

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW072
DA Number	268/2015
Local Government Area	Camden
Proposed Development	Subdivision of land to create 287 residential lots, 1 public reserve lot, 1 drainage reserve lot, 2 residual lots, construction of roads, drainage, landscaping and associated site works
Street Address	21, 53, 57, 57A, 71, 149 Springs Road and 149 Macarthur Road, Spring Farm
Applicant/Owner	Cornish Group No. Three Pty Ltd/Mr J Seovic, Mr JM & Mrs WC Tripodi, Starhill Property Group Pty Ltd and Messrs JR & JJ Lahood & V Stanton
Number of Submissions	No submissions
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value > \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River</li> <li>• Deemed State Environmental Planning Policy No 9 – Extractive Industry (SEPP)</li> <li>• Camden Local Environmental Plan 2010</li> <li>• Camden Development Control Plan 2011</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Assessment report and conditions</li> <li>• Statement of environment effects</li> <li>• Plan of proposed subdivision and easement creation</li> <li>• Architectural plans</li> <li>• Contamination assessment</li> <li>• Stormwater management plan</li> <li>• Landscaping plans</li> </ul>
Recommendation	Approve with conditions
Report by	Stacey Houlison – 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 the subdivision of land to create 287 residential lots, 1 public reserve lot, 1 drainage reserve lot, 2 residual lots, construction of roads, drainage, landscaping and associated site works at 21, 53, 57, 57A, 71, 149 Springs Road and 149 Macarthur Road, Spring Farm.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$21.7 million which exceeds the CIV threshold of \$20 million for Council to determine the DA.

## **SUMMARY OF RECOMMENDATION**

That the Panel determine DA 268/2015 for the subdivision of land to create 287 residential lots, 1 public reserve lot, 1 drainage reserve lot, 2 residual lots, construction of roads, drainage, landscaping and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

## **EXECUTIVE SUMMARY**

Council is in receipt of a DA for a subdivision to create 287 residential lots, 1 public reserve lot, 1 drainage reserve lot, 2 residual lots, construction of roads, drainage, landscaping and associated site works at 21, 53, 57, 57A, 71, 149 Springs Road and 149 Macarthur Road, Spring Farm.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. No submissions were received.

The applicant proposes a variation to section C7.3 of the Camden Development Control Plan 2011 (DCP) in relation to layout of the Spring Farm street network. The DCP requires that all development is undertaken in accordance with the Spring Farm street network plan to ensure that development provides an appropriate hierarchy of interconnected streets. The proposed plans are however not strictly in accordance with the street network plan. Council staff have reviewed this variation request and consider the revised layout to be suitable on that grounds that the overall function of the locality will not be affected as a clear hierarchy of streets will be provided as part of the subdivision design and that the development provides a permeable network that maximises connectivity and movement through Spring Farm.

Council staff have also worked with the applicant to address a number of additional issues in relation to the design of the roundabout along Springs Road, acoustic measures and site contamination. All issues have now been resolved subject to the conditions contained within the report.

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

### AERIAL PHOTO



### THE SITE

The site is commonly known as 21, 53, 57, 57A, 71, 149 Springs Road and 149 Macarthur Road, Spring Farm and is legally described as Lot: 2 DP: 624070, Lot: 3 DP: 1193647, PLt: 2 DP: 1193647, Lot: 1 DP: 1193647, Lot: 3 DP: 242250, Lot: 1 DP: 624070 and Lot: 1 DP: 741907.

The site is irregular in shape and has a frontage of approximately 842m to Springs Road, 189m to Macarthur Road and an overall area of approximately 25 hectares.

The site also includes works in Lot 1 DP 1043066 for the purposes of minor earthworks. The land is currently owned by Starhill Pty Ltd and has an overall site area of approximately 6 hectares.

A number of dwellings, workshops and associated outbuildings exist across the site. There are also a number of scattered trees and vegetation present within the site area and along the northern perimeter.

A number of easements and rights of carriageway exist on the titles of the properties.

The surrounding area is characterised by a mix of residential land uses, rural residential occupation, non-intensive agriculture and extractive industry. To the north of the site lies Camden By-Pass, with the residential suburb of Elderslie located on the opposite side. The west of the site is bound by Macarthur Road and to the east and south of the site lies future residential development. Further to the south of the site lies the Spring Farm Bush corridor and beyond this the Nepean River.

## HISTORY

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

Date	Development
19 June 2012	Bulk earthworks and remediation of land in the western village of Spring Farm approved under DA 833/2011
9 October 2012	Subdivision of land to create 141 residential lots, 1 residue lot and the construction of roads, drainage, landscaping, erection of acoustic walls, mounding and conservation works to existing dwelling approved under DA 832/2011
10 October 2012	Subdivision of land to create 177 residential lots, 1 open space residual lot and the construction of roads, drainage, landscaping, erection of acoustic walls and mounding under DA 834/2011
10 October 2012	Staged subdivision of land to create 101 residential lots in Stage 3A and 4 residential lots and 1 residue lot in Stage 3B and the construction of roads, drainage, landscaping, services, erection of acoustic walls and mounding under DA 835/2011
24 July 2014	Section 96 Modification application approved for revisions to DA 832(2)/2011. Specifically, the amendments included: <ul style="list-style-type: none"><li>• the reconfiguration of stages 1A, 1B and 1C; and</li><li>• the reconfiguration of the lot layout to stages 1A and 1B</li></ul>
12 June 2014	Residential subdivision to create 4 superlots approved under DA 317/2014
Currently under assessment	A Section 96 Modification application for amendments to DA 832(3)/2011 is currently being assessed by Council staff. Specifically, the DA seeks to amend the following: <ul style="list-style-type: none"><li>• reconfiguration of the stages of development</li></ul>

## THE PROPOSAL

DA 268/2015 seeks approval for the subdivision of land to create 287 residential lots, 1 public reserve lot, 1 drainage reserve lot, 2 residual lots, construction of roads, drainage, landscaping and associated site works.

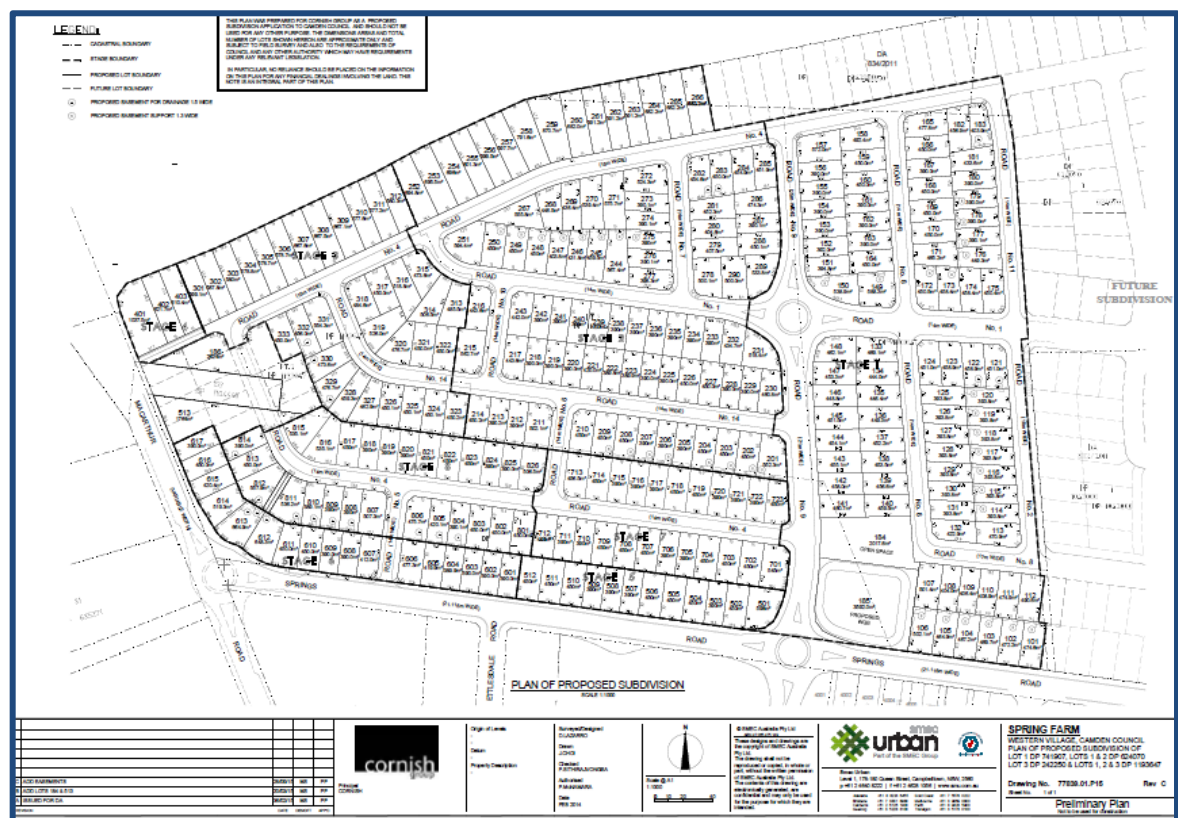
Specifically the proposed development involves:

- Subdivision of land to create 287 residential lots ranging in size from 389.9m<sup>2</sup> and 1037.5m<sup>2</sup>;
- creation of a future public reserve lot (lot 184) with an area of 2017.6m<sup>2</sup>;
- creation of a drainage reserve lot (lot 185) with an area of 3592m<sup>2</sup>;
- creation of 2 residual lots (lots 186 and 513) with areas of 2624m<sup>2</sup> and 1764m<sup>2</sup> respectively;
- construction of 9 local access roads (Road no's 2, 4 – 8, 10, 11 and 14) with road reserves of between 14m and 17m in width;

- partial construction of Road no. 1 and Road no. 9 as local access roads with a road reserve of between 14m and 15m in width;
- partial construction of Road no. 1 and Road no. 9 as collector roads with a road reserve of 21m in width;
- construction of a roundabout at the intersection of Springs Road and approved Road no. 6 under DA 269/2014;
- construction of a roundabout at the intersection of Road no. 1 and Road no. 9;
- construction of an acoustic mound and wall along the northern boundary of the site, with a variable height of between 3.5m and 4m;
- tree and vegetation removal throughout the site; and
- drainage and associated site works.

The capital investment value of the works is \$21.7 million.

## PROPOSED PLANS



## 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 (SEPP)
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Deemed State Environmental Planning Policy No 9 – Extractive Industry (SEPP)
- Camden Local Environmental Plan 2010

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

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

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of approximately \$27.1 million. This 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 Mining, Petroleum Production and Extractive Industries) 2007 (SEPP)

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

Clause 13 of the SEPP requires the proposed development to be assessed in terms of its compatibility with current and future mining, petroleum production and extractive industries

Sand and soil extraction is currently taking place approximately 300m to the south west of the proposed site (the M. Collins and Sons site on Macarthur Road). It is considered that an adequate buffer distance exists between the extractive industry and the proposed development and that the existing conditions of consent for this industry will ensure that the development will not be adversely affected by noise, dust or reduced visual amenity from this industry, thereby satisfying the requirements of the SEPP.

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

The SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting consent. A phase 2 contamination assessment and a remediation action plan (RAP) were approved under DA 833/2011 which concluded that the site would be suitable for its intended residential and recreation uses, subject to the implementation of the RAP.

However, due to the ongoing use of Lot 1 DP 624070 after the preparation of the approved phase 2 assessment and RAP, an updated report was required to confirm that the land was still suitable for the intended uses. A subsequent contamination update was submitted, which confirmed that no contaminating uses have been conducted on the site in the period since original approval. The report further concludes that the findings and conclusions of the previous reports are still valid. Council staff are therefore satisfied that the site will be suitable for its intended future use, subject to the implementation and validation of the RAP.

A condition is therefore recommended to ensure that all works are undertaken in accordance with the RAP approved under DA 833/2011. A further condition is recommended requiring that any unexpected finds are dealt with in an appropriate manner.

#### Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP)

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

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to provide protection for the river system during the construction of the proposed development.

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

Pursuant to Clause 8 of the SREP, the application was referred to the Department of Trade & Investment Resources and Energy for their comment, in that the subject site is located within an area identified as having extractive material of regional significance. The Department of Trade & Investment Resources and Energy have raised no issues with the proposed development and have noted that Council needs to satisfy itself that measures are in place to avoid future land conflict. Council is satisfied that there will be no future land conflict as a result of the proposed development.

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

##### *Permissibility*

The site is zoned R1 General Residential and E2 Environmental Protection under the provisions of the LEP. The proposed development is defined as a "subdivision", "recreation area", "drainage" and "roads", by the LEP. The works proposed are all located within the R1 zone and are permissible land uses in this zone.

##### *Zone Objectives*

In terms of the proposed development's consistency with the zone objectives, the relevant objectives of the zones seek "to provide for the housing needs of the community", "to provide for a variety of housing types and densities", "to enable other land uses that provide facilities or services to meet the day to day needs of residents", "to allow for educational, recreational, community and religious activities that support the wellbeing of the community" and "to minimise conflict between land uses within the zone and land uses within adjoining zones".

It is considered that the proposed development is generally consistent with these objectives. The development provides recreational space and additional residential development land which will service the needs of people who live and work in the area. The provision of additional roads and drainage infrastructure will also help minimise conflict between land uses within the area. .

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

Clause	Requirement	Provided	Compliance
2.6 Subdivision - consent requirements	Subdivision requires development consent	Consent has been sought for the proposed subdivision as part of this DA	Yes
4.1 Minimum Lot Size	Minimum 300m <sup>2</sup> lot size	The DA proposes the subdivision of land to create 287 residential lots, ranging in size from 390m <sup>2</sup> to 1037.5m <sup>2</sup> ; a future public reserve lot of 2017.6m <sup>2</sup> and a drainage reserve lot with an area of 3592m <sup>2</sup>  It is considered that the proposed areas of subdivision are sufficient to ensure dwellings can be constructed and active open space areas can be provided	Yes
5.9 Trees or Vegetation	Preserve the amenity of the area though the preservation of trees and other vegetation	The tree on the site have have been approved for removal under Development Consent 833/2011.	Yes
6.1 Arrangement for Designated State Public Infrastructure (SIC)	Satisfactory arrangements must be made before the subdivision of land in an urban release area to satisfy the needs that arise from the development on the land	A SIC condition is applied to the proposed development in accordance with the SIC Practice Note	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	A condition is recommended which requires the installation of all necessary services prior to the issue of a Subdivision Certificate	Yes
6.5 Matters to be specifically considered	Before granting consent for the subdivision of the urban release area		





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

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sedimentation controls have been proposed and are deemed to be acceptable	Yes
B1.2 Earthworks	Building work must be designed to ensure minimal cut and fill is required	The DA proposes cut and fill as part of the development and this is deemed to be acceptable	Yes
	Use of clean fill	Any importation of fill on site will be required to comply with the standard Council requirements for clean fill material and this requirement is a recommended condition	Yes
B1.3 Salinity Management	Salinity resistant construction	The soil within the site is not considered to be a constraint to the development as the land has been classified as non-saline and non-aggressive to concrete and steel. As such, no upgraded construction or management practices are required as part of the development	Yes
B1.4 Water Management	Stormwater management and drainage to comply with Council's Engineering Specifications	Plans detailing concept on-site stormwater detention and disposal have been lodged in support of the DA. These plans are considered to be acceptable and it is a recommended condition that further details on the design be provided prior to the issue of a Construction Certificate. It is also a recommended condition that the proposed development comply with Council's engineering specifications	Yes
B1.5 Trees and Vegetation	Preserve the amenity of the area, including	The trees within the site to be removed have been approved for removal under	Yes

Control	Requirement	Provided	Compliance
	biodiversity values, through the preservation of trees and other vegetation	Development Consent 833/2011.	
B1.8 Environmental and Declared Noxious Weeds	All applications for development are to consider the need to minimise weed dispersion and to ensure weed infestations are managed during the stages of development	It is a recommended condition that the applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during and after construction works	Yes
B1.9.1 Waste Management Plan	A waste management plan is required	A waste management plan has been provided and is deemed to be satisfactory. It is a recommended condition that all waste complies with Part B1.1.9 of the DCP. This will ensure the requirements of this control are met	Yes
B1.10 Bushfire Risk Management	Development must comply with Planning for Bush Fire Protection 2006	Pursuant to Section 79BA of the <i>Environmental Planning and Assessment Act 1979</i> , the DA was referred to the NSW Rural Fire Service (RFS) for comment. The RFS have issued General Terms of Approval which recommended that the proposed development comply with a number of conditions relating to asset protection zones, the provision of adequate water and utilities and suitable access arrangements. Compliance with these requirements is a recommended condition	Yes
B1.12 Contaminated and Potentially Contaminated Land Management	A contamination assessment and remediation (if required)	A phase 2 contamination assessment and remediation action plan (RAP) were approved under DA 833/2011 and submitted in support of the current DA. The report and RAP concluded that subject to the remediation of land, the site would be suitable for the future	Yes

Control	Requirement	Provided	Compliance
		<p>residential and recreational uses.</p> <p>However, due to the ongoing use of Lot 1 DP 624070 since the preparation of the above reports, an updated report was required to confirm that the land was still suitable for the intended uses. A subsequent contamination update was submitted, which confirmed that no contaminating uses have been conducted on the site in the period since the original approval. The report further concludes the findings and conclusions of the previous reports are still valid. Council staff are therefore satisfied that the site is suitable for its intended future use, subject to the implementation and validation of the RAP.</p> <p>A condition is also recommended requiring all works to comply with the RAP approved under DA 833/2011</p>	
B1.13 Mine Subsidence	Applications for development within the area shown on Figure B2 requires the approval of the Mine Subsidence Board (MSB) prior to the submission of a DA to Council	Approval from the MSB has been sought and stamped plans have been lodged as part of the application	Yes
B1.16 Acoustic Amenity	Noise barriers must be constructed as part of a subdivision where required by an acoustic study.	The applicant has submitted an acoustic report which demonstrates the requirement for acoustic attenuation measures including the provision of an acoustic mound and wall along the northern boundary of the site.	Yes

Control	Requirement	Provided	Compliance
	<p>Noise barriers are preferred to be 1.8m in height however additional heights of up to 2.4m may be acceptable where located adjacent to a major road.</p> <p>Compliance with Council's Environmental Noise Policy (ENP)</p>	<p>The height of the noise barrier proposed varies between 3.5m and 4m as recommended in the traffic noise assessment submitted in support of the application. .</p> <p>The above is consistent with Council's ENP</p> <p>A condition is also recommended requiring details of the completed acoustic mound and wall to be submitted to the Principal Certifying Authority prior to the issue a Subdivision Certificate</p>	<p><b>No – DCP Variation 1</b></p> <p>Yes</p>
B1.17 Air Quality	Development that it likely to be impacted upon odours from existing land uses may require the undertaking of an odour assessment	The proposed subdivision is located approximately 2km to the west of the Macarthur Recovery Park. Given the distance, it is not considered that there will be any adverse impacts from odour on the proposed development from the existing operations at the Macarthur Recovery Park	Yes
B2 Landscape Design	A landscape plan must be provided	A landscape plan was lodged with the DA which provides for a high quality landscaping design to screen and soften the proposed development. However, additional landscaping is a recommended condition to ensure that the overall landscape objectives of the DCP are met	Yes
B3.2 Aboriginal Culture Heritage	An Aboriginal Heritage Impact Permit is required from OEH for any activity likely to have an impact on aboriginal objects and	<p>DA/2011/833 approved bulk earthworks for the site. A condition of that consent requires an AHIP to be approved prior to the CC being issued.</p> <p>For consistency a condition is included in this consent to</p>	Yes

Control	Requirement	Provided	Compliance
	places	require that an AHIP must be approved before any works commence.	
C5.1 Neighbourhood Amenity & Subdivision Design	High level of pedestrian connectivity must be provided	The proposed development provides roads and footpaths which will link future residential subdivisions approved to the east and west and also to the proposed recreational open space	Yes
	Subdivision layout must provide a legible and permeable street hierarchy	The proposed streets are legible, permeable and will encourage pedestrian and vehicular movement within the subdivision	Yes
	Street blocks are to be a maximum 250m x 70m. Block lengths in excess of 250m may be considered if pedestrian connectivity and traffic calming objectives met	<p>The proposed street block along the northern boundary of the site has a maximum dimension of 423m x 45.5m. While this is in excess of 250m in length, it should be noted that the Spring Farm Street Network Map shown in Figure C22 of the DCP shows a street block extending the full length of the northern boundary of the site. In addition, the design of the subdivision layout ensures that pedestrian connectivity and traffic calming along Road no. 4 is satisfactory</p> <p>To ensure that appropriate traffic calming is undertaken on proposed Road no. 4, a condition is recommended requiring details to be submitted to the Certifying Authority prior to the issue of a Construction Certificate</p>	Yes
	The preferred lot orientation is north-south, east-west	All of the residential lots proposed have a north-south, east-west orientation	Yes
	Residential lots must generally be rectangular and battle-axe lots are to be limited	All proposed residential lots are generally rectangular in shape and battle-axe-lots have been minimised in the design of the development	Yes



Control	Requirement	Provided	Compliance
	Lots smaller than 300m <sup>2</sup> require dwelling plans to be submitted upon lodgement	The smallest lot proposed is 390m <sup>2</sup> , therefore dwelling plans are not required	Yes
	Easements for services to be incorporated into road reserves	All utility services will be located within the proposed road reserves and will not burden any lots	Yes
	Smaller lots located closer to neighbourhood centre, public transport and park	The proposed residential lots are located to the west of Spring Farm Neighbourhood Centre. As such, the lot sizes are appropriate for their location	Yes
C5.2 Street Network & Design	Street layout to be consistent with the Spring Farm Master Plan in Figure C18. (See Appendix 1)	The proposed subdivision generally complies with the street layout identified in the Spring Farm Master Plan. However, the plans show a minor variation to the layout of a number of local streets	<b>No – DCP Variation 2</b>
	Streets to comply with the minimum required cross sections for the Spring Farm urban release area	The proposed subdivision generally complies with the cross sections within Figures C22.1 to C22.11.	Yes
	Local streets designed with the minimum cross sectional width must play a minor role in the road network, provide low volume linkages and connections to more significant roads	The local access roads proposed (between 13m and 17m in width) provide for low volume traffic to connect into the roads of higher order including Springs Road and Macarthur Road	Yes
	All streets and roundabouts to comply with Council's engineering specifications	Each of the proposed roads, intersections and roundabouts comply with Council's engineering specifications	Yes

Control	Requirement	Provided	Compliance
	For local streets, traffic management is to be used to produce a low speed traffic environment	The design of the proposed roads do not lend themselves to high speed environments due to shorter block lengths and therefore comply with this control	Yes
	Street trees to be provided on all streets	The landscape plan shows the provision of street trees on all streets within the development site.	Yes
C5.3 Pedestrian & Cycle Network	Pedestrian and cycle connections to be consistent with the Spring Farm Master Plan	<p>It is a recommended condition that both cycle and pedestrian cycle connections fully comply with the Spring Farm pedestrian and cycle path network</p> <p>To ensure pedestrian and cyclist safety, a condition is recommended to temporarily close the pedestrian/cycle access from Macarthur Road to the development. Once on-road cycle paths/footpaths are provided along Macarthur Road as part of a future development application, the pedestrian/cycle path will be opened</p>	Yes
C5.4 Public Transport Network	Bus routes and stops to be in accordance with the Spring Farm indicative bus route map	Bus routes will be provided along Road no. 9 and Hampshire Boulevard in accordance with the DCP	Yes
C5.5 Parks & Open Space	Parks should have a minimum area 2000m <sup>2</sup>	The proposed park will have a minimum lot size of 2017m <sup>2</sup>	Yes
C5.7 Provision of adequate Infrastructure & Facilities	Demonstrate local public infrastructure and facilities will be provided	Conditions are recommended which require the payment of Section 94 Contributions in accordance with Camden Contributions Plan 2011	Yes
C7.1 Residential Density Targets and Staging for Spring Farm	Demonstrate that density targets for Spring Farm (15 dwellings per hectare) and the dwelling targets in Figure C20 will be achieved	Figure C20 of the DCP identifies an overall density yield of 296 – 332 for this section of the western village. The current application proposes to create 287 residential lots. Future development applications including residual lots 186	Yes

Control	Requirement	Provided	Compliance
		and 513 and Lot 157 DP 110446 (which is excluded from this application) will further subdivide the land and create the remaining required lot yield. The development is therefore considered to be satisfactory and in accordance with the requirements of the DCP	
	Demonstrate staging plan is achieved in accordance with Figure C21	The proposed subdivision is located with Stage 7 as illustrated within Figure C21 of the DCP. The timing of the design and construction of this stage is consistent with the development approved within Spring Farm to date and is deemed acceptable	Yes
C7.2 Neighbourhood and Subdivision Design	Typical block dimensions 60m x 200m	<p>The proposed street block along the northern boundary of the site has a maximum dimension of 423m x 45.5m. While this is in excess of 250m in length, it should be noted that the Spring Farm Street Network Map shown in Figure C22 of the DCP shows a street block extending the full length of the northern boundary of the site. In addition, the design of the subdivision layout ensures that pedestrian connectivity and traffic calming along Road no. 4 is satisfactory</p> <p>To ensure that appropriate traffic calming is undertaken on proposed Road no. 4, a condition is recommended requiring details to be submitted to the Certifying Authority prior to the issue of a Construction Certificate</p>	Yes
	No residential development below 100 year ARI flood line	None of the proposed residential lots will be below the 100 year ARI flood line. Council's engineering specifications also require all new roads and lots to incorporate a freeboard to	Yes

Control	Requirement	Provided	Compliance
		the 100 year ARI	
	Electricity easements incorporated into road reserves	All electrical utilities will be located within public road reserves and will not burden private lots	Yes
	View corridors protected and curtilage of heritage items to be protected	The development is not located within any significant view corridors or adjoining any heritage items	Yes
C7.3 Street Network and Design	Compliance with Figure C22 – Spring (See Appendix 2)	The proposed subdivision generally complies with the street layout identified within the Spring Farm Master Plan. However, the plans show a minor variation to a number of local streets	<b>No – DCP Variation 1</b>
	The existing alignments of Richardson and Springs Roads are to be retained	The proposed subdivision will not impact the existing alignments of Springs Road or Richardson Road in accordance with Figure C22	Yes
	Kerb returns of 8.5m radius for intersections between streets must be provided	Each of the intersections proposed can achieve kerb returns with a minimum radius of 8.5m	Yes
	Streets are to be constructed in accordance with Figure C22	The proposed subdivision generally complies with the cross sections within Figures C22.1 to C22.11.	Yes
C7.4 Pedestrian and Cycle Network	The pedestrian and cycle path network is to be constructed to comply with Figure C23	Figure C23 requires the provision of combined cycle/pedestrian paths along proposed Roads no's 1, 4 and 9 and the proposed development is consistent with this requirement. To ensure compliance, the pedestrian and cycle connections have been conditioned to fully comply with the Spring Farm Master Plan  To ensure pedestrian and cyclist safety, a condition is recommended to temporarily close the pedestrian/cycle	Yes

Control	Requirement	Provided	Compliance
		access from Macarthur Road to the development. Once on-road cycle paths/footpaths are provided along Macarthur Road as part of a future development application, the pedestrian/cycle path will be opened	
C7.5 Public Transport	Figure C24 illustrates the proposed bus routes through Spring Farm and the connections with the surrounding area	Bus routes are provided along proposed Road no. 9 and Hampshire Boulevard in accordance with C24 of the DCP	Yes
C7.6 Parks & Open Space	Open space and Parks to comply with the Spring Farm Master plan	The location of the park is in accordance with the requirements of the DCP	Yes

#### DCP Variation 1 – Variation to the height of the proposed acoustic barrier

##### *DCP Control*

Part B1.16 of the DCP specifies that noise barriers are preferred to be 1.8m in height and indicates that additional heights of up to 2.4m may be acceptable where located adjacent to a major road. As recommended by the Traffic Noise Assessment submitted in support of the application, a 3.5m - 4m high acoustic fence is to be installed along the northern boundary of the site which adjoins the Camden Bypass.

##### *Council Staff Assessment*

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- The location of the site adjoining the Camden Bypass and the off ramp makes the site extremely difficult to attenuate due to the topography of the land and the traffic noise generated on the bypass. Camden Bypass is a major arterial road and the proposed residential lots are to be located below the level of the road. The proposed mounding and fencing is required in order for the residential lots to achieve the minimum and an acceptable noise levels for residential development. Council's Environmental Health Officer has assessed the application and agrees with the recommendations of the traffic impact assessment in that a 3.5m to 4m fence is necessary.
- The proposed fencing is considered acceptable from a visual perspective in that the verges on the bypass provide sufficient separation from the road and the fencing will not appear overly obtrusive when viewed from the bypass.

- Similar acoustic barriers exist along the Camden Bypass where developments back onto the bypass.
- The previously approved DA/2011/834 allowed for a similar 3.5m high acoustic barrier along the northern boundary.

It is recommended that Council support the variation to the DCP.

#### DCP Variation 2 – Variation to the future street network

##### *DCP Control*

The DCP requires that all development is undertaken in accordance with the Spring Farm street network plan to ensure that development within Spring Farm provides an appropriate hierarchy of interconnected streets. The proposed plans are not strictly in accordance with the street network plan as shown in Figure C22 of the DCP. Specifically, the layout of a number of local access roads has been amended.

##### *Variation Request*

The applicant has requested that Council support a variation to this DCP control on the basis that:

- The layout will improve permeability through the residential area;
- an increased clear and logical hierarchy will be provided within the local road network;
- the development will create a street and subdivision pattern that provides continuous lot frontage to major roads and streets; and
- the subdivision layout will ensure roads and spaces are suitably articulated and well surveyed.

##### *Council Staff Assessment*

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- the overall traffic function of Spring Farm is not affected as a clear hierarchy of streets has been provided as part of the subdivision design; and
- the development as proposed provides a permeable road network that maximises connectivity and movement through the Spring Farm area and the wider locality.

Consequently it is recommended that Council support this proposed variation to the DCP.

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



No relevant agreement exists or has been proposed as part of this DA.

**(a)(iv) *The Regulations***

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

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

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

**Acoustic Impacts**

The applicant has submitted an Acoustic Assessment in support of the application, given the location of the site adjacent to Camden By-Pass, Macarthur Road and Springs Road. Council staff have assessed the report against Council's Environmental Noise Policy and conclude that the proposed subdivision and future subsequent development will not be unreasonably affected by noise on the surrounding road network, subject to the construction of an acoustic mound and wall along the northern boundary of the site. Therefore, road traffic noise from Camden By-Pass and Macarthur Road is not considered to have a significant impact on the future of the development.

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

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

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

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 27 April to 11 May 2015. No submissions have been received.

**(e) *The public interest***

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

**EXTERNAL REFERRALS**

***NSW Rural Fire Service (RFS)***

The DA was referred to the RFS for assessment as the development is classified as Integrated Development in that it requires authorisation under Section 100B in respect of bushfire safety of land that could lawfully be used for special fire protection purposes pursuant to the Rural Fires Act 1997.

The RFS raise no objection to the proposed development subject to general terms of approval. Compliance with these general terms of approval is a recommended condition.

#### *Department of Trade & Investment (DTI)*

The DA was referred to the Department of Trade and Industry (DTI) for assessment in accordance with clause 8 of State Environmental Planning Policy No. 9 – Extractive Industry.

The DTI raise no objection to the proposal and recommend that any DA be staged in such a way as to mitigate potential impacts (e.g. noise, dust and vibration) on any development by use of buffer zones between remaining quarries and the development. Adequate buffer distances exist between the existing sand and soil extraction site along Macarthur Road, thereby satisfying the requirements of the SEPP.

#### *NSW Roads and Maritime Services (RMS)*

The DA was referred to RMS for assessment as Camden By-Pass is located to the north of the site.

RMS raise no objection to the development and have provided a number of advisory comments in relation to location of future structure and buildings, stormwater drainage, road traffic noise, public utilities, road occupancy licences and construction zones. Compliance with these comments is a recommended condition.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 268/2015 is recommended for approval subject to the conditions contained in this report.

### **CONDITIONS**

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

- (1) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. NSW Rural Fire Service, reference D15/1119 dated 26 May 2015
2. Roads & Maritime Services, reference number SYD15/00521 dated 2 June 2015
3. Department of Trade & Investment – Resources & Energy, reference OUT15/10778 dated 7 May 2015

4. Mine Subsidence Board, reference FN86 – 00634PO dated 23 February 2015.

- (2) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
77839.01.DA101 Rev C	Site Regrading Plan Sheet 1 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA102 Rev C	Site Regrading Plan Sheet 2 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA103 Rev C	Site Regrading Plan Sheet 3 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA104 Rev C	Site Regrading Plan Sheet 4 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA201 Rev C	Typical Cross Sections Sheet 1 of 2	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA202 Rev C	Typical Cross Sections Sheet 2 of 2	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA211 Rev C	Longitudinal Sections – Road 1 and Typical Keystone Retaining Wall	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA212 Rev C	Longitudinal Sections – Road 2, 5, 6, 7 and Driveway	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA213 Rev C	Longitudinal Sections – Road 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA214 Rev C	Longitudinal Sections – Roads 4 and 8	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA215 Rev C	Longitudinal Sections – Roads 9, 10 and 11	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA216 Rev C	Longitudinal Sections – Road 14 Typical Acoustic Mound and Fence	SMEC Australia Pty Ltd	28 May 2015
77839.01.D301 Rev C	Site Regrading Cross Sections – CS-1	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA302 Rev C	Site Regrading Cross Sections –	SMEC Australia Pty Ltd	28 May 2015

	CS-2		
77839.01.DA303 Rev C	Site Regrading Cross Sections – CS-3	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA304 Rev C	Site Regrading Cross Sections – CS-4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA305 Rev C	Site Regrading Cross Sections – CS-5 & CS-6	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA306 Rev C	Site Regrading Cross Sections – CS-7 & CS-8	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA307 Rev C	Site Regrading Cross Sections – CS-9	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA308 Rev C	Site Regrading Cross Sections – CS-10	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA309 Rev C	Site Regrading Cross Sections – CS-11	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA501 Rev C	Cut & Fill Plan	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA601 Rev C	Concept Drainage Layout Plan Sheet 1 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA602 Rev C	Concept Drainage Layout Plan Sheet 2 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA603 Rev C	Concept Drainage Layout Plan Sheet 3 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA604 Rev C	Concept Drainage Layout Plan Sheet 4 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA611 Rev C	Concept Catchment Plan	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA701 Rev C	Soil and Water Management Plan Sheet 1 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA702 Rev C	Soil and Water Management Plan Sheet 2 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA703 Rev C	Soil and Water Management Plan Sheet 3 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA704 Rev C	Soil and Water Management Plan Sheet 4 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA711 Rev C	Soil and Water Management Details and Notes	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA801	Line Marking and	SMEC Australia	28 May 2015

Rev C	Sign Posting Plan Sheet 1 of 4	Pty Ltd	
77839.01.DA802 Rev C	Line Marking and Sign Posting Plan Sheet 2 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA803 Rev C	Line Marking and Sign Posting Plan Sheet 3 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA804 Rev C	Line Marking and Sign Posting Plan Sheet 4 of 4	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA811 Rev C	Heavy Rigid Vehicle Swept Paths Sheet 1 of 2	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA812 Rev C	Heavy Rigid Vehicle Swept Paths Sheet 2 of 2	SMEC Australia Pty Ltd	28 May 2015
77839.01.DA901 Rev C	Concept Drainage Springs Road Plan Sheet 1 of 1	SMEC Australia Pty Ltd	28 May 2015
77839.01.P15 Rev C	Plan of Proposed Subdivision	SMEC Australia Pty Ltd	28 May 2015
77839.01.SK016 Rev B	Noise Wall Cross Section Plan Sheet 1 of 2	SMEC Australia Pty Ltd	1 July 2015
77839.01.SK017 Rev A	Noise Wall Cross Section Plan Sheet 1 of 2	SMEC Australia Pty Ltd	May 2015
76806.01.SK27 Rev A	Future Roundabout Details Road No. 6 & Springs Road: KR No. 11 & 12 and Heavy Vehicle Movements	SMEC Australia Pty Ltd	August 2013
86-14.00 Rev B	Cover Sheet	Distinctive Living Design	18 February 2015
86-14.01 Rev B	Palettes, Schedule & Legend	Distinctive Living Design	18 February 2015
86-14.10 Rev B	Master Plan	Distinctive Living Design	18 February 2015
86-14.11 Rev B	Landscape Plan 01	Distinctive Living Design	18 February 2015
86-14.13 Rev B	Landscape Plan 03	Distinctive Living Design	18 February 2015
86-14.14 Rev B	Landscape Plan 04	Distinctive Living Design	18 February 2015
86-14.21 Rev B	Landscape Details	Distinctive Living Design	18 February 2015

- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (4) **Pedestrian/cycle access from Macarthur Road** – Pedestrian/cycle access from Macarthur Road must be temporarily closed until on-road cycle paths and footpaths are provided along Macarthur Road as part of a future development application. Details demonstrating compliance must be provided to the Certifying Authority with a Construction Certificate application.
- (5) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (6) **Remediation Works** - All works proposed as part of the Remedial 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 the Remedial Action Plan prepared by JBS Environmental Pty Ltd, reference JBS 41012-14440 (rev 3), dated April 2012 as approved by DA 833/2011.

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.

- (7) **Regulatory Signage** – Traffic regulatory signs, lines and devices must be submitted to Council's Local Traffic Committee for concurrence.
- (8) **Future Public Park** – This consent does not approve the embellishment of the open space on Lot 184. A separate development application must be lodged with Council for these works.

## 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) **Acoustic Report** - The development shall be constructed in accordance with Spring Farm West Village, DA Traffic Noise Assessment, prepared by Renzo Tonin & Associates, report reference TB705-58F02(r1) dated 19 February 2015. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (2) **Cycle and Pedestrian Paths** – Cycle and pedestrian connections shall fully comply with the requirements of the Spring Farm Masterplan. Details demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (3) **Traffic Calming** – Traffic calming measures shall be provided to Road no. 4 subject to approval from Council's Local Traffic Committee. Details



demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

- (4) **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.

- (5) **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.
- (6) **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.
- (7) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- (8) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (9) **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.
- (10) **Validation Report** - A Validation Report for the completion of the remediation works must be prepared by a suitably qualified person and be provided to the Certifying Authority and Council prior to the issue of a construction certificate. The report must demonstrate:
- 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.

- (11) **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.

- (12) **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 landuses 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.

- (13) **Landscape Plan** - A detailed Landscape Plan prepared in accordance with Council’s Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.

- (14) **Bush Fire Safety – Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:

- a) the RFS’ General Terms of Approval for the DA (if applicable); and
- b) the Bush Fire Report provided with the DA (if applicable); and

- c) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."
- (15) **Temporary Asset Protection Zone** - A temporary Asset Protection Zone must be installed on the eastern and north-eastern boundaries as per Schedule 1 of the Bushfire Assessment Report (Travers Bushfire and Ecology, February 2015) until the vegetation is removed as part of the adjoining subdivision. Details demonstrating compliance shall be submitted to the Certifying Authority with the Construction Certificate application.
- (16) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

### 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) **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
- (3) **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.
- (4) **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
  - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **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.
- (6) **Performance Bond** - Prior to commencement of works a performance bond of 10% the value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **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).

- (8) **Aboriginal Heritage Impact Permit** – The AHIP required as part of DA/2011/833 must be approved prior to work any works commencing.

#### 4.0 - During Works

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

- (1) **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.
- (2) **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.
- (3) **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.

- (4) **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](http://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.

- (5) **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.
- (6) **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.
- (7) **Fill Assessment Reporting Requirements** - A fill assessment report prepared as a requirement of the approved Fill Management Plan prepared by JBS Environmental, reference JBS41932-19264(Rev 0) dated 18 May 2012 must be provided to the PCA on a monthly basis to facilitate an audit for compliance with the Fill Management Plan.
- (8) **Compliance with Fill Management Plan** – The importation and placement of fill shall comply with the requirements of the Fill Management Plan prepared by JBS Environmental, reference JBS41932-19264 (Rev 0), dated 18 May 2012.
- (9) **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.
- (10) **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.
- (11) **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.
- (12) **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.
- (13) **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).
- (14) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.



In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

## 5.0 – Ongoing Use

- (1) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (2) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (3) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turn installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans.

## 6.0 - 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) **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.

- (3) **Burdened Lots to Be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **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.
- (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) **Works As Executed Plan - Remediation** – A works as executed plan that identifies the areas that required 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. The plan must include lot boundaries. Digital data must be in AutoCAD .dwg or .dxf format and the data projection coordinate must be in GDA94.MGA zone 56.

- (14) **Acoustic barrier** – Prior to the issue of a subdivision certificate, written advice must be provided by a suitably qualified and experience acoustic consultant that confirms the acoustic barrier has been constructed in accordance with the requirements of the following:

- a) The report titled *Spring Farm Western Village, DA Traffic Noise Assessment*, prepared by Renzo Tonin & Associates, report reference TB705-58F02(r1) Noise Assessment, dated 19 February 2015; and
- b) Drawing number 77839.01.SK16 Rev A, dated May 2015, and drawing number 77839.01.SK17 Rev A, prepared by SMEC Urban, dated May 2015.

- (15) **Update of Bush Fire Prone Land Maps** - Prior to the issue of the Subdivision Certificate a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and shall include the following:

- a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See [http://www.rfs.nsw.gov.au/dsp\\_content.cfm?CAT\\_ID=900](http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900).

Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:

- (i) experience in identifying bushfire prone land within NSW;

- (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas;
- (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings;
- (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*;
- (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems;
- (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan; and
- (vii) public liability/professional indemnity insurance, each to a minimum of \$20 million

**Note:** The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme) (see [website http://www.fpaa.com.au/certification/index.php?certification=bpad](http://www.fpaa.com.au/certification/index.php?certification=bpad))

- (16) **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 over lots 252-266 inclusive, lots 301 – 312 inclusive and lots 401-403 for works in the vicinity of the acoustic mounding and acoustic fence; and
  - e) Restriction as to user in relation to the acoustic treatment of dwellings – To achieve satisfactory internal acoustic amenity, future dwellings on Lots 101-106, Lots 252-258, Lots 301-312, Lots 401-403, Lots 501-512, Lots 601-617, and Lots 812-814 of the subdivision are required to comply with the façade and building treatments and siting requirements of the acoustic report titled *Spring Farm Western Village, DA Traffic Noise Assessment*, prepared by Renzo Tonin & Associates, report reference TB705-58F02(r1) Noise Assessment, dated 19 February 2015. Details of compliance shall be forwarded to the

certifying authority for approval with the Construction Certificate application.

- (17) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (18) **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.
- (19) **Section 94 Contributions – Monetary** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Camden Contributions Plan 2011	Open Space Land Acquisition - indexed Annually by land values.	\$7,066.00 per lot or dwelling	\$ 551,148.00
Camden Contributions Plan 2011	Community Land Acquisition - indexed Annually by land values.	\$44.00 per lot or dwelling per m <sup>2</sup>	\$3,432.00
Camden Contributions Plan 2011	Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan - indexed Quarterly to the CPI.	\$42,1149.00 per lot or dwelling	\$3,285,282.00
Camden Contributions Plan 2011	Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services - indexed Quarterly to the CPI.	\$10,130.00 per lot or dwelling per lot or dwelling per lot or dwelling	\$790,140.00
	<b>Total</b>		<b>\$4,630,002.00</b>

A copy of the Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions

Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (20) **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.

- (21) **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.

- (22) **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 civil works, with Council.

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

- (23) **Street Trees Installation** - The following tree species shall be planted at no cost to Council and in the location(s) specified on the following Landscape Plans:

86-14.01 Rev B	Palettes, Schedule Legend	& Distinctive Living Design	18 February 2015
86-14.10 Rev B	Master Plan	Distinctive Living Design	18 February 2015
86-14.11 Rev B	Landscape Plan 01	Distinctive Living Design	18 February 2015
86-14.12 Rev B	Landscape Plan 02	Distinctive Living Design	18 February 2015
86-14.13 Rev B	Landscape Plan 03	Distinctive Living Design	18 February 2015
86-14.14 Rev B	Landscape Plan 04	Distinctive Living Design	18 February 2015
86-14.20 Rev B	Enlargement Plans	Distinctive Living Design	18 February 2015
86-14.21 Rev B	Landscape Details	Distinctive Living Design	18 February 2015

## **RECOMMENDED**

That the Panel approve DA 268/2015 for the subdivision of land to create 287 residential lots, 1 public reserve lot, 1 drainage reserve lot, 2 residual lots, construction of roads, drainage, landscaping and associated site works at 21, 53, 57, 57A, 71, 149 Springs Road and 149 Macarthur Road, Spring Farm subject to the conditions listed above.

