |
| Recommendation  | Approve with conditions   |
| Report by   | Ray Lawlor, Executive Planner, Development Assessment (East)  |

## **PURPOSE OF REPORT**

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the construction of a 915m upgrade of part of Raby Road, provision of a new signalised intersection, relocation of services and associated site works.

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 \$11,120,000 million which exceeds the threshold of \$5 million for Council to determine the DA, in respect to Council related development under clause 4 of Schedule 4A of the Act.

## **SUMMARY OF RECOMMENDATION**

That the Panel determines DA 308/2014 for the construction of a 915m upgrade of part of Raby Road, provision of a new signalised intersection, relocation of services and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

## **BACKGROUND**

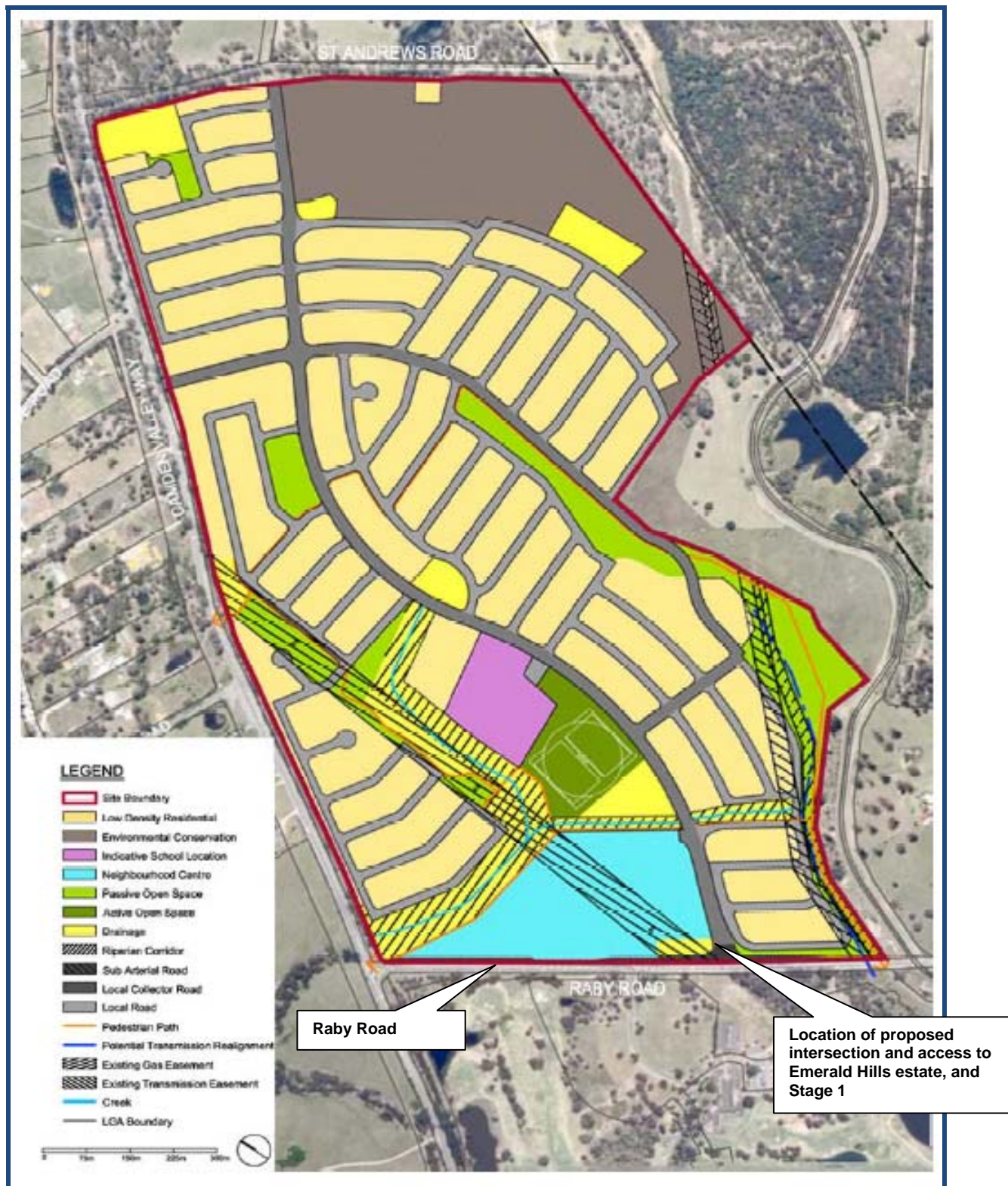
In April 2014, Council resolved to rezone the Emerald Hills estate comprising an area of approximately 150ha at Leppington, from RU2 Rural Landscape to R2 Low Density Residential, B2 Local Centre, E2 Environmental Conservation and SP2 Infrastructure. The future Emerald Hills estate is, bound by Raby Road to the south, Camden Valley Way to the west, St Andrews Road to the north and the Sydney Catchment Authority canal to the east.

The road upgrade works proposed as part of this Development Application (DA) is being undertaken by the applicant in relation to this rezoning and the urban release of the Emerald Hills estate which is subject to satisfactory arrangement provisions of Clause 6.1 of Camden LEP (LEP) 2010. This requires provision of designated State public infrastructure before the subdivision of land in an urban release area, to satisfy needs that arise from development on the land.

The road upgrade will be undertaken for the extent of Raby Road fronting the Emerald Hills estate, as well as providing for a signalized intersection as a key access point. The road upgrade can accommodate expected increases in traffic volumes due to the urban release and residential development of land within adjoining estates.

On 1 April 2014, Transport for NSW (TfNSW), on behalf of that agency and RMS, gave concurrence to the applicant's offer of 18 February 2014 whereby Macarthur Developments, on behalf of Emerald Hills Estate, would upgrade a section of Raby Road. This is included in a draft Planning Agreement with the Minister for Planning which is made under the provisions of Clause 6.1 of Camden LEP 2010 and in lieu of State Infrastructure Contributions.

The rezoning amendment for the Emerald Hills estate came into force on 19 September 2014. Concurrent amendments to Camden DCP 2011 also came into force, which include the following indicative masterplan for the estate, showing a key access point of Raby Road to the collector road that will traverse the estate.



**Figure 3: Emerald Hills Estate Indicative Masterplan**

## **EXECUTIVE SUMMARY**

Council is in receipt of a DA for the for the construction of a 915m upgrade of part of Raby Road, provision of a new signalised intersection, relocation of services and associated site works at 1100 Camden Valley Way Leppington and 50A, C & E Raby Road Gledswood Hills.

The upgrade works include an increase from a two lane road to a four lane divided road (with future potential six lanes) extending south east from Camden Valley Way (just beyond the signalised intersection recently constructed by the RMS) for approximately 915m up to the bridge over Sydney Catchment Authority's Upper Canal.

Raby Road is classified as a regional road and is under Council's care and management.

The Raby Road corridor, comprising the full extent of the road from Camden Valley Way through to Campbelltown Road, is included within the boundaries of the South West Growth Centre. Raby Road will provide an important link between future residential, retail, employment and transport hubs in the South West Growth Centre, and the adjacent Campbelltown local government area and the Hume Highway.

The upgrade of the section of the road will include duplication of lanes to provide a four lane road, provision of a new signalised four way intersection to access urban release areas either side of the road, as well as provision for future traffic and additional traffic lanes (with an interim wide median).

The road upgrade is being undertaken by Macarthur Developments, on behalf of Emerald Hills Estate under provisions of Clause 6.1 of the Camden LEP 2010. The Emerald Hills Estate ultimately comprise approximately 1,280 residential lots in conjunction with approximately 10,000m<sup>2</sup> of retail floor space.

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 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 the Camden Development Control Plan (DCP) 2011 from 5 June 2014 to 4 July 2014. No public submissions were received.

Key agency submissions were received from Transport for NSW and Roads & Maritime Service raising issues related to the appropriate road design width having regard to its future regional context. These issues were resolved as part of this DA assessment, with the applicant and these agencies agreeing to a road width of minimum 34.5m, including provision for buses and cycle lanes.

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



## LOCATION PLAN

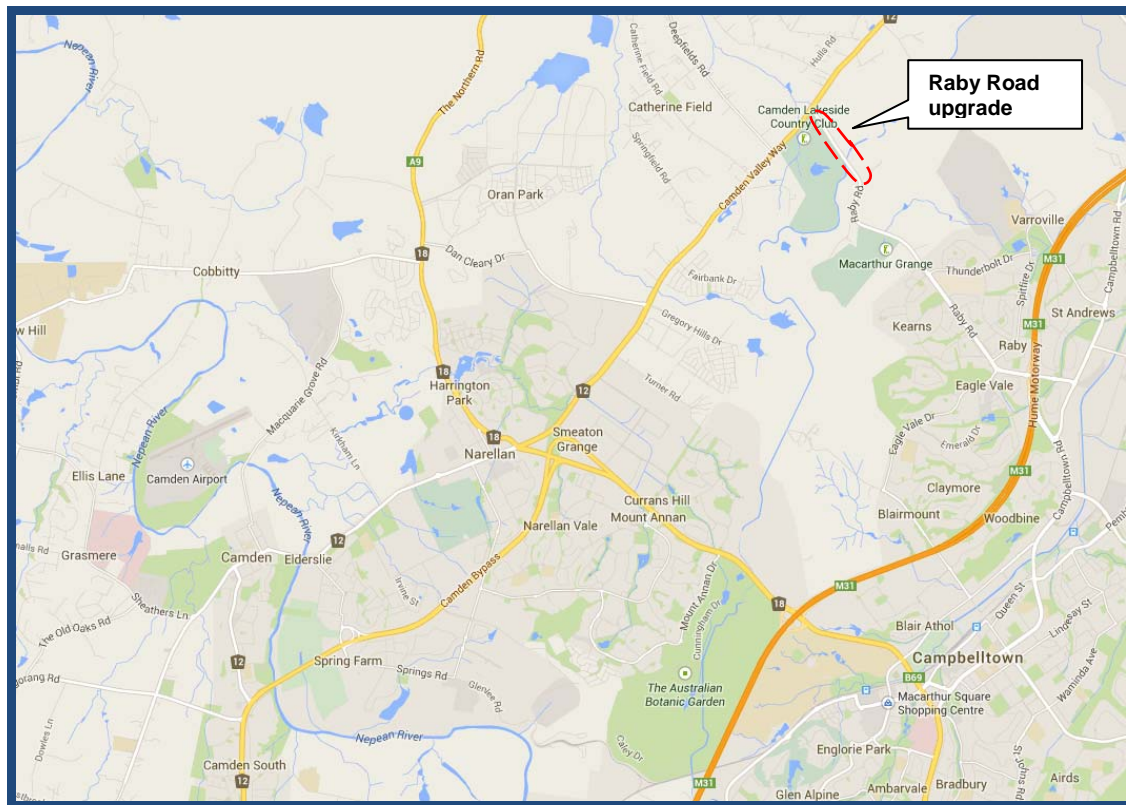


Figure 1: Location Plan

## AERIAL PHOTO

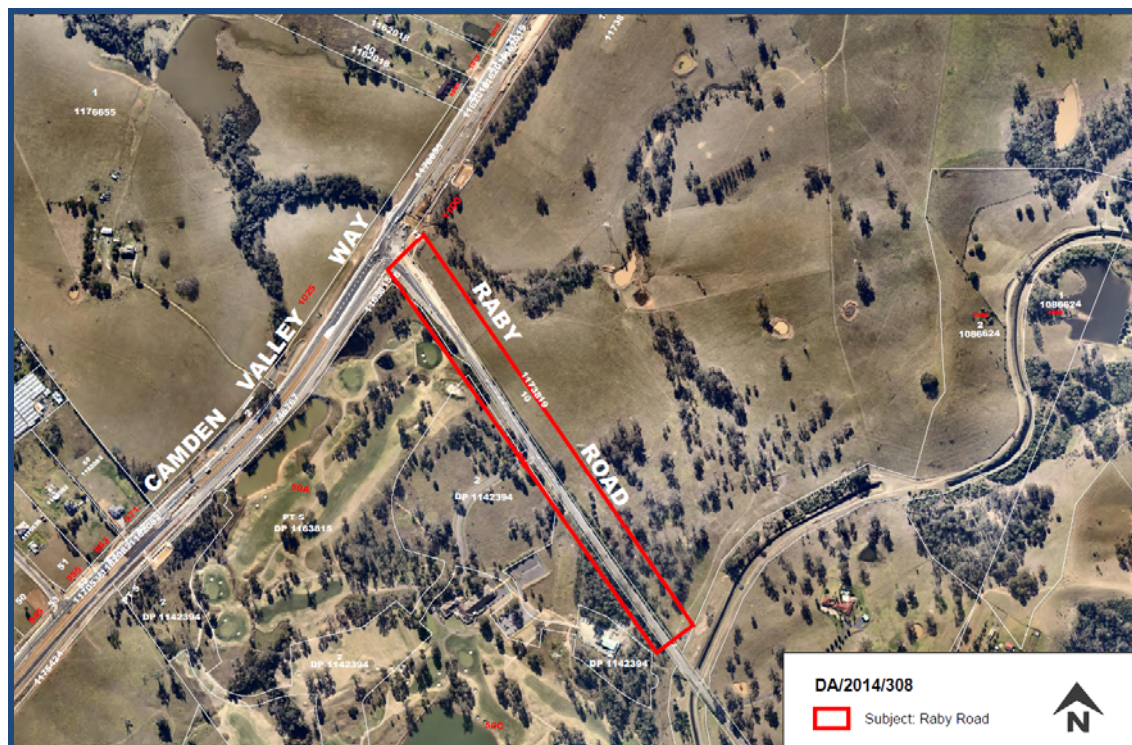


Figure 2: Site Plan – Aerial Photo

## **THE SITE**

The site encompasses a section of the existing road reserve of Raby Road and land within properties either side of this section of Raby Road, being 1100 Camden Valley Way (Lot 10 DP 1173819) and land within 50A, B C & E Raby Road (Lot 2, DP 1142395 & Lot 5 DP 116 3815).

Raby Road, within Camden LGA, is currently a two lane road with a carriage way of approximately 8.9m and a road reserve of approximately 20m. It is classified as a regional road and is under Council's care and management. Raby Road extends for approximately 5.5km from Camden Valley Way through to Hume Highway and Campbelltown Road to the south east, traversing the scenic hills area and the residential suburbs of Kearns and Eschol Park, within Campbelltown LGA. Past the scenic hills, in Campbelltown LGA, the road widens from two lanes to a divided four lane road from Thunderbolt Drive in Kearns.

The north western end of Raby Road connects with Camden Valley Way, a State Road managed by Roads & Maritime Services (RMS). A signalized intersection has recently been constructed at this existing intersection of Raby Road and Camden Valley Way as part of the works undertaken by RMS to upgrade Camden Valley Way to a four lane divided road.

The section of Raby Road to be upgraded with this DA extends south east from Camden Valley Way (just beyond the signalised intersection recently constructed by the RMS) for approximately 915m up to the bridge over Sydney Catchment Authority's Upper canal.

The area surrounding this section of Raby Road is currently characterized by non urban, rural and rural/residential land, as well as land that has been used for private recreation purposes, a country club/golf course. The land either side of this section of the road has been rezoned for urban purposes and will soon be developed and subdivided.

## **DEVELOPMENT HISTORY**

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

| <b>Date</b>  | <b>Development</b>  |
|--|---|
| 14 December 2010                                       | DA967/2010 – Construction and dedication of new entrance road and associated site works, No. 50C (part Lot 1 DP 1142394) and No. 50E (Lot 2 DP1142394) Raby Road. |
| 17 October 2014  | DA1030/2013 - Consolidation of 3 allotments and subdivision to create 2 residue lots (within Camden local government areas (LGA)).                                |
| 10 November 2014                                       | DA525/2014 – Construction of a temporary haul road, temporary compound, earthworks, and change of use of an existing building for a temporary sales office.       |
| DA submitted 23 April 2014, currently under assessment | DA439/2013 – Staged subdivision to create 280 residential lots, internal roads, drainage, landscaping and associated site works.                                  |

DA967/2010 approved a new road access to the land within Camden Lakeside development south of the section of Raby Road which is the subject of this DA. Camden Lakeside is also zoned for urban release, and for residential uses set amongst a golf course and clubhouse facilities.

This consent provides for access off Raby Road to Camden Lakeside, consistent with the southern leg of the signalised intersection now proposed in the DA being assessed in this report.

DA1030/2013 approved the consolidation of lots comprising the land within Emerald Hills estate, being Lot 10 in DP 117381, Lot 1 in DP 301830 and Lot 10 in 1161557. This consent rationalises lot boundaries within the Camden and Campbelltown local government area (LGA). The registration of these lots have not yet occurred and a condition is recommended which required the registration of those lots with land and Property Information prior to a subdivision certificate being issued for the subject DA.

DA525/2014 relates to early works for the development and release of land within the Emerald Hills estate.

DA439/2013 which relates to the first staged release of land at Emerald Hills estate is currently under assessment and is dependent on the construction of Raby Road for access.

## **THE PROPOSAL**

DA 308/2014 seeks approval for the construction of a 915m upgrade of part of Raby Road, provision of a new signalised intersection, relocation of services and associated site works.

Specifically the proposed development will provide for:

- removal of trees and vegetation;
- construction and dedication (to Council) of 4 lane divided road within a total road reserve width of 34.5m to 40m (with an interim wide median which will allow for future additional traffic lanes);
- provision of a four arm/way signalised intersection, approximately 600m from Camden Valley Way, to provide principal access to the urban release areas to the north and south, being future Emerald Hills Estate to the north (Macarthur Developments) and Camden Lakeside to the south (Sekisui House);
- provision of access to the future Emerald Hills Neighbourhood Centre from Raby Road, with separate left in and left out only access driveways;
- provision of a shared footpath/cycleway on the north side of the upgraded road and a footpath on the south side, as well as provision of 4.3m wide kerbside lanes to accommodate on-road cyclists;
- associated demolition, earthworks, environmental management, civil and storm water management, and landscaping works;
- relocation of services and installation of new lead-in services; and
- creation of road reserve and dedication as a public road.

The DA plans also include retention of interim access arrangement into the existing driveway to Camden Lakeside Country Club with a break in the centre median to

allow for right turn movements. This interim access will then be removed once future access via the proposed signalised intersection, further along the road, is operational.

The works are to be undertaken generally within two stages, with the first stage to the north of current road alignment, to allow for traffic to be redirected while the second stage is undertaken to upgrade the current road alignment.

#### Amendments to the DA

The DA as originally submitted and exhibited provided for a road reserve width of 29.45m (a four lane divided road). The DA was amended in August 2014 to include:

- increase of road reserve width to 34.5m to 40m;
- Increase in width of the central median allowing for future six lane divided road (with provision of interim 4 lane road); and
- provision of bus priority lanes at the signalized intersection.

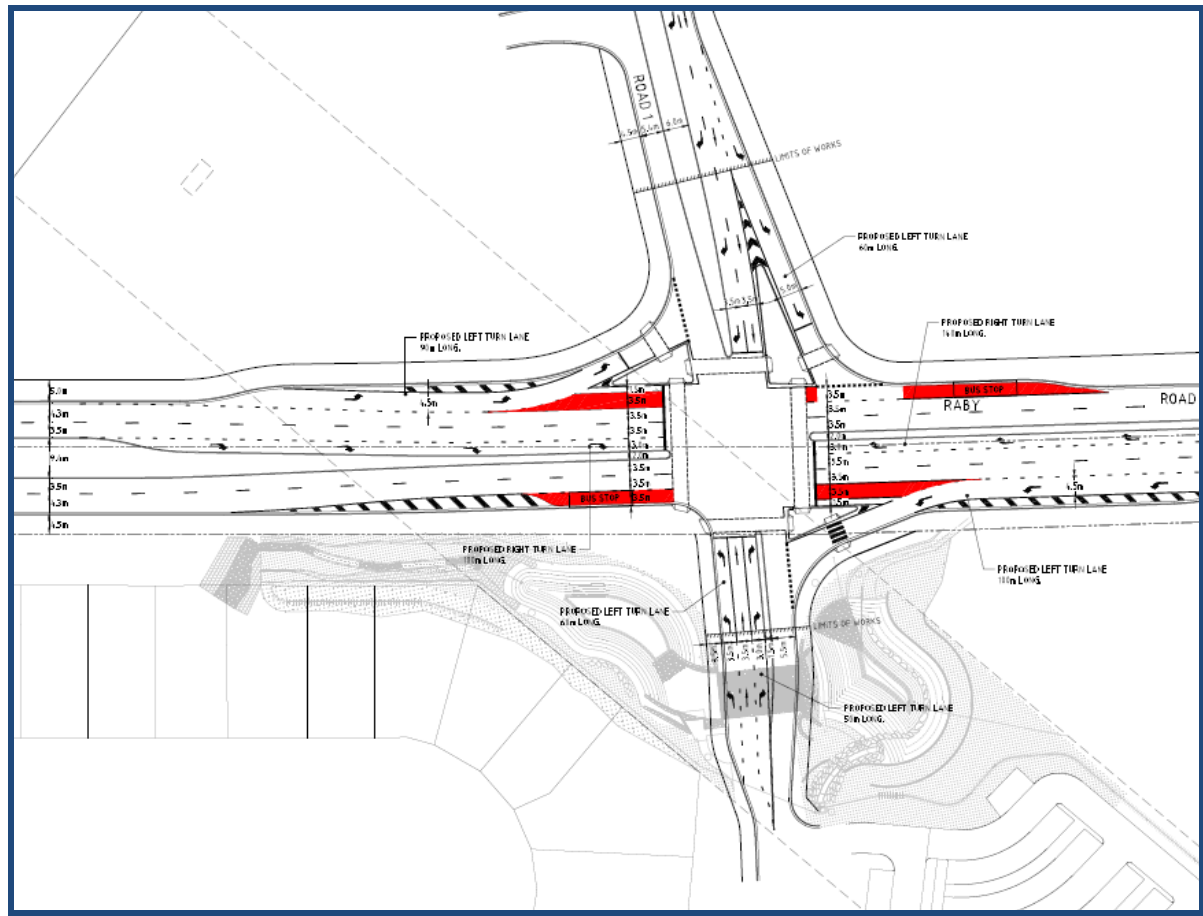
The amendments arose as part of the assessment of the DA with negotiations and agreement between the applicant and TfNSW/RMS about a suitable road reserve width having regard to the regional/sub-regional nature context and to provide for future traffic needs, including bus lanes and provision for bicycles. This has increased the road reserve by approximately 5m, extending to the north further into the applicant's land, within the Emerald Hills estate.

The amendments were not re-exhibited as they are consistent with the upgrade of the road, as no public submissions were received following the DA exhibition, and also as the amended road reserve width affects the applicant's land. Relevant agencies, including those issuing general terms of approval for integrated development, were notified of the amendments and given an opportunity to provide additional comments and requirements.

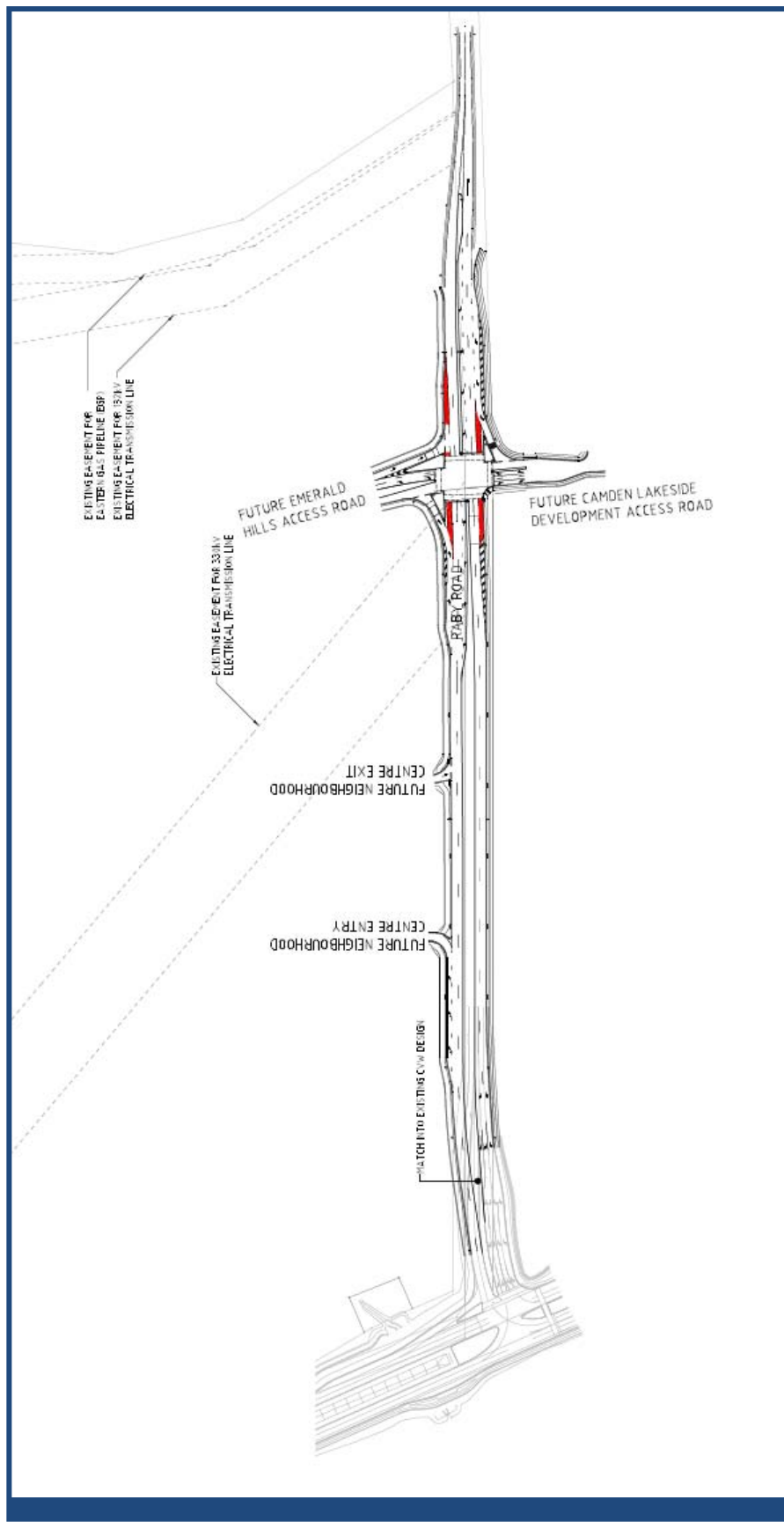
The capital investment value of the works is \$11,120,000 (excluding GST).



## PROPOSED PLANS



**Figure 4: Proposed four way signalised intersection**



**Figure 5: Plan of the proposed road upgrade**

## **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 relevance in the assessment of the DA on the subject property:

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

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

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No 55 – Remediation of Land;
- Sydney Regional Environmental Planning Policy No 20 – Hawkesbury-Nepean River (deemed SEPP); and
- Camden Local Environmental Plan 2010.

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

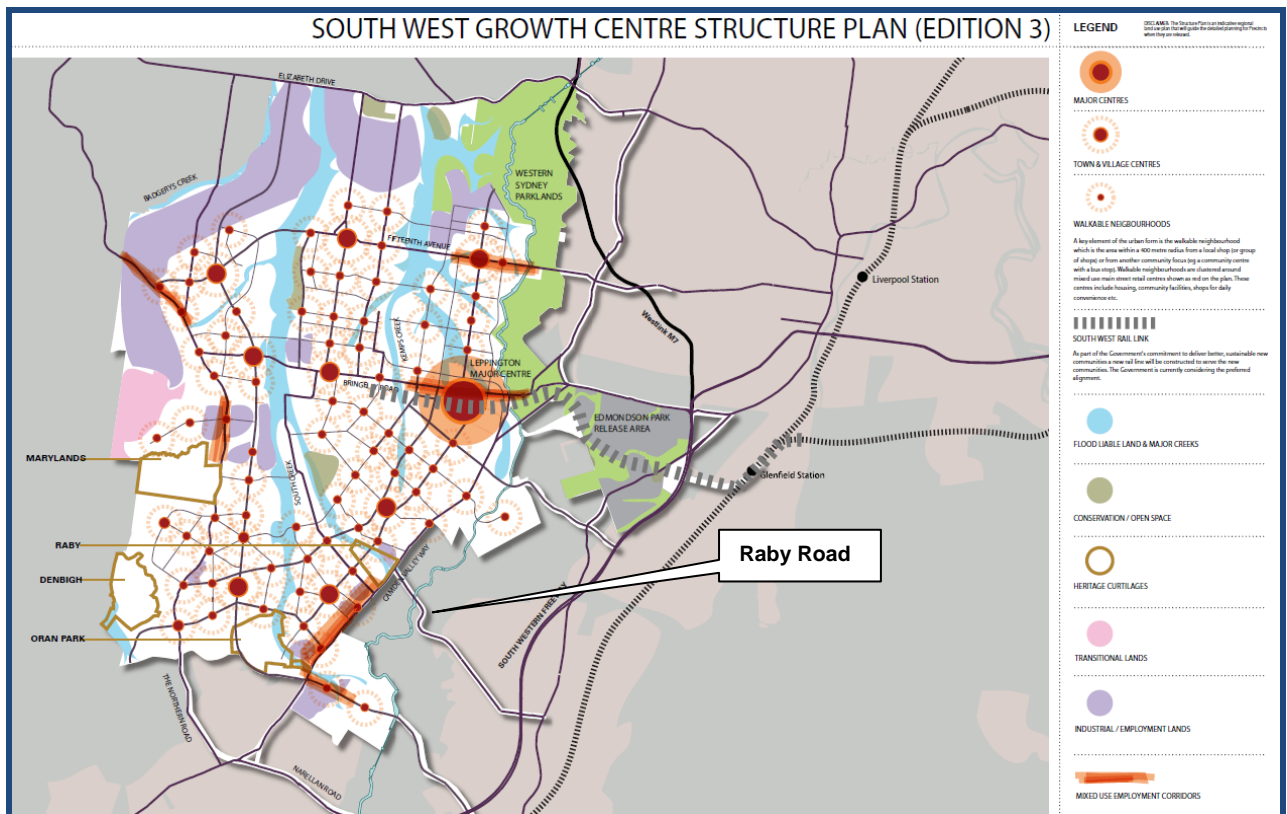
#### **State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)**

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development, with a CIV of over \$11million, is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* in respect to Council related development (the DA works includes the road reserve of Raby Road, which is land under Council's control and management) ). The CIV of \$11,120,000 exceeds the threshold of \$5 million and for Council to determine the DA. The DA is therefore referred to the Panel for its determination.

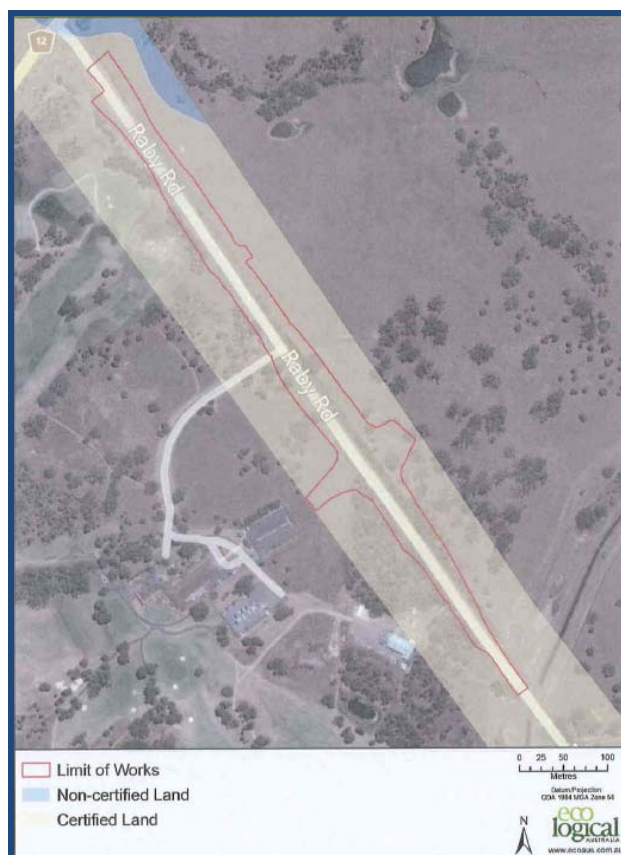
#### **State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The Raby Road corridor, comprising the full extent of the road from Camden Valley Way through to Campbelltown Road, is included within the boundaries of the South West Growth Centre. Land however within the future Emerald Hills and Camden Lakeside estates, either side of the road corridor, is not within the South West Growth Centre, but is subject to Camden LEP 2010.

The inclusion of the road corridor within the South West Growth Centre also relates to the biodiversity certification order made by the then Environment Minister on 11 December 2007, in relation to most land within the Growth Centre. This biodiversity certification removed the need for any further threatened species assessment, under NSW legislation, before development of lands certified under the order, including the Raby Road corridor (It is noted that the applicant is currently pursuing separate assessment and approval processes for a controlled action under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, in relation to the development of the Emerald Hills estate including road works, which does not prevent determination of this DA).



**Figure 6: Raby Road in relation to South West Growth Centre**



**Figure 7: Biodiversity Certified land along Raby Road corridor**



## State Environmental Planning Policy (Infrastructure) 2007

The road works are partly located within electricity transmission line easements related to both TransGrid and Endeavour Energy and also affect easements related to the eastern gas pipeline, managed by Jemena Gas.

### *Clause 45 – works within or beneath electricity transmission lines and easements*

Under clause 45 of the SEPP, written notice is to be given to the relevant electricity supply authority inviting comments on potential safety risks, with any response to be taken in to consideration before determining the DA. Written notice of the DA, including the amendments to the road width, was given to Endeavour Energy and TransGrid.

No response was received from Endeavour Energy. An existing Endeavour Energy power line is located along Raby Road, which is proposed to be ‘undergrounded’ in accordance with Endeavour Energy’s requirements. This can be dealt with as part of the recommended conditions of consent.

TransGrid raised concerns about the proximity of the road widening to an existing tower or stanchion and required that works be minimum 20 meters away from the tower, as specified in their guidelines.

The applicant has advised that the relevant TransGrid tower (T/L37 – 127) is greater than 45m from the proposed new kerb line for Raby Road and 30m from any proposed adjustments to earthworks levels. The applicant has consulted with TransGrid to ensure proposed works are within TransGrid guidelines, and identify measures to mitigate the impacts of the proposal. The applicant proposes to adopt measures to ensure that easement access is not to be restricted; that the height of vegetation is restricted to reduce arcing and bushfire risk; and that there is a suitable clearance for street lights and traffic signals and finished surface levels to the transmission line (predicted sag levels).

In respect to clearance for street lighting, this will require minor adjustments to the DA plans in relation to the location of the shared pathway along the northern side of the road, with lighting marginally further away from the site boundary (approximately 0.25m). This is dealt with in the recommended conditions.

Council is satisfied that the road works can be undertaken in accordance with the relevant TransGrid Guidelines to avoid any safety risks. Accordingly the recommended conditions of consent will require compliance with TransGrid Guidelines for Third Party Development.

### *Clause 55 – Development adjacent to gas pipeline corridor*

The site area is affected by the eastern gas pipeline, a nominated gas pipeline corridor under Clause 55 of the SEPP. The gas pipeline, which includes cathodic protection, is situated within an easement that crosses the location of the proposed four way intersection. This will need to be relocated and the road works will include milling and re-sheeting over the gas easement and matching of existing levels.

Under the provisions of Clause 55 the potential safety risks, or risks to the integrity of the pipeline, are to be taken into consideration. The DA was referred to Jemena Gas

who own and operate the eastern gas pipeline. Jemena have not raised any issues with the proposal.

The applicant undertook a review of safety risks, including a safety management study, in accordance with AS 2885:1 (2012) – Pipelines: Gas & liquid Petroleum. A risk management workshop which included the applicant and their consultants, Jemena and other relevant gas providers, as well as representatives of the NSW Resources and Energy, reviewed safety risks on the pipeline due to the proposed development and impacts on the cathodic protection for the pipeline.

Measures to be undertaken to address safety risks, in particular in relation to the cathodic protection, will include establishment of temporary connections prior to construction; extinguishment and removal of cable within the existing easement; placement of new conduit and cable within the road new verge east of the existing array; and establishment of a new easement for the relocated conduit and cable.

Council is satisfied that the potential safety risks have been adequately considered and that the proposal will not result on any safety risks or risk to the integrity of the pipeline.

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

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

A contamination assessment was undertaken for the DA, comprising a review of previous environmental investigations and contamination reports as well as a site walkover. There were no contamination issues previously identified related to the development area and no signs of unacceptable broad scale contamination impacts were found. The contamination assessment has been reviewed by Council's environmental officers and the site is considered to be suitable for its proposed use.

A standard contingency condition is recommended which requires that if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

#### Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (deemed SEPP)

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

Suitable sediment and erosion controls measures will avoid adverse impacts on the natural watercourses and ultimately the river system. Four sediment control basins are to be provided and maintained during construction works. Stockpiled fill and soil is to be located away from natural watercourses with sediment fences provided on the downstream side of stockpiles and embankments, which are to be stabilized by hydro-seeding or hydro-mulching.

Therefore, there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development.

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

### *Permissibility*

The site of the proposed road works is zoned SP2 Infrastructure, as well as works being within zones B2 – Local Centre, and R2 – Low Density Residential to the north of Raby Road (within Emerald Hills) and within zones RE2 Private Recreation, R1 General Residential, and E2 Environmental Conservation to the south of the road (within Camden Lakeside).

The construction of the road, along with associated works and subdivision, are permissible with consent in these zonings of the land.

### *Zone Objectives*

The objectives of the primary SP2 zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

### Officer comment:

The road works will be consistent with the zones objectives, in providing the relevant specified infrastructure for the upgrade of the existing road to a classified road. This road upgrade will facilitate the development and associated traffic demands arising from the adjacent urban release areas.

There are multiple zone objectives applicable to the remaining five zones and the land where road works will also occur, as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for educational, recreational, community and religious activities that supports the wellbeing of the community.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.*

- *To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone.*
- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect and enhance the ecology, hydrology and scenic views of waterways, riparian land, groundwater resources and dependent ecosystems.*

Officer comment:

The upgrade of the road will facilitate the development permissible in the adjacent zones, consistent with the zone objectives.

In regard to zone objectives that are more specifically relevant, it is noted that the design of the road upgrade has taken into consideration the need to maximise public transport patronage and encourage walking and cycling, with the provision of appropriate bus lanes, cycle lanes and shared pedestrian paths. There will be no impacts on areas of high ecological, scientific, cultural or aesthetic values; and appropriate measures can be installed to prevent any impacts on waterways, riparian land and ground water resources, including sediment and erosion controls and storm water/water quality management measures.

*Relevant clauses of Camden LEP 2010*

The DA has been assessed against the following relevant clauses of the LEP.

| Clause                                 | Requirement                                     | Provided   | Compliance |
|--|---|--|------------|
| 2.6 Subdivision – consent requirements | Land may be subdivided with development consent | The DA proposes a minor boundary adjustment and widening of a public road which have been assessed under the provisions of Section 76 of the EP&A Act, and provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, including subdivision 38, and are deemed to be exempt development. | Yes        |
| 4.1                                    | The size of any                                 | The proposed lots within   | Yes        |



| Clause                                  | Requirement  | Provided  | Compliance |
|---|--|---|------------|
| Minimum subdivision lot sizes           | lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land   | Emerald Hills estate arising from the boundary adjustment and widening of public road will exceed the prescribed minimum lot sizes.   |            |
| 5.1 Relevant acquisition authority      | Roads & Maritime Services (RMS) is listed as the relevant authority, in respect to owner initiated acquisition provisions of relevant legislation.                 | The RMS has been consulted regarding the proposed road upgrade. The additional road widening will be dedicated as public road.  | Yes        |
| 5.9 Preservation of trees or vegetation | The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.        | Biodiversity certification (under the Growth Centres SEPP) applies to the removal of existing vegetation and its removal is supported by Council staff.   | N/A        |
| 5.10 Heritage Conservation              | Development consent is required for works affecting a heritage item, an Aboriginal object, or building, work or relic or tree within a heritage conservation area. | <p>No items of European heritage will be affected by the proposed development. The proposed works will not impact the Upper Canal (listed on state heritage register) as the road widening stops short of the canal.</p> <p>The widening may affect land within the Emerald Hills estate, where aboriginal artifacts have been identified via an Aboriginal Heritage Assessment. This matter is the subject of general terms of approval that have been issued by Office of</p> | Yes        |

| Clause   | Requirement   | Provided   | Compliance |
|--|---|--|------------|
|  |   | Environment & Heritage, pursuant to the integrated development provision of the EP& A Act, for issue of a an Aboriginal Heritage Impact Permit under the <i>National Parks &amp; Wildlife Act</i> .  |            |
| 6.1<br>Arrangements for designated State public infrastructure | The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.         | The applicant has agreed to enter into a Voluntary Planning Agreement (VPA) with the Department of Planning and Environment which satisfies the requirements of State public infrastructure.   | Yes        |
| 7.4<br>Earthworks  | The objectives of this clause are to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and requires consideration of matters relating to effects on drainage patterns, fill quality and amenity of | The road upgrade has been designed so as to generally maintain existing road levels and minimise earthworks. It is anticipated that 4,000m <sup>3</sup> of engineered fill will be required.<br><br>Suitable sediment and erosion controls measures will avoid adverse impacts which may arise from the proposed earthworks. Four sediment control basins are to be provided and maintained during construction works. Stockpiled fill and soil is to be located away from natural watercourses with sediment fences provided on the downstream side of stockpiles and embankments, which are to | Yes        |

| Clause               | Requirement   | Provided   | Compliance |
|----------------------|---|--|------------|
|                      | adjoining properties.   | be stabilized by hydro-seeding or hydro-mulching.  |            |
| 7.8<br>Road widening | This clause applies to land fronting Camden Valley Way in the vicinity of Raby Road, and requires notification of the RMS before granting consent to carry out development on the land. | The RMS was notified of the proposed development and they have provided concurrence under the <i>Roads Act</i> in respect to the proposed works. | Yes        |

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

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

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

Camden Development Control Plan 2011 (DCP)

An assessment of the proposed development's compliance with the controls in the DCP is provided in the Table in Appendix 1 to this report. The DA is consistent with the relevant provisions and standards of the DCP and no variations of the DCP provisions and standards have been identified.

***(a)(iiia) 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***

Emerald Hills Planning Agreement between Camden Council and Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate) was made on 1 August 2014, pursuant to the provisions of section 93F of the *Environmental Planning & Assessment Act, 1979*.

This planning agreement is not relevant to this DA. The upgrade of Raby Road is not related to the provisions of this planning agreement. As noted in the background section of this report, the upgrade works are the subject of a draft planning agreement between the applicant and the Minister for Planning, in relation satisfactory arrangements under the provisions of Clause 6.1 of Camden LEP 2010 for urban release areas.

The applicant has also entered into a VPA with Department of Planning and Environment (DPE) to ensure the provision of required State public infrastructure for this development. The terms of the VPA are a separate matter for enforcement by DPE.

**(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***

Road design and sub-regional context

The upgrade of Raby Road will provide an important link between future residential, retail, employment and transport hubs in the South West Growth Centre, and the adjacent Campbelltown local government area, and the Hume Highway. Raby Road has been included within the boundaries of the South West Growth Centre, and also been designated by TfNSW as a “Transit Boulevard” in the South West Growth Centre Structure Plan and in the South West Sector Bus Servicing Plan.

During consideration of the planning proposal for the rezoning and urban release of the Emerald Hills estate, TfNSW requested consideration of the provision of a 43m road to a Transit Boulevard standard which could provide for six lanes, including four travel lanes and two bus lanes. This was despite TfNSW and RMS agreement to the applicant’s offer to upgrade the road based upon works for a 29.4m road width.

Council’s traffic engineers were satisfied that a 29.5m road reserve would be suitable. Council therefore resolved to proceed with the rezoning, having regard to the above agreement and 29.5m width for collector roads, but required as part of future DCP provisions that the design and construction of Raby Road be subject to further detailed design at the DA stage. It was also recognized the width of the road needed to be considered in context of consistency with other relevant road corridors, such as the proposed Rickard Road Transit Boulevard road corridor, where a 34.5m road reserve width has been adopted.

While the DA plans, as originally submitted, provided for a road reserve width of 29.4m, subsequent negotiation between the applicant and TfNSW and RMS, arising from assessment of the DA, has resulted in agreement to a road width of 34.5m.

While TfNSW had sought consideration of a 43 wide road reserve, the applicant outlined topographical and existing road configuration constraints which mean a 43m road width would be very difficult to achieve, particularly within Campbelltown LGA. TfNSW agreed to the applicant’s offer to widen the road by 5.1m from 29.4m (4 lanes) to approximately 34.5m (6 lanes). It was also agreed that bus priority would be included on the intersection approach and departure lanes.

TfNSW have agreed that a minimum 34.5m wide road reserve will be adequately cater for future regional/sub-regional needs, and will be consistent with the width of the Rickard Road Transit Boulevard. The additional road width will also provide for public transport and bicycles, with bus priority lanes at the intersection, wider kerbside lanes to allow for on road cyclists, and a shared pedestrian and bicycle path on the northern side of the road.



The amended road design arising from the DA assessment will therefore satisfactorily provide for future needs consistent the planned regional/sub-regional context for Raby Road, including consideration of bus servicing and bicycles.

### Traffic and Access

Traffic impact assessments undertaken by the applicant for the Emerald Hills estate rezoning indicated that while the estate may not alone increase traffic numbers significantly on Raby Road, duplication of the road would be required and would ensure an acceptable level for service for the intersection of Raby Road and Camden Valley Way by 2026. The upgrade of Raby Road will therefore compliment the recent upgrade of Camden Valley Way by the RMS and compliment urban growth within the South West Growth Centre.

The upgrade of the road including the provision of the proposed four-way signalised intersection will provide for safe direct access to a key access point to the estate off Raby Road, as well as provide for improved access to the Camden Lake side development to the south. It will also facilitate safe pedestrian access and cycle movements along and across Raby Road, as well as providing bus access into the estates and along Raby Road.

### Heritage Impacts

#### *European Heritage*

The proposed road upgrade extends up to the Sydney Catchment Authority's Upper Canal. The Upper Canal transfers water from the Upper Nepean Dams as part of Sydney's drinking water supply system and is listed on the State Heritage Register. Milling and re-sheeting of the road surface are proposed which will extend within the Upper Canal corridor but end approximately 10m from the open water Canal itself. The proposed works therefore will not directly impact the heritage listed Canal.

The SCA has reviewed the DA and raised no objections but provided their requirements to ensure that care is exercised during the works to ensure that there is no disturbance or damage to the infrastructure. These requirements are referenced by the recommended conditions of consent.

#### *Aboriginal Heritage*

The proposed works have potential to impact Aboriginal heritage, as the road widening extends into the Emerald Hills estate where archaeological artefacts have been found as a result of a preliminary Aboriginal heritage assessment undertaken with the planning proposal for the estate.

The DA has accordingly been dealt with as integrated development (under section 91 of the *Environmental Planning & Assessment Act*) for the issue of an Aboriginal Heritage Impact Permit by the Office of Environment & Heritage (OEH) under section 90 of the *National Parks & Wildlife Act*.

General Terms of Approval (GTA) have been issued by OEH which require that the applicant ascertain if Aboriginal objects or artefacts are present within the subject area prior to commencement of development. If objects will be harmed, an Aboriginal Heritage Impact Permit must be granted prior to commencement of works. This will require the submission to OEH of appropriate documentation and also

require consultation with the Aboriginal community in accordance with OEH guidelines.

The OEH GTA will therefore ensure that the Aboriginal heritage impacts are avoided.

### Water Management and Drainage

Management of storm water flows has been addressed by the engineering report and details submitted with the DA. Raby Road cross drainage will be upgraded to protect the road from flooding (up to 100 year ARI) with the enlargement of existing pipe culverts. Storm water flows are to be directed to existing overland flow paths. It is indicated that peak flows into storm water culverts at Camden Valley Way, will not be increased with the proposed road upgrade, and therefore no on site detention is proposed.

A stormwater management plan will be required to be provided in accordance with Council's engineering specifications prior to the issues of a construction certificate to ensure that the final stormwater flow rates are no greater than the current maximum flow rates. This will also need to address water quality issues. Future urban development of the estates will include appropriate water management and detention measures, to be assessed as part of separate and future application for the subdivision and development of the estates.

### Acoustic Impacts

The applicant has provided an acoustic assessment of the impacts of potential increases in traffic noise arising from the road upgrade. This has been reviewed against Council's Environmental Noise Policy and is considered to be satisfactory.

The report shows that with the change in alignment and increased traffic flows future residential development to the south of Raby Road will be exposed to higher levels of road traffic noise when compared with the findings of previous 2008 noise modelling related to approvals for the development of that land. This includes the proposed attenuation measures for the future subdivision of the land, such as a 2.5m acoustic barrier.

Low impact noise paving is to be used in the upgraded road construction. Any increases in road noise will be limited to between 0.8dB(A) and 1.9dB(A), where noise increases of up to 2dB(A) represent a minor impact that is barely perceptible to the average person (NSW EPA's Road Noise Policy). Any additional road noise therefore will not change any previous findings and recommendations relating to future residential development in the Camden Lakeside estate.

Appropriate acoustic mitigation measures to address road noise impacts for dwellings within the Emerald Hills are dealt with as part of the separate DA439/2014 for Stage 1 of the estate. The first row of dwellings, on an internal perimeter road, facing towards Raby Road are to act as a barrier to provide noise mitigation to development behind them. These dwellings are proposed to be designed as 'quiet houses' where less sensitive rooms (such as bathrooms and kitchens) face the street and sensitive areas (such as bedrooms and living rooms) are shielded from road noise. Other mitigation measures will also be used such as glazing treatment, sealing of gaps, and mechanical ventilation.

## Conclusion

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

### **(c) *The suitability of the site***

As demonstrated by the above assessment, the site, as encompassed within the existing road and proposed wider road reserve, is considered to be suitable for the proposed development and upgrade works.

### **(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 advertised development provisions of the Act and Regulations, in respect to nominated integrated development. The exhibition period was from 5 June 2014 to 4 July 2014. No public submissions were received.

Submissions received from relevant agencies are discussed in the External Referral section of this report.

### **(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. The public interest is also served by upgrading the road to satisfy the needs arising from the development and the urban release of land adjoining the road.

Based on the above assessment, the proposed development is consistent with the public interest.

## **EXTERNAL REFERRALS**

### *Office of Environment and Heritage (OEH)*

The DA was referred to OEH under the integrated development provision of the Act as the proposed works have the potential to impact on Aboriginal relics or artefacts, protected under the *National Parks & Wildlife Act*. OEH has provided general terms of approval regarding potential Aboriginal cultural heritage impacts, and issues of an Aboriginal heritage impact permit under section 90 the *National Parks & Wildlife Act*.

### *NSW Office of Water (NOW)*

The DA was referred to the NOW under the integrated development provisions of the Act, as the proposed works are within the vicinity of a mapped water course (Riley's Creek). NOW has provided general terms of approval (GTA) for a controlled activity, under section 91 of the *Water Management Act*, which include standard requirements related to matters including rehabilitation and maintenance, drainage and stormwater, erosion control and excavation impacts in relation to waterfront land.

### *Transport for NSW*

Transport for NSW were advised of the DA due to the regional and sub regional implications of the road upgrade, as part of planning for the South West Growth Centre, and also due to concerns that they had raised during the rezoning process about the future design of the road.

Council had resolved to proceed with the rezoning, but require as part of DCP provisions that the design and construction of Raby Road be subject to further detailed design at the DA stage. Broader strategic road network requirements were to be dealt with by a working group between Council, TfNSW and relevant agencies.

TfNSW initially requested postponement of the DA pending the organisation of the working group to address issues surrounding the future function and classification of the road, and expressed their preference for a 43m wide road reserve, up to 8 traffic lanes.

Meetings were held on 1 July and 14 July 2014 between the applicant and representatives of TfNSW and RMS, to seek a resolution of these matters. Agreement was reached regarding road reserve width of approximately 34.5m.

The applicant provided amended plans to reflect the changes and on 28 August 2014, TfNSW confirmed on behalf of both TfNSW and RMS, and confirmed that a 34.5m wide road reserve would adequately cater to the needs for all modes of transport.

### *Roads & Maritime Services*

RMS advised on 20 July 2014 that they would not provide concurrence to the DA under section 138 of the Roads Act, pending resolution of the matters raised by TfNSW in respect to postponement of the DA. Following the subsequent agreement reached between the applicant and TfNSW based upon a 34.5m wider road reserve, as discussed above, RMS advised on 4 September 2014 that it would provide its concurrence subject to conditions.

These conditions are generally related to engineering design and traffic requirements for the road and signalised intersection. They were amended by the RMS on 1 October 2014 following the applicant confirming provision of 4.3m wide kerbside lanes along both directions of the road to cater for on-road cyclists. The RMS conditions are to be imposed as part of the recommended conditions of consent.

### *Sydney Catchment Authority*

The SCA have no objections to the proposal and have provided their requirements for any works with the Upper Canal corridor. SCA notes that the proposal will involve resurfacing of the road area within the canal corridor boundary for about 30m and up to approximately 10m from the canal.

### *Sydney Water*

Sydney Water has no objections to the proposal and has provided their requirements for a standard consent conditions for submission of approved plans to a Sydney Water quick check agent.



### *TransGrid*

The DA was referred to TransGrid in relation to the provisions of State Environmental Planning Policy (Infrastructure) 2007 and existing transmission lines and easements. TransGrid raised concerns about the proximity of the road widening to an existing tower or stanchion. The applicant has subsequently confirmed that the distance between the road and proposed works will comply with relevant TransGrid requirements. The recommended conditions of consent will require compliance with TransGrid Guidelines for Third Party Development.

### *Endeavour Energy*

The DA was also referred to Endeavour Energy in relation to the provisions of State Environmental Planning Policy (Infrastructure) 2007 as an existing Endeavour Energy power line is located along Raby Road, which is proposed to be 'undergrounded' in accordance with Endeavour Energy's requirements.

No response was received from Endeavour Energy, however a condition is recommended requiring concurrence from Endeavour Energy prior to the issue of a Construction Certificate.

### *Jemena Gas*

The DA was referred to Jemena Gas as the site area is affected by the eastern gas pipeline, who own and operate the eastern gas pipeline. Jemena have not raised any issues with the proposed development.

## **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 308/2014 is recommended for approval subject to the conditions contained in this report.

Draft consent conditions were forwarded to the applicant for review. The applicant has agreed to the draft conditions, with minor amendments agreed to clarify plan amendments and administrative requirements.

## **CONDITIONS**

### **1.0 - General Conditions of Consent**

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

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

| <b>Plan No.</b>  | <b>Description</b>   | <b>Prepared by</b> | <b>Dated</b>  |
|------------------|--|--------------------|---------------|
| DA01<br>Rev 5    | Notes & Legend<br>Sheet  | Cardno             | 7 August 2014 |
| DA- 010<br>Rev 6 | General<br>Arrangement and<br>Land Ownership<br>Plan                   | Cardno             | 7 August 2014 |
| DA-020<br>Rev 5  | Erosion & Sediment<br>Control Plan Sheet 1                             | Cardno             | 7 August 2014 |
| DA-021<br>Rev 5  | Erosion & Sediment<br>Control Plan Sheet 2                             | Cardno             | 7 August 2014 |
| DA-022<br>Rev 5  | Erosion & sediment<br>Control Sheet 3                                  | Cardno             | 7 August 2014 |
| DA-030<br>Rev 5  | Roadworks &<br>Stormwater<br>Drainage Plan<br>Sheet 1                  | Cardno             | 7 August 2014 |
| DA-031<br>Rev 5  | Roadworks &<br>Stormwater<br>Drainage Plan                             | Cardno             | 7 August 2014 |
| DA-032<br>Rev 5  | Roadworks &<br>Stormwater<br>Drainage Plan                             | Cardno             | 7 August 2014 |
| DA-040<br>Rev 5  | Road Signage &<br>Linemarking<br>Sheet 1                               | Cardno             | 7 August 2014 |
| DA-041<br>Rev 5  | Road Signage &<br>Linemarking<br>Sheet 2                               | Cardno             | 7 August 2014 |
| DA-042<br>Rev 1  | Road Signage &<br>Linemarking<br>Sheet 3                               | Cardno             | 7 August 2014 |
| DA-045<br>Rev 5  | Interim access<br>Configuration to<br>Camden Lake side<br>Country Club | Cardno             | 7 August 2014 |
| DA-050<br>Rev 5  | Road Longitudinal<br>Sections<br>Sheet 1                               | Cardno             | 7 August 2014 |
| DA-051<br>Rev 5  | Road Longitudinal<br>Sections<br>Sheet 2                               | Cardno             | 7 August 2014 |
| DA-060<br>Rev 5  | Typical Road Cross<br>sections   | Cardno             | 7 August 2014 |
| DA-061<br>Rev 4  | Intersection Sections  | Cardno             | 7 August 2014 |
| DA-062<br>Rev 6  | Road Cross<br>Sections<br>Sheet 1                                      | Cardno             | 7 August 2014 |
| DA-063<br>Rev 6  | Road Cross<br>Sections<br>Sheet 2                                      | Cardno             | 7 August 2014 |

|   |  |   |                     |
|---|--|---|---------------------|
| DA-064<br>Rev 6                                 | Road Cross<br>Sections<br>Sheet 3  | Cardno  | 7 August 2014       |
| DA-065<br>Rev 6                                 | Road Cross<br>Sections<br>Sheet 4  | Cardno  | 7 August 2014       |
| DA-070<br>Rev 5                                 | Turning Path Plan<br>Sheet 1   | Cardno  | 7 August 2014       |
| DA-071<br>Rev 5                                 | Turning Path Plan<br>Sheet 2   | Cardno  | 7 August 2014       |
| DA-072<br>Rev 5                                 | Turning Path Plan<br>Sheet 3   | Cardno  | 7 August 2014       |
| DA-073<br>Rev 5                                 | Turning Path Plan<br>Sheet 4   | Cardno  | 7 August 2014       |
| DA-080<br>Rev 5                                 | Stormwater<br>Drainage Catchment<br>Plan   | Cardno  | 7 August 2014       |
| DA-090<br>Rev 5                                 | Pavement Plan<br>Sheet 1   | Cardno  | 7 August 2014       |
| DA-091<br>Rev 5                                 | Pavement Plan<br>Sheet 2   | Cardno  | 7 August 2014       |
| DA-092<br>Rev1                                  | Pavement Plan<br>Sheet 3   | Cardno  | 7 August 2014       |
| NA50613004<br>Version 3                         | Engineering<br>Development<br>Report   | Cardno  | August 2014         |
| 610.12010<br>Raby Road Upgrade<br>20140120.docx | Emerald Hills Estate,<br>Raby Road Noise<br>Modelling – The<br>Hermitage, Noise<br>Impact Assessment<br>from Upgrade of<br>Raby Road | SLR<br>Consulting<br>Australia Pty<br>Limited | 20 February<br>2014 |

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

- (2) **Amendments To Approved Plans** - The amendments indicated and described below must be incorporated in to the plans listed in the above table and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

- (a) The widening of kerbside lanes to 4.3m along both directions of Raby Road to cater for on-road cyclists; and adjustments to accommodate on-road cyclists at the intersection design at Raby Road, future Camden Lakeside Road & future Emerald Hills Road, in accordance with the following plans (exclusive of the 'typical section Raby Road – interim layout' as shown on sheet SK-065):

| Plan No.        | Description                            | Prepared by | Date              |
|-----------------|--|-------------|-------------------|
| SK-065<br>Rev 2 | Raby Road Interim<br>Design<br>Sheet 1 | Cardno      | 17 September 2014 |

|                 |  |        |                   |
|-----------------|--|--------|-------------------|
| SK-066<br>Rev 2 | Raby Road Interim<br>Design<br>Sheet 2 | Cardno | 17 September 2014 |
| SK-067<br>Rev 2 | Raby Road Interim<br>Design<br>Sheet 3 | Cardno | 17 September 2014 |

(b) amendments required by Roads & Maritime Services, as specified in their letter to Camden Council, attached to this consent, dated 1 October 2014, ref SYD13/01278/05 'Upgrade Works to Raby Road and associated site works at 50A,B, C & E Raby Road and 1100 Camden Valley Way, Leppington – Amended Plans', including in particular the following amendments to the approved plans:

- (i) Drawing No. DFA-042 must be amended to provide a run-off area (shoulder) at the merge; and
- (ii) Drawing No. DA-050 should be amended to adequately detail the 'tie-ins' with the RMS Camden Valley Way upgrade works.

(c) the location of the shared pathway is to be amended to accommodate street lighting, with the shared pathway being setback approximately 0.75m from the northern boundary.

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

- (a) Camden Council's current Engineering Specifications, and
- (b) Camden Council's Development Control Plan 2011

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

(4) **General Terms of Approval** – The General Terms of Approval from state authorities shall be completed with prior to, during, and at the completion of the development. These General Terms of Approval are:

1. **NSW Office of Environment & Heritage**, dated 20 August 2014, in relation to the issue of an Aboriginal Impact Permit under the provisions of the *National Parks & Wildlife Act, 1974*.
2. **NSW Office of Water**, dated 4 July 2014, in relation to the issue of a controlled activity approval under the *Water Management Act 2000*.

(5) **Sydney Catchment Authority (SCA) requirements** – All requirements of the SCA as specified in their letter to Camden Council dated 1 July 2014 must be complied fully complied with at all times.

Note: The following specific SCA requirements relate to works within the Upper Canal corridor:

- (a) Works to mill and re-sheet Raby Road within the Upper Canal corridor shall extend no further than chainage 915 and end at least 10 metres back from the edge of the open water canal.
- (b) The proposed footpath and shareway proposed for either side of the upgraded part of Raby Road shall not be extended into the Upper Canal corridor.
- (6) **Roads & Maritime Services (RMS) conditions and requirements**– All conditions and requirements of the RMS as specified in their letter to Camden Council dated 1 October 2014, ref SYD13/01278/05 'Upgrade Works to Raby Road and associated site works at 50A,B, C & E Raby Road and 1100 Camden Valley Way, Leppington – Amended Plans'.
- (7) **TransGrid** – The development and construction of the road is to be undertaken in accordance with the requirements of TransGrid including where relevant, the requirements within the current TransGrid Guidelines for Easement Activities and Restrictions and the TransGrid Easement Guidelines for Third Party Development.
- (8) **Endeavour Energy** - Prior to the issue of a Construction Certificate, the applicant must submit an application to Endeavour Energy for asset relocation works for their approval.
- (9) **Services** - All service connections to existing works in Council's Road Reserve requires a Public Road Activity approval from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owner's permission (i.e. Camden Council).
- (10) **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*.
- (11) **Works/Regulatory Signposting** – All works/regulatory signposting associated with the proposed development are to be at no cost to Council of to the Roads & Maritime Services.
- (12) **Camden Lakeside** - Access arrangement into the existing driveway to Camden Lakeside Country off Raby Road must be maintained. This access must then be removed once future access via the proposed signalised intersection approved under this consent becomes operational.
- (13) **SCA Canal Land** – No physical works must occur within Lot 2, DP 1086624 or Lot 2, DP623825.
- (14) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (15) **Road reserve dedication** - The parcels of land the subject of the road widening, to be dedicated as public road, are to be subdivided in accordance with the exempt development provisions of the Act and Part 2 Division 1 Subdivision 28 Cl. 2.75(a) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

- (16) **Registration of Lots – DA 1030/2013** – The lots approved under DA 1030/2013 must be registered by Land and Property Information, prior to subdivision of the parcels of land subject to road widening, as referred to in condition 16.

## **2.0 – Prior To Issue of a Construction Certificate**

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

- (1) **Protection for existing roadside Trees and other Vegetation.**  
The protection of existing roadside trees and other vegetation, other than any existing trees and vegetation authorised for removal by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

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

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

- (2) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the 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) **Noise Mitigation** – The civil engineering plans to be submitted for approval to the Certifying Authority, shall comply with the conclusions and noise mitigation requirements specified in the acoustic report titled *Emerald Hills Estate, Raby Road Noise Modelling – The Hermitage, Noise Impact Assessment from Upgrade of Raby Road*, prepared by SLR Consulting, document reference 610.12010 Raby Road Upgrade 20140120.docx, dated 20 February 2014.
- (4) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be



prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:

- (a) all matters associated with Council's Erosion and Sediment Control Policy;
  - (b) all matters associated with Occupational Health and Safety;
  - (c) all matters associated with Traffic Management/Control; and
  - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (5) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.
- The survey must include descriptions of each photo and the date when each individual photo was taken.
- (6) **Performance Bond - Prior to the issue of the Construction Certificate**, a performance bond 10% of the value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **Public Risk Insurance Policy - Prior to the issue of the Construction Certificate**, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (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 1985 and to the requirements and approval of Council (and the Roads and Maritime Services). Plans and proposals must be approved by Council (and the Roads and Maritime Services) prior to the Construction Certificate being issued.
- (9) **Drainage Design** - A Stormwater Management Plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties, and shall comply with relevant provisions of Council's Engineering Specifications.

Note: Sydney Catchment Authority requires that stormwater systems shall be designed to ensure that no stormwater above current levels enters the Upper Canal corridor. Stormwater management measures shall accommodate and not impede up stream flows from any systems that convey stormwater across, along or under the Upper Canal.

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

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

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

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction.

Note: Sydney Catchment Authority requires that if any damage to the Upper Canal is caused at any stage during the development process, the applicant shall repair, or pay all reasonable costs associated with repairing the damaged water supply infrastructure.

- (11) **Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site.
- (12) **Easements and infrastructure** – Prior to the issue of a Construction Certificate, the applicant must submit details to the Certifying Authority outlining acceptance of the proposed works by Jemena Eastern Gas, TransGrid, and Endeavour Energy.
- (13) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.

### 3.0 - Prior To Commencement of Works

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (2) **Soil Erosion And Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project

when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

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

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

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

Note: Sydney Catchment Authority requires that effective erosion and sediment controls shall be installed to prevent sediment entering the Upper Canal corridor and open water canal. The controls shall be regularly maintained and retained until the works in the vicinity of the Upper Canal are completed.

- (3) **Pollution Warning Sign** – A sign must be erected at all entrances to the site prior to work commencing. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:-

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

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

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

#### **4.0 - During Works**

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

- (1) **Approval for Roadside Tree and Vegetation Removal**  
Consent is granted for the roadside removal of trees and other vegetation as indicated on the application plans.

Note: This applies to roadside vegetation as located within land subject to the order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as made on 11 December 2007.

- (2) **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).
- (3) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance to owners and occupiers of adjacent properties by the generation of unreasonable noise dust or other activity.
- (4) **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 6000m<sup>3</sup> - 3 sampling locations,
- (f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> 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 <sup>3</sup> ) |
|-----------------------------------|--------------------------|----------------------------------|
| Virgin Excavated Natural Material | 1<br>(see Note 1)        | 1000<br>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.

- (5) **Dust Control** - Potential dust sources on-site must be minimised through the maintenance of vegetation cover, where possible, and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (6) **Unexpected Finds Contingency (General)** - Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earthworks/site preparation/ construction, then such works must cease immediately until a qualified Environmental Consultant has been contacted and has conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required, the Applicant will be required to comply fully with Council's Policy - Management of Contaminated Lands with regard to obtaining consent for the remediation works.

## 5.0 - Prior To Completion of Works and the Dedication of the Road

The following conditions of consent shall be complied with prior to the completion of works and dedication of the road as a public road to the road authority.

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

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

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

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

- (2) **Fill Plan** - A Fill Plan shall be submitted to the Principle Certifying Authority (PCA). The plan must:

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

It is to be submitted electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and submitted both on compact disk and an A1 paper plan.

- (3) **Value Of Works** - 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.
- (4) **Works as Executed Plan** - 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.
- (5) **Incomplete Works** - The applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (6) **Street Lighting** - Street lighting must be provided in accordance with the relevant Australian standards, and any RMS, TransGrid and Endeavour Energy requirements and to the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.

### **Advisory conditions**



- (1) **Services** - 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.

- (2) **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; and
- (b) acknowledges all relevant existing easements and restrictions on the use of the land.

### **RECOMMENDED**

**That the Panel approves DA 308/2014 for the construction of a 915m upgrade of part of Raby Road, provision of a new signalised intersection, relocation of services and associated site works subject to the conditions listed above.**

## **APPENDIX 1 – Camden Development Control Plan 2011**

The following is an assessment of the proposed development's compliance with the controls in Camden DCP 2011.

| <b>Control</b>   | <b>Requirement</b>  | <b>Provided</b>   | <b>Compliance</b> |
|--|---|---|-------------------|
| B1.1<br>Erosion and Sedimentation                              | Erosion, sediment and dust control measures   | Appropriate erosion and sedimentation controls measures have been proposed  | Yes               |
| B1.2<br>Earthworks   | Minimise cut and fill   | The proposed cut and fill is minimised and will be appropriate for the proposed development.  | Yes               |
|  | Use only clean fill   | A standard condition is recommended to ensure that only clean fill is used  | Yes               |
| B1.3<br>Salinity Management                                    | Salinity resistant construction   | The proposed development will be constructed to be salinity resistant   | Yes               |
| B1.4<br>Water Management                                       | Ensure compliance with Council's engineering specifications for controls relating to detention, drainage and water sensitive design | A final water/storm water management plan will be required prior to issue of a CC, which will need to comply with Council's engineering specifications.                                 | Yes               |
| B1.5<br>Trees and Vegetation                                   | Approval requires for the removal of trees and vegetation   | Trees and vegetation will be removed subject to the bio certification order for the south west growth centre.   | Yes               |
| B1.6<br>Environmentally Sensitive Land                         | A DA related to mapped environmentally sensitive land must be accompanied by information which addresses impacts of the development | Sensitive land mapping fro the DA site relates vegetation and Cumberland Wood land areas, which can be removed subject to the bio certification order for the south west growth centre. | Yes               |
| B1.7<br>Riparian Corridors Category 1 - Environmental Corridor | Provide and emulate a stable, naturally functioning watercourse   | The DA was referred to the Office of Water who have issued general terms of approval in relation to the pacts on the watercourses and   | Yes               |

| Control   | Requirement  | Provided  | Compliance |
|---|--|---|------------|
|   | Provide a riparian protection area   | riparian land potentially affected by the development.  |            |
| B1.8<br>Environmental and Declared Noxious Weeds        | All applications for development , subdivision and bulk earthworks are to consider the need to minimize weed dispersion and weed infestation management during stages of development | The recommend conditions requires that noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.  | Yes        |
| B1.9.9<br>Waste Minimization and Management Plan        | Waste management plan  | A waste management plan has been provided   | Yes        |
| B1.12<br>Contaminated and Potentially Contaminated Land | Contamination assessment and remediation (if required)   | A contamination assessment has been provided. While no remediation works are required, an unexpected finds contingency forms part of the recommended conditions of consent. | Yes        |
| B1.14<br>Development adjoining SCA Upper Canal          | Development proposals bordering the canal are to be prepared in liaison with the SCA   | The SCA has been consulted about the proposal and the SCA requirements form part of the recommended conditions of consent   | Yes        |
| B1.16<br>Acoustic Amenity                               | Compliance with Council's Environmental Noise Policy   | The development will comply with Council's Environmental Noise Policy   | Yes        |
| B2<br>Landscape Design                                  | A landscape plan is requires   | An appropriate landscape details have been provided with the DA plans   | Yes        |
| B3.2<br>Aboriginal Culture & Heritage                   | An Aboriginal Heritage Impact Permit is required from OEH for any activity likely to have an impact on Aboriginal objects.   | General terms of approval have been issued by OEH in relation to an integrated development approval for this DA, and any potential impacts in Aboriginal objects.           | Yes        |
| C11.2<br>Street, Pedestrian                             | The street network is to be  | The Camden Lakeside access point where the  | Yes        |

| Control  | Requirement  | Provided  | Compliance |
|--|--|---|------------|
| & Cycle Network<br>Camden Lakeside                             | constructed in accordance with Figures C61, C62 and C63  | proposed new intersection in Raby Road is to be provided has been approved under DA967/2010, varying the street network accordingly.  |            |
| C13.3<br>Street, Pedestrian and Cycle network<br>Emerald Hills | The street network is to be constructed in accordance with Figures C84, C85 and C86-C91. The design and construction of Raby Road are subject to further detailed design in conjunction with TfNSW & RMS | <p>The Emerald Hill estate access point off Raby Road to the collector road through the estate corresponds to the location of the proposed new intersection on Raby Road.</p> <p>The amended design of the upgrade of the Raby Road being assessed in this report has resulted from further detailed design in conjunction with TfNSW &amp; RMS and the agreement of those agencies to the amended design and min. 34.5m wide road reserve.</p> | Yes        |