

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW146
DA Number	842/2014
Local Government Area	Camden
Proposed Development	Residential subdivision of the land into 214 lots, comprising 213 residential lots and a super lot (for a potential future road connection to land to the east), demolition of existing dwelling/structures, remediation of contaminated land, and associated site works.
Street Address	51-61 St Andrews Road Leppington Lot 2126 DP 1193710 and Lot 722 DP 1192964
Applicant/Owner	Minotaur Project Management Pty Limited for Cornish Group No Two Pty Limited
Number of Submissions	Three public submissions
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value (CIV) of the works = \$20,197,337. Criteria is CIV > \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy No 55 – Remediation of Land • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River - Deemed State Environmental Planning Policy No 20 • Camden Growth Centres Development Control Plan
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and conditions • Statement of environment effects, and supporting documents and reports • Subdivision plans
Recommendation	<p>Approve on deferred commencement basis under section 80(3) of the Act, to address the following matters:</p> <p>Provision of two local road connections to the adjoining land to the east/south east; provision of amended retaining wall and fencing details (including reduction in height of internal retaining walls); removal of a pedestrian access-way to St Andrews Road (a potential concealment area); provision of satisfactory building envelopes for irregular shaped Lot 5118</p>

	and Lot 5129; and provision of an acoustic assessment.
Report by	Ray Lawlor, 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 subdivision of the land into 214 lots, comprising 213 residential lots and a super lot (1410m²), including demolition of existing dwelling and structures on the land, bulk earthworks and remediation, and associated works including roads and drainage 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 Act) the capital investment value (CIV) of the proposed development is \$20,197,337, which exceeds the CIV threshold of \$20 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determines DA 842/2014 for a subdivision to create 214 lots pursuant to Section 80(3) of the Act by granting a deferred commencement consent, subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for subdivision of the land into 214 lots, comprising 213 residential lots and a super lot (1410m²), including demolition of existing dwelling and structures on the land, bulk earthworks and remediation, and associated works including roads and drainage works.

The DA has been assessed against the Act, 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.

DCP Variations

The applicant proposes variations to the Indicative Layout Plan and road locations and alignments as set out in the Camden Growth Centres Precincts Development Control Plan. A single road connection is proposed instead of a provision of a perimeter road along approximately half of the eastern site boundary. It is recommended that the ILP variations can be supported, subject to provision of a second local road linkage. The recommended deferred commencement conditions of consent require the provision of an amended subdivision layout.

St Andrews Road

The current East Leppington precinct plan in the Camden Growth Centre Precincts DCP identifies the section of St Andrews Road fronting the site as an existing road, where no upgrade works are proposed, but the western section of the road is identified as a collector road connecting into the East Leppington precinct at Jamboree Avenue. The recently exhibited draft Leppington Precinct Plan has identified the whole of St Andrews Road as a potential east/west link between the proposed release areas west of Camden Valley Way through to the F5 and Campbelltown to the east.

The proposed plan of subdivision as originally submitted with the DA included 30 lots with access from St Andrews Road, along with an upgrade of the road (part construction) to collector road standard. While the potential upgrade of St Andrews Road to a sub arterial standard has not been determined, the subdivision layout was amended to remove access to the road. This would avoid traffic conflicts with any future upgrade of the road. The revised layout therefore, appropriately deals with the potential upgrade of the road, which still remains uncertain and is not reflected in the current precinct plan and current South West Growth Centre Structure Plan.

Road traffic noise impacts - Acoustic assessment

No assessment of potential road traffic noise impacts was provided, in relation to noise associated with the main north-south collector road, as well as potential impacts associated with any upgrade of St Andrews Road. The recommended deferred commencement conditions of consent require that the applicant submit to Council an acoustic assessment of the development prepared in accordance with Council's Environmental Noise Policy.

Retaining walls and fencing details

The DA provides for internal retaining walls up to approximately 2m between certain lots, which should be reduced in height to maximum 0.5m to ensure appropriate residential amenity and solar access. Details of materials and finishes will also be required for retaining walls to St Andrews Road (which will be up to 2.5m) and for retaining walls (up to 0.5m) and fencing to be provided along the eastern boundary with the neighbouring property. The recommended deferred commencement conditions of consent require the provision of these further details.

Submissions

The DA was publicly exhibited for a period of 30 days in accordance with the Environmental Planning & Assessment Act, Regulations and Camden DCP 2011. Three submissions were received. The issues raised in the submissions related to the following matters:

1. The status of any potential upgrade of Andrews Road to a sub arterial road and funding for an upgrade of the road.

The applicant has amended the subdivision layout to respond to this issue by reversing lots and removing access to the road, with the rear of lots only to St Andrews Road and access via internal roads. Funding of an upgrade of St Andrews Road is outside the parameters of this application.

2. Variations proposed by the applicant and in the subdivision layout to the Indicative Layout Plan (ILP) and road layout in the Camden Growth Centre Precincts DCP.

Objection to the variations to the Indicative Layout Plan (ILP) and road layout are focused upon loss of connection to neighbouring land with only a single connecting road. These issues have been addressed in this report. It is recommended that two road connection points are provided.

3. Lack of an Asset Protection Zone adjacent to the eastern boundary.

The RFS have issued general terms of approval for a deemed bushfire safety authority, without requiring provision of an APZ to the neighbouring property. RFS accepted that there would be ongoing management of the land, and therefore no APZ was required.

4. Impact of proposed retaining walls along the eastern boundary.

Concerns are raised about the height of retaining walls to be provided along the eastern boundary and lack of fencing details. The retaining walls will be approximately 0.5m high, along a section of the eastern boundary. Due to the relationship of these walls to the neighbouring property further details of the construction and finishes, along with details of boundary fencing and fill levels of maximum 1m above natural ground levels are required as deferred commencement conditions.

5. Sediment & erosion controls, dust and noise.

The recommended conditions of consent also include standard conditions requiring sediment and erosion control measures, construction management plan, and appropriate conditions regarding dust and noise control measures.

Council staff contacted the objector to discuss their concerns however were unsuccessful in resolving the issues raised in the submission, in particular in relation to variations to the ILP and in relation to retaining walls and fencing. These matters are to be dealt with in the recommended deferred consent conditions.

Based on assessment of the DA, approval is recommended subject to the deferred commencement provisions under section 80(3) of the Act, requiring submission of a revised subdivision layout to provide for two local road linkages on the eastern site boundary, submission of an acoustic assessment in relation to potential road traffic noise impacts, and submission of details for retaining walls and fencing.

[AERIAL PHOTO](#)



THE SITE

The site is known as 51 and 61 St Andrews Road Leppington and is legally described as lot 2126 DP 1193710 and lot 722, DP1192964. The site is irregular in shape and has a total area of 12.55ha. It has frontage of approximately 483m to St Andrews Road, a two lane rural road, on its western/south western boundary. It has a frontage of approximately 436.5m to the north to Jamboree Avenue, a collector road within the adjoining Stockland's 'Willowdale' estate. It also has a boundary of approximately 529.5m to the east with adjoining land within Campbelltown local government area (Lot 71 DP 706546, 71 St Andrews Road).

The site is currently vacant but has been previously used for the manufacture of fireworks (Foti International Fireworks Pty Limited). Improvements on the land include a dwelling and various outbuildings used for manufacture of fireworks. The southern end of the property is largely treed and undeveloped. There are two dams on the site, including a settling dam to the south east, used to collect rainwater and surface runoff.

The site is located within the East Leppington precinct of the South West Growth centre which straddles three local government areas (LGAs) Camden, Campbelltown and Liverpool. The release areas within Camden and Campbelltown LGAs are approximately 355ha in area and will provide housing for around 11,000 people. The site is located at the south eastern end of the East Leppington Precinct, within the Camden LGA.

Land to the north and east is being developed for residential purposes with the construction of roads and infrastructure, release of residential lots and construction of dwellings. The subject site will be directly linked to these adjoining release areas.

The land to the east and south east within Campbelltown local government area (LGA) is zoned and used for non urban purposes. The neighbouring property No. 71 St Andrews Road, within Campbelltown LGA, is bounded by the East Leppington precinct release area on two sides. There is a dwelling house on the neighbouring property located adjacent to the south eastern corner of the subject site, approximately 20m to 30m from the site boundary. It is currently zoned 7(d1) 'Environmental Protection (Scenic)' under Campbelltown Local Environmental Plan District 8 (Central Hills Lands), which has a minimum subdivision lot size of 100ha. The owners have sought a residential rezoning of the land. Campbelltown City Council resolved on 8 October 2013 to consider a planning proposal for potential development of a number of rural residential/environmental living allotments. Despite this the owners are seeking to pursue a residential rezoning.

To the west/south west of the site, on the opposite side of St Andrews Road, there is the Emerald Hills residential release area zoned under Camden Local Environmental Plan 2010. The land immediately opposite the site on St Andrews Road is zoned for environmental conservation purposes, subject to a proposed bio-banking agreement.

DEVELOPMENT HISTORY

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

Date	Development
21 November 2013	DA850/2013 - Subdivision of the land into 2 lots, comprising a 'paper' subdivision to facilitate the future residential subdivision

	and release of the land.
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THE PROPOSAL

DA 842/2014 seeks approval for residential subdivision of the land. Specifically the proposed development involves:

- Demolition of existing dwelling, structures and improvements on the land;
- Remediation of contamination, subject to a Remediation Action Plan;
- Bulk earthworks, cutting and filling across the site;
- Construction of roads (with 16m road reserve widths and 9m carriageways) and drainage works;
- Creation of 213 residential lots ranging in size from 375m² to 1004m²,
- Creation of a super lot of 1410m² (lot 5016) as a potential future road connection to land to the east, or alternatively a further 3 lot subdivision; and
- Associated site works, retaining walls, and landscaping works including provision of street tree planting.

The capital investment value of the works is \$20,197,337.

In respect to the super lot, lot 5016, the applicant proposes that a potential road connection via this lot would be provided by means of conditions of consent that would include a 'sunset' clause tied to the date of determination. Lot 5016 would provide for a road connection for further residential lots. The option for residential lots could be acted upon in 3 years from the date of determination should the road connection not occur, based upon any rezoning and residential development of the adjoining land to the east.

Amendments to the DA

The subdivision layout has been subject to a number of revisions during the assessment of the DA to respond to issues raised with the applicant, without substantially changing the proposed development. These revisions have comprised:

- Re-orientation of 27 lots along the St Andrews Road frontage of the site, so that these lots do not front St Andrews Road, but have access from an internal road and rear boundaries to St Andrews Road;
- Deletion of an internal access road connection to St Andrews Road;
- Deletion of proposed road upgrade works on St Andrews Road, as the revised subdivision layout has no access or lots fronting St Andrews Road;
- Provision of a 10m wide pedestrian access to St Andrews Road;
- Provision of an additional or second road access point to Jamboree Avenue, the collector road within the adjoining Stockland's 'Willowdale' estate; and
- Deletion of staging of the subdivision, originally to be developed in 3 stages.

PROPOSED PLAN

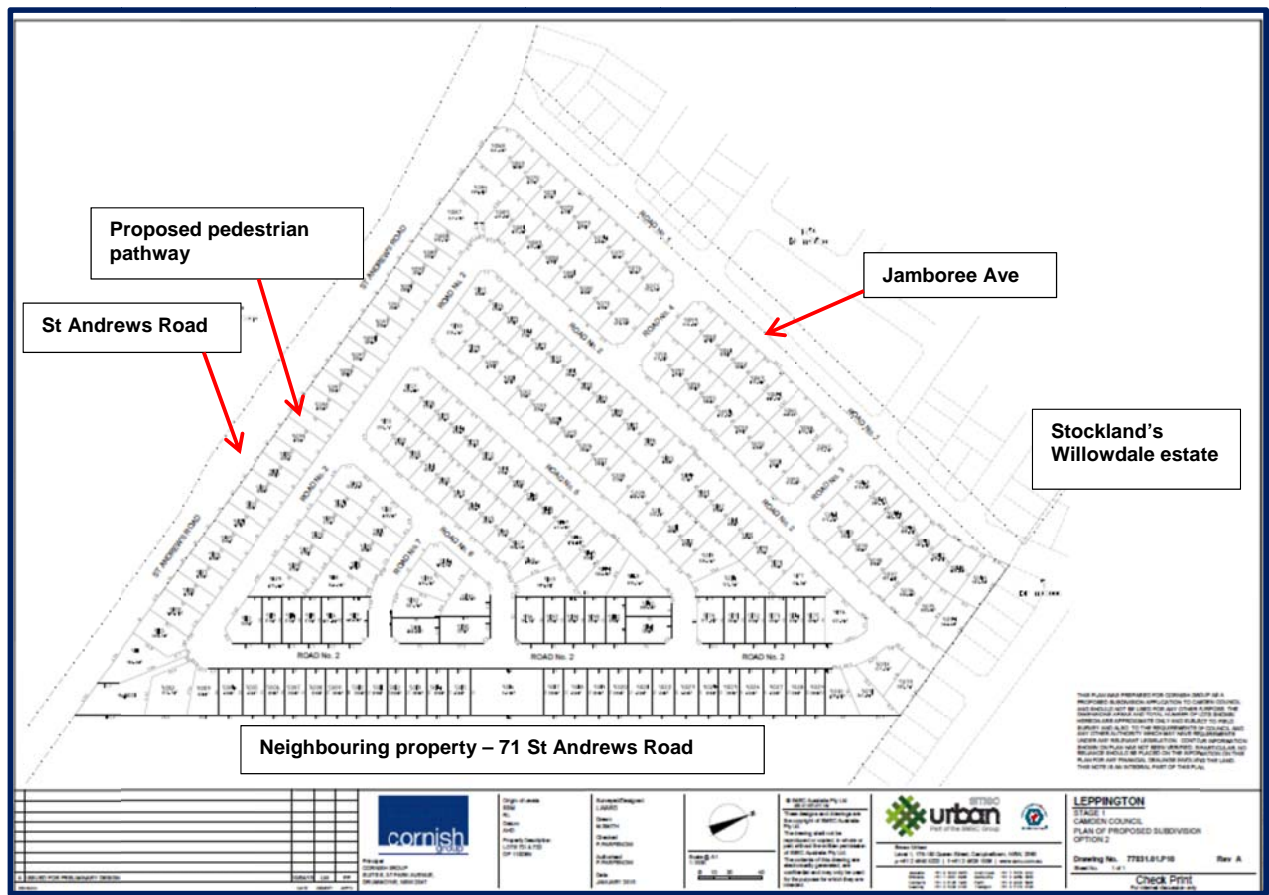


Figure 1: Proposed Subdivision Layout Plan (refer to Attachment 2)

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 No 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River Deemed State Environmental Planning Policy
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006

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 is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV which exceeds the CIV threshold of \$20 million for Council to determine the DA and therefore it is referred to the Panel for determination.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Permissibility

The site is zoned R2 Low Density Residential under the provisions of the Camden Growth Centres Precinct Plan, Appendix 9 of the SEPP. Earthworks are permissible with consent within the R2 zone. Under clause 2.6 of the precinct plan land to which the plan applies may be subdivided with development consent, while under clause 2.7 the demolition of a building or work may be carried with development consent.

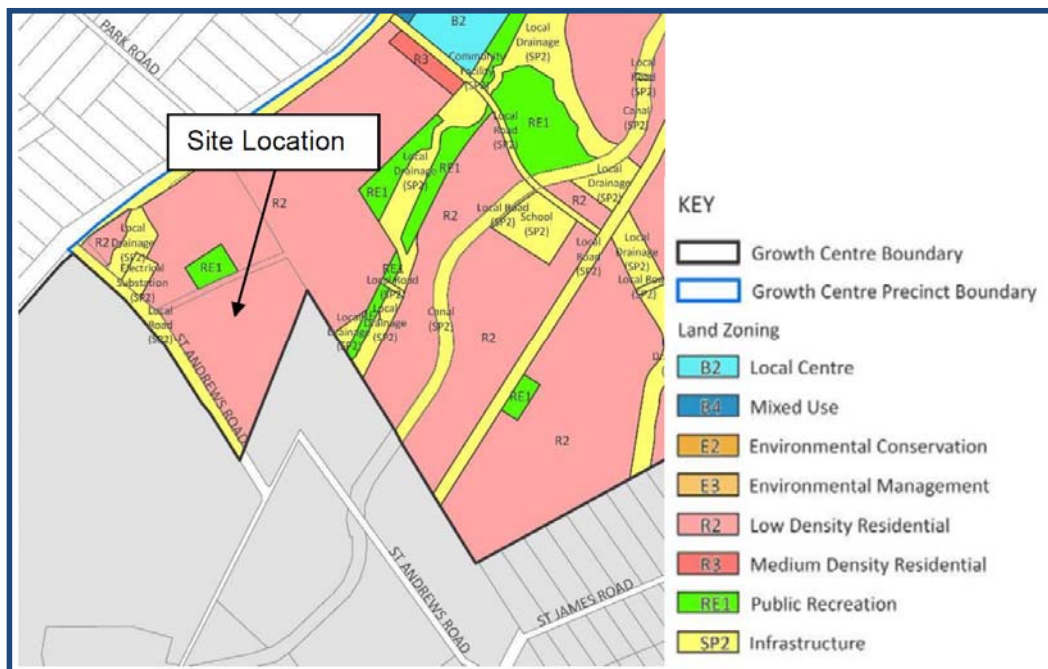


Figure 2: Extract Zoning Map - SEPP (Sydney Region Growth Centres) 2006

Zone Objectives

The objectives of the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

The proposed development is consistent with the relevant zone objectives as it will create new residential allotments within the East Leppington areas which will provide for the housing needs of the community in a low density residential environment.

Relevant Clauses

The DA has been assessed against the following relevant clauses of the SEPP:

Clause	Requirement	Provided	Compliance
4.1 Minimum subdivision lot Size	There are no minimum lot sizes prescribed for the East Leppington Precinct under Cause 4.1.	The DA proposes a range of lot sizes from 375.2m ² to 1004.6m ² (generally 390m ² to 450m ²).	Yes
4.1AA Subdivision resulting in lots between 225-300m ²	Consent may be granted lots less than 300m ² (but not less than 225m ²)	All lots above 300m ² , being 375m ² or above.	Yes
4.1AB Minimum lot sizes for residential development in zone R2 and R3	The minimum lot size for a dwelling house is 300m ² where the dwelling density is 15, 20 or 25	The minimum lot sizes are all above 300m ²	Yes
4.1B Residential Density	The density of any residential development to which this clause applies is not to be less than 15 dwellings per hectare	The DA proposes a density of approximately 16.5 dwellings per hectare	Yes
5.9 Preservation of Trees and Vegetation	Development consent or a permit is required in order to remove any tree or other vegetation to which a Development Control Plan (DCP) applies	The application proposes removal of all trees and vegetation. The site is subject to the bio certification order issued in 2006, for the Growth Centres.	Yes

Clause	Requirement	Provided	Compliance
5.10 Heritage Conservation	Development consent is required to demolish, remove alter a heritage item, aboriginal object, or building, work relic or tree within heritage conservation area	There are no potential or known sites of Aboriginal or European heritage (no mapped areas of significance within the DCP)	Yes
6.1 Public Utility Infrastructure	Public utility infrastructure essential for the development must be available, or arrangements must have been made to make that infrastructure available when required	Infrastructure is expected to be provided from the adjoining release area. A condition is recommended requiring that suitable public utility infrastructure is provided to the proposed lots prior to the issue of a Subdivision Certificate	Yes

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

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

A detailed site investigation (Phase 2) has been undertaken with findings based on samplings across the site, of which approximately 6ha was used for the storage and production of pyrotechnics. This has identified issues related to hydrocarbon, copper, BTEX chemicals (volatile organic compounds found in petrol and petroleum derivatives) and some asbestos contamination, which is to be remediated subject to a remediation action plan (RAP).

The RAP has been reviewed by Council's specialist environmental health officers. Following clarification with the applicant's consultants regarding treatment of pyrotechnic contaminants and potential asbestos fragments they are satisfied that the remediation of the site in accordance with the RAP will render the site suitable for the proposed residential development.

The recommended consent conditions require that the site be fully decontaminated in accordance with the submitted RAP. Subject to this occurring, the site will be made suitable for its intended residential use. In addition, a standard contingency condition requires that if any unexpected contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development constitutes traffic generating development under clause 104 and schedule 3 of this SEPP, as it involves the subdivision of land for more than 200 allotments including the opening public roads.

Referral to RMS

The application was referred to the RMS in accordance with clause 104(3)(a). The RMS advised Council that they did not support the provision of a road directly connecting the subdivision to St Andrews Road. This connection has been deleted from the revised subdivision layout, and the RMS subsequently advised that they have no objections to the revised subdivision layout.

Other traffic matters for consideration

Clause 104(3)(b) also requires that the consent authority take into consideration the accessibility of the site, and any potential traffic safety, road congestion or parking implication of the development. No traffic safety, road congestion or parking implications have been identified with the proposed development.

The DA was accompanied by a traffic impact assessment report which concludes that the proposed subdivision would not increase trip generation rates above limits provided for in the DCP and original traffic planning assessment for the precinct. Key interface intersections at Jamboree Ave and external intersection at Jamboree Ave and St Andrews Road will operate at a good level of service.

The DA was reviewed by Council's Traffic Engineer who raised no traffic concerns other than that there should be no direct road access onto St Andrews Road, having regard to uncertainty about its future status as a sub arterial road. This direct access has since been deleted. Council's traffic engineer also reiterated that projected traffic volumes from the subdivision did not justify the need for a direct road connection to St Andrews Road. As noted above this road access has been removed.

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

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The proposed subdivision and development of the site is part of the regionally planned release of residential land within the South West Growth Centre.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development, as the development will be subject to the implementation of suitable sediment and erosion controls and water management measures which will avoid adverse impacts on the natural watercourses and ultimately the Hawkesbury Nepean river system.

Under clause 11 of this deemed SEPP, remediation of contaminated land requires consent. Accordingly, the DA seeks approval for remediation of contamination in accordance with the submitted RAP. The RAP includes site and environmental management requirements to ensure that no water containing suspended matter or contaminants leaves the site in a manner which could pollute the environment.

Based upon the above considerations, the proposed development is consistent with the aim of the deemed SEPP (to protect the environment of the Hawkesbury-Nepean River system) and its planning controls.

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

Camden Growth Centre Development Precincts Development Control Plan (DCP)

An assessment of the proposed development's compliance with the controls in the DCP is provided in the Table in **Attachment 1** to this report. This has identified variations of the requirements of the DCP which are discussed further in this section of the report.

DCP Variation 1 – Indicative Layout Plan (ILP), Road Locations and Alignments

Section 2.2 of the DCP requires that all development applications are to be generally in accordance with the ILP, with any variation to be consistent with the relevant precinct planning vision. Section 3.3.1 (6) & (7) of the DCP also requires that the locations and alignments of all roads are to be generally in accordance with the locations and alignments shown on the Precinct Road Hierarchy figure (which are consistent with the ILP), refer to **Figure 3** for extract of ILP and road hierarchy.

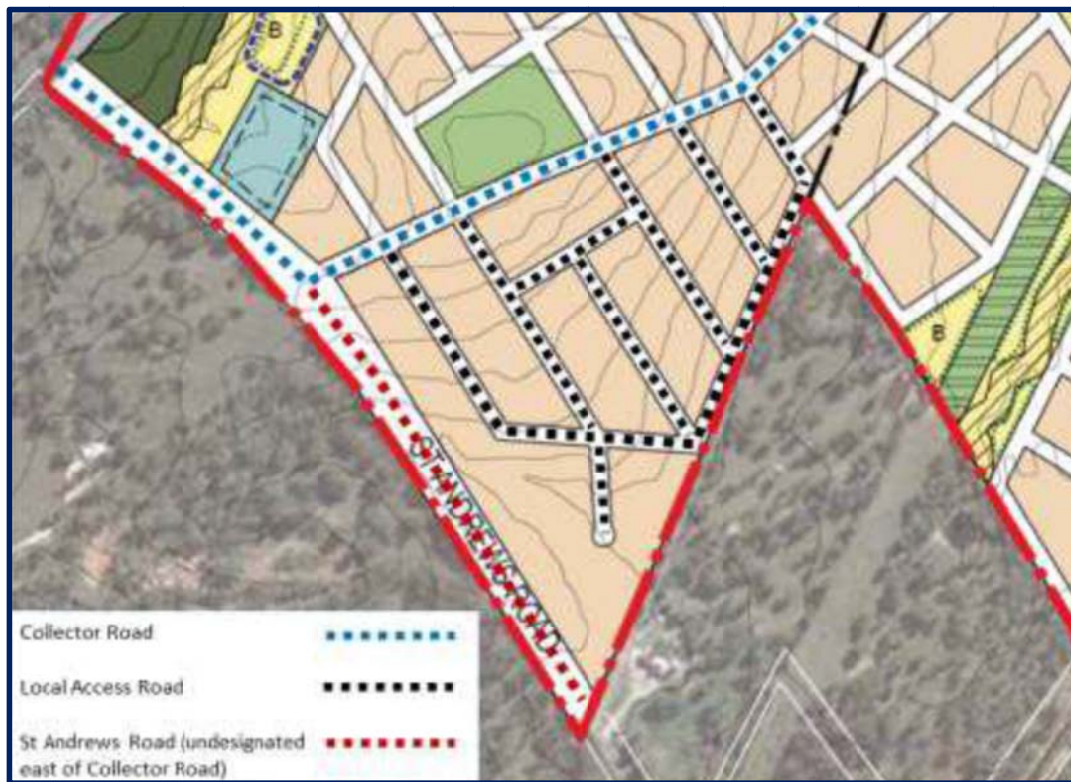


Figure 3: Extract of Indicative Layout Plan, with an overlay of DCP road hierarchy, on the subject site (source: Traffic Assessment report, ARC Traffic & Transport, September 2014)

Variations

The DA proposes a subdivision and road layout which varies from the ILP and precinct Road Hierarchy figure, with the following variations:

- Reorientation of internal roads such that they are oriented generally east/west or north east/south west rather than north west/south east as generally

provided for in the ILP. This means lots are more generally oriented north/south rather than generally east/west under the ILP;

- Provision of only two local road connections to Jamboree Avenue, the collector road to the north, rather than four connections as shown in the ILP;
- Provision of a single potential road connection with the adjoining property to the south east (within proposed lot 5016) instead of a provision of a perimeter road along approximately half of the boundary with the adjoining property; and
- Provision of a local road connection to the north east (connecting to approved subdivision of the land within the adjoining Stockland subdivision, DA101/2014, 21 May 2014).

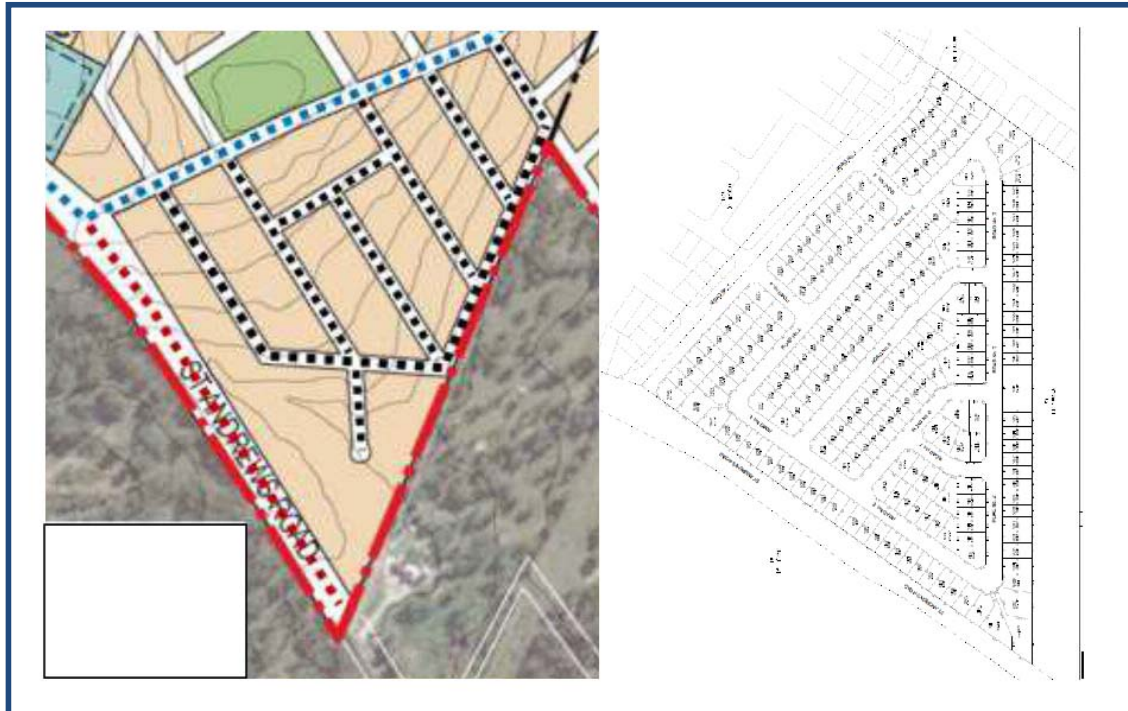


Figure 4: Comparison of ILP to proposed subdivision layout

Applicant's justification for variations to ILP and road network

The applicant's justification for these variations to the ILP and road network indicates that the proposed subdivision layout:

- Provides a connected street network that retains access to facilities and services (within the broader East Leppington Growth Precinct);
- Retains a generally linear network of local access roads, and retains DCP street hierarchy and profiles;
- Removes a cul-de-sac street;
- Rationalizes access intersections to the collector road, Jamboree Avenue, and provides a new local access road connection to the north east which would increase pedestrian and cycle access to the central East Leppington Growth precinct reserve/recreation areas;
- Does not change lot yields of the site over that provided for in the DCP;

- Provides for lot orientations that are deemed as the best possible according to market feed back from builders requesting north-south orientation to meet BASIX, solar access and private open space objectives.
- Will have a more passive interface with the adjoining property to the south east with provision of rear lot boundaries (retaining walls and fencing) compared to the ILP perimeter road, where there would be traffic and street lights impacting the neighbouring property. This is a similar approach taken with subdivisions to the east; and
- Does not result in adverse traffic impacts, including no increase in trip generation rates above limits provided for in the DCP and forecasted in the East Leppington traffic assessment, and retaining a good level of service at key intersections at Jamboree Avenue and St Andrews Road.

Council staff assessment

The proposed subdivision layout will remain consistent with the precinct vision, as it provides for larger lots on the periphery of the precinct where detached dwellings will comprise the majority of residential development. This can ensure that there will be a range of residential densities and housing types across the precinct with medium density closer to the centre of the precinct.

The proposed street network is generally consistent with relevant matters for consideration as listed in section 3.3.1 of the DCP as it retains a modified grid system; avoids the use of culs-de-sac; and retains connectivity to the remainder of the East Leppington precinct and adjacent areas of open space. However the level of potential connectivity to the neighbouring land to the south east has been significantly reduced with a single road connection (within proposed lot 5016) instead of a provision of a perimeter road along a significant section of the eastern site boundary.

A variation to the ILP and road network can be supported if a suitable level of connectivity can be retained to the neighbouring property, 71 St Andrews Road. This can be achieved with at least two road connections rather than the single proposed connection, refer to **Figure 5**.

The road connections should not be limited to three years from the date of determination, as proposed by the applicant, in relation to the single connection over proposed Lot 5016. These connections can be provided as temporary public roads. Under this arrangement the temporary roads would be constructed as part of the subdivision. Any future closure of the temporary public roads would be subject to the provisions of section 39 and 40 of the Roads Act, where the original subdivider, or successor/s, can apply to become the owner of the land on which the temporary road was situated.

The recommended conditions of consent deal with this matter and require the provision of an amended subdivision layout, via deferred commencement conditions, to include a second local road linkage as a continuation of Road No 5 over proposed lots 5022, 5023 & 5024.

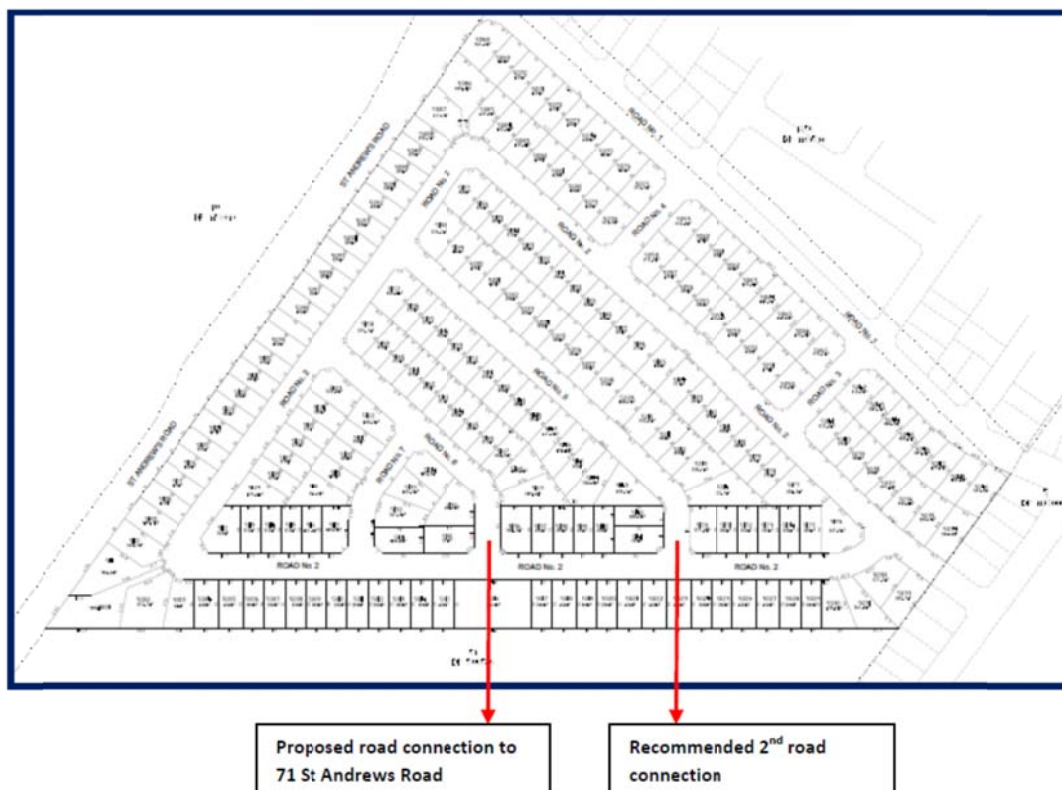


Figure 5: Two road connections to 71 St Andrews Road

(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 development is subject to the East Leppington Planning Agreement executed on 31 March 2014 between Camden Council, Stockland Development Pty Limited, Leppington Park Pastoral Pty Limited, and Cornish Group No Two Pty Limited. Under this Planning Agreement the development is subject to contributions for community facilities and administration purposes (based upon the additional hectares being developed). This matter forms part of the recommended conditions of consent.

(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

Status of St Andrews Road

St Andrews Road is currently a two lane rural road. Traffic signals and associated road stubs have been provided at the intersection at Camden Valley Way, as part of recent upgrade works on Camden Valley Way.

The East Leppington precinct plan in the Camden Growth Centre Precincts DCP identifies the section of St Andrews Road fronting the site as an existing road, where no upgrade works are proposed. However, the western section of St Andrews, from the intersection at Camden Valley Way up to the western corner of the site is identified as a being upgraded to a collector road standard, refer to **Figure 6**. This would connect through into the Jamboree Ave, the collector road within the East Leppington precinct along the northern site boundary.

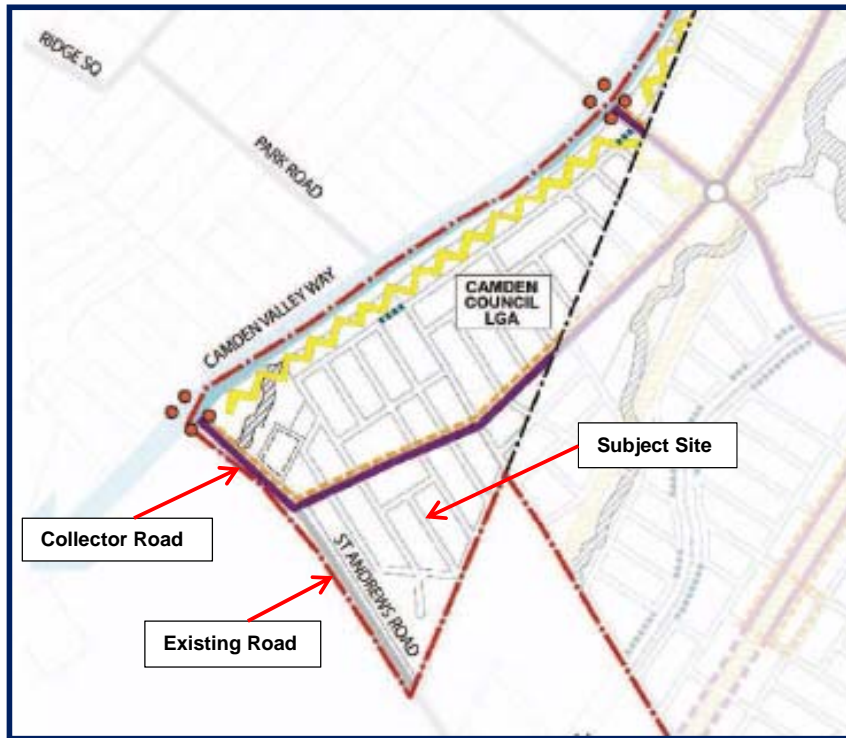


Figure 6: Precinct Road Hierarchy, East Leppington, Camden Growth Centre Precincts DCP

Further planning for the upgrade of St Andrews road has been included in the draft Leppington Precinct Plan. The Leppington Precinct is to the west of Camden Valley Way, being the next staged release of land within the South West Growth Centre. The draft Precinct Plan was exhibited for public comment from 10 November to 19 December 2014, and the Department of Planning & Environment (DPE) is currently reviewing submissions.

The draft Leppington Precinct Planning report indicates that based upon forecast traffic demand and precinct planning principles, four lane road corridors will be reserved in the draft Indicative layout plan, which includes St Andrews Road. The draft report further advises that St Andrews Road is to provide a major east/west arterial connection within the precinct and link to the F5 and Campbelltown Road to the east and the Northern Road to the west, refer to **Figure 7**.

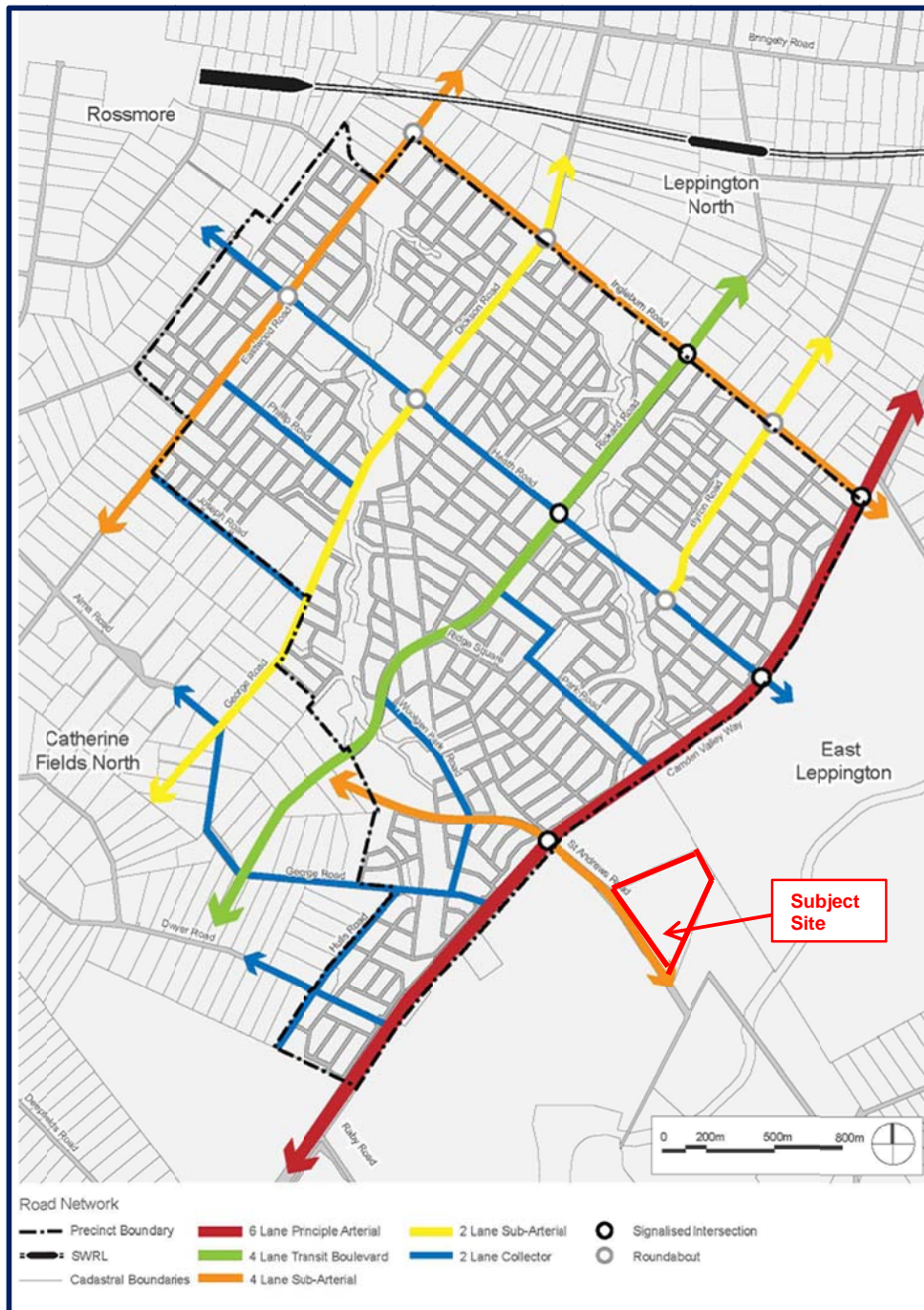


Figure 7: Proposed Leppington Road Network, Figure 5-14 (source: draft Leppington Precinct Planning Report)

The inclusion of this potential upgrade of St Andrews Road has been based upon the draft RMS South West Growth Centre Road Network Strategy, which has not been formally adopted, and is not part of the current South West Growth Centre structure plan.

The submissions received to the draft Leppington Precinct Plan include submissions from Campbelltown Council and from the Scenic Hills Association raising concerns

and objections to the proposed upgrade of St Andrews Road. Camden Council's submission included the need for DPE to investigate and resolve the role and function of St Andrews Road (and its implications for the Precinct traffic network and the strategic traffic network) in consultation with Council, but with funding and delivery of an upgrade being a State responsibility. It was also recognized that a number of significant constraints would need to be overcome for it to become a major east/west connection.

The upgrade and future status of St Andrews is expected to be resolved as part of an impending review by the DPE of the South West Growth Centre Structure Plan. The State Government's recently released "A Plan for Growing Sydney" confirms the Government will update the South West Growth Centre Structure Plan. The DPE has advised this will entail a review of the traffic and access arrangements of the Structure Plan.

Advice was sought from Roads and Maritime about this matter, in relation to this DA. The RMS advised Council on 31 March 2015 that a number of east/west routes, including St Andrews Road were investigated as part of the development of the current Structure Plan. However, Roads and Maritime further advised that St Andrews Road was not identified as an arterial east/west connection. Hence upgrading of St Andrews Road is not included in their current works program.

The proposed plan of subdivision as originally submitted with the DA included 30 lots with access from St Andrews Road, along with an upgrade of the road (part construction) to collector road standard. In response to issues raised about the uncertainty on the future status of the road the applicant revised the subdivision layout so that no lots front St Andrews Road, and there are only rear boundaries of lots facing the road. These revisions have also included the removal of a local road connection and deletion of proposed part road upgrade to a collector road standard. The road would remain as two lane rural type road.

The revised layout removes potential traffic conflicts that might arise from the lots and dwellings directly accessing St Andrews Road, should it be upgraded to a sub arterial standard. Roads & Maritime raised no objections to the revised subdivision layout.

While St Andrews Road is currently only a two lane road, there is a wider road reserve which varies in width from approximately 23m to over 30m adjacent to the site. This road reserve width could accommodate a road of at least 20m width.

Based upon the above considerations, the revised layout appropriately deals with the potential upgrade of the road, which still remains uncertain and is not reflected in the current precinct plan and current South West Growth Centre Structure Plan.

Road traffic noise impacts - Acoustic assessment

There are potential road traffic noise impacts on the proposed residential development, associated with the main north-south collector road, Jamboree Avenue. In respect to St Andrews Road, given the uncertainty about the future status of the road (as discussed above in this report) and the lack of specific details it would be reasonable to base any noise impact on its current status as a local road. Noise impacts arising from any future upgrade of the road can be dealt with at that stage.

The applicant advised in December 2014 that acoustic consultants had been contracted to prepare an Acoustic Assessment of the revised subdivision layout. This however has not been provided.

It is expected that road traffic noise impacts and attenuation can be dealt with by means of architectural treatment of affected dwellings with measures such as upgraded glazing and acoustic seals, as well as provision of upgraded or acoustic fencing.

The recommended conditions of consent require that the applicant submit to Council an acoustic assessment of the development prepared in accordance with Council's Environmental Noise Policy. The acoustic report must include an assessment of road traffic noise impacts and make recommendations for attenuation measures, where required, to ensure that all lots have appropriate internal and external acoustic amenity.

Retaining walls and fencing details

The DA provides for retaining walls located at rear boundaries of various lots within the subdivision to accommodate changes in cut and fill levels, which will be up to approximately 2m for certain lots. There will also be retaining walls along the rear of lots to St Andrews Road up to approximately 2.5m high and retaining walls approximately 0.5m high to the part of the boundary with neighbouring property to the south east.

The height of retaining walls between lots within the development should be limited to approximately 0.5m in height, to avoid adverse amenity impacts and ensure solar access is not compromised for future dwellings and their rear yards. The recommended conditions of consent require that these internal retaining walls are reduced to maximum 0.5m.

In respect to the retaining walls along St Andrews Road it is noted that the height these walls are required to respond to changes in existing levels along the road alignment. It would be difficult to avoid the provision of these walls in this instance, however the materials and finishes in typical sections provided with the application plans are not detailed (with the section details showing possible future raising of the road surface). Further details are required to ensure that suitable featured material and finishes can be provided, other than a blank masonry or concrete finish. This is dealt with in the recommended conditions of consent.

The level differences with the neighbouring property to the east/south east will require retaining walls up to approximately 0.5m along the southern part of this property boundary, for approximately 240m. Once again the materials and finishes for these walls are not detailed in typical sections provided with the application plans. Having regard to the relationship of these walls to the neighbouring property, and the dwellings on these lots, section details are required of the construction materials and which demonstrate that the retaining wall does not burden the neighbouring land. The maximum fill for these lots should also not exceed 1m above natural ground levels to protect the amenity of the neighbouring land in respect to potential privacy and overlooking impacts from these lots.

Fencing should also be provided along the boundary to the neighboring property and St Andrews Road as part of the development, to ensure consistency in material and appearance, and ensure that the neighbour is not burdened by any boundary fencing. This is also dealt with in the recommended conditions of consent.

Crime Prevention Through Environmental Design

The proposed subdivision layout provides for a 10m wide pedestrian access path from St Andrews Road. This was provided in response to the submission to the DA from Transport for NSW about the need to provide for permeability for pedestrian access. A concealment area will be potentially created due to the 2m high retaining walls either side of the entry to this pedestrian pathway. This pedestrian pathway would have limited purpose with St Andrews Road having no street lighting and no footpaths. It is considered it should be deleted from the proposed development, with the area added to adjoining lots or provided as an additional lot of 300m². This is dealt with in the recommended conditions of consent.

Trees and vegetation, fauna impacts

There are existing areas of native vegetation and trees grouped and scattered across the site, particularly toward the south east corner of the site. These will be removed with the earthworks, site cutting and filling associated with the subdivision. While this will include vegetation identified as Cumberland Plain Woodland, it is noted that biodiversity certification for the Growth Centres removes the requirement for an assessment of significance (i.e. seven part test) or species impacts statement. There is also no requirement for approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, as development activities within the Growth Centres were approved under the Commonwealth's Strategic Assessment process. In line with the precinct vision, remnant vegetation can be retained and enhanced within parks and reserves elsewhere within the precinct.

Council's natural resource officer has reviewed the proposed development having regard to the native vegetation provisions within section 2.3.5 of the DCP. It is suggested that the development include replacement planting using similar species and that a nest box installation plan provides for replacement of individual tree hollows. Due to the extent of development, the nature and size of proposed allotments and extent of earthworks proposed, and that there is no open space area with this part of the precinct, there is no potential for any significant replacement planting or nest box installation. Native street tree plantings will be provided as part of the development. Also measures can be taken, in line with OEH's Policy on the translocation of threatened fauna, to ensure that any native fauna inhabiting tree hollows can be relocated before development activities commence. This is dealt with in the recommended conditions of consent.

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, subject to resolution of the matters listed in the recommended deferred commencement conditions.

(c) The suitability of the site

As demonstrated by the above assessment, it is considered the site will be suitable for the proposed development, subject to resolution of the matters listed in the recommended deferred commencement conditions.

(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 requirements in the *Environmental Planning & Assessment Regulation 2000*, for advertised development, in respect to category 1 remediation works associated with the development. The exhibition period was from 23 October 2014 to 21 November 2014. Three public submissions were received, raising the following issues.

1. Status of potential upgrade of Andrews Road and funding for any upgrade

Two submissions raised issues related to the future status of St Andrews Road. The first of these supported an upgrade of the road as a sub-arterial east/west link through to Campbelltown. Concerns were raised about residential lots having entry and exit points to the road and therefore requesting that the integrity of St Andrews Road be preserved by having these entry and exit points to lots away from St Andrews Road. The other submitter requested that any increased function for St Andrews Road be funded through State Special Infrastructure contributions (the submitter also intends that this funding would relate to any upgrade of the road to a collector road standard as required under the DCP).

Comment

This matter is considered above in this report. While the potential upgrade of St Andrews Road has not been determined, the subdivision layout was amended to remove access to the road, so entry and exit to lots will be away from the road.

The recommended conditions of consent include a requirement for the applicant to make a special infrastructure contribution in accordance with the determination made by the Minister for Planning in 2011 under section 94EE of the *Environmental Planning & Assessment Act 1979*, in respect to contributions for infrastructure within the Western Sydney Growth Areas. These contributions are administered through the Department of Planning & Environment, and any direction for funding of an upgrade of St Andrews Road via these special Infrastructure contributions is outside the parameters of this application.

One submission was received objecting to the proposed development, raising the following issues:

2. Variations to the Indicative Layout Plan (ILP) and road layout.

The following issues were raised in relation to variations to the ILP and road network:

- Poor interface with the neighbouring property as a result of the removal of a perimeter road and extent rear lot boundaries facing the property.
- Loss of connectivity with the realigned road layout which would diminish potential for future development opportunities for the neighbouring land to the south east.
- Provision of one time limited access point to the south east (*over proposed lot 5016*) would be unreasonable as the ILP allows for at least two access points without any time limit or time frame. A road at the boundary should be aligned as per the ILP.
- There will be less desirable lot orientation with southern oriented lots, instead of lots with rear yards oriented north/east and/or south/west.

Comment:

These issues have been addressed above in this report in the discussion of DCP variations. It is agreed that the provision of a single time limited road connection point would be unsatisfactory. It is recommended that two road connection points are provided, and that these are not time limited as proposed by the applicant but be provided as temporary public roads (with future development potential dependent upon extinguishment of the temporary public road) or establishment of rights of carriageway and restriction on use over the relevant lots, to benefit the neighbouring property.

3. Asset Protection Zones – Bushfire

The proposed development does not provide for an asset protection zone along the boundary, as indicated in Figure 2.4 of the DCP. This will result in reliance upon the

owner of the neighbouring property to manage their land, without any guarantee that this will be managed in future.

Comment:

The application was accompanied by a bushfire assessment report, as the majority of the site is mapped as bushfire prone land. The bushfire assessment was prepared in accordance with Planning for Bushfire Protection 2006 (PBP). This provides for a 16m wide asset protection zone (APZ) affecting of portion of the rear yards of the lots along St Andrews Road and within the road reserve, due to bushland vegetation on the opposite side of St Andrews Road (an environmental conservation area within Emerald Hills estate subject to a proposed bio-banking agreement). Remaining land adjoining the site, including the neighbouring property at 71 St Andrews Road is identified as managed land.

The RFS have issued general terms of approval for a deemed bushfire safety authority. The RFS have not required the provision of an APZ to the neighbouring property. The RFS reviewed the objection and advised that vegetation on the neighbouring property was extremely well managed and it was accepted that there would be ongoing management of the land, and therefore no specific APZ was required.

4. Retaining Walls

Concerns are raised about the height of retaining walls to be provided along the boundary (which the objector indicates are up to 1.5m) and lack of details on proposed fencing. It is suggested that lots could be deeper and terraced to avoid adverse amenity impacts for the neighbouring property with fences located on the upper terrace edge and lower terraced areas used for activities such as clothes drying and for sheds/outbuildings.

Comment

This matter is discussed above in this report in relation to the impacts of the development. While the objector refers to retaining walls of 1.5m, these will be approximately 0.5m, as the proposed earthworks will result in lower levels close to the rear boundaries of the lots adjacent to the neighbouring land, but higher lot levels at the proposed road frontages. Due to the relationship of these walls to the neighbouring property the recommended consent conditions require further details of the construction and finishes of these retaining walls, along with details of boundary fencing.

The terracing of residential lots as suggested by the objector is not considered to be practical and would potentially result in adverse privacy impacts, particularly due to the 30m depth of these lots. The recommended conditions of consent require that fill levels for lot 5002 to lot 5033 must not exceed 1m above natural ground levels.

5. Sediment Controls

Concept sediment and erosion controls which would impinge upon neighbouring land, without consent of the owner.

Comment:

Silt fencing is shown as being located adjacent to the site boundary, but outside the site, on the neighbouring property. The provision of suitable erosion and sediment controls will be dealt via recommended conditions of consent, which will ensure that any measures required to be installed outside the site are subject to owner's consent.

6. Noise and Dust

The objector seeks that any approval is subject to conditions relating to noise and dust controls to protect the neighbouring property.

Comment:

The recommended conditions of consent include requirements for a construction management plan, and appropriate conditions regarding dust and noise control measures.

Council staff contacted and met with the submitter, in relation to issues raised in points 2 to 6, to discuss their concerns. Council staff were however unsuccessful in resolving the issues raised in the submission, in particular in relation to the loss of connectivity with variations to the ILP removing the perimeter road and limiting a potential access point to one road connection, and in relation to the lack of satisfactory details of perimeter retaining walls and fencing. As noted above these matters are to be dealt with in the recommended deferred consent conditions, to require two road connection points and require further construction details of retaining walls and fencing, including material and finishes.

EXTERNAL REFERRALS

Rural Fire Service (RFS)

The application was referred to the RFS under the integrated development provisions of the Act, as the subject site includes bushfire prone land requiring the issue of a bushfire safety authority under the *Rural Fires Act 1997*. The RFS have issued general terms of approval for a deemed fire safety authority, which is referenced in the recommended operation consent conditions.

Roads & Maritime Services

The application was referred to Roads & Maritime as traffic generating development under the provisions of the Infrastructure SEPP. They did not support the provision of a road connecting to St Andrews Road. This connection has subsequently been deleted by the applicant from the proposed subdivision layout, and no access (other than pedestrian access) is now proposed to/from St Andrews Road.

Clarification was also sought from Roads & Maritime on status of St Andrews Road. Roads & Maritime advised that St Andrews Road was not identified as an arterial east/west connection and upgrading of St Andrews Road is not included in their current works program.

Transport for NSW (TfNSW)

The DA was referred Transport for NSW having regard to the potential upgrade to St Andrews Road which could impact on the proposed development.

TfNSW provided comments about pedestrian access to St Andrews Road and connections to nearby bus stops. The DA was subsequently amended to provide for pedestrian access onto St Andrews Road (while deleting the road connection as recommended by RMS). It is however recommended that this pedestrian pathway is deleted from the subdivision layout as a concealment area will be potentially created due to the 2m high retaining walls,

TfNSW also provided emailed advice that St Andrews Road is listed in the draft South West Growth Centre Road Network Strategy as a Sub-Arterial roadway.

However, as this document was not adopted, the South West Growth Centre Structure Plan is the overarching policy document.

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. As demonstrated by the above assessment, it is considered the site will be suitable for the proposed development, subject to resolution of the matters listed in the recommended deferred commencement conditions related to an additional road connection, provision of an acoustic report, retaining wall, fencing and building envelope details. Accordingly, DA842/2014 is recommended for approval subject to the deferred commencement conditions contained in this report.

RECOMMENDED

That the Panel approve DA842/2014 for demolition of existing dwelling, structures a remediation of contamination land, bulk earthworks, residential subdivision of the land, with associated site works roads and drainage at 51 to 61 St Andrews Road, Leppington subject to the conditions listed below, for issue of a deferred commencement consent under the provisions of section 80(3) of the *Environmental Planning & Assessment Act, 1979*.

CONDITIONS

Deferred Commencement

The following deferred commencement conditions shall be complied with to the satisfaction of Council within twelve (12) months from the date of this Notice of Determination in order to obtain an operational Development Consent.

- a) Submit an amended subdivision layout and full set of revised plans, to provide for the following:
 - (i) a local road connection to 71 St Andrews Road (Lot 71 DP706546) over lot 5016, which is not time limited;
 - (ii) a second local road connection to 71 St Andrews Road (Lot 71 DP706546) as a continuation of Road No 5 over proposed lots 5022, 5023 & 5024. This in addition to the road connection in point (i) and is also not time limited;
 - (iii) retaining wall details and cross sections with retaining wall heights of maximum 0.5m between lots within the site, including details of their materials and finishes;
 - (iv) details of material and finishes for retaining walls to the St Andrews Road site frontage to provide for feature masonry finish, including an anti-graffiti coating or material, as well as details of landscaping adjacent to the wall to provide for low height planting;
 - (v) details of retaining walls and fencing to the boundary adjoining 71 St Andrews Road (Lot 71 DP706546) with retaining walls of maximum 0.5m height which include feature masonry finish to the retaining walls and minimum 1.8m high fencing, timber lapped and capped or similar; as well as ensuring fill levels for lot 5002 to lot 5033 must not exceed 1m above existing natural ground levels.

- (vi) removal of the 10m wide pedestrian walkway to St Andrews Road (between lots 5098 and 5099) and inclusion of this area within adjoining lot/s, or provided as an additional lot; and
 - (vii) building envelope details for irregular shaped Lot 5118 and Lot 5129 to demonstrate that dwellings can be satisfactorily located on these lots with the provision of require setbacks and adequate areas of private open space.
- b) Submit an acoustic assessment prepared in accordance with Council's Environmental Noise Policy to address road traffic noise impacts and make recommendations for attenuation measures, where required, to ensure that all lots have appropriate internal and external acoustic amenity.

The operational development consent will be issued by Council when the applicant provides documentary evidence to Council that the deferred commencement conditions have been satisfied.

The following conditions of consent will be included in the operational development consent.

1.0 - General Conditions of Consent

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the plans and documentation submitted with the DA and provided in compliance with the deferred commencement conditions, and all recommendations made therein, except where amended by the conditions of this development consent:

Note: The operational consent will list the approved plans and documents.

- (2) **General Terms of Approval** - The General Terms of Approval and deemed bushfire safety authority from NSW Rural Fire Service, dated 29 May 2015 shall be complied with prior to, during, and at the completion of the development.
- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (4) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (5) **Salinity Management Plan Compliance** – All proposed works including filling and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the requirements and management strategies contained within the report titled *Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, 51 St Andrews Road, Leppington*, prepared by Douglas Partners, project number 76571.02, dated July 2014.
- (6) **Landscaping Maintenance and Establishment Period**
Commencing from the Date of Practical Completion (DPC), the Applicant will have for a 12 month period, 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 turf installation, street tree installation and mulching.

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 road verge areas, street trees, 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

2.0 - Prior To Issue Of Construction Certificate

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

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Turning Facilities** - Turning facilities shall be provided at all dead end roads. All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with Council's Engineering Specifications.
- (5) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- (6) **Stormwater Detention and Water Quality** - A detention system and water quality system shall be provided for the site prior to the release of a subdivision certificate.

- (7) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, on-site and off-site disposal; that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security must be undertaken in accordance with *Report on Remediation Action Plan, Proposed Residential Development, 51 St Andrews Road, Leppington*, prepared by Douglas Partners, project number 76571.01, dated July 2014. Any variation or modification to the Remedial Action Plan in terms of compliance work must be requested from the Consent Authority (Camden Council) in writing prior to validation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.
- (9) **Remediation Works Inspection** - A qualified environmental consultant or scientist will be required to frequently inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- (10) **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (11) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report/assessment, as listed in condition 1.0(1). Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (12) **Construction Noise Management Plan** - A construction noise management plan shall be provided to the Certifying Authority and include the following:
- a) Noise mitigation measures
 - b) Noise and/or vibration monitoring
 - c) Use of respite periods
 - d) Complaints handling, and
 - e) Community liaison and consultation
- (13) **Street Trees Installation** - The tree species shall be planted at no cost to Council and in the location(s) specified on the approved Landscape Plan.
- (14) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority. The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
 - b) Measures to suppress odours and dust emissions;
 - c) Soil and sediment control measures;
 - d) Measures to control air emissions that includes odour;
 - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) Any other recognised environmental impact; and
 - g) Community Consultation.
- (15) **Desilting Dams or Creeks** - A Geotechnical Report prepared by a suitably qualified geotechnical engineer and detailing works required to desilt any existing dams or creek beds, shall be provided to the Certifying Authority in conjunction with the engineering drawings with the Construction Certificate application.

3.0 - Prior To Commencement Of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
 - (2) **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of 10% value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
 - (3) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.
- Soil erosion and sediment control measures shall be maintained during construction works and shall 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).
- (4) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant NSW WorkCover Authority and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (5) **Decommissioning of On-Site Sewerage Management** - Written confirmation verifying that the existing on-site sewerage management facility has been decommissioned in accordance with the following, shall be provided to the PCA and Council:

Option 1: (Removal of system from site)

That the septic tank, disposal field and all associated drainage shall be decommissioned in accordance with the following:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council,
- b) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
- c) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a liquid wastewater contractor.

The septic tank and any associated drainage and disposal field including materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches/ irrigation fields shall be removed and disposed of at a suitably licensed landfill site. (i.e. aggregates, rubble, sand, concrete slabs and the like) A copy of the receipt for disposal of the waste materials shall be provided to Council.

The tank excavation /transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.

Option 2: (decommissioning on site)

The septic tank system shall be de-commissioned in the following manner:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council.
- b) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime,
- c) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level, and
- d) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.

- (6) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (7) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (8) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;

- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (9) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (10) **Construction Management Plan** - A Construction Management Plan that includes construction waste, dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.

4.0 - During Works

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

- (1) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (2) **Site Management Plan** - The following practices shall be implemented during construction works:
- a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read 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 wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold

capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (3) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to: www.environment.nsw.gov.au/waste/envguidlms/index.htm)

Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (4) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the Hazardous Building Material Assessment (HBMA).
- (5) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.

Remediation and construction works shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual for the control of construction site noise that specifies that:

- i) For a cumulative period of exposure to construction activity noise of up to 4 weeks, the Laeq (15 minute) emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dBA.
 - ii) For a cumulative construction noise exposure period of between 4 to 26 weeks, the emitted Laeq (15 minutes) noise level should not exceed the LA90 level by more than 10 dBA.
 - iii) For a cumulative construction noise exposure period greater than 26 weeks, the emitted Laeq (15 minute) noise level should not exceed the LA90 level by more than 5 dBA.
- (6) **Location of Stockpiles** - Stockpiles of soil shall 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 contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (7) **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.
- (8) **Delivery Register**- The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council

officers on request and be provided to the Council at the completion of the development.

- (9) **Fill Material** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the Principal Certifying Authority that confirms that the fill material is suitable from a contamination and salinity perspective.

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:

Virgin Excavated Natural Material (VENM):

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

Sampling of VENM for salinity of fill volumes:

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

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

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

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

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

- (10) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
 - (11) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the *Soils and Construction – Managing Urban Stormwater manual (Blue Book)*.
 - (12) **Unexpected Finds Contingency (Remediation)** - Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved RAP shall be adopted.
 - (13) **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:
 - a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc, an application shall be made for a Road Opening Permit and an approval under Section 45 of the *Roads Act 1993*;
 - b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.
- Note:** Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.
- (14) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
 - (15) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

(16) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- c) retaining walls shall not be erected within drainage easements;
- d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

(17) **Site Management Plan** - The following practices are to be implemented during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
- b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
- c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
- d) a waste control container shall be located on the site;

- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (18) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (19) **Street Trees, their tree root barrier guards, protective guards and bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.

5.0 - Prior To Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Issue of Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the PCA.
- (3) **Validation Report** - A Validation Report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

- a) compliance with the approved RAP;
- b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy; and includes:
- d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
- f) statement confirming that the site following remediation of contamination is suitable for the intended use.

- (4) **Site Audit Statement** - All remediation works and the Validation Report shall be reviewed by a NSW EPA Accredited Site Auditor (Site Auditor) as defined under the *Contaminated Land Management Act 1997* at the conclusion of the remediation works.

The Site Auditor shall provide a Site Audit Statement (SAS) in accordance with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Contaminated Lands Policy, confirming the land is suitable for the intended use. The SAS shall be provided to the Consent Authority within 30 days following the completion of the remediation works and submission of the Validation Report.

- (5) **Fill Plan** - A Fill Plan shall be provided to the 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 provided electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (6) **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.

- (7) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the PCA, 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.

- (8) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.
- (9) **Street Lighting** - Street lighting shall be provided within the subdivision in accordance with the relevant AS and to the satisfaction of the PCA. All such work shall be complete and operative.
- (10) **Soil Classification** - A Soil Classification Report prepared by a suitable qualified person in accordance with the AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The Soil Classification Report shall also be provided to Council.
- (11) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (12) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.
- Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).
- (13) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) easement for services;
 - b) easement to drain water;
 - c) easement for support;
 - d) restriction as to user, requiring that there shall be no vehicular access to St Andrews Road from lots adjoining this road; and
 - e) restriction as to user, regarding Salinity Management requiring the following:
- All proposed works including filling and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the requirements and

management strategies contained within the report titled *Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, 51 St Andrews Road, Leppington*, prepared by Douglas Partners, project number 76571.02, dated July 2014.

- (14) **Show Easements/ Restrictions on the Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (15) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (16) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (17) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (18) **Road Surface Bond** - The applicant is to lodge a bond in the form of an unconditional bank guarantee or cash bond with Council for the placement of the final layer of Asphaltic Concrete (AC) wearing course for any proposed Public Road within the subdivision.

The bond is to be in the form of cash or unconditional bank guarantee, in favour of Council and shall be equivalent to 150% of the value of the works, including the cost of all reinstatement works. The bond amount shall be determined by making reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and is to be held until at least 80% of the subdivision occupancy, or when determined by Council.

- (19) **Footpath Bond** - The applicant is to lodge a bond in the form of an unconditional bank guarantee or cash bond with 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 unconditional bank guarantee, in favour of Council and shall be equivalent to 125% of the value of the works, including the cost of all reinstatement works. The bond amount shall be determined by making reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and is required to be held until at least 80% of the subdivision occupancy, or when determined by Council.

- (20) **Defects and Liability Bond** - The applicant is to lodge a defects and liability bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of works, with Council.

The bond covers any defects and liabilities of the public infrastructure.

- (21) **Developer Contributions – Planning Agreement** - The proposed development shall be carried out in accordance with the Planning Agreement executed between Council, Stockland Development Pty Limited, Leppington Park Pastoral Pty Limited & Cornish Group No. Two Pty Limited dated 31 March 2014.

Contributions – The following monetary contributions must be indexed to the Consumer Price Index and paid prior to issue of the Subdivision Certificate:

- \$10,128 per additional hectare (Total \$131,548) for Community Facility
- \$903 per additional hectare (Total \$11,729) for Administration.

- (22) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.

Evidence of payment of the SIC shall be provided to Council and the PCA.

- (23) **Maintenance Bond** - The applicant is to lodge a maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, with Council prior to the issue of a Subdivision Certificate.

The bond covers the maintenance during or after subdivision works for a stipulated period (6 months) for matters such as riparian corridor and WSUD, public reserves or other public property that require on-going maintenance as a result the Development Consent conditions.

- (24) **Fencing** – The applicant is to erect minimum 1.8m high fencing, timber lapped and capped or similar to top of retaining walls along the St Andrews boundary of the site and along the boundary to 71 St Andrews Road (Lot 71 DP706546).

Attachment 1 - Camden Growth Centres Precincts Development Control Plan (DCP)

The following is an assessment of the proposal's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
2.2 The Indicative Layout Plan (ILP)	All DAs are to be generally in accordance with the ILP Any proposed variations to the general arrangement to the ILP must be demonstrated by the applicant to Council's satisfaction	The subdivision layout varies from the ILP. The applicant has provided justification for the variations, which addressed in the assessment report.	No , this matter is addressed in the assessment report, and in the recommended deferred commencement conditions.
2.3.1 Flooding	The subdivision layout is to ensure that the ability to develop land, including adjoining properties is not adversely impacted with regard to the 1% Annual Exceedance Probability (AEP) flood extent The design of the road network is to ensure that evacuation routes from the proposed development are provided in accordance with Council's Floodplain Risk Management Policy and the Precinct Water Cycle Management Strategy	The subdivision is consistent with the Water Cycle Management Strategy for East Leppington and will not adversely impact adjoining properties. There are no lots proposed to be located within the 1% AEP flood extent The design of the road network is considered to be consistent with the flood modelling and designs contained within Council's Floodplain Risk Management Policy and the Precinct Water Cycle Management Strategy.	Yes Yes
2.3.2 Water Cycle Management	Management of 'minor' and 'major' flows within subdivision and development sites must be in accordance with Council's Engineering Specification	The applicant has submitted a suitable storm water management details. The development will rely upon planned regional infrastructure within the East Leppington	Yes

Control	Requirement	Provided	Compliance
		precinct. This will manage 'minor' and 'major' flows in accordance with Council's Engineering Specification. Council staff have reviewed this.	
	Stormwater within new subdivisions is to be managed primarily through a gravity network of pipes and overland flows generally following streets where flow volumes exceed the capacity of pipes in accordance with Council's Engineering Specification	The application proposes the management of stormwater through a piped system. No overland flow is proposed as part of this DA	Yes
	Roads on primary drainage lines shown on the Key Elements of the Water Cycle Management and Ecology Figure 2-3 of Schedule 3 are to be constructed in the locations shown	No drainage elements are identified within the subject site in Figure 2-3; however the development has been designed in accordance with Council's Engineering Specification	Yes
	The developed 1%, 20% and 50% AE peak flows are to be maintained at pre-development flows through the incorporation of stormwater detention and management devices	The application proposes to drain to bio-retention basins (located within the Campbelltown LGA) to address stormwater detention and management and this is deemed to be sufficient and in accordance with Council's Engineering Specification.	Yes
	The applicant must demonstrate that the proposed infrastructure will	The applicant has submitted a stormwater management	Yes

Control	Requirement	Provided	Compliance
	achieve the water quality targets set out in Table 2-1	information to demonstrate compliance with the outcomes required in Tale 2-1. This has been assessed by Council staff and is deemed to be sufficient	
2.3.3 Salinity and Soil Management	Development on land with a low, medium or high risk of salinity is to be accompanied by information detailing how the design and construction of the proposed subdivision intends to address salinity issues.	The applicant has provided a Saline Soils Management Plan (SSMP) in that the subject site is identified as an area with moderate saline soils in Figure 2-4 of Schedule 3. Council staff have reviewed this report which provides a number of recommendations on construction methods and agrees with its findings. It is a recommended development consent condition that all construction fully complies with the submitted SSMP	Yes
	All works must comply with the Western Sydney Salinity Code of Practice 2004 and Appendix B	The SSMP is compliant with the Western Sydney Salinity Code of Practice 2004 and with the salinity management strategy contained in Appendix B	Yes
	All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development	Soil erosion and sediment control plans prepared in accordance with the 'The Blue Book' and Council's Engineering Specification can be provided as required by condition of any consent.	Yes
2.3.4	DAs must identify	There are no areas	Yes

Control	Requirement	Provided	Compliance
Aboriginal and European Heritage	<p>any areas of Aboriginal heritage value that are within or adjoining the area of proposed development</p> <p>Applications for subdivision and building on the properties identified on the European Cultural Heritage sites in Figure 2-6 in Schedule 3 must be accompanied by a Heritage Management Document that details the heritage significance of the heritage item</p>	<p>of Aboriginal heritage value identified within the subject site.</p> <p>Figure 2-6 of Schedule 3 identifies an area of 'other significant planting' along the site's north eastern boundary. Previous development consent, DA 262/2013 approved the removal of a large component of these trees. This DA does not propose any additional removal of these trees.</p>	<p>Yes</p>
2.3.5 Native Vegetation and Ecology	<p>Native trees and other vegetation are to be retained where possible by careful planning of development (particularly at the subdivision stage) to incorporate trees into areas such as road reserves and private or communal open space</p> <p>A landscape plan must be submitted with all subdivision DAs</p> <p>The selection of trees and other landscaping plants is to consider the prescribed trees in Appendix C, the use of locally indigenous</p>	<p>No trees or vegetation are to be retained, and are to be removed under the biodiversity certification</p> <p>A landscape plan has been provided which illustrates proposed street tree provision and landscape embellishment works consistent with the requirements of this control</p> <p>The street planting scheme provides for street tree planting of Tuckeroos, Exmouth Magnolias, Pin Oaks and Water Gums, which are.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	species where available, bushfire risk, contribution to the management of soil salinity and heritage components	species contained within Appendix C of the DCP and are considered to be suitable in terms of bush fire risk. There are no significant heritage view corridors within the subject site	
2.3.6 Bushfire Hazard Management	<p>Reference is to be made to Planning for Bushfire Protection 2006 in subdivision planning and design and development is to be consistent with Planning for Bushfire Protection 2006</p> <p>Subject to detailed design at the subdivision stage, the indicative location and widths of Asset Protection Zones (APZs) are to be provided generally in accordance with the relevant Bushfire Risk and Asset Protection zone requirements figure –</p> <p>\</p> <p>Figure 2-7 of Schedule 3 identifies APZ's on the subject site, along the St Andrews Road frontage and along the eastern boundary.</p>	<p>The applicant has provided a Bushfire Protection Assessment to demonstrate compliance with Planning for Bushfire Protection 2006.</p> <p>Additionally, the Rural Fire Service (RFS) have provided a Bush Fire Safety Authority for the proposed subdivision which ensures compliance is achieved. It is a recommended development consent condition that the proposed subdivision fully complies with the bush fire safety authority issued by the RFS.</p> <p>No APZ has been required by the RFS as indicated in Figure 2-7 of the DCP along the eastern boundary, this is discussed in the assessment report.</p>	Yes
2.3.7 Site Contamination	All subdivision DAs must be accompanied by a Stage 1 Preliminary Site Investigation and where a Stage 1 has identified contamination, a Stage 2 Detailed	The application is accompanied by a satisfactory Stage 2 detailed site assessment and a remedial action plan (RAP) which deals with remediation of areas of	Yes

Control	Requirement	Provided	Compliance
	Site Investigation (and RAP) if necessary must be provided	contamination on the site. The remediation will ensure that the site is suitable for its intended residential use	
2.3.8 Development on and adjacent to electricity and gas easements	Where development is proposed on land containing or adjacent to easements, applicants are to consult with the organisation responsible for the management of the easement as part of the process of preparing subdivision or other development plans Road crossings of the easements are to be minimised and to be generally in accordance with the locations shown on the relevant ILP Earthworks within easements are subject to conditions and requirements of the infrastructure organisation Subdivision of easements is to be minimised Access to public easements from public land is preferable	The subject site is not burdened by any gas or electricity easements. The DA does not propose any road crossings over easements No earthworks are proposed within easements The DA does not propose the subdivision of easements No impacts	Yes N/A N/A N/A N/A
2.3.9 Noise	DAs must be accompanied by an acoustic report where the development is adjacent to an arterial road The noise report must demonstrate that the noise criteria set out in	No acoustic report has been provided, Council's EHO has recommended a noise report due to potential impacts from noise on collector road, apart from uncertainty about St Andrews Road.	No An acoustic assessment is required as part of the recommended deferred commencement conditions of consent.

Control	Requirement	Provided	Compliance
	<p>Development near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008) and Council's Environmental Noise Policy (ENP) has been considered</p> <p>Subdivision design on and adjacent to significant noise sources is to consider and implement measures to attenuate noise within dwellings and in external areas that are classified as Principle Private Open Space (refer to Clause 4.4.7)</p> <p>Physical noise barriers are not generally supported and measures to attenuate noise through subdivision layout should be implemented to achieve appropriate internal noise standards</p>		
2.3.11 Air Quality	Site controls are to be implemented during and after construction to ensure development does not cause air pollution	A condition is recommended which requires dust suppression and control which will ensure air quality will be protected	Yes
2.5 Crime Prevention through Environmental Design	<p>The design of all development is to enhance public surveillance of public streets and open space/conservation areas</p> <p>Developments are to avoid creating areas for concealment and blank walls facing streets.</p>	<p>The proposed orientation of lots will ensure that all public streets will be subject to public surveillance.</p> <p>The subdivision has not included a pedestrian access way to Sty Andrews Road which would allow for concealment; with it</p>	<p>Yes</p> <p>Yes, subject to amending the layout to remove the pedestrian accessway to St Andrews</p>

Control	Requirement	Provided	Compliance
		deletion being dealt with by recommended deferred commencement consent conditions which.	Road
	Pedestrian and communal areas are to have sufficient lighting to ensure a high level of safety	It is a recommended development consent condition that street lighting is provided prior to the release of a subdivision certificate. This street lighting will ensure that pedestrian areas will have sufficient lighting	Yes
2.6 Earthworks	Subdivision is to be designed to respond to the natural topography of the site where possible	The DA proposes contouring and earthworks. These earthworks are deemed to be satisfactory in the context of the proposed development and residential release of the land.	Yes
	All retaining walls proposed must be identified within the DA	The proposed subdivision plans illustrate the provision of retaining walls with typical sections. This is dealt with in the assessment report and in the recommended deferred commencement consent conditions	Yes
	Retaining walls that front a public place must be finished with anti-graffiti coating	It is a recommended condition that the retaining walls visible from a public area be finished with an anti-graffiti coating	Yes
3.1.1 Residential Density	Demonstrate the proposal meets minimum density requirements in the precinct plan.	The DA proposes a density of over 16.5 dwellings per hectare (215 lots/13ha)	Yes

Control	Requirement	Provided	Compliance
	<p>Minimum density of 15 dw/Ha</p> <p>To be generally consistent with the residential structure set out in the precinct residential structure figure low density specified.</p>		
3.1.2 Block and Lot Layout	<p>Establish a clear urban structure that promotes a sense of neighbourhood and encourages walking and cycling Efficiently utilise land and achieve dwelling yield.</p> <p><u>Blocks</u> Subdivision layout is to create a legible and permeable street hierarchy and pedestrian connectivity is to be maximized.</p> <p>Street blocks are to be generally a maximum of 250m long and 70m deep Block lengths in excess of 250m may be considered where pedestrian connectivity, sw management, and traffic safety objectives are achieved</p> <p><u>Lots</u> Minimum lot sizes to comply with Grown Centres SEPP Minimum lot frontages to each density band to comply with Table 3.3, which specifies 9m frontage for front loaded lots in 15dw/ha</p>	<p>The variations to the ILP and street network, will still allow for a sense of neighbourhood, can suitably encourage walking and cycling and efficiently utilise land and achieve a satisfactory dwelling yield.</p> <p>The block length bounded by Roads 2 and 5 exceeds 250m, being up to approximately 300m but it is considered that pedestrian connectivity, sw management, and traffic safety objectives can be still be achieved</p> <p>Lot sizes all exceed min 300m² and generally exceed min 9m frontage.</p> <p>There are 16 irregular shaped lots including 3 battle axe lots and 4 lots with frontages less than 7m - but with lot widths mostly exceeding 9m. Two irregular triangular</p>	<p>Yes</p> <p>Yes</p> <p>Yes, subject to deferred commencement consent conditions requiring building envelope details for Lots 5118 and 5129.</p>

Control	Requirement	Provided	Compliance
		shaped lots, Lot 5118 and 5129, require building envelopes details to ensure that dwellings can be erected on these lots with suitable setbacks and private open space. This is proposed to be dealt with via recommended conditions of consent.	
3.1.3 Battle-axe lots	Subdivision layout should minimize battle axe lots	Battle axe lots are minimized with only three battle axe lots proposed.	Yes
3.1.4 Corner Lots	Corner lots designed to allow dwellings to address both street frontages	Corner lots generally regularly shaped	Yes
3.2 Subdivision Approval process	Subdivision approval process to be consisted with Table 3-4	DA in accordance with Pathway A1	Yes
3.3.1 Layout and Design	<p>The design and construction of streets is to be consistent with the relevant typical designs in Figures 3-10 to Figure 3-14</p> <p>Locations and alignments of all roads are to be generally in accordance with location shown on the precinct road hierarchy figure</p> <p>Where variations proposed alternative street network designed to create permeable network</p>	<p>Local roads will be generally in accordance with typical road sections, Figure 3-13, with 16m road widths (9m carriageways) except for 1.2m wide footpath instead of 1.5m within 3.5m verge. This variation will be consistent with footpaths elsewhere within East Leppington.</p> <p>The location and road alignments will vary from the precinct road hierarchy figure.</p> <p>This matter and justification for the variations are dealt with in the assessment report. An additional road connection to the east is required as</p>	<p>Yes</p> <p>No, this matter is addressed in the assessment report, in conjunctions with variations to the ILP.</p>

Control	Requirement	Provided	Compliance
	<p>and encourage walking and cycling Must demonstrate it will not detrimentally impact access to adjoining properties Will not impede orderly development of adjoining properties, provides for management for storm water etc, does not restrict provision of services to the development and development of adjoining properties</p> <p>Street trees are to be provided with a minimum 1 tree per lot or per 10m</p>	<p>part of the deferred commencement conditions of consent.</p> <p>Suitable provisions made for street tree planting</p>	Yes
3.34 Pedestrian and Cycle network	Key pedestrian and cycleways to be provided generally in accordance with the DCP, Figure 2-12 shows off road cycleway along St Andrews Road and shared pathway along Collector Road 1	A shared path is provided along Collector road 1 The DA proposes no works to St Andrews Road, where the existing road will remain and can provide for on road cycle-way, pending any future upgrade of this section of the road.	Yes
3.3.6 Access to arterial roads Sub-arterial roads and transit boulevards	Vehicular access to arterial roads, sub arterial roads may only be via another public road	The DA does not access an arterial or sub arterial road While there is uncertainty about St Andrews Road and an upgrade to sub arterial road, the subdivision layout so no lots are accessed directly from St Andrews Road.	N/A
3.4 Construction Environmental Management	A CEMP is to be submitted	This can be dealt with by condition	Yes
4.1.2 Cut & Fill	To minimise the extent of cut and fill within residential allotments, the	Fill levels for lots 5002 to 5033 on the eastern boundary will potentially result	Yes, subject to recommended conditions

Control	Requirement	Provided	Compliance
	maximum amount of cut and fill shall not exceed 1m.	in adverse amenity impacts for the neighbouring land. The recommended conditions require the fill levels for these lots to be maximum 1m above natural ground level.	

East Leppington Schedule 3

The following is an assessment of the proposal's compliance with the controls in Schedule 3

Control	Requirement	Provided	Compliance
2.2.1 Street Network and Design	The design and construction of streets is to be consistent with Figure 2-13, as well as typical designs in the main DCP and Council's Engineering Design Guide.	The design of the streets/roads will be generally in accordance with typical road sections, except for 1.2m wide footpath instead of 1.5m within 3.5m verge. This variation will be consistent with footpaths elsewhere within East Leppington.	Yes
2.2.2 Native Vegetation and Ecology	Areas of high ecological value native vegetation should be considered for retention	The proposed subdivision is located on lands which have been bio-certified therefore allowing the removal of all existing vegetation if necessary.	Yes
2.2.3 Bushfire Hazard Management	The APZ for East Leppington will be in accordance with bushfire planning guidelines	The subject site is mapped as bushfire prone land and has received a bush fire safety authority from the NSW Rural Fire Service. This will ensure that Planning for Bushfire 2006 is met	Yes, also refer to discussion in above table and in report.
2.5 Residential Density	Opportunities for additional housing density shall be generally be encouraged in appropriate locations in accordance with Figure 2-10	The development proposes a range of lot sizes which will result in a density consistent with Figure 2-10.	Yes
4.3 Lands Adjacent to Camden Valley Way	Driveway access to residential lots is not permitted from Camden Valley Way	The DA is not adjacent to Camden Valley Way	N/A

Attachment 2 - Proposed Subdivision Layout Plan

