

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW079
DA Number	440/2014
Local Government Area	Camden
Proposed Development	Subdivision to create 6 community title lots, stratum subdivision, 1 residue lot, construction of roads and associated site works
Street Address	351, 355, B and D Oran Park Drive, Oran Park and 400 The Northern Road, Oran Park
Applicant/Owner	Greenfields Development Company No.2 Pty Limited / Leppington Pastoral Company
Number of Submissions	0
Regional Development Criteria (Schedule 4A of the Act)	CIV > \$5M - Council interest
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 No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>• Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River</li> <li>• Oran Park Development Control Plan 2007</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Assessment report and conditions</li> <li>• Statement of environment effects</li> <li>• Subdivision plans</li> <li>• Engineering plans</li> <li>• Landscaping plans</li> </ul>
Recommendation	Approve with conditions
Report by	Kate Drinan, Executive Planner

## **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 a subdivision to create 6 community title lots, stratum subdivision, 1 residue lot, construction of roads and associated site works at 351, 355, B and D Oran Park Drive and 400 The Northern Road, Oran Park.

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 \$5.72 million which exceeds the CIV threshold of \$5 million, where Council is a party to any agreement or arrangement relating to the development, for Council to determine the DA. Council has entered into an agreement with the applicant for proposed lot 5 to be dedicated to Council.

## **SUMMARY OF RECOMMENDATION**

That the Panel determine DA 440/2014 for a subdivision to create 6 community title lots, stratum subdivision, 1 residue lot, construction of roads 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.

## **EXECUTIVE SUMMARY**

Council is in receipt of a DA for a subdivision to create 6 community title lots, stratum subdivision, 1 residue lot, construction of roads and associated site works for the Oran Park Town Centre at 351, 355, B and D Oran Park Drive and 400 The Northern Road, Oran Park.

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 14 days in accordance with Camden Development Control Plan 2011. No submissions were received.

The proposed development is generally consistent with the relevant Environmental Planning Instruments, Development Control Plans and policies. Minor variations are described in the report and are acceptable.

The proposed development includes the creation of a stratum subdivision above the southern section of proposed road TC01. Such a connection is not envisaged by the DCP and insufficient information has been provided to understand its impacts. It is more appropriate to consider the stratum subdivision in the context of a future DA, which clarifies its exact location, the built form and the purpose of the connection so as to establish its likely impact. This issue has been discussed with the applicant however it could not be resolved. A condition is therefore recommended requiring the deletion of the above ground stratum subdivision from the development.

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 comprises 5 properties commonly known as 351, 355, B and D Oran Park Drive and 400 The Northern Road, Oran Park and is legally described as lot 9012, DP 1175454, lot 9027, DP 1189904, lot 9015, DP 1178579, lot 991, DP 1149179 and part lot 5333, DP 1174055.

The site has a frontage of approximately 829m to Peter Brock Drive, a depth of approximately 520m and an overall site area of approximately 40.3ha. The site is largely vacant save for the existing Oran Park sales office and stage 1 of the Oran Park Podium commercial development, which are located near the intersection of Oran Park and Peter Brock Drives. The site encompasses the planned Oran Park Town Centre which when developed will provide a range of retail, commercial,

residential, civic and open space land uses. The site also incorporates a small triangular portion of land at the intersection of Oran Park and Dan Cleary Drives. A small area of the northern part of the site is mapped as bush fire prone land. The overall site forms the centre of the Oran Park Precinct of the South West Growth Centre.

The surrounding area is characterised by undeveloped residential land to the north and the future Catherine Fields precinct to the east. Recently developed residential subdivisions, the Chesalon retirement village and Julia Creek lie to the south whilst to the west lie the Oran Park public primary school and other recently developed residential subdivisions.

The Oran Park Precinct lies at the southern end of the South West Growth Centre and is approximately 8km north east of the Camden Town Centre. The Northern Road bisects the precinct to the west whilst Camden Valley Way lies further to the west. South Creek borders the precinct to the west.

## **HISTORY**

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

Date	Development
6 May 2014	Approval of DA 1122/2013 for bulk earthworks

## **THE PROPOSAL**

DA 440/2014 seeks approval for a subdivision to create 6 community title lots, stratum subdivision, 1 residue lot, construction of roads and associated site works.

Specifically the proposed development involves:

- subdivision to create of 6 community title lots to accommodate a range of future retail, commercial, residential, civic and open space development associated with the town centre. These lots will range in area from 1,783m<sup>2</sup> to 24.2ha;
- creation of a stratum subdivision above the southern end of proposed road TC01 to allow for potential future connections between future buildings on either side of the road;
- creation of 1 residue lot;
- construction of new public roads; and
- associated site works including earthworks, temporary drainage facilities and landscaping.

The capital investment value of the works is \$5.72 million.



**Town Centre Subdivision Plan**

# ORAN PARK

**LEGEND**

- DA Boundary
- Area subject to stratum above  
Refer to draft survey plan submitted  
with application for further detail

**DALOT DESCRIPTION**

6 Lot - Community Title Subdivision  
Subdivision of Lot 9012 DP 1178579, Lot 9015 DP 1178579, 991 DP 1149179, Part Lot 9027 DP 1189904, & Part Lot 5333 DP 1174055

**LOCALITY PLAN**

**PT LOT 4**  
521m<sup>2</sup>

**PETER BROCK DRIVE**

**DAN CLEARY DRIVE**

**ORAN PARK DRIVE**

Scale: 1:500 (A4)

Note: All areas and dimensions subject to fielded survey.

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

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

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Sydney Regional Growth Centres) 2006
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

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 \$5.72 million. This exceeds the CIV threshold of \$5 million, where Council is a party to any agreement or arrangement relating to the development, for Council to

determine the DA. Council has entered into an agreement with the applicant for proposed lot 5 to be dedicated to Council. Therefore the DA is referred to the Panel for determination.

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

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

The applicant has submitted a phase 2 contamination assessment for the site in support of this DA which demonstrates that the site is suitable for its intended use.

The contamination assessment identified an existing works compound located in the north western corner of proposed part lot 4. Additional contamination investigations around the works compound will need to be undertaken. However, these can occur as part of a future DA as the works compound is located within a residue lot, which will be the subject of further subdivision and building DAs.

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

#### State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (SEPP)

##### *Permissibility*

The site is zoned B2 Local Centre, R1 General Residential, R3 Medium Density Residential, RE2 Private Recreation, E2 Environmental Conservation and under the provisions of the SEPP. The proposed development is defined as “earthworks” and “roads” by the SEPP which are permitted with consent. The subdivision of land is also permitted with consent.

##### *Zone Objectives*

In terms of the proposed development's consistency with the B2 Local Centre zone objectives, the relevant objectives of this zone is to “provide a range of retail, business, entertainment and community uses”, “encourage employment”, “maximise public transport patronage and encourage walking and cycling”.

The proposed development is generally consistent with these objectives in that the proposed development is for a community title subdivision and roads to support the future development of the Oran Park Town Centre.

In terms of the proposed development's consistency with the R1 General Residential and R3 Medium Density Residential zone, the relevant objectives of these zones are to “provide for the housing needs of the community” and “provide for a variety of housing types and densities”.

A small portion of the development site is zoned R1 General Residential and R3 Medium Density Residential. The proposed development is for a community lot subdivision and roads to support the future development of the Oran Park Town Centre, which meet the above objectives.

In terms of the proposed development's consistency with the RE2 Private Recreation and E2 Environmental Conservation, the relevant objectives of these zones are to

“enable land to be used for private open space or recreational purposes”, “protect and enhance the natural environment for recreational purposes”, “protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values” and “prevent development that could destroy, damage or otherwise have an adverse effect on those values”.

A small portion of the northern periphery of the development site is zoned RE2 Private Recreation and part of the residue lot is zoned E2 Environmental Conservation. The proposed development is for a community lot subdivision and roads to support the future development of the Oran Park Town Centre, which meet the above objectives.

#### *Relevant Clauses*

The DA was assessed against the following relevant clauses of the SEPP.

<b>Clause</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
19 Development Controls – Flood Prone and Major Creeks Land	Consider a number of matters relating to flooding including whether the proposed development will affect (or be affected by) flood behaviour, surrounding properties or the environment	The proposed development will not detrimentally affect flood behaviour or cause any negative impacts to surrounding properties or the environment	Yes
2.6 Subdivision requires consent	Subdivision requires development consent	Consent has been sought for the proposed subdivision as part of this DA	Yes
4.1 Minimum Lot Size	Minimum lot sizes ranges from a 125m <sup>2</sup> to 1,000m <sup>2</sup> . Land which is zoned B2 has no minimum lot size	The proposed lot sizes range from 1,783m <sup>2</sup> to 24.2ha	Yes
6.1 Public Utility Infrastructure	Public utility infrastructure is available to the site	All required public utility infrastructure including water, sewer and electricity will be available to service the proposed subdivision. A condition is recommended, which requires approval from all relevant public utility authorities prior to the issue of a Subdivision Certificate	Yes

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

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

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to provide a water pollution control device as part of the development.

**(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***

Oran Park Development Control Plan 2007 (DCP)

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

Part A (Precinct Wide)

Control	Requirement	Provided	Compliance
A2.1 Indicative Layout Plan (ILP)	To ensure development of the precinct is undertaken in a co-ordinated manner and be generally in accordance with the South West Sector Structure Plan and the Oran Park Indicative layout Plan	The proposed development is generally in accordance with the ILP as amended by Part B1 - Oran Park Town Centre Structure Plan	Yes
A2.2 Vision and Development Objectives	Consistency with the Oran Park Precinct key development objectives	The proposed development is considered to be generally consistent with the precinct's key development objectives	Yes
A2.4 Infrastructure Delivery and Development Stages	Infrastructure to be delivered in accordance with the Contributions Plan	The Oran Park VPA replaced the Oran Park and Turner Road Section 94 Contributions Plan.  A condition is recommended requiring compliance with the	Yes



Control	Requirement	Provided	Compliance
		VPA	
A3.1 Street Network and Design	Street network to be generally in accordance with the ILP and the street network plan	The proposed street layout is generally in accordance with the ILP as amended by Part B1 - Oran Park Town Centre Structure Plan. The proposed development generally complies with the street network plan	Yes
	Streets to comply with cross sections in Tables 2-9	<p>South Circuit is identified as a Collector Road (Table 7). The proposed development achieves full compliance with the road cross section in Table 7 with a widened carriageway proposed to accommodate the expected high frequency of on-street vehicular parking and traffic volumes associated with the town centre.</p> <p>The road cross sections of proposed roads TC01 (Central Avenue), TC03, TC05 and TC07 are assessed in accordance with Part B.4 of the DCP. This assessment is provided in the Part B1 Oran Park Town section of this report</p>	Yes
	All streets, roundabouts, intersections, traffic islands and road pavements to be designed in accordance with Council's Engineering Specifications	A condition is recommended requiring consistency with Council's Engineering Specifications	Yes
	Minimum distance from an access place or road to a collector road where the junction is on the same side is 60m	The intersection of proposed road TC03 with proposed road TC05 is greater than 60m away from South Circuit	Yes
	Intersections to be either T-	A condition is recommended requiring consistency with	Yes

Control	Requirement	Provided	Compliance
	<p>junctions or roundabouts and 4-way intersections are to be controlled by lights, roundabouts, median strips or signage</p> <p>Verge widths may be reduced to 1m for roads adjacent to public reserves</p> <p>Street trees required on all streets and species must be selected which:</p> <ul style="list-style-type: none"> <li>- distinguish public and private spaces;</li> <li>- minimise risk to utilities and services</li> <li>- be durable and include endemic species</li> <li>- maintain adequate sight lines</li> <li>- provide appropriate shade</li> <li>- provide attractive landscaping</li> </ul> <p>Signage, street furniture and street lighting to be consistent with the Council's Landscape and Streetscape Elements Manual for Camden</p>	<p>Council's Engineering Specifications</p> <p>A 1m verge is proposed adjacent to the future town park (proposed lot 6) on the western side of proposed road TC01</p> <p>The proposed landscaping plans contain a variety of street trees which delineate the road hierarchy and will ensure an acceptable level of green shade and amenity for future pedestrians. Tree locations have been designed to avoid conflict with services</p> <p>The DCP requires the Town Centre to comply with the Oran Park Public Domain Manual (the manual). The manual provides detailed requirements for a range of public domain items including street furniture, pavement materials, bicycle racks and the embellishment of the green link.</p> <p>There are some minor</p>	<p>Yes</p> <p>Yes</p> <p><b>No, however variation supported</b></p>

Control	Requirement	Provided	Compliance
	Minimum kerb radii for intersections of local roads to be 7.5m subject to a minimum verge width of 3.5m	<p>variations to proposed to the public domain manual which are described further in the likely impacts section of this report. A condition is recommended, which requires general compliance with the Public Domain Manual except for these proposed minor variations</p> <p>The proposed development includes a 6m kerb radii as opposed to the required 7.5m radii of the DCP. A 6m kerb radii is consistent with the relevant Australian Standards. The reduced kerb radii is sufficient for manoeuvrability and is acceptable in the Town Centre low speed environment</p>	<b>No, however variation supported</b>
A4.1 Public Parks and Landscape Strategy	Public parks and open space areas to be generally provided in accordance with Figure 20	The proposed development is generally in accordance with the Figure 20. This is assessed in more detail in Part B1 Oran Park Town section of this report	Yes
A5.1 Oran Park Town Centre	The Oran Park Town Centre is to be located in accordance with the figure in Appendix B	The proposed development is generally in accordance with the ILP as amended by Part B1 - Oran Park Town Centre Structure Plan. This is assessed in more detail in Part B1 Oran Park Town section of this report	Yes
A6.1 Riparian Corridor	Riparian corridors to be provided in accordance with Part B2 of the DCP	A riparian zone is located in a very small area in the northern part of the site. The proposed subdivision does not prevent delivery of the riparian corridor as part of a future DA	Yes
A6.2 Flooding and Water Cycle Management	<p>Management of stormwater flow in accordance Council's Engineering Design Specification and DCP</p> <p>Subdivision DAs to be accompanied with</p>	<p>A condition is recommended requiring consistency with Council's Engineering Specifications</p> <p>A stormwater management strategy was submitted with the DA demonstrating</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	a Water Sensitive Urban Design (WSUD) Strategy which demonstrates how the relevant stormwater targets will be achieved, as per Table 10	compliance with the DCP's environmental stormwater objectives	
A6.3 Salinity and Soil Management	DAs for development of areas constrained by salinity to be accompanied with a salinity report	A salinity investigation and management plan has been prepared. Compliance with the approved salinity management plan is a recommended condition and an 88B Instrument notation for the proposed lots	Yes
	Groundwater recharge to be minimised	Stormwater runoff will be directed temporarily into temporary detention basins. A permanent basin will be provided as part of this DA. Street planting and constructed stormwater drains will help minimise groundwater recharge	Yes
	Sediment and erosion controls must be installed prior to construction and maintained	Conditions are recommended, which requires sediment and erosion measures to be installed prior to works commencing and maintained	Yes
A6.5 Bushfire Hazard Management	Asset protection Zones (APZs) to be provided generally in accordance with Figure 26	Part of the site is identified as being bush fire prone land. A 15m APZ is located in a very small area in the northern part of the site however development in this area will be the subject of a future DA	Yes
	Water, vegetation, buildings and APZs to be in accordance with The RFS publication <i>"Planning for Bush Fire Protection 2006"</i>	The DA was referred to the RFS as Integrated Development. The RFS raised no objection or recommended any conditions	Yes

Control	Requirement	Provided	Compliance
A6.6 Tree Retention and Biodiversity	High significance vegetation identified in Figure 27 is to be retained. Moderate vegetation is to be retained where possible	The area has been cleared as of vegetation as part of the bulk earthworks which were approved by DA 1122/2013	Yes
	Minimise weed dispersion and eradication	Conditions are recommended to ensure weed removal and management	Yes
A6.7 Contamination Management	Contamination assessment and remediation (if required)	<p>The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.</p> <p>The applicant has submitted a phase 2 contamination assessment for the site in support of this DA, which demonstrates that the site is suitable for its intended used.</p> <p>The contamination assessment identified an existing works compound located in the north western corner of proposed part lot 4. Additional contamination investigations around the works compound will need to be undertaken. However it is considered that these can occur as part of a future DA as the works compound is located within a residue lot which will be the subject of further subdivision and building DAs.</p> <p>A standard contingency condition is recommended that requires that if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy</p>	Yes

Control	Requirement	Provided	Compliance
A8.3 Stormwater and Construction Management	A stormwater concept plan is to be submitted	A stormwater concept plan was submitted with the DA demonstrating compliance with the DCP	Yes
	All development must be carried out in accordance with managing Urban Stormwater – Soils and Construction (The Blue Book)	It is a recommended condition that all works are undertaken in accordance with Council's Engineering Specifications which requires compliance with The Blue Book	Yes
A8.4 Waste Management	A waste management plan (WMP) is required to be submitted	A WMP has been prepared demonstrating compliance with the DCP	Yes

Part B1 (Oran Park Town)

Control	Requirement	Provided	Compliance
B2.0 Vision and Development Objectives & 3.0 Town Centre Structure	Consistency with the Figure 1: Town Centre Structure Plan & Figure 2: Land Use	<p>The proposed development is generally consistent with Figure 1: Town Centre Structure Plan and Figure 2: Land Use with the exception of the proposed stratum subdivision above proposed road TC01. A condition is recommended requiring the deletion of the above ground stratum lot. This issue is assessed in more detail in the "likely impacts" section of this report</p> <p>Figures 1 and 2 show a green link landscape embellishment running down along proposed road TC01. The delivery of the green link is not proposed as part of this DA. The proposed subdivision does not prevent the delivery of a green link as part of a future DA. This issue is assessed in more detail in the "likely impacts" section of this report</p>	Yes
B4.1 Vehicle Movement	Street network to be generally provided in	The proposed street network is generally in accordance with Figure 11	Yes



Control	Requirement	Provided	Compliance
Network	accordance with Figure 11		
B4.2 Pedestrian and Cycle Movement	Pedestrian and cycle connections provided in accordance with Figure 12	<p>The proposed development does not include the provision of a cycleway along proposed roads TC01 and TC07 in accordance with Figure 12.</p> <p>A cycleway is provided along South Circuit.</p> <p>There is adequate space along proposed road TC07 to accommodate a 2.5m cycleway. A condition is recommended requiring a cycleway to be provided on one side of proposed road TC07.</p> <p>Figure 12 of the DCP does not identify the exact location of the cycleway along proposed road TC01. That detail is provided in Figure 14 (North-South Street cross section). Figure 14 shows a cycleway between the carriageway and the green link along proposed road TC01. The proposed development includes a 1.5m-2.1m footpath in this location which is inconsistent with the DCP.</p> <p>Constructing the cycleway in the DCP required location will potentially result in conflict between cyclists and passengers waiting for a bus around the proposed indented bus bay areas. There is adequate space to accommodate a cycleway within the future green link to avoid this conflict and subject to a future DA.</p> <p>Notwithstanding, there is also sufficient width between the proposed verge (where the footpath is proposed) to accommodate a 2.5m path, which could be used as a cycleway if required. As such</p>	Yes

Control	Requirement	Provided	Compliance
	<p>Speed reducing traffic devices to be used and identified at DA stage</p> <p>Principles of CPTED to be incorporated in the design of the access and movement system</p>	<p>a condition is recommended requiring the path along the eastern side of proposed road TC01 to be a minimum of 2.5m wide.</p> <p>The proposed subdivision does not prevent the future delivery of the cycleway</p> <p>The proposed development includes a 6m kerb radii as opposed to the required 7.5m radii of the DCP. A 6m kerb radii is consistent with the relevant Australian Standards. The reduced kerb radii is sufficient for manoeuvrability and is acceptable in the Town Centre low speed environment</p> <p>The proposed footpaths and share paths will be adequately lit by street lighting. All lots will be oriented to the street to encourage passive surveillance opportunities</p>	<p>Yes</p> <p>Yes</p>
B4.2 Pedestrian and Cycle Movement	Bike parking facilities to be provided at key locations on streets within the Town Centre	A condition is recommended requiring bike parking to be provided generally in accordance with the Public Domain Manual	Yes
B4.3 Road Types	North-South Street to be provided in accordance with Figure 14: Section C – North-South Street	<p>Proposed Road TC01 is identified as the North-South Street in Part B4.3 of the DCP. The proposed carriageway and verges are generally consistent with Figure 14.</p> <p>Sufficient space has been provided within the road reserve, north of proposed road TC07, to accommodate a green link and shared path consistent with Figure 14. South of proposed road TC07 the green link and shared path can be accommodated within proposed part lot 4. The proposed subdivision does not prevent the delivery of the</p>	<b>No, however variation supported</b>

Control	Requirement	Provided	Compliance
		<p>green link and shared path as part of a future DA. This is assessed in more detail in the likely impacts section of this report.</p> <p>The proposed footpaths on both sides of proposed road TC01 measure 1.5m in parts. A condition is recommended requiring the width of the footpaths to be a minimum of 2.1m on the western side of proposed road TC01 and 2.5m on the eastern side of TC01 in accordance with Figure 14 and the DCP's Public Domain Manual and to enable the eastern path of TC01 to be adapted for use as a cycleway or footpath.</p> <p>The eastern verge along proposed road TC01 adjoining the proposed indented bus bay measures 2.8m as opposed to the required 3.5m. The reduced verge is the result of the inclusion of a 3.2m bus bay. The reduced verge is acceptable in this instance noting the public benefit associated with the provision of an indented bus bay in this location</p>	
	Secondary Streets to be provided in accordance with Figure 15: Section D – Typical Secondary Street	<p>Proposed roads TC03, TC05 and TC07 are identified as Secondary Streets in Part B4.3 of the DCP. Proposed roads TC03 and TC07 are consistent with the general arrangement of secondary streets</p> <p>It is noted that proposed road TC05 is wider than the dimensions of the typical Secondary Street cross section. The proposed road is to operate as a key arrival point to the town centre and to deliver traffic from South Circuit to the civic centre site. The increased width will improve vehicular access to</p>	Yes

Control	Requirement	Provided	Compliance
	Calmed Streets to be provided in accordance with Figure 16: Section F – Calmed Street	<p>this site and provide a key entry statement to the town centre through additional landscaping. Subsequently, the widened road is acceptable in this instance</p> <p>Proposed lot 1 is planned to include the delivery of a calmed street as part of a future DA. Figure 16 requires a minimum width of 7m. Proposed lot 1 has a width of 8m and therefore will achieve compliance. The plaza shown in Figure 16 can be accommodated within proposed lot 3 and proposed part lot 4 and can be delivered as part of a separate DA. This is the appropriate timing for this given that the ultimate built form and intercede with the future retail development to the south is not yet known</p>	Yes
B4.4 Public Transport	Bus stops to be provided generally in accordance with Figure 17	<p>The proposal includes 2 indented bus bays in the northern portion of proposed road TC01 in accordance with Figure 17.</p> <p>Figure 17 shows 2 bus stops located in the southern section of proposed road TC01. The proposed subdivision and road layout does not prevent the installation of bus stops in this general location at a later date, subject to Transport NSW</p>	Yes
B5.1 Public Domain	<p>Public domain areas to be generally located in accordance with Figure 18</p> <p>Compliance with the Public Domain Manual</p>	<p>The proposed subdivision does not prevent the delivery of public domain areas shown in Figure 18 as part of a future DA</p> <p>There are some minor variations to proposed to the public domain manual, which are addressed in the “likely impacts” section of this report. A condition is recommended which requires general compliance with the Public</p>	<p>Yes</p> <p><b>No, however variation supported</b></p>

Control	Requirement	Provided	Compliance
		Domain Manual except for these proposed minor variations	
B5.2 Water Sensitive Urban Design Requirements (WSUD)	A WSUD and Water Management Strategy is to be prepared demonstrating compliance with the DCP's environmental stormwater objectives	An overall WSUD and integrated water management strategy has been prepared for Oran Park. A stormwater management plan was submitted with the DA demonstrating general consistency with the strategy and compliance with the DCP's environmental stormwater objectives	Yes
	The main north-south street is to be the primary location for bio-retention	The proposed subdivision does not prevent the delivery of the bio-retention area (the green link) along north-south street as part of a future DA	Yes
B5.3 Street Trees	Landscaping plan to be provided demonstrating general consistency with Figure 19: Landscape and Street Trees and the Public Domain Manual as follows:	Landscaping plans have been provided which are generally consistent Figure 19 and the Public Domain Manual as assessed below:	Yes
	Perimeter streets (South Circuit) - Street and median tree to have a minimum soil volume of 25m <sup>2</sup> per tree by 1000mm depth, be Pin Oaks and be spaced at 10-12m on both sides of the road	South Circuit includes Pin Oaks spaced at 10-12m on both sides of the road and median strip	Yes
	North-South Street (proposed road TC01) - Street and median tree to have a minimum soil volume of 25m <sup>2</sup> per tree by	Brushbox are shown on both sides of proposed road TC01, which is a variation to the required Tukeroo. A condition is recommended requiring the Brushbox to be replaced with the Tukeroo. Sufficient soil volume and depth is available.	<b>No, however supported</b>

Control	Requirement	Provided	Compliance
	<p>1,000mm depth, be Tuckeroos and be spaced at 14-16m on both sides of the road to allow for two car park spaces</p> <p>Secondary Streets (TC07, TC05 and TC03) - Street and median tree to have a minimum soil volume of 25m<sup>2</sup> per tree by 1,000mm depth, be Chinese Elms for east-west axis streets and Tuckeroos for north-south axis streets and be spaced at 14-16m on both sides of the road to allow for two car park spaces</p>	<p>A condition is recommended ensuring compliance with this requirement. The street tree spacing varies between approximately 14.5m to 20m. The increased spacing will still achieve good landscaping whilst increasing on-street car parking capacity in the town centre and is, therefore, acceptable</p> <p>The proposed tree species shown on the landscape plans are consistent with these requirements. Sufficient soil volume and depth is available. A condition is recommended ensuring compliance with this requirement. The street tree spacing varies between approximately 14.5m to 20m. The increased spacing will still achieve good landscaping whilst increasing on-street car parking capacity in the town centre and is acceptable</p>	<b>No, however variation supported</b>
B6.0 Environmentally Sustainable Design Principles	A Sustainability Assessment is to be prepared in accordance with Attachment B – Sustainability Development Controls	A sustainability assessment has been prepared which is consistent with Attachment B – Sustainability Development Controls	Yes
B7.7 Streetscape Activation	Encourage active streets throughout the Town Centre and promote safety and security by maximising activation of street frontages	The proposed development seeks approval for a stratum subdivision above proposed road TC01, which is contrary to the objective of activating streets and promoting safety and security. A condition is recommended requiring the deletion of the above ground stratum subdivision	Yes
B8.1 Vehicle Parking and Storage	On street parking to be provided throughout the Town Centre to	On street parking has been provided throughout the proposed road system	Yes



Control	Requirement	Provided	Compliance
	contribute to street life and surveillance		
B9.1 Staging considerations for early development	Demonstrate how development relates to the overall Town Centre Plan	The proposal will assist in delivering linkages from the civic area to the newly opened Stage 1 retail centre and facilitate linkages to the wider Oran Park community. The proposed development is generally consistent with the town centre plan	Yes

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

The Oran Park Release Area Planning Agreement (the Agreement) for the land was signed on 22 September 2011. The proposed development is located within Stages H and G on Greenfield Development Company No. 2 (GDC 2) land. The Agreement specifies that the developer has agreed to provide the following facilities (at various stages of final lots):

- Item 10 - Library (3,000th final lot);
- Item 1 - Leisure Centre (3,500th final lot); and
- Item 7 - Community Park (75% of final lots in Stage G).

The facilities listed above are not required to be provided with this development as the thresholds have not been reached.

***(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 both the natural and built environments, and the social and economic conditions of the locality.

**Stratum Subdivision**

The proposed development includes the creation of a stratum subdivision above the southern section of proposed road TC01 for the purposes of potential future connections between developments on either side of this road. Such connections are not envisaged by the DCP and insufficient information has been provided to understand their impacts.

A key vision for the Oran Park Town Centre, as stated in Section B1 - 2.1 Vision for the Oran Park Town Centre of the Oran Park DCP, is to create a people orientated

and pedestrian friendly environment. Oran Park DCP control B7.7 requires active street frontages to be maximised in the town centre. This is particularly important for the mixed use and retail area of the town centre in which the stratum subdivision will be located.

The provision of future connections over the road, that are envisioned by this stratum subdivision, need to be considered holistically to ensure the above vision and control are achieved. It has not been demonstrated that above ground connections will achieve a people orientated and pedestrian friendly town centre environment. This is something that can only be properly demonstrated in a future DA proposing an exact location and function for the connections.

Furthermore as no details on the built form of any future connections are available at this point it is not possible to undertake a proper assessment of them from an urban design perspective.

It is also noted that the creation of an above ground stratum at this stage will create a lot without any means of access, which is not desirable. Therefore, it has been determined that the provision of the stratum subdivision as part of a future DA for the built form and function will resolve this issue.

It is more appropriate to consider the stratum subdivision in the context of a future DA which clarifies its exact location and the purpose and built form of the connections over the road so as to establish the likely impacts. To approve the stratum subdivision at this stage will effectively predetermine an outcome without due consideration of its associated impacts.

A condition is therefore recommended requiring the deletion of the above ground stratum subdivision from the proposed development.

### Proposed Road TC01

#### *Green Link Deferral*

The DCP requires a green link (with verge and path) to run along the eastern edge of proposed road TC01. No green link (with verge and path) is proposed to be constructed as part of this DA however the proposed subdivision does not prevent the delivery of the green link (with verge and path) as part of a future DA and the physical space for it will be available.

The green link (with verge and path) can be accommodated within proposed part lot 4 as part of a future DA and within the proposed 29.5m road reserve on TC01 (north of the intersection with proposed road TC07).

The inclusion of the space for the green link (with verge and path) within the road reserve, as proposed, potentially leaves the responsibility of the delivery of the green link to Council. A condition is therefore recommended requiring the green link to be bonded to provide security that Council will not be responsible with the cost of its construction. This condition has been agreed to by the applicant.

### *Swapping of Path and Verge Locations*

Figure 14: Section C – North-South Street requires a 29.5m wide cross section to incorporate verges, carriageways, the green link and paths. This is demonstrated in the table below:

	Verge	Parking	Lane	Lane	Parking	Verge with Path	Green Link	Verge with Path
DCP	3.5m	2.5m	3.5m	3.5m	2.5m	<b>2.5m</b>	8m	<b>3.5m</b>

The proposed configuration of proposed road TC01 is shown below:

	Verge	Parking	Lane	Lane	Parking	Verge with Path	Green Link	Verge with Path
Proposed	3.5m	2.5m	3.5m	3.5m	2.5m	<b>3.5m</b>	8m	<b>2.5m</b>

**Note:** As described above, this DA does not propose the construction of the 8m green link or 2.5m verge and path. The construction of these elements will be subject to a separate DA.

The key point of difference between the DCP requirements and what is proposed is the location of the verge with path relative to the green link on the eastern side of proposed road TC01. The proposed 3.5m verge with path has been proposed between parking and the green link to ensure adequate space is available for a footpath and the undergrounding of services. The proposed configuration is generally consistent with Part 3.10 – North-South Green Link of the Public Domain Manual despite its inconsistency with Figure 14 of the DCP. Having regard to the above the general configuration is acceptable.

### Public Domain Manual

The DCP requires compliance with the Oran Park Public Domain Manual (the manual). The manual provides detailed requirements for a range of public domain elements including street furniture, pavement materials, bicycle racks and the embellishment of the green link.

The proposed development is generally consistent with the manual however proposes a number of minor variations to a number of elements including minor road and verge cross falls, two way cross fall dish drains, reduced street tree planting (as previously assessed in the DCP compliance table of this report) and the location of services.

Council staff are satisfied that the proposed variations are minor in nature and will not affect the achievement of the character and functional objectives of the Oran Park Town Centre. The variations to the manual are therefore supported.

### Community Management Scheme

A community management scheme (CMS) is required for the registration of the community title subdivision with NSW Land and Property Information. A CMS has been drafted with Council in their capacity as a member of the proposed scheme. At

the Ordinary Meeting of Council on 13 May 2014, Council resolved to accept the CMS. A copy of the CMS was provided with the DA.

**(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 in accordance with Camden Development Control Plan 2011. The exhibition period was from 25 June to 9 July 2014. 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**

*NSW Rural Fire Service (RFS)*

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

The RFS raised no objection to the proposed development and did not recommend any conditions.

**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 440/2014 is recommended for approval subject to the conditions contained in this report.

**CONDITIONS**

**1.0 - General Requirements**

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

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

Plan / Development No.	Description	Prepared by	Dated
Plan No: GDCOP-3-003 Rev L	Town Centre Subdivision Plan	Development Planning Strategies	20 October 2014
04320(TC)CP(Issue A)	Subdivision of Lot 991 in DP 1149179 and Lot 9012 in DP 1175454 and Lot 9035 DP (unreg)	Paul Michael Daly	-
Project No. L06002.128 Rev 3 Drawing No. 000- 002, 101-103, 201-204, 701-702 and 801-802	Engineering Plans	Brown Consulting	14 October 2014
Oran Park Town Tranche 20-Stage1 Phase 1 Landscape Works Drawing No. L00-L04 Rev B	Landscaping Plan	JMD Design	8 September 2014
Statement of Environmental Effects – Oran Park Town Centre – Stage 1 Subdivision	Statement of Environmental Effects	Development Planning Strategies	June 2014
L06002.128W Rev D	Stormwater Management Strategy Tranche 20, Stage 1	Brown Consulting	October 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) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all landscaping associated with this Consent.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works and street tree installation.

The 12 month maintenance period includes the Applicant's responsibility for the successful establishment of all street tree installations.

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

At the completion of the 12 month landscaping maintenance and establishment period, all street tree protective guards and bollards, must be in an undamaged, safe and functional condition and all planting's have signs of healthy and vigorous growth

- (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 Camden Council prior to the issue of any Construction Certificate

(4) **Noxious Weeds -**

- (a) That the applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
- (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.
- (c) Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occurs during subdivision, and prior to sale of new lots. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.

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

- (a) The stratum subdivision above the southern end of proposed road TC01 is to be deleted from the plans. No approval is given for the stratum subdivision.
- (b) The engineering plans and landscape plans are to be amended to include a 2.5m cycleway/shareway on one side of Road TC07.
- (c) The engineering plans and landscape plans are to be amended to include a pathway on the eastern side of Road TC01 with a minimum width of 2.5m and a pathway on the western side of TC01 with a minimum width of 2.1m.
- (d) Plans are to be amended to include bike parking generally in accordance with the locations specified in the Public Domain Manual of the Oran Park Town Centre DCP.
- (e) Landscape plans are to be amended to replace the Brushbox along road TC01 with Tukeroo's in accordance with the Public Domain Manual of the Oran Park Town Centre DCP.
- (f) Section A – Collector Road with North-South Promenade on Drawing No. L04 Rev B Landscape Plan is to be deleted.

(6) **Compliance with the Public Domain Manual –** Prior to the issue of the Construction Certificate, plans are to be submitted for approval to the



Principal Certifying Authority, which demonstrate compliance with the approved plans (listed in Condition 1.0) and general compliance with the Public Domain Manual of the Oran Park Town Centre DCP.

- (7) **Delivery of paths** – The following paths, as shown in the approved engineering plans *Project No. L06002.128 Rev 3 Drawing No. 000-002, 101-103, 201-204, 701-702 and 801-802 prepared by Brown Consulting dated 14 October 2014*, are to be delivered as part of this development: paths on the eastern and western side of road TC01, road TC03 and South Circuit and paths on the northern and southern side of road TC07 and TC05.

## 2.0 - Construction Certificate Requirements

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

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

### Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (2) **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.
- (3) **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.

- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% of the value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (5) **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.
- (6) **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 2009 and to the requirements and approval of Council. Plans and proposals must be approved by Council prior to the Construction Certificate being issued.
- (7) **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 as per the *Stormwater Management Strategy Tranche 20 Stage 1 by Brown Consulting, dated October 2014*. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (8) **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.
- (9) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc. shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (10) **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.
- (11) **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.

### 3.0 - Prior To Works Commencing

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

- (1) **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) **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
- (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.

Sedimentation and erosion control measures are to be installed prior to any soil excavation activity and maintained for the full period of works.

- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104

of the Environmental Planning and Assessment Regulation 2000 shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.

- (5) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (6) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Consent Authority (i.e. Camden Council). An application must be lodged with the Construction Certificate and approved by Council prior to the erection of any hoarding or fence.

Note 1            No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted by a Certifying Authority.

Note 2            Public thoroughfares must not be obstructed in any manner whatsoever during demolition works.

Note 3            All demolition works must comply with the requirements of AS 2601 - 1991

- (7) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

#### 4.0 - During Construction

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

- (1) **Street and Road Median trees, their tree root barrier guards, protective guards and bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised that any nature strip or road median trees, their tree guards, protective bollards, garden bed surrounds or root barrier installations which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.

- (a) During any earthworks and development works, any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.

- (b) During the 12 month maintenance and establishment period, any street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
  - (c) At the completion of the 12 month landscaping maintenance and establishment period, all street tree protective guards and bollards must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth
- (2) **Construction Work Hours** - All such work must be restricted to the following hours:
  - a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive);
  - b) between 8.00am to 5.00pm on Saturdays,

Work is prohibited on Sundays and Public Holidays.
- (3) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of construction processes all construction works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines / NEMP 2013. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials. Compliance with Council's Management of Contaminated Lands Policy will be required if remediation is required.
- (4) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan/s within the reports titled:
  - *Report on Salinity Investigation and Management Plan: Part Tranches 25, 26 and 27 Oran Park NSW, Prepared by Douglas Partners, Project No 76618.15, Dated August 2014."*
  - *Report on Salinity Investigation and Management Plan: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, Dated June 2011."*
  - *Salinity Assessment Report Tranche 20 Oran Park Precinct, Prepared by Ground Technologies, Ref GT1636a, Dated January 2012."*
  - *Report on Salinity Management Plan: Proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, Prepared by Douglas Partners, Project No 34272.91, Dated March 2014."*

- (5) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

- (6) **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.
- (7) **General Requirement** - All activities associated with the development must be carried out within the site boundaries as determined by the development application, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997.
- (8) **Offensive Noise, Dust, Odour, Vibration** - Bulk earthworks work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997" when measured at the property boundary.
- (9) **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.
- (10) **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).
- (11) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council's current Engineering Construction Specifications. 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.

- (12) **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> )
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Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof
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**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.

- (13) **Additional Salinity Investigations** – Where development involves excavation deeper than 3 metres or into rock (at shallower depth) where direct sampling and testing of salinity has not been carried out, then additional soil and ground water investigations must be undertaken by deep test pitting and /or drilling. Such investigations must test soil and (potentially) water for: pH, electrical conductivity, resistivity TDS, sodicity, sulphates and chlorides. Where results indicate a change in salinity outcomes when compared to the approved Salinity Management Plan (in this consent) a modified plan must be submitted to the PCA for approval and a copy of the modified plan provided to the consent authority for updated Section 149 certificate notation. Where a modified plan is required a new 88B restriction will be required to reference the plan on all lots affected by the plan.
- (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) **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.

## 5.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to the issue of 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) **Voluntary Planning Agreement (VPA)** – The development shall be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd and Landcom, pursuant to Section 93F of the *Environmental Planning and Assessment Act 1979*, dated 22 September 2011.
- (3) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from Planning and Environment 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 Planning and Environment's website: [www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx](http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx)

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

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

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

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

- (5) **Green Link 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 Green Link within the Road Reserve of TC01 (Central Avenue), adjoining Lot 5.

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 110% of the value of the works for the construction of the Green Link. The estimated cost of such work is to be determined by a suitably qualified Quantity Surveyor, based on the construction of the Green link in accordance with the Oran Park Town Public Domain Manual in Part B1 of the Oran Park Development Control Plan, or an approved DA for the Green Link embellishment.

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.

- (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) **Fill Plan** - A Fill Plan shall be submitted to the Principle Certifying Authority (PCA) prior to the issue of any Subdivision certificate. The plan must :

- (a) Show lot boundaries
- (b) Show road/drainage/public reserves
- (c) Show street names
- (d) Show final fill contours and boundaries, and
- (e) Show depth 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.

(8) **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.

(9) **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.

- (10) **Incomplete Works** - Prior to the issue of the Subdivision Certificate 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.
- (11) **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.
- (12) **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.
- (13) **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.
- (14) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (15) **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.
- (16) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates all required easements and restrictions on land, including but not limited to:
- (a) Easement for services.
  - (b) Easement to drain water.
  - (c) Easement for access.

- (d) Salinity Management Plan - All proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan/s within the reports titled:

- *Report on Salinity Investigation and Management Plan: Part Tranches 25, 26 and 27 Oran Park NSW, Prepared by Douglas Partners, Project No 76618.15, Dated August 2014."*
- *Report on Salinity Investigation and Management Plan: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, Dated June 2011."*
- *Salinity Assessment Report Tranche 20 Oran Park Precinct, Prepared by Ground Technologies, Ref GT1636a, Dated January 2012."*
- *Report on Salinity Management Plan: Proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, Prepared by Douglas Partners, Project No 34272.91, Dated March 2014."*

- (17) **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 200% 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.
- (18) **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](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.

### **RECOMMENDED**

**That the Panel approve DA 440/2014 for a subdivision to create 6 community title lots, stratum subdivision, 1 residue lot, construction of roads and associated site works at 351, 355, B and D Oran Park Drive and 400 The Northern Road, Oran Park subject to the conditions listed above.**

## **Attachment 1 – Independent Peer Review**

Project No: 00007739  
Our Contact: Ben Haynes  
Reference: 141027-Peer Review Confirmation



27/10/2014

General Manager  
Camden Council  
PO Box 183  
Camden, NSW 2570

Dear Sir,

**Re: Peer Review of DA 440/2014 – Proposed Subdivision to create 6 community title lots, stratum subdivision, 1 residue lot, construction of roads and associated site works at 351, 353, B and D Oran Park Drive, Oran Park and 400 The Northern Road, Oran Park**

This correspondence is to confirm that I, Ben Haynes of Jensen Bowers Group Consultants Pty Ltd, has undertaken and completed an independent assessment of the above development application in which Camden Council has an interest. As part of this assessment, I have undertaken a site inspection, read and viewed all information submitted as part of the development application as well as all responses made by the applicant to Council's requests for additional information.

I have also reviewed Council's assessment report and draft conditions of consent and requested minor changes to its content, which were accepted by the author. The final report, which includes the changes that I recommended is attached.

It is also my view that Council has followed correct due process in the assessment of this proposal.

Should Council or the Joint Regional Planning Panel have any questions, please don't hesitate to contact me.

Yours Faithfully

**Ben Haynes**  
Planning Manager

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