



Camden Local Planning Panel

Electronic Determination
February 2022





CAMDEN LOCAL PLANNING PANEL

MATTER FOR DETERMINATION

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CAMDEN LOCAL PLANNING PANEL

CLPP01

SUBJECT: DA/2021/443/1 - SUBDIVISION OF LAND TO CREATE ONE LOT TO FACILITATE A ROAD CLOSURE - MACARTHUR ROAD, SPRING FARM

TRIM #: 21/548921

DA Number:	2021/443/1
Development:	Subdivision of land to create one lot to facilitate the closure of part of Macarthur Road
Site Address(es):	Macarthur Road near Pipping Way, Spring Farm
Applicant:	John M Daly & Associates Pty Limited
Owner(s):	Camden Council
Number of Submissions:	None
Development Standard Contravention(s):	None
Classification:	Local development
Recommendation:	Approve with conditions
Panel Referral Criteria:	Conflict of interest (Council is the landowner)
Report Prepared By:	David Rowley, Senior Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the subdivision of land on Macarthur Road near Pipping Way, Spring Farm.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, there is a conflict of interest in that the landowner is the Council.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/443/1 for the subdivision of land pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions **attached** to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the subdivision of land on Macarthur Road near Pipping Way, 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 development is consistent with these planning policies in that it will enable future development to provide for the housing needs of the community within a low-density residential environment.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. No submissions were received.

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

AERIAL PHOTO



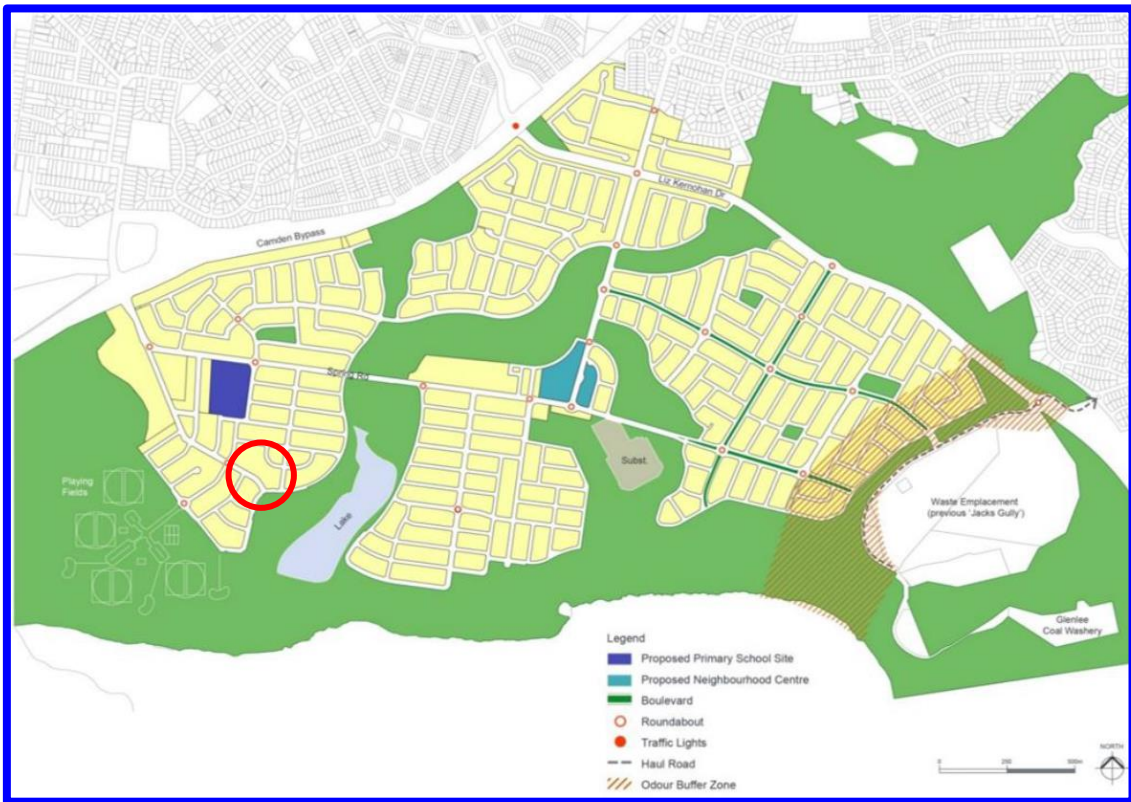
THE SITE

The site is a corridor of existing public road reserve approximately 20 metres wide, comprising part of Macarthur Road legally described in Conveyance Book 333 No.627 and CT Volume 10238 Folio 219.

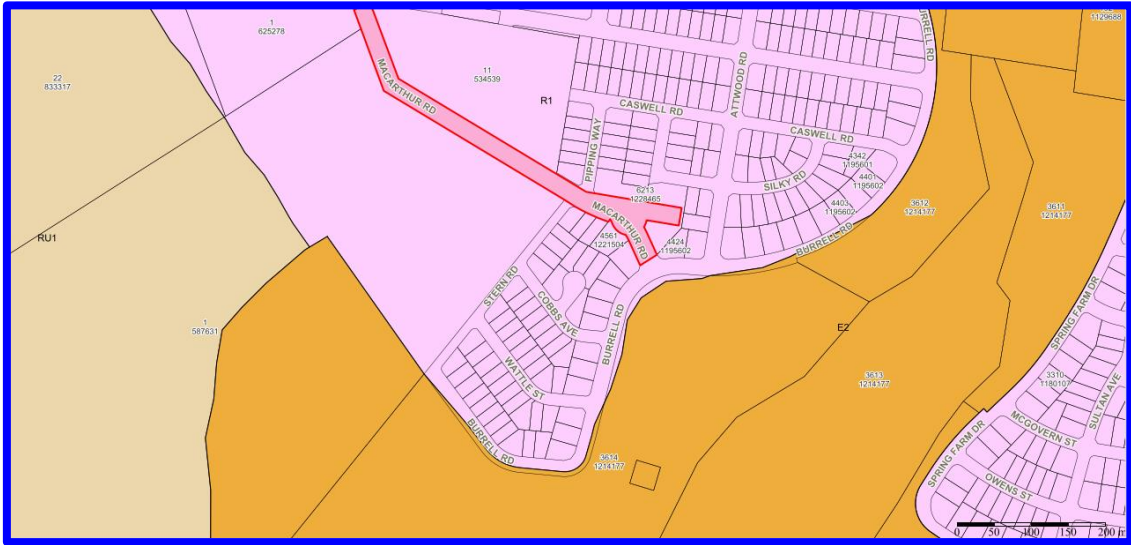
The portion of the site proposed for subdivision is 1,411m² in area, irregular in shape, and located on the eastern end of Macarthur Road in Spring Farm, between Pipping Way and Burrell Road. This area is currently vacant, apart from utility services, and is outlined in red in the image below.



AREA MASTER PLAN



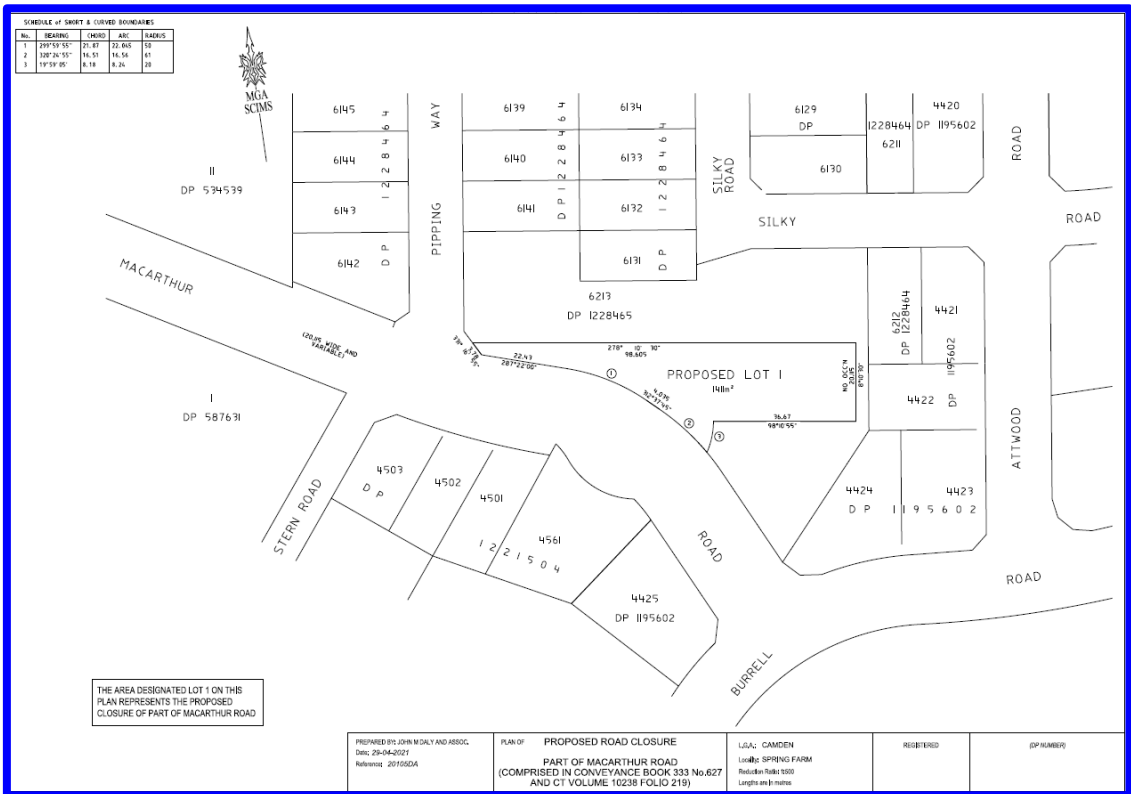
ZONING PLAN



THE PROPOSAL

DA/2021/433/1 seeks approval for the subdivision of land to create one lot to facilitate the closure of part of Macarthur Road.

A copy of the proposed plan of subdivision is provided below and **attached** to this report.



HISTORY

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

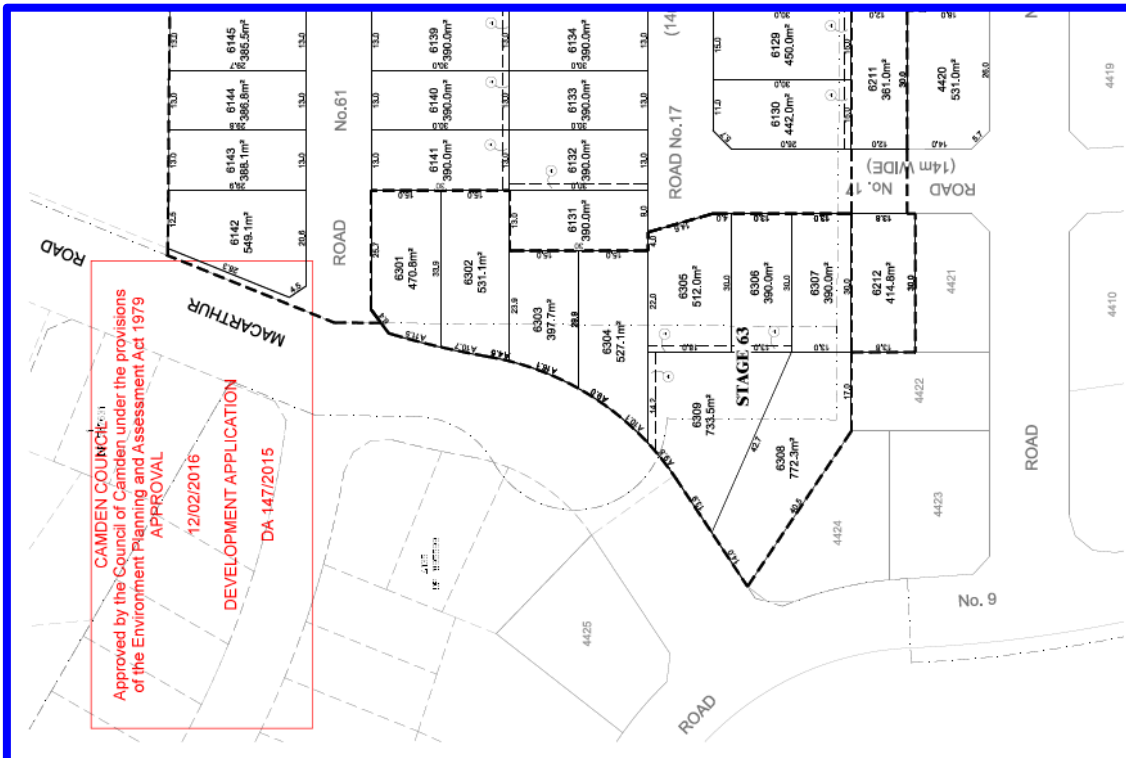
Date	Development
22 September 2015	Deferred commencement approval of DA/2015/147/1 for a staged subdivision creating 123 residential lots, 1 residual lot, remediation of land, construction of roads and associated works.
28 September 2018	Approval of a section 4.55 modification application to an approved residential subdivision to amend the wording of a condition regarding the remediation action plan.
28 May 2020	Approval of DA/2019/970/1 for the subdivision of land to create one Torrens title residential lot and one residue lot.
28 May 2020	Approval of DA/2019/971/1 for the subdivision of a residue lot to create four Torrens title residential lots.

The need for the application has been brought about by the development approvals referenced above, and by a decision at an Ordinary Council Meeting on 8 October 2019 to close the subject portion of Macarthur Road in accordance with section 38A of the *Roads Act 1993*.

Development Application No. 2015/147/1

DA/2015/147/1 granted development consent for a staged subdivision of 108 residential lots and associated works. The approved stamped plans for DA/2015/147/1 include the subject site in the approved plan of subdivision, and the approved engineering plans.

An excerpt of the approved plan of subdivision has been provided with the subject site shown dotted below:



The application was determined by means of deferred commencement at an Ordinary Council Meeting on 22 September 2015. However, the applicant had already lodged a Class 1 Appeal to the Land and Environment Court against the deemed refusal of DA/2015/147/1 on 21 August 2015.

Following determination of the application by Council, the Class 1 Appeal was discontinued. Earthworks were undertaken in accordance with DA/2015/147/1, including in the existing road reserve, in late-2016.

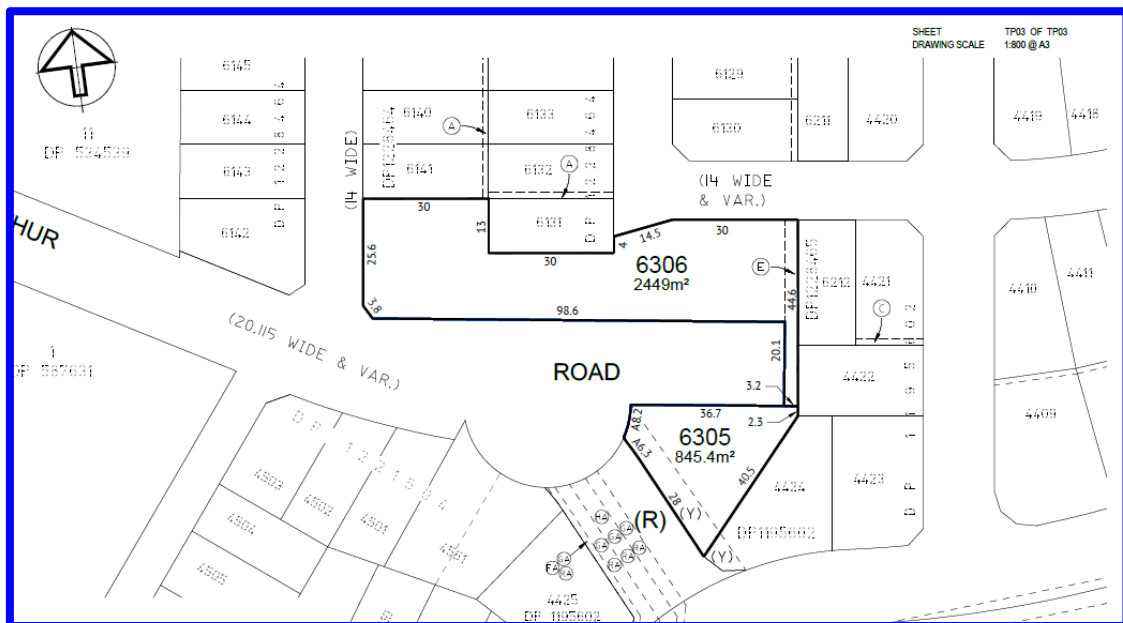
Development Application Nos. 2019/970/1 & 2019/971/1

Further to the above, the applicant for DA/2015/147/1 lodged two DAs on 24 December 2019 to subdivide the land surrounding the Macarthur Road stub (as shown below), referred to as DA/2019/970/1 and DA/2019/971/1.

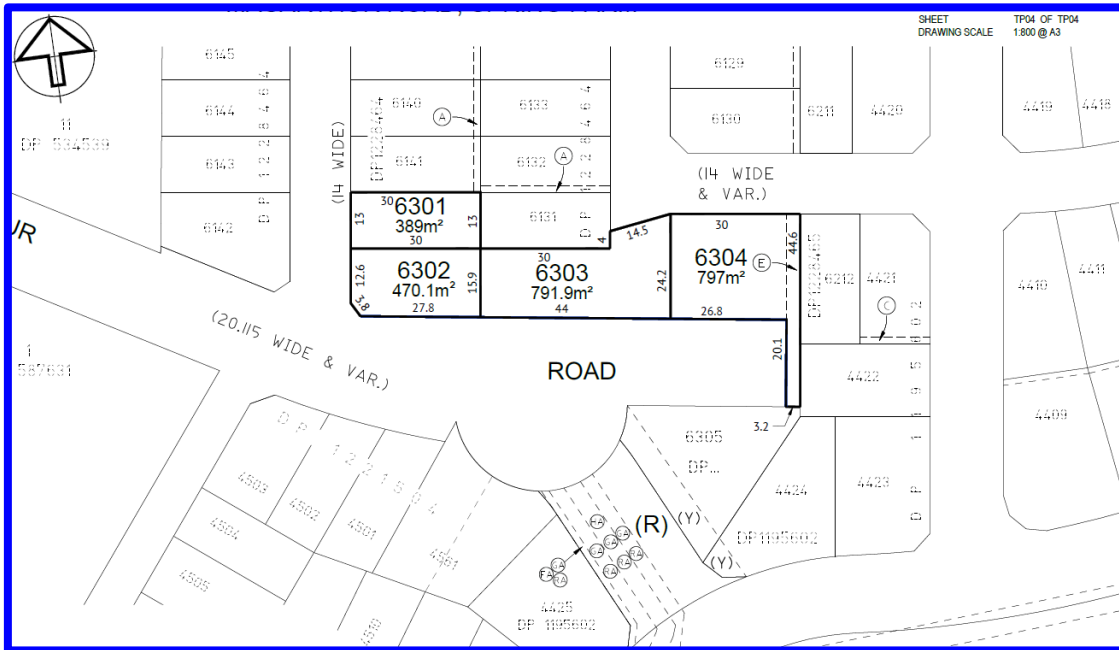
Class 1 Appeals against the deemed refusal of these applications were lodged with the Land & Environment Court on 17 March 2020. Following without prejudice discussions, both development applications were approved on 28 May 2020, with conditions of consent requiring DA/2019/970/1 to precede DA/2019/971/1.

The applicant has recently completed the construction of Macarthur Road and the approved subdivision is nearing registration.

Approved Plan of Subdivision for DA/2019/970/1



Approved Plan of Subdivision for DA/2019/971/1



Requirement for the Subject Application

'Subdivision' is defined in Section 6.2 of the *Environmental Planning and Assessment Act 1979* ('the EPA Act') as the division of land into two or more parts which, after division, would be obviously adapted for separate occupation, use, or disposition. While the definition of subdivision expressly excludes a division of land affected by the 'opening' of a public road, it does not exclude a division of land affected by the closing of a road. Therefore, the creation of Lot 1 as a result of the proposed road closure is a subdivision for the purposes of the EPA Act.

Section 195C(1)(e) of the *Conveyancing Act 1919* (*Conveyancing Act*) provides that a plan of subdivision lodged for registration shall be authorised by a subdivision certificate issued under the EPA Act.

Section 195 of the *Conveyancing Act* defines a 'plan of subdivision' broadly to include any plan that shows the division of land. Therefore, if the road closure effects a subdivision under the EPA Act (which is the case in point), the plan is a plan of subdivision and cannot be registered without a subdivision certificate having first been issued.

Section 6.15 of the EPA Act restricts the issue of a subdivision certificate if development consent is required for the subdivision unless that development consent has been obtained.

As per the assessment below, the proposal is not exempt development, and as such development consent is required.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy No 55 - Remediation of Land;
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP);
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River; and
- Camden Local Environmental Plan 2010.

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

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

Site contamination was addressed with DA/2015/147/1, which required the remediation of the land. The approved Remediation Action Plan concluded that the site can be made suitable for the intended land use and the risks posed by contamination can be managed to be adequately protective of human health and the environment. The approved remediation works have been undertaken and the land validated.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP)

The Codes SEPP aims to provide streamlined assessment processes for development that complies with specified development standards.

Clause 2.75 of the Codes SEPP makes certain subdivisions exempt development if they are 'for the purpose only of any one or more of' the purposes listed in the clause.

The subdivision effected by the road closure does not meet any of the 'specified development' listed under Clause 2.75 of the Codes SEPP. As such development consent is required to create the subject lot.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

SREP 20 aims 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 development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development.

Camden Local Environmental Plan 2010 (Camden LEP)

The Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the *Environmental Planning and Assessment Act 1979*.

Site Zoning

The site is zoned R1 General Residential pursuant to Clause 2.2 of the Camden LEP.

Land Use/Development Definitions

The development includes the subdivision of land which is defined by Section 6.2 of the *Environmental Planning and Assessment Act 1979*.

Permissibility

Subdivision does not involve any 'use' of land but is permitted with consent under Clause 2.6 of Camden LEP. The proposed subdivision will enable development of the site for a permitted use, such as residential accommodation.

Planning Controls

An assessment table in which the development is considered against the Camden LEP's planning controls is provided as an **attachment** to this report.

(a)(ii) *the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)*

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that it will not result in any detrimental impacts upon the Hawkesbury-Nepean River system.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)

The development is consistent with the Draft Remediation SEPP and site is suitable for the proposed development from a contamination perspective.

(a)(iii) *the provisions of any development control plan*

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an **attachment** to this report.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to this report.

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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the 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 Camden Development Control Plan 2019. The exhibition period was from 10 to 24 November 2021 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were required for this DA.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council, however, should the application be approved the created lot will be offered for sale on the open market.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions **attached** to this report.



RECOMMENDED

That the Panel approve DA/2021/443/1 for the subdivision of land on Macarthur Road, Spring Farm subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 55 - Remediation of Land; Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River; and Camden Local Environmental Plan 2010.
2. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
3. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

1. Plan of Proposed Subdivision
2. Camden Local Environmental Plan Assessment Table
3. Camden Development Control Plan Assessment Table
4. Recommended conditions

SCHEDULE of SHORT & CURVED BOUNDARIES

No.	BEARING	CHORD	ARC	RADIUS
1	299°59'55"	21.87	22.045	50
2	320°24'55"	16.51	16.56	61
3	19°59'05'	8.18	8.24	20



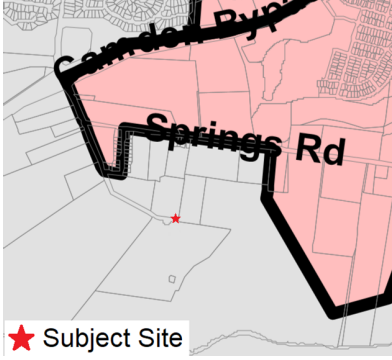
THE AREA DESIGNATED LOT 1 ON THIS PLAN REPRESENTS THE PROPOSED CLOSURE OF PART OF MACARTHUR ROAD

PREPARED BY: JOHN M DALY AND ASSOC. Date: 29-04-2021 Reference: 20105DA	PLAN OF PROPOSED ROAD CLOSURE PART OF MACARTHUR ROAD (COMPRISED IN CONVEYANCE BOOK 333 No.627 AND CT VOLUME 10238 FOLIO 219)	L.G.A.: CAMDEN Locality: SPRING FARM Reduction Ratio: 1:500 Lengths are in metres	REGISTERED	(DP NUMBER)
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Camden Local Environmental Plan 2010 Assessment Table

Clause	Assessment	Complies?
<p>2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • 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. • To minimise conflict between land uses within the zone and land uses within adjoining zones. 	<p>The subject site is zoned R1 General Residential.</p> <p>Subdivision does not involve any 'use' of land and, in planning law, a use must be for a purpose (per <i>Wehbe v Pittwater Council</i> [2007] NSWLEC 827 and <i>Chamwell v Strathfield Council</i> [2007] NSWLEC 114).</p> <p>The proposed subdivision will enable development of the site for a permitted use, such as residential accommodation. This will provide for the housing needs of the community.</p>	Yes
<p>2.6 Subdivision – consent requirements</p> <p>Development consent is required to subdivide land (unless the subdivision is exempt or complying development under another environmental planning instrument).</p>	The subject application seeks consent for the subdivision of land.	Yes
<p>4.1 Minimum subdivision lot size</p> <p>Lot sizes must not be less than the minimum lot size shown on the Lot Size Map.</p> <p>The minimum lot size for this site is 300m².</p>	The application seeks consent for the creation of a lot that is 1,411m ² .	Yes
<p>6.1 Arrangements for designated State public infrastructure</p> <p>Development consent must not be granted for the subdivision of land in an urban release area if:</p> <p>(a) if the subdivision would create a lot smaller than the minimum lot</p>	The subject site is located outside the boundary of the Special Contributions Area, per the excerpt below:	Yes

<p>size permitted on the land immediately before the land became, or became part of, an urban release area, or</p> <p>(b) in the case of land in Zone R1 General Residential in the urban release area shown as “Lakeside” on the Urban Release Area Map—if the subdivision would create a lot with an area of less than 40 hectares,</p> <p>unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>This clause does not apply to certain subdivisions including the creation of residue lots or subdivision for the purpose of rectifying an encroachment on an existing lot.</p> <p>This clause does not apply to land within a special contributions area.</p>	 <p>★ Subject Site</p> <p>A Satisfactory Arrangements Certificate (SAC) was requested from DPIE, who confirmed in writing that a SAC was not required in this instance.</p>	
<p>6.2 Public utility infrastructure Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p>	<p>The subject lot located within a new release area and infrastructure that is essential for the proposed development is available to the site. Conditions of consent are proposed to ensure that adequate arrangements are made to the available infrastructure.</p>	<p>Yes</p>
<p>6.3 Development control plan Development consent must not be granted for development on land in an urban release area that unless a development control plan has been prepared for the land and addresses a number of matters listed in this clause; including a staging plan and stormwater and water quality management controls.</p>	<p>Schedule 2 of the Camden Development Control Plan 2019 has been prepared for the land and addresses the matters identified in cl.6.3.</p>	<p>Yes</p>
<p>7.8 Residential development at Spring Farm Before granting consent for the subdivision of the urban release area shown as “Spring Farm” on the Urban</p>	<p>To address the compatibility of the quarry related activities at M. Collins & Sons and the future residential development, the applicant submitted an air</p>	<p>Yes</p>

<p>Release Area Map, the consent authority must consider whether—</p> <ul style="list-style-type: none"> (a) remnant vegetation and bush corridors will be protected, enhanced and managed, and (b) adverse odour impacts from the Macarthur Resource Recovery Park will be mitigated, and (c) adverse noise and dust impacts from the sand mining operations will be mitigated. 	<p>quality assessment in support of DA/2015/147/1.</p> <p>In 2015, Council staff requested a number of changes to the report to include the findings of dispersion modelling and further assessment of particulate matter impacts. The revised air quality assessment dated 1 July 2015 demonstrates that there is sufficient distance between the existing quarry operations at M. Collins & Sons and the future residential development to ensure that there is minimal particulate emission to the future occupiers of the site.</p> <p>A condition of consent is recommended requiring a notation on the s.10.7(5) Planning Certificate advising of the proximity of the site to the M. Collins & Sons extraction operation.</p>	
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Camden Development Control Plan 2019 Assessment Table

Camden Development Control 2019		
Clause	Assessment	Complies
<p>2.1 Earthworks Subdivision and building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill</p>	There are no earthworks proposed.	N/A
<p>2.2 Salinity Management Plan Groundwater recharge is to be minimised in accordance with the DCP.</p> <p>Where salinity is identified as a hazard, a salinity assessment must address how it will be managed in accordance with the DCP.</p>	<p>There are no physical works to necessitate the implementation erosion, sediment and dust control measures.</p> <p>Salinity management measures were implemented with DA/2015/147/1, which demolished the road and imported fill onto the site.</p>	Yes.
<p>2.3 Water Management Ensure compliance with Council's engineering specifications for controls relating to detention, drainage and water sensitive design</p>	Surface flow on the site is directed in a south and south-easterly direction. Flows that cannot drain to the street will be collected by pit 3A/1, approved by and constructed in accordance with DA/2019/970/1. A condition of consent is recommended to require the registration of an easement to drain water with regard to pit 3A/1 benefitting the subject site.	Yes
<p>2.4 Trees and Vegetation Development consent for the removal of trees and vegetation must only be granted if a number of matters listed by the DCP have been considered, including the aesthetic, botanical, ecological, cultural and heritage importance of the trees and the need for replacement tree planting.</p>	There are no trees onsite.	N/A
<p>2.5 Environmentally Sensitive Land Development on land mapped as environmentally sensitive must address any impacts on the native vegetative community, habitats, habitat corridors, wetlands and biodiversity values within a reserve.</p> <p>Development consent may not be granted to development on environmentally sensitive land unless Council is satisfied that the</p>	The site is identified as Environmentally Sensitive Land (Riparian Forest TX/TXR), however there are no native vegetative communities remaining onsite, and the removal of vegetation is not proposed with this application. As such the proposal will have no impact.	Yes.

development meets the objectives of this section and ensures that a number of criteria listed by the DCP are met, including minimising adverse potential environmental impacts.		
2.7 Bushfire Risk Management A bushfire report must form part of all DAs on bushfire prone land.	The subject site is not bushfire prone land.	N/A
2.8 Flood Hazard Management Development on flood prone land must comply with Council's Engineering Specifications and Flood Risk Management Policy.	The earthworks approved by DA/2015/147/1 have limited the flood impacts from Springs Lake and the subject site is above the flood planning level.	N/A
2.9 Contaminated and Potentially Contaminated Land Management An assessment is to be made by the applicant under SEPP No. 55 as to whether the subject land is contaminated prior to the submission of a Development Application.	Site contamination was addressed with DA/2015/147/1, which required the remediation of the land. The approved remediation works have been undertaken and the site validated.	Yes
2.10 Development near Camden Airport	The proposed development will not impact the operation of Camden Airport in that there are no physical works.	N/A
2.11 Development affected by the Western Sydney Airport	The subject site is not within 15km of WSA and the proposed development will not penetrate the OLS or PANS-OPS.	N/A
2.12 Acoustic Amenity Subdivision or development for residential purposes near roads, airports, and industrial / commercial uses, shall include a program of appropriate noise attenuation measures to reduce traffic or other noise that potentially will affect residential properties. For roads, noise attenuation measures must be prepared in accordance with Council's Environmental Noise Policy. The program shall predict noise levels for a ten year period and any noise attenuation measures shall address these noise levels.	Previous acoustic restrictions on the required 88B instrument are proposed to be carried over to limit impacts from the nearby sand mine.	Yes
2.13 Air Quality and Odour Development that is likely to result in the emission of atmospheric pollutants, including odours, as determined by Council shall include operating practices and technology to ensure that such emissions are acceptable. Details of these	There are no works or uses proposed that will result in the emission of atmospheric pollutants, including odours.	Yes

measures are to be provided at development application stage.		
2.16 Environmental Heritage	The site is not subject to any heritage provisions. As the site has been significantly disturbed by works approved under DA/2015/147/1, contingency conditions have not been recommended	N/A
Part 3 Residential Subdivision Controls		
3.1 Introduction The subdivision of land must comply with CLEP 2010 which prescribes minimum lot size requirements for land in the Camden Local Government Area.	The proposal is compliant with cl.4.1 of the LEP	Yes
3.2 General Subdivision Controls in Residential Areas Subdivision design must take into consideration existing site attributes and be generally consistent and compatible with the existing/ approved subdivision pattern of the surrounding area.	The proposal is not completely consistent with the existing subdivision pattern, however the subdivision is defined by the section of road to be closed and the adjoining allotments. Once the lot is created it may ultimately form part of a larger allotment for further subdivision.	Yes
3.2.2 Lot Dimensions Lots $\geq 450\text{m}^2$ minimum width 15m Lots $\geq 450\text{m}^2$ minimum depth 25m Lots should generally be rectangular in shape.	Proposed Lot 1 is irregularly shaped, but at $1,411\text{m}^2$ with a width of 20.115m and a depth ranging from 36.67m to 98.605m complies with the minimum required dimensions. The lot is generally rectangular and given its size will provide a sufficient building envelope.	Yes
3.2.3 Street Block and Lot Configuration 1. Street blocks are to be a maximum of 250m long x 70m deep where the layout is grid formation	The proposed subdivision is of a scale that will not impact the street block, which has been largely determined by DA/2015/147/1.	Yes
2. Lot orientation and configuration is to be generally consistent with the subdivision principles shown at Figure 3-4. Preferred Lot orientation is either north-south or east-west.	Proposed Lot 1 is a deep lot with east to the rear. The orientation is dictated by the existing road layout.	Yes
3. Residential lots must generally be rectangular and the use of battle-axe lots is to be minimised.	The existing Macarthur Road reserve has restricted the shape of Lot 1.	Yes
5. Plans of subdivision are to identify the location of utility infrastructure and / or existing or proposed substations, kiosks, sewer manholes and/or vents affecting corner lots.	There are three sewer manholes near the proposed front boundary that have not been indicated on the plan of subdivision. Future applications on the subject site will be able to consider these constraints.	Yes

3.2.4 Street Network	The completion of the new Macarthur Road alignment was approved with DA/2015/147/1. No roadworks are proposed as part of this application.	Yes
3.2.5 Additional Controls for Street Network within Urban Release Areas	As above.	Yes
3.2.6 Street Trees 1. Street trees are to be provided on all streets and must meet identified criteria.	A condition of consent is recommended to require street tree planting.	Yes
2. Any proposal for street tree planting within the road reserve is to include appropriate detailed design that addresses identified criteria.	The street tree planting will satisfactorily address these criteria.	Yes
3. Trees for verge planting are to be in accordance with Camden Council Indicative Planting List and in accordance with Appendix B.	The recommended condition of consent addresses these requirements.	Yes
Schedule 2 Spring Farm		
S2.1.1 Spring Farm Planning Principles	The proposed subdivision is generally consistent with the Spring Farm Planning Principles	Yes
S2.1.2 Residential Density Targets Subdivision applications are to demonstrate to Council that the dwelling targets shown in Figure 2-3 will be achieved.	The density target shown in Figure 2-3 has been achieved.	Yes
S2.1.3 Staging of Development	The subject site is in Stage 8/8a.	N/A
S2.1.4 Macarthur Resource Recovery Park	The subject site is located outside the hatched land on the Spring Farm Master Plan.	N/A
S2.2.1 Neighbourhood and Subdivision Design 1. A typical block depth of 60m in the traditional subdivision areas, and 50m in the small lot and medium density areas.	The proposed development is infill subdivision with no new roads proposed.	Yes
2. No residential development is permitted below the 100 year ARI flood line.	The subject site is above the 1:100 AEP.	Yes
3. The two primary noise attenuation measures include the use of architectural treated buildings to block noise or the erection of acoustic barriers including mounding and fences where they will not detract from a streetscape	Existing acoustic measures are proposed to be carried over to the subject lot via a Section 88B restriction.	Yes
4. At subdivision/development stage, noise attenuation measures need to be developed for sites that fall within the criteria set out	As above.	Yes

5. Electricity easements are to be incorporated in public road reserves and must not burden private lots	No electricity easements are proposed.	Yes
6. The Master Plan aims to protect significant views, and these corridors must be protected in any subdivision application. Details such as fences, walls and tree plantings must also respect these corridors.	The proposed works will not impact significant views.	Yes
S2.2.2 Former School Site (Lot 101 DP 1121699, Lot 200 DP1182085, and Lot 2 DP1175939)	The subject site was not part of the three identified lots.	N/A
S2.2.3 Street Network and Design	Not relevant to this application.	N/A
1. Provide a road connection and pedestrian overbridge to the Elderslie release area.		
2. The existing alignments of Richardson Road and Springs Road are to be retained. Ettlesdale Road is to be retained.	Not relevant to this application.	N/A
3. Macarthur Road is to be retained to represent the settlement pattern of the early colonial era at Spring Farm.	A new alignment for the last portion of Macarthur Road was approved by the Master Plan and DA/2015/147/1.	Yes
4. New road connections to Camden By-Pass and Liz Kernohan Drive (Spring Farm Link road) must be consistent with the Master Plan.	Not relevant to this application.	N/A
5. Kerb returns of 8.5m radius for intersections between streets must be provided.	The construction of kerb returns was approved with DA/2015/147/1.	Yes
6. Streets are to be constructed in accordance with Figures 2-5 to 2-12. In certain sections, some cross sections are to be widened by 1m in accordance with Figure 2-5 Spring Farm Street Network and Design Map.	The construction of streets is not proposed with this application.	Yes

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, 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
Ref: 20105DA	Plan of Proposed Road Closure – Part of Macarthur Road (Comprised in Conveyance Book 333 No. 627 and CT Volume 10238 Folio 219)	John M Daly and Assoc.	29/04/2021

- (2) **Roads Act 1993 Compliance** - This consent facilitates the closure of part of Macarthur Road, between Pipping Way and Burrell Road, Spring Farm. Compliance with the provisions of Division 3 in Part 4 of the *Roads Act 1993* is required to effect the closure, prior to the issue of any subdivision certificate.

2.0 - Prior to Issue of a Subdivision Certificate

The following conditions of consent shall be complied with prior to the issue of 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 person acting on this consent 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 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 (where the subdivision involves engineering works), unless otherwise approved in writing by the principal certifier.
- (5) **Fill Plan** – A fill plan shall be provided to the principal certifier prior to the issue of any Subdivision certificate. The plan must show:
- lot boundaries;
 - road/drainage/public reserves;
 - street names;

- d) final fill contours and boundaries; and
- e) depth in filling in maximum 0.5m increments.

The plan is to be provided electronically in portable document format (.PDF).

- (6) **Electricity Notice of Arrangement (Paper Arrangement)** – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the principal certifier (Council).
- (7) **Soil Classification** – A soil classification report prepared by a suitably qualified person in accordance with 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.
- (8) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
 - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
 - b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (9) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the principal certifier which incorporates the following easements, positive covenants and restrictions to user where necessary:
 - a) easement for services;
 - b) easement to drain water and drainage easement/s over overland flow paths;
 - c) retaining wall, positive covenant, and restriction to user;
 - d) restriction as to user which stipulates that footings shall be designed by a suitably qualified civil and/or structural engineer;
 - e) restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form

- fencing) in the overland flow path without the written permission of Council;
- f) restriction as to user requiring that all construction works that include earthworks, imported fill, landscaping, roads, buildings and associated infrastructure must be carried out in accordance with the management strategies as contained within Section 8 of the report titled Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, Stage 45-47 and Stage 61, Spring Farm”, prepared Douglas Partners, Project 34288.23 and dated February 2015;
- g) restriction as to user requiring a first flush system to be installed on any rainwater tanks; and,
- h) restriction as to user requiring that if a two storey dwelling is to be constructed on Lot 1, an acoustic assessment is required in accordance with Camden Council’s Environmental Noise policy to determine the standard of facade treatments to be provided to ensure internal noise criteria are not exceeded as a result of activities in the adjacent quarry.
- (10) **Lot Numbers and Street Names** - Lot numbers and street names must be stencilled on the face of kerb or in alternative locations directed by the PCA. The stencil medium must be of a good quality UV stabilised paint and applied to the kerb thusly:
- a) Lot numbers – White number on Brunswick Green background located on the prolongation of both common boundaries of each lot.
- b) Street names – White lettering on Brunswick Green background at kerb and gutter tangent points.
- (11) **Section 10.7 Planning Certificate Notation** – The Section 10.7 (5) Certificate must be updated advising the proximity of the site to M. Collins & Sons Sand and Soil Extraction operation.
- (12) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the principal certifier demonstrating that satisfactory arrangements have been made for:
- a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
- b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the principal certifier.

- (13) **Section 7.11 Contributions – Monetary** - A contribution pursuant to the provisions of Section 7.11 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	\$17,760 per lot	\$17,760.00
Camden Contributions Plan 2011	Community Land Acquisition	\$111 per lot	\$111.00
Camden Contributions Plan 2011	Drainage, Roadworks, Traffic Facilities, Open Space Embellishment and Masterplan	\$47,732 per lot	\$47,732.00
Camden Contributions Plan 2011	Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services	\$11,482 per lot	\$11,482.00
	Total		\$77,085.00

A copy of the Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at 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.