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## ORDINARY COUNCIL

ORD04

**MIXED RESIDENTIAL / COMMERCIAL DEVELOPMENT AT NO 2 (LOT 1 DP 806544) JOHN STREET, CAMDEN**

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<b>FROM:</b>	Director Development and Health
<b>FILE NO:</b>	Binder: Development Applications 2008
<b>DA NO:</b>	644/2008
<b>OWNER:</b>	AEH Lifestyle Estates Project No 3 Pty Ltd
<b>APPLICANT:</b>	AEH Group
<b>ZONING:</b>	3(f) Business Support
<b>APPLICABLE PLANNING INSTRUMENT:</b>	Camden LEP No 45

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### PURPOSE OF REPORT

The purpose of this report is to seek a resolution from Council in regard to a Development Application DA 644/2008 for the redevelopment of the former Camden High School site, comprising the demolition of disused school buildings, remediation of contaminated land, earth works and land forming, refurbishment of 1 existing building, multiple units and senior's housing, motel, restaurant, medical centre, ancillary shops and associated car parking at 2 John Street Camden (Lot 1 DP 806544).

Subdivision does not form part of this development application and would be subject to a separate development application.

The application is reported to Council as it received written submissions by way of objections and that the proposal is supported by a SEPP 1 objection seeking to vary the development control for building height under Camden LEP 45.

### SUMMARY OF RECOMMENDATION

This report considered that the concept of parallel remediation and occupation cannot be supported and that the staging plan for construction, as proposed, in part is impractical.

It is recommended that Development Application DA 644/2008 be approved subject to deferred commencement conditions, requiring remediation of the site prior to the commencement of any construction works.

### BACKGROUND

The subject land has had a series of uses over time, including gasworks and school. The Camden Gasworks were established on a portion of the site in 1911, mainly for the

production of coal gas for street lighting. Investigations have shown that a tar pit associated with gas production is still present on site and will require remediation prior to residential development (or any other sensitive use) proceeding on the land. Coal gas production ceased in 1965 and the facility was converted to LPG and Propane gas distribution. Records indicate that the gasworks was decommissioned in 1975 and became part of the school grounds.

Camden High School was established on the site in 1956 with newer buildings being erected between the 1960s and 1980s. Camden High School relocated to its current location on Cawdor Road, Cawdor in 2001 following identification of contamination on the site. Camden High School had a student capacity on site of 1300 pupils.

Following vacation of the site by the school, the site was deemed surplus to State Government needs and was put up for tender. The documents included in the contract for sale included full disclosure of the contamination issue to ensure that any potential purchaser was fully aware of its nature and that an estimate of remediation costs could be assessed as part of determining the tender price lodged.

Development Application DA 644/2008 was lodged with Council on 22 July, 2008. It was publicly exhibited in accordance with Camden DCP 2006. The proponent is calling the subject development 'Camden Village'.

## THE SITE

The site is known as Lot 1 DP 806544, No 2 John Street and is located on the northern fringe of the Camden Town Centre, overlooking the Camden Town Farm and rural floodplain of the Nepean River. The site has frontage to John, Elizabeth and Exeter Streets and has a common boundary to properties on the northern side of Mitchell Street.

The land has an area of 2.7 hectares and the site was previously utilised for the former Camden High School, which included a 3-storey brick and concrete building (former science block) at the corner of John and Exeter Streets, 3-storey former library building, 2-storey brick classroom building and single storey amenities buildings.

The site is surrounded to the east by Elizabeth Street and existing service industry, to the west by John Street and Camden Public School and has a common boundary to residential dwellings which face Mitchell Street to the south, with St Paul's Primary School in close proximity. The site also wraps around the State heritage listed Nant Gwylan on three sides. **A site location map is provided at the end of this report.**

A large portion of the site is flood prone.

## THE PROPOSAL

Development Application DA 644/2008 seeks development consent for a staged residential/commercial development comprising:

- Demolition of some of the disused school buildings,
- Remediation of contaminated land,
- Multi-unit development comprising the erection of 57 multi-unit dwellings, some of

- which will be included in the refurbishment of 1 existing building,
- Housing for seniors and persons with disabilities development – comprising 108 self-contained seniors living dwellings and a 76 bed residential care facility,
- 51 bed motel, function room, restaurant and community centre,
- Medical centre, ancillary shops, car parking and landscaping works.

The operation and fitout of the motel, function room, restaurant and ancillary shops will be the subject of future and separate development applications.

**Plans of the development are provided at the end of the report and full detailed plans will be displayed at the Council meeting.**

The applicant's Addendum Planning Submission (dated 15 May, 2009) and again in the Supplementary Remediation Action Plan (dated 3 April, 2009) states that the development application is seeking consent for development over 10 stages with remediation of contaminated lands being proposed to be carried out in parallel with residents progressively occupying the site.

This report considered that the concept of parallel remediation and occupation cannot be supported and that the staging plan for construction, as proposed, in part is impractical.

### **NOTIFICATION**

Development Application DA 644/2008 was publicly advertised for four weeks, between 7 August, 2008 and 8 September, 2008 with notice being placed in the Camden Advertiser during the exhibition period. The application was also notified to adjoining owners, CRAG, WRARG, Historical Society, Camden Chamber of Commerce and copies of the development application were placed on exhibition at Council's customer service counters at Narellan and Camden and Camden and Narellan Libraries. In addition, the application was referred to the NSW Heritage Office, the RTA, Police, DECC and the local SES.

A total of 10 written submissions were received from the public. Following consideration of concerns raised by Council and authors of the submissions, in accordance with Clause 55 of the Environmental Planning and Assessment Regulations, 2000, the applicant lodged amended plans and supporting information. The amendments were renotified to those who made written submissions for 2 weeks between 28 May and 11 June, 2009 with 5 resubmissions being made.

The issues raised in the submissions are discussed later in this report.

**A copy of the submissions is provided with the Business Paper supporting documents.**

### **PLANNING CONTROLS**

The following plans and policies have been considered in the assessment of this application:

- Camden Local Environmental Plan No 45 – Camden Town Centre

- State Environmental Planning Policy No 1 - Development Standards
- State Environmental Planning Policy (Housing for Seniors and persons with a Disability)
- State Environmental Planning Policy - Infrastructure 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2)
- Draft Camden Local Environmental Plan No 149 - Heritage Schedules
- Camden Development Control Plan 2006

## **ASSESSMENT**

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. The following comments are made with respect to the proposal:

### **(a)(i) The provisions of any environmental planning instrument**

The relevant legislation applicable to the assessment of this application is Part 4 of the Environmental Planning and Assessment Act 1979. Below is a summary of Council Officers assessment of the application.

#### **Camden Local Environmental Plan (LEP) No 45**

The land is zoned 3(f) Town Centre Support under Camden LEP 45. The provisions of Camden LEP 45 establish Camden Council as the consent authority for the purposes of the plan. It is considered that the proposed development is consistent with the aims of the plan as outlined later in this report.

#### **Permissibility**

The various land uses that comprise the mixed residential/commercial development of the land are described as multi-unit housing development as defined by LEP 45 is:

*“residential development (not being two-dwelling development) resulting in two or more dwellings on one lot, whether the dwellings are attached or detached, and includes town-houses and the like”.*

It is considered that the part of the development, identified in the applicant's supporting documentation as “market housing” satisfies the definition of “multi-unit housing development” (or MUHD) and is permissible with the consent of Council. It is noted that LEP 45 does not adopt the definition of “Residential Flat Building” (or RFB) contained in the Environmental Planning and Assessment Model Provisions 1980, however it is considered that the definition of MUHD provides for a wide range of housing types.

The permissibility of the proposed 108 self-contained seniors living dwellings (SCD), and 76 bed residential care facility (RACF) seniors housing is discussed later in this report under the heading SEPP Housing for Seniors and Persons with a Disability 2004

The medical centre falls within the definition of commercial premises under the Environmental Planning and Assessment Model Provisions 1980 being:

*“a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this clause or a building or place used for a purpose elsewhere specifically defined in this clause”,*

as such, the medical centre is permissible in the 3(f) zone with the consent of Council.

A motel is defined by the Environmental Planning and Assessment Model Provisions 1980 as:

*“motel means a building or buildings (other than a hotel, boarding-house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public”.*

A function room is a place of assembly, which is defined as:

*“place of assembly means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship, an institution or an educational establishment”.*

A restaurant is defined by the Environmental Planning and Assessment Model Provisions 1980 as a refreshment room being:

*“a restaurant, cafe, tea room, eating house or the like”.*

The motel, function room and restaurant are permissible with consent of Council in the 3(f) Town Support zone.

The Community Centre, to be used exclusively by the residents of the development, is defined by the Environmental Planning and Assessment Model Provisions 1980 as a recreation facility, which means:

*“a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly”*

It is recommended that a condition be placed on the consent requiring these premises including the function room and community centre to be used as a public place of entertainment.

The recreation facility is permissible with consent of Council in the 3(f) Town Support zone.

The shops proposed in the application are only permitted within the 3(f) Town Support zone if they are ancillary to other development permitted in the zone or that serve persons occupying or employed in the Town Support zone. This development

application only proposed the erection of commercial/shop floorspace. Any occupation of these commercial/shop units will be subject to a separate development application, which must demonstrate that this criteria is met.

Likewise, in relation to the motel, function room and restaurant floorspace the operation, fit out and occupation of that building will be subject to a separate development application.

### Aims and Objectives

LEP 45 provides that Council shall not grant consent to any development unless it is of the opinion that the development is consistent with the objectives of the zone.

The objectives of the 3(f) Town Centre Support zone read:

- (a) to encourage development that supports or complements the primary office and retail functions of the Town Centre Zone;*

It is considered that the erection of multi-unit and seniors dwellings within Camden Town Centre will increase the residential population of the town, providing additional customers easy walking distance to existing businesses in Argyle Street, thereby supporting the office and retailing functions Camden Town Centre.

- (b) to encourage development that will expand the range of services provided by the centre;*

The development proposes to expand on the range of services currently provided in Camden, including a medical centre, residential care facility and motel.

- (c) to encourage development providing services to the rural community;*

The development application proposes to support the operations of the Town Farm (located opposite in Exeter Street) and Camden Produce Markets by way of additional carparking capacity, direct pedestrian links and proximity of new residents. Depending on the types of retail and commercial premises that occupy the site, the development may increase the service to the broader rural community.

- (d) to encourage development that assists the conservation of historic buildings and streetscape; and*

The site does not contain any listed historic buildings, however it is proposed to retain and reuse the existing school science building and to retain the rural character of Exeter Street. Consideration of the streetscape within John Street is also an important design element.

- (e) to permit development which adds to the vitality and diversity of the commercial centre while not prejudicing its principal function.*

It is considered that new residents, a medical centre and motel will add vitality and diversity to Camden as a whole without prejudicing main street functions.

Based on this assessment, it is considered that the proposed development is consistent with the objectives of the 3(f) Town Support zone.

#### Other provisions

The Special Provisions under LEP 45, as they relate to the assessment of this development application are considered below:

Clause 11 - Subdivision of the land or buildings is not proposed as part of this development application (being either, Torrens, Strata or Community Title) and would be subject to separate development applications.

Clause 12 – The development application was advertised in accordance with this clause. Issues raised in written submissions received by Council are discussed later in the report under the heading of “Submissions”.

#### Design

Clause 13 – Development Principles provides that Council shall not grant consent to development on land within the 3(f) Town Support Zone unless it is satisfied that:

- (a) *the development will not cause significant overshadowing or overlooking of public places, relative to the patterns of usage of those places.*

It is considered that the adequate solar access and privacy of public places will be maintained.

- (b) *the development will not detract from significant existing views and vistas.*

The development footprint has been amended to limit any impact on significant views, particularly with the urban/rural interface of Exeter Street.

- (c) *the development is of a type, scale, design and character that complements the established character of the centre, having regard to the particular character of the particular part of the town centre in which the development is proposed to be carried out.*

It is considered that the proposed development is of a character which complements the traditional country town layout of the Camden Town Centre.

- (d) *the development incorporates appropriate measures for convenient, sheltered access for pedestrians, including access to other land.*

The design of the proposed development provides adequate pedestrian amenity and access opportunities to adjoining public places and this connectivity should be conditioned to comply with public domain improvements in accordance with the Camden Town Centre Strategy.

- (e) *the development makes appropriate provision for the supply of parking space demanded by the development, whether on the same land as the development or other land, or both, relative to the characteristics of the development, possible future changes of use of the development, and the capacity of the street system serving the land on which the development is to be carried out.*

The supply of off-street carparking spaces required for the demand generated by this development is within the capacity of the road network .

- (f) *the development incorporates adequate facilities for deliveries,*

It is considered that provision of carparking access, facilities for deliveries, garbage collection, removalist trucks, ambulances and the like are satisfactory, with the operation of those facilities being resolved by way of appropriate conditions to limit any potential impacts of adjoining properties.

- (g) *the development will complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways.*

It is considered that the mixed residential/commercial nature of the development will be complementary to the retail functions of Argyle Street.

- (h) *the development is unlikely to suffer significant risk of damage or increase the risk of damage to other land in the vicinity, in the event of a flood.*

The flood risk assessment submitted with this development application reports that the development is consistent with Council Flood Risk Management Policy, discussed later in this report, with regard to risk and damage in a flood event.

It is consequently considered that the proposed development is consistent with Clause 13 of Camden LEP 45.

### Height

Clause 14 of the LEP 45 - Height of Buildings provides for the maximum height of buildings and reads:

- (1) *A building shall not be erected on land within Zone No. 3(e) or 3(f) to a height greater than 2 floors or 7 metres above ground level (whichever is lower) unless the Council is satisfied that the building will not unnecessarily or unreasonably intrude upon -*
- (a) *an item of the environmental heritage;*
  - (b) *the existing character of buildings in the locality; or*
  - (c) *significant streetscapes or vistas.*
- (2) *A building must not exceed two storeys in height. A storey does not include a roof void if the pitch of the roof does not exceed 45 degrees.*
- (3) *Basement car parking must not extend more than 1 metre above ground*

*level.*

The proposed development comprises buildings that are greater than 2 floors and/or 7m in height. As such an objection to these development standards made pursuant to State Environmental Planning Policy No 1 (SEPP 1), prepared by Don Fox Planning, was submitted with the revised application. This specifically addresses the provisions of the development standard of 2 floors and 7m as applied by Clause 14(1) of Camden LEP 45, and submits that the standard is unnecessary and unreasonable in this case and requests Council to approve the proposed variation in the height limit. The applicant's reasons for requesting a variation to the development standard are listed below.

*Height of proposed development*

The mixed-use development is proposed to be accommodated in 15 buildings, 12 of which take the form of three storeys and loft over the basement. The remaining buildings (buildings 9, 10 and the eastern part of building 11) have been reduced to two storeys and loft over basement / lower ground level in order to:

- Minimise their bulk and scale when viewed from surrounding properties;
- Minimise height variation between the proposed buildings and buildings on adjacent sites and thus better integrate the proposed development with the existing surrounding built form;
- Mitigate against the potential for the development to result in adverse massing, overshadowing and privacy impacts on the occupants of surrounding development. The three storey height precedent is established on the site by the existing building proposed to be retained on the corner of John and Exeter Streets.

The proposed variation to Council's height maximum control has resulted from the design adopted by Playoust Churcher Architects to respond to the site constraints and is necessitated in part by the need to provide sacrificial floor space at ground level due to the flood levels.

*Justification for height variation having regard for the heritage*

The proposed buildings will not unnecessarily or unreasonably intrude upon an item of environmental heritage. A supplement to the Statement of Heritage Impact has been prepared by Rappoport Pty Ltd Conservation Architects and Heritage Consultants and submitted to Council with the Addendum Planning Submission. In the opinion of the author the report states that the proposed Camden Village development will not adversely impact upon the surrounding heritage items or the setting and context of the proposed conservation area.

The following commentary is provided to satisfy Council that the proposed development will not unnecessarily or unreasonably intrude upon any items of environmental heritage as required by Clause 14(1)(a) of Camden LEP 45:

*"The subject site itself is not listed as a heritage item, however it is located within the vicinity of a state significant heritage item (Nant Gwylan) as well as several locally listed heritage items including:*

- *Camden Library, Museum and Fire Station – 40-42 John Street*
- *Camden Police Station and Residence – 35 John Street*

- Edithville - 18 Mitchell Street
- Macaria – 37 John Street
- Mitchell House – 39-31 Mitchell Street
- Nepean House – 1-3 Mitchell Street
- St Pauls Roman Catholic Church – 26 John Street
- Taplin Cottage – 17 Mitchell Street

*In conjunction with Rappoport Pty Ltd, Playoust Churcher Architects have developed a sympathetically designed mixed use proposal that will positively contribute to the setting and context of the locality and that will not adversely impact upon the surrounding heritage items by causing overshadowing or overlooking opportunities. Indeed, by virtue of the demolition proposed, the sympathetic building design and the extensive landscaped setbacks to adjoining properties, the development is expected to result in an improvement in the outlook and views available from Nant Gwylan. In addition, the retention of mature vegetation, the additional proposed landscaping and the inclusion of open courtyard spaces will ensure that the regional character of the area is integrated into the proposed development. A landscaped buffer will also be provided along the Exeter Street frontage to provide a transition zone between the proposed buildings and the open space of the Town Farm. The provision of this transitional landscaped zone will also complement the existing open space to the east of Nant Gwylan.*

*The proposed buildings adjacent to Nant Gwylan have been sympathetically sited and designed so as not to dominate the landscaped character of the place when viewed from Exeter Street. Measures incorporated into the design include maximising setbacks between the proposed buildings and the heritage listed house and garden, setting upper levels of the buildings back beyond the façade of the lower levels and utilising pitched roof forms which reduce the scale of the proposed buildings so that they appear similar in scale to the existing building on the corner of John and Exeter Streets.*

*The existing building at the rear of Nant Gwylan which is currently 1.2m from the southern boundary of Nant Gwylan is proposed to be removed and an open landscaped zone containing terraced setback, street trees and an internal access roadway constructed. This will result in the provision of an increased setback between the southern side of Nant Gwylan and surrounding buildings and will result in the creation of rear view corridors that are more consistent with the open space character of the surrounding area. In doing so, the setting and outlook of Nant Gwylan will be improved.*

*A 50m long three storey school building situated adjacent to the western boundary of Nant Gwylan is proposed to be demolished and replaced with two smaller buildings separated by open courtyard space. This will act to integrate the open space context of the surrounding area into the development where it relates with Nant Gwylan and will enhance views to and from the heritage item. The proposed buildings adjacent to Nant Gwylan will be screened by the existing row of mature Jacaranda trees which are proposed to be retained. By keeping the construction behind and lower than the existing mature trees, the outlook from Nant Gwylan will be conserved and improved. Privacy at Nant Gwylan will be maintained by virtue of the orientation of the balconies in the proposed adjacent buildings. By orienting the balconies away from the heritage item, the potential for overlooking to compromise the privacy of occupants of Nant*

*Gwylan will be avoided.*

*The proposed development adjoining the heritage listed properties along Mitchell Street will be separated by an 11m landscaped buffer and will be one to two storeys + loft in height. Similar roof forms to those that characterise the existing buildings and roof forms that pitch away from the surrounding houses will also ensure that the setting of the dwellings along Mitchell Street is respected. The proposed development to the rear of the Mitchell Street properties will be similar in height to Taplin Cottage and will not dominate views to and from the heritage listed property. The proposed buildings will not unnecessarily or unreasonably intrude upon the existing character of buildings in the locality*

*Extensive background studies into the built, historic, social and economic context of the site have been undertaken by the Applicant as part of the design process to ensure that the proposed development enhances and positively contributes to the Camden Town Centre. The proposed development is low-rise in nature (being one to three storeys + loft) and is generally consistent with the scale of development in the surrounding area (including the St Pauls and Uniting Churches, Nepean House, Macaria and the Library / Museum buildings on John Street) as well as the existing development on the site. In addition, where scale to surrounding properties is currently reduced, so too is the scale of the proposed development to ensure that the local built form context is respected and reflected. Accordingly, the proposed mixed use development is not expected to dominate the built form of the locality.*

*The former Camden High School site is located in a unique position in the Camden Town Centre. It is a large parcel of land on the northern edge of town which has a defining role as the northern gateway entry into town from Macquarie Grove Road. It has green open space of the Town Farm to the north and shares common boundaries with the State listed heritage item Nant Gwylan.*

*Camden Town Centre is a well planned historic township that has retained its village setting and many of its historic buildings. The town has been planned on a grid pattern with Argyle Street forming the main commercial precinct. It has a variety of building styles of varying heights and scales but has a high proportion of masonry buildings with a mixture of hipped and gable pitched roofs. The proposed development reinforces the existing grid pattern of the street network by incorporating strong street edges and activating streetscapes with ground level retail and commercial activities.*

*A mixed materials palette predominantly incorporating masonry walls and metal pitched roofs is proposed. The proposed finishes include sandstone, brick, glass, Colorbond and render, all of which are currently found throughout the locality. The contemporary design of the proposed development utilises traditional roof forms and styles to complement the surrounding built form. As requested by Council, the building footprints along the street alignments (particularly along John Street) have been redesigned to provide greater footprint variation and a less uniform presentation to the street. The massing of the development is minimised by incorporating a number of smaller buildings as opposed to fewer larger buildings to give the appearance of several developments of a smaller scale which reflects the historic subdivision pattern of the town centre that is characterised by small buildings in garden settings with active street frontages.*

*The roof form and vertical and horizontal articulation of the design of the proposed buildings will be consistent with the variety of building styles found in John, Elizabeth, Exeter and Mitchell Streets where development ranges from the mid nineteenth century to the late twentieth century. The street façades of the proposed buildings have been designed to read as two storey so that the streetscapes are compatible in form and height with the built form of the surrounding area. This is achieved by setting the third storey back behind the building line and also by incorporating attics within the roof space. The inclusion of lofts in the design of the proposed buildings also enables maximum use of the proposed building envelopes while minimising the scale of the proposed development.*

*The proposed development has been designed having regard for the existing topography of the site and the surrounding area. The inclusion of basement level parking will assist to reduce the bulk and scale of the development and remove parking areas from view at street level which will in turn help preserve the transitional character of the area by maximising opportunities for site landscaping.*

*Pedestrian through-site links have been incorporated into the design to provide a level of public access to the site not available since prior to its use as gasworks. These links are defined as avenues and landscaped streets with important corner elements and public spaces defined for orientation and recognition. A network of street based public plazas have also been incorporated into the design to provide a high level of public amenity, opportunities for generous landscaping and to ensure that the development reflects the scale and urban diversity evident elsewhere in the Camden Town Centre. A park will be provided along Exeter St to assist Camden Village act as a transitional space between the rural character of the Town Farm and the urban character of the Town Centre.*

#### *Significant streetscapes or vistas*

*The proposed buildings will not unnecessarily or unreasonably intrude upon significant streetscapes or vistas. The proposed buildings have been designed to be compatible in scale with the surrounding built form and their layout on the site has been carefully planned having regard for the surrounding natural and built environment so that significant streetscapes and vistas are not compromised. Furthermore, the retention of mature trees and the provision of additional landscaping will ensure that significant view corridors are enhanced by the proposed development.*

*The proposed redevelopment of the site will bring an important part of the Camden Town Centre back into use and will make a positive contribution to the streetscape by reactivating the street frontages with the provision of retail and commercial space at ground level. Views to and from the State heritage listed item (Nant Gwylan) including those from the Town Farm towards the house and garden and vice versa will not be adversely impacted by the proposed development. Indeed both the setting of Nant Gwylan and the views and outlook available from within the property will be enhanced by the development which will involve the demolition of the surrounding school buildings, the provision of increased landscaped setbacks between the proposed buildings and Nant Gwylan's boundaries, the creation of more open space around Nant Gwylan, the creation of new view corridors between the proposed buildings and additional landscaping opportunities, particularly along the southern side of Exeter Street (on either side of Nant Gwylan).*

*The views from the subject site to the rear of the Mitchell Street properties and vice versa will be enhanced by the retention of mature trees and the planting of new trees which will integrate the regional character of the area into views towards the subject site from the rear of the properties on Mitchell Street. The proposed buildings to the rear of the Mitchell Street properties have been reduced by one storey (so that they are similar in height to Taplin Cottage) and set further back from the property boundary to ensure that they do not dominate views to and from any of the surrounding heritage listed properties. The proposal will respect the historic setting of the Wesleyan Church House on Elizabeth Street and will maintain streetscape continuity as much as possible by separating the single storey cottage from the development with a landscaped buffer area and by reducing the scale of the façade of that part of Building No 11 that is closest to the common property boundary."*

*Officer Comment:* It is generally agreed that the design of the proposed development has minimised the appearance of bulk and scale when viewed from surrounding public streets and that overshadowing has been reduced. Although it is not agreed that the three storey building at the corner of John and Exeter Streets, approved as Crown Development, should not be used as the only justification for denser development in the site, but it is supported that the proposed reuse of the subject building and subsequent activation of the John and Exeter Street corner is a positive outcome.

Despite some concern raised in regard to visual and acoustic privacy of adjoining residents (in particular from the setback of Building 2, the design of balconies of building 4 & 6, and noise from the internal road and at the entrance to the basement carpark under Building 12), which are recommended to be addressed by way of conditions, it is considered that the applicant's request to vary the development standard, in this case, has satisfied the qualifications listed under Clause 14(1) of the Camden LEP 45, being that the development will not unnecessarily or unreasonably intrude upon any items of environmental heritage, the existing character of buildings in the locality or significant streetscapes or vistas.

Council should note that support of this particular development applicant does not create a precedent for all future development in Camden as the qualifications to consider variations under Clause 14(1) of the LEP is site specific and that every application should be assessed on its individual merits.

It is consequently considered that the applicant's request is well founded and based on the above assessment the development standard of 2 floors or 7m (whichever is the lesser) is unnecessary or unreasonable in this case, and that Council may assume the concurrence of the Department of Planning for this variation to LEP 45.

### Heritage

The Former Camden High School site is not identified as an item of environmental heritage under LEP 45. Notwithstanding this, the site is identified under draft Camden LEP149 as a potential heritage item. The heritage reports supporting the development application indicate that while the school site is of historical and social significance but that level of significance is insufficient to warrant listing as a heritage item in the LEP. With this in mind it is recommended that conditions be placed on the consent requiring an archival record of the school site and incorporating some interpretative feature or landscaping into the development which record the history of the school site.

The site adjoins Nant Gwylan, Taplin Cottage, Mitchell House and cottages on Elizabeth Street.

When considering applications for consent to the erection of a building within a heritage conservation area or in the vicinity of a heritage item, the Council must consider an assessment of:

*(a) the pitch and form of the roof, if any; and*

It is considered that the "loft style" roof form is appropriate for a development in this vicinity.

*(b) the style, size, proportion and position of the openings for windows or doors, if any; and*

That the style and size of the development, including openings, will positively contribute to the streetscapes of John and Elizabeth Street and the increased setback to Exeter Street has been proposed to provide a rural/urban transition and allow for more sympathetic urban design outcome.

*(c) whether the colour, texture, style, size, type and decoration or finish of the materials to be used on the exterior of the building are compatible with those of the materials used in existing buildings within the heritage conservation area or adjoining the heritage item; and*

The materials for the proposal reflect the character of the conservation area, being, face brick, timber, corrugated roofing. The colour scheme is also sympathetic to the context and contemporary. The appearance of detached buildings with hipped roof forms is also appropriate. Generally the proposal will improve the current visual character of the derelict site.

*(d) the bulk-massing, proportion, size and general design of the proposed development; and*

The transition between the primary bulk of the development on John and Elizabeth Streets graduates to lower form to the common boundary with the Mitchell Street properties. The proposed setbacks to the Nant Gwylan are either generally maintained (in the case of Buildings 4 and 6) or improve the current condition of the surround built form (by removing the former library building (1m to 16m on the southern boundary however it is considered that the setback of 4m of Building 2 to the Nant Gwylan property is insufficient and should be amended to reflect the 8m setbacks proposed for Buildings 4 and 6, in order to improve breathing space between properties, increase privacy for Nant Gwylan and improve the visual links between the Nant Gwylan gardens and the Town Farm. This is recommended as a condition of consent.

*(e) the proximity of any proposed excavation to any heritage item and its likely effects.*

Demolition and excavation are proposed to take place in close proximity to

adjoining properties and it is recommended that an Environmental Management Plan, Construction Management Plan and Dilapidation Report be prepared prior to any works occurring onsite and that that plans be updated as the project continues through different phases of development.

Based on the above considerations and subject to the imposition of appropriate conditions, the development is consistent with Clause 17(4) of LEP 45.

Located at 33A Exeter Street, Nant Gwylan is an Edwardian house and outbuilding set in a cottage garden, built circa 1905 by John Peat and lived in for more than 90 years by the Davies family, (Miss Llewella Davies, OAM being a long-time custodian of the property). The gardens have been little altered from its inception, while the house has evolved over time with pavilion additions and the like. Nant Gwylan maintains a visual relationship with the farmland lying opposite on Exeter Street (now the Camden Town Farm), which was associated with the Davies family from 1908 to 2000 and was donated to the town in Miss Davies' will.

A Permanent Conservation Order was made under the Heritage Act 1977 for the gardens on 7 January, 1983 with listing on the State Heritage Register for the Nant Gwylan property and house coming into being 2 April, 1999. Nant Gwylan is also listed as a Heritage Item under LEP 45, which was gazetted on 13 January, 1989.

Comment was received from the Heritage Branch within the Department of Planning on 5 January, 2009 raising no objection to the proposed development, as long as heritage impact assessment is submitted with the application, the provisions of LEP 45 are complied with and that the recommendations of Council's Heritage Officer are taken into account. Council is advised that all three requirements have been met in the assessment of this development application.

Following consideration of the above heritage considerations, Council's Heritage Officer has recommended that an archival record, interpretation plan and landscaping in accordance with the Camden Town Centre Strategy be incorporated into the conditions of consent. Subject to the imposition of appropriate conditions, it is considered that the development application satisfies the heritage provisions of LEP 45.

### Flooding

Clause 21 of Camden LEP 45 relates to flood prone land and reads:

*The Council may refuse consent to the carrying out of any development on land to which this plan applies which, in its opinion, will:*

- (a) affect the flood level at any point above or below the development,*
- (b) increase, to a substantial degree, the flow of flood water on any adjoining lands,*
- (c) cause soil erosion, siltation or destruction of river bank vegetation,*
- (d) affect the water table of any adjoining land, or*
- (e) adversely affect river bank stability.*

The development application is supported by a Flood Study Report, prepared by

Siteplus Pty Ltd and a Flood Safety Assessment, prepared by Molino Stewart. It is considered that the proposed development has been designed in accordance with the recommendations of the aforementioned reports, achieving a substantial increase in flood-free land, by the provision of undercroft carparking structures, that are designed to withstand a flood event, while not increase to any substantial degree, the flow of flood water on any adjoining land. It is considered that all residential dwellings achieve the flood planning level and that the development is unlikely to give rise to erosion, affect the water table or impact on bank stability of the Nepean River.

Council's Development of Flood Affected Land Within the Camden Town Centre Policy applies to the land. The policy requires Council to assess the flood hazard to determine whether development is appropriate and if so, the form of development that could take place. The policy requires development to maintain an active pedestrian interface along street frontages which is to be achieved by the provision of direct pedestrian access to the premises from the footpath level. The Council has not adopted any minimum floor levels for commercial or retail premises.

Further, the policy requires that the development does provide storage facilities suitable to accommodate stock and equipment in a flood event and that buildings must be constructed of flood-compatible materials, be designed to withstand the impact of floodwaters, debris and buoyancy and have all services flood proofed. The proposed carparking structure affected by the 1% event has been design as an "open building" largely permitting water and debris in a flood event to flow through the structure without obstructing floodwaters. A flood evacuation strategy is required for each business to be submitted to Council prior to the occupation of the development. These plans should demonstrate that adequate storage areas are available for valuable goods, above the flood planning level and merchandise can be removed from the premises where effective warning time is given. Overall, the proposed flood response strategy for the residential components of the development has been considered satisfactory however Emergency Response Management/Flood Management Plans and individual plans should be prepared to reflect the staging of the development (for each individual building and land use).

Upon consideration of the above clause and subject to conditions, it is considered that the proposed development is consistent with the provisions of Camden Local Environmental Plan No 45.

#### Services

It is considered that adequate services are available, or can be made available, to the site under *Clause 35: Provision of services* subject to a Section 73 "Notice of Requirements" Compliance Certificate being obtained from Sydney Water.

Based on the above assessment, it is considered that the proposed development is consistent with the requirements of Camden Local Environmental Plan 45.

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed residential component of the development has achieved full compliance with the BASIX. The schedule of BASIX Commitments is specified within the BASIX Certificate prepared by ACOR Consultants (Project No: SY080099), compliance with which is recommended to be conditioned. It should be noted that the commercial

components are required to comply with Section J – Energy Efficiency of the Building Code of Australia and therefore shall be addressed by way of a condition of consent.

#### State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD) applies to the development. The aims of the the SEPP are primarily to increase the supply and diversity of housing for seniors or people with a disability, to make efficient use of existing infrastructure and services and to ensure good design.

The Policy applies to certain land within NSW as detailed within Clause 4. This includes land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if development for the purpose of any of the following is permitted on the land:

- *dwelling-houses,*
- *residential flat buildings,*
- *hospitals,*
- *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.*

The subject land is zoned 3(e) Town Centre under LEP 45 which does permit “hospitals” and therefore the seniors housing component of the development is permissible with the consent of Council. It should be noted that LEP 45 does not adopt the definition of “residential flat building” and that dwelling-houses are only permitted when used in conjunction with a purpose permitted in the zone.

The SEPP requires the development consent of the relevant authority and also requires that consent to such development must include a condition to the effect that only seniors or people with a disability, people who live within the same household with seniors or people who have a disability or staff employed to assist in the administration of and provisions of services to housing provided under the SEPP, may occupy any accommodation to which the application relates.

The SEPP further requires that the consent authority require that a restriction as to user will be registered against the title of the property limiting the use of the self-contained seniors living dwellings and residential care facility to people aged 55 or more years, or residents of a residential care facility (within the meaning of the Commonwealth Aged Care Act 1997) or people eligible to occupy aged housing provided by a social housing provider. It is proposed that these conditions be imposed on the subject proposal.

A detailed assessment of the proposed development has been carried out in relation to the Policy. Under this assessment, Council may be satisfied that the proposed development is consistent with the required considerations and may be supported in terms of the SEPP.

#### 108 Self Contained Dwellings

In the Policy, a self-contained dwelling is *"a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis"* .

#### 76 Bed Residential Care Facility

In the Policy, a residential care facility is *"residential accommodation for seniors or people with a disability that includes meals and cleaning services and personal care or nursing care, or both, and appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care. But is not being a dwelling, hostel, hospital or psychiatric facility. The Aged Care Act 1997 of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements"* .

With regard to the specific requirements of the SEPP, the following is a summary of the compliance demonstrated by the development:

Location and access to facilities - There is a public transport service available to the residents who would occupy the proposed development and the pathway from the site to the public transport service is at an appropriate gradient.

Water, sewer and stormwater - The housing can be connected to a reticulated water system and have adequate facilities for the removal and disposal of sewage. The proposed development minimises the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by draining through the stormwater easement at the rear and minimising the width of paths and paved areas.

Neighbourhood amenity and streetscape - The proposed development recognises the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area. As stated previously in this report, the buildings maintain reasonable neighbourhood amenity and appropriate residential character by providing building setbacks to reduce bulk and overshadowing and using building form and siting that relates to the site's land form.

Visual and acoustic privacy - The proposed development considers the visual and acoustic privacy of neighbours in the vicinity and also residents by appropriate site planning, the location and design of windows, the use of screening devices and landscaping, and by ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. The issue of acoustic consideration is discussed further, later in this report.

Solar access and design for climate - The proposed development ensures adequate daylight to the main living areas of neighbours in the vicinity, as well as residents and ensures adequate sunlight to substantial areas of private open space. This is achieved through appropriate site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction where possible.

Crime prevention - The proposed development provides personal property security for

residents and visitors and encourages crime prevention by site planning that allows observation of the approaches to a dwelling entry from inside each dwelling. It also facilitates general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street. Dwellings are designed to allow residents to see who approaches their dwellings without the need to open the front door.

Comment was received by Camden Police on 9 September 2008. The recommendations of the Safer by Design Evaluation have been incorporated into the applicant's revised submission.

Accessibility – An Access Assessment Report, prepared by Lindsay Perry Architects was submitted in support of the development application. The proposed development has obvious and safe pedestrian links from the site that provide access to public transport services and local facilities and provides attractive and safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.

Waste management – The design of the development incorporates dedicated area for the collection of waste management bins, accessed from Exeter Street. Conditions are proposed to manage the storage and collection totally on-site. Some amendments to the plans may be required to ensure that Council's vehicles can enter and exit the site in a forward direction.

Internal road layouts have been amended to accommodate the manoeuvring of large waste management and emergency vehicles in terms of serviceability, pavement strength and road geometry.

Development standards specified in SEPP:

Provision	Required	Proposed	Complies
Land area	1,000m <sup>2</sup>	2.7 hectares	Yes
Site frontage	20m	400m with 3 road frontage	Yes
Height	8m	Provision not applicable as the land is not zoned "residential"	Yes

SEPP HSPD provides at Clauses 48 and 50, that a consent authority must not refuse a development application for either a residential care facility or self-contained dwellings that satisfy provisions relating to height, density, landscaped area and car parking. The SEPP notes that these provisions do not impose any limitations on the grounds on which a consent authority may grant development consent, as such permitting a development to be assessed on its merits. As each of these matters are discussed elsewhere in this report and approval is recommended, Clauses 48 and 50 would not apply.

The proposed development will be conditioned to comply with all of the detailed construction standards for self-contained dwellings, as set out in SEPP HSPD, with

regard to wheelchair access, common areas, security, letterboxes, private car accommodation, accessible entry, width of internal corridors, size of bedrooms, facilities in bathrooms, living and kitchen facilities, laundry and garbage facilities.

Based on the above assessment, it is considered that the proposed development is consistent with the aims and provisions set out in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

#### State Environmental Planning Policy (Infrastructure) 2007

The aim of State Environmental Planning Policy (Infrastructure) 2007, is to provide a consistent planning regime for infrastructure and the provision of services across NSW. Under Schedule 3 of the SEPP the proposed development, is required to be forwarded to the RTA. The SEPP provides that Council shall not determine the application until it has received representation from the RTA.

The development application was discussed at the Sydney Regional Development Advisory Committee (SRDAC) on 24 September, 2008. Correspondence was received from the RTA on 30 September, 2008. No objection to the development was raised by the RTA and its recommendations, largely dealing with traffic management plans and design of carparking areas in accordance with the relevant Australian Standards are recommended to be incorporated as conditions of consent.

#### State Environmental Planning Policy No 55 – Remediation of Land

The provisions of State Environmental Planning Policy (SEPP) 55 – Remediation of Land apply to the land. SEPP 55 provides state-wide planning controls for the investigation and remediation of contaminated land with the goal of reducing the risk of harm to human health and the environment. The policy requires that remediation work meet certain standards and notification requirements.

Clause 7(1) of SEPP 55 requires Council not to grant consent to any development unless:

- "(a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

Before determining a development application that would involve a change of use on any of the land specified in subclause (4) of the SEPP, Council must consider a report prepared by the applicant specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the *Managing Land Contamination - Planning Guidelines SEPP 55–Remediation of Land*. The consent authority may require (based on subclause (4)) the applicant to submit a detailed investigation if it considers that the findings of the preliminary investigation warrant such an investigation.

Land specified under subclause (4) includes:

- (a) land that is within an investigation area,
- (b) land on which development listed in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out; or
- (c) land proposed to be developed for residential, educational, recreational, child care purposes, or a hospital.

The applicant has submitted the following reports to Council to support remediation and validation of the land:

- Report on Remediation Action Plan: Former Camden High School Camden NSW, Prepared for AEH Group, prepared by URS, (Ref No 43217705/camden rap), dated 11 June 2008.
- Letter: "re Interim – Remedial Action Plan for the Former High School in Camden NSW, Prepared for AEH Lifestyles Estate Office, prepared by ENSR / AECOM, dated 14/07/08.
- Report Supplement to Remediation Action Plan (URS2008), prepared for AEH Group, prepared by URS, (Ref No 43217705), dated 3 April 2009.
- Letter: "re Interim – Remedial Action Plan for the Former High School in Camden NSW Interim Advice 2, prepared for Playoust Churcher Architects, prepared by AECOM, dated 5/05/09.

The Remedial Action Plan (RAP) has been publicly advertised in accordance with Clause 16 for 30 days with the development application.

The Remediation Action Plan (produced by URS, dated 11 June, 2008) included a summary of contamination findings obtained from an earlier investigation (conducted in 2001). A summary of the findings included:

Contaminants identified in soils included:

- Polycyclic Aromatic Hydrocarbons (PAH's)
- Benzo(a)pyrene
- Phenols
- Total Petroleum Hydrocarbons (TPH's)
- Benzene, Toluene, Ethylbenzene & Xylene (BTEX)
- Cyanides and Sulphate

Significant levels of volatile contaminants were identified in the soil. Most contaminated soils were classified as solid or industrial waste with some soils being classified as hazardous requiring additional treatment before disposal.

Contamination was confirmed in the underlying shales and claystone rock at one location adjacent to the former tar pit. This was observed from a depth of 2m to 7.5m below the original ground level. Contamination was identified as tar seams, black staining and tarry odours mainly in weathered zones and along fractures.

Contaminants identified in groundwater located in shale rock at the same locations

included:

- Total Cyanide
- Polycyclic Aromatic Hydrocarbons (PAH's)
- Phenols
- Total Petroleum Hydrocarbons (TPH's)
- Benzene, Toluene, Ethylbenzene & Xylene (BTEX)

Further investigations conducted by URS in 2007 found some asbestos in soil samples taken from the fill material.

The RAP report provides a section titled "Assessments of Potential Exposure Routes". The potential exposure routes identified include:

- Potential human health exposures via dermal contact with contaminated soils, ingestion of contaminated soils or inhalation and ingestion of contaminated dusts;
- Potential human health exposure via inhalation of volatile organic chemicals associated with contaminated soils and groundwater; and
- There is a low potential for environmental exposure to site contaminants via groundwater.

The Remediation Action Plan (RAP) identifies a preferred remedial approach involving:

- Demolition and removal of site buildings and structures;
- Excavate materials that exceed contamination guidelines and dispose to a licensed landfill;
- Validate remaining soils by sampling;
- Assess site groundwater;
- Prepare site validation reports.

The Accredited Site Auditor – Ross McFarlane has reviewed the RAP for the above and concluded the following:

- That a number of additional considerations raised by the Auditor in his letter should be able to be addressed as part of the remediation contractor's processes;
- The Auditor notes that it is possible that some residual contamination will remain at depth and may require ongoing management monitoring following remediation. Therefore an "unrestricted residential landuse" as nominated by the contamination consultant would not be achieved; and
- Despite the above, the Auditor is of the opinion that the RAP is adequate to meet the remediation objectives.

The Auditor advises that, based on other gasworks sites in the state, Section 88B restrictions (under the Conveyancing Act 1919) are available to Councils to restrict certain activities such as prohibit the penetration of soils. Further, the Auditor suggests that a "Section 28" notice can be issued upon land owner/occupier to carry out specified "maintenance of remediation" works. Based on investigation by Council it is considered that a "Section 28" notices can only be issued by the Department of Environment and Climate Change (DECC) when a site is declared by DECC as contaminated. As far as Council is aware, the former Camden High School site has not been declared as a contaminated site by DECC and accordingly it is not an option in this circumstance.

Significant concern is also raised that the proposal, as stated in the applicant's Addendum Planning Submission (dated 15 May, 2009) and again in the Supplementary Remediation Action Plan (dated 3 April, 2009) to allow remediation and construction works to be carried out in parallel and the permit the occupation of previous completed stages prior to remediation of gasworks containment cell in "stage 9". There is considerable concern, for circumstances outside the control of the developer, that "stage 9" may not be remediated following completion of stages 1-8. Given the applicant's intentions this would result in the land having a contamination status but Council would have approved residential occupation. The Auditor suggests that previous gasworks sites where remediation was involved, occupancy certificates were not issued prior to the issue of a final Site Audit Statement (SAS) (applicable to the whole of the site).

Council wrote to DECC to seek clarification of the proposal as it relates to the planning system. In its letter to Council received 30 July, 2009 the Department issued the following advice:

*"The carrying out of remediation/validation works at the same time as the construction of new buildings raises a variety of Occupational Health and Safety issues. The issue needs to be carefully addressed and may significantly add to construction costs. If satisfactory arrangements are not in place, it could lead to significant industrial relations issues".*

DECC note in its letter of a recent example where workers walked off a building site where such activities occurred concurrently.

DECC advise that the issue of staged Site Audit Statements can occur but based on its experience, occupation of new development should not occur until a final Site Audit Statement applicable to the site is issued.

In regards to "stage 9" remaining unremediated and in the event that Stages 1-8 are occupied, DECC advise that this issue revolves around whether the extent, degree and nature of contamination has been clearly defined. Should remediation concurrently take place with newly constructed buildings, the new development could become an obstacle if more remediation works were subsequently found to be required. Further, once development consent had been issued by Council and further contamination was found, DECC advise that Council would be unable to amend the original development consent.

The owner has not provided Council with any guarantee that the full site remediation will occur and its proposal to build, occupy and sell dwellings in the earlier stage could result in the new owners of these buildings being responsible for the future remediation of the site in the event that the current owners default for some reason. Whilst the integrity of the applicant is not being challenged by this statement, the timing of the proposed stages involves several years and ownership and circumstances can change over time.

Based on DECC's advice and following assessment of the development application, it is considered that the main area of remediation that involves the gasworks containment cell (proposed as "stage 9") and potential groundwater contamination should be

remediated “upfront” prior to other site development works occurring on the land.

Completion of these works must be supported by a SAS issued by the Accredited Site Auditor that states for what purposes the site is then suitable. This approach would permit Council to make informed decisions about what level of development can be approved for this site and minimise the risk to Council of being potentially responsible for ongoing contamination management, remembering that Council is the consent authority. Additionally this approach would include reducing the potential risk of remediation works impacting on any new residents / businesses (from stages 1-8) and also allow Council to know if existing contamination has migrated off-site where DECC would need to become involved.

The scheme proposed by the applicant is not supported if the site is remediated in parallel with construction works as it significantly increases the potential risks for:

- current surrounding residents;
- future site residents;
- school pupils of two primary schools;
- Council (as the consent authority); and
- construction workers of the development.

This also applies if any stage cannot be completed, or if the site is unable to be fully remediated to an “unrestricted” land use (to be confirmed by a Site Audit Statement).

Whilst it is difficult to predict at this point in time, it is important to note that a “conditional” Site Audit Statement issued by the independent site auditor is likely to lead to a restriction of land use or the requirement for ongoing management of the land. This would require Council and / or property owner/s to be responsible for ensuring that the site remains safe and healthy for all residents.

Accordingly it is recommended that consent be issued as “deferred commencement” subject to the remediation of the land to ensure that all harm to human health and the environment is minimised and that the land is made suitable for the proposed development prior to any construction works occurring.

#### State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development applies to the subject development. The Policy aims to improve the design quality of residential flat development in New South Wales. This Policy recognises that the design quality of residential flat development is of significance for environmental planning in the State due to the economic, environmental, cultural and social benefits of high quality design.

The application is supported by an Architect Design Statement which demonstrates that the development satisfies the design quality principles set out in SEPP 65. It is considered that development will be an example of high quality architectural and urban design in Camden and satisfies the design quality aims of SEPP 65.

#### Deemed SEPP - Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean

## River (No 2)

The proposal is subject to the provisions of Deemed SEPP (Sydney Regional Environmental Plan) No 20. For the information of Councillors, the State Government recently abolished the terms Regional Plans (REPs) and transferred all such provisions to state planning policies, however existing REPs remain valid and are now termed deemed SEPPs.

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Clause 11 (4) provides that all remediation works within Camden require development consent. As discussed earlier in this report, a remediation action plan has been submitted and advertised with the development application, satisfying Clause 11(4).

Therefore it is considered that the proposal is consistent with the aims and provisions of Deemed SEPP (Sydney Regional Environmental Plan) No 20, provided the site is suitably remediated to a state suitable for residential development.

### **(a)(ii) any draft environmental planning instrument**

#### Draft Camden LEP No 149 – Heritage Schedules

This draft plan applies to all of the Camden LGA and aims to update the identification of heritage items contained in the numerous plans that apply to the Camden LGA. This draft plan is to be consolidated into the draft Camden LEP which is to be exhibited in September. As the draft plan does not amend any controls, it is considered that the proposed development is not contrary to Draft LEP 149.

### **(a)(iii) any development control plan**

The following parts of the Camden DCP 2006 are relevant and the proposal has been assessed against:

#### Part D, Chapter 1: Car Parking

This chapter of the DCP aims to ensure adequate access, carparking and loading/unloading and other vehicular & non-vehicular facilities are provided for proposed development.

The provisions of this chapter require the following number of off-street carparking to be provided by the proposed development.

#### Multi Unit Housing

Building 1= 35 spaces  
Building 2 = 32 spaces  
Building 3 = 26 spaces  
Building 5 = 27 spaces  
Subtotal = **120** spaces

#### Seniors - Self Contained Dwellings

Building 4 = 14 spaces  
Building 6 = 14 spaces  
Building 8 = 13 spaces  
Building 9 = 10 spaces  
Building 10 = 10 spaces  
Building 11 (West) = 14 spaces  
Building 11 (East) = 5 spaces  
Building 12 = 9 spaces  
Building 13 (North) = 4 spaces  
Building 13 (South) = 4 spaces  
Building 14 = 10 spaces  
Subtotal = **107 spaces**

Nursing/ Hostel/ Convalescent Homes

76 Beds = 8 spaces plus 6 employee spaces plus 1 ambulance space  
Subtotal = **15 spaces**

Building 15

Motel = 54 spaces  
Function Room = 38 spaces  
Restaurant = 41 spaces  
Subtotal = **133 spaces**

Community Centre:

No additional carparking required as the facility will be used solely by residents of the development.

Medical Centre: (3 spaces per surgery)

Surgery = 3 spaces  
2 spaces required for 2 doctors  
2 spaces for 2 employees  
Subtotal = **7 spaces**

Shops: (1 space per 30m<sup>2</sup>)

Building 1: 365m<sup>2</sup> of retail area / 30 = 12.16= 13 spaces  
Building 2: 316m<sup>2</sup> of retail area/ 30 = 10.5 = 11 spaces  
Building 3: 95m<sup>2</sup> of retail area/ 30 = 3.17= 4 spaces  
Building 5: 146m<sup>2</sup> of retail area/ 30 = 4.86 = 5 spaces  
Subtotal = **33 spaces**

**Total spaces required = 415**

**Total spaces provided = 419**

Therefore the proposed development provides slightly more carparking spaces than required under Camden DCP 2006.

It is considered that issues of carpark dimensions, aisle width, sightlines and provision of loading areas should be addressed by way of conditions, to require detailed construction stage plans that demonstrate compliance with Australian Standard 2890: 2004 – Off-street Carparking.

#### Part E, Chapter 2: Detached Dwellings and Multi Unit Housing

This chapter of the DCP aims provides a number of development controls for 'Multi Unit Developments' which include image and legibility, access, parking and services, open space and landscaping, and security. The development is considered to be generally consistent with the DCP except where the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development prevail, as detailed elsewhere in this report.

#### Part D, Chapter 5: Heritage Conservation.

The chapter of the DCP aims conserve the heritage of the Camden area. Consideration and assessment of heritage values are discussed earlier in this report. It is considered that these matters have been addressed and satisfied under the Heritage provision under Camden LEP 45, thereby satisfying this chapter of the DCP.

#### Part G, Chapter 1: Former Camden High School Site.

The chapter of the DCP aims to encourage a mixture of uses and development forms of the former Camden High School Site. The particular provisions provided for under this chapter, including heritage, built form, rural urban interface, contamination and flooding are discussed in some detail throughout this report. It is therefore the considered that this chapter of the DCP has been complied with.

Based on the above assessment, it is considered that the proposed development is consistent with the aim and controls of Camden DCP 2006.

#### **(a)(iii)(a) any planning agreements**

There are no planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

#### **(a)(iv) the regulations**

The proposed development will involve a substantial amount of demolition of former high school buildings. Management of the demolition process and the handling of hazardous materials be carried out in accordance with the provisions of *Australian Standard AS 2601—1991: The Demolition of Structures* .

Other matters relating to Prescribed Conditions are also recommended to be placed on any development consent.

#### **(b) the likely impacts both the natural and built environments, and social and economic impacts on both**

##### Social Impacts

A social impact assessment was submitted with the development application. The assessment concluded that the development will not have any adverse impacts on Camden. In fact the development has the potential benefit to the community be providing residential care facilities, additional medical practitioners, and on-site community facilities. It should also be noted that written submissions to Council support the notion of additional housing, together with on-site support, for the ageing population.

### Economic Impact

An economic impact assessment was also submitted with the application. That assessment concluded that the development will aid the reinforcement of Camden's traditional role as a primary centre in the LGA. In addition, the development will increase the permanent population of Camden Town Centre and has the potential to introduce more customers for businesses in Camden, thereby providing a positive economic impact for the town.

### Salinity

A salinity report was submitted with the development application. The report recommends that further investigations in terms of detailed investigation and laboratory testing of soils will be required to confirm salinity potential, additional specific salinity testing for pH, EC and ECE, and analysis; and inclusion of a soil salinity management plan be required.

It is agreed that the report's recommendations be adopted and that further investigations and assessment should be undertaken prior to construction works occurring. It is recommended that this issue be address by way of conditions.

### **(c) suitability of the site for the development**

Other than resolution of the contamination issues, which must be resolved to ensure the site is suitable for the intended purpose, it is considered that, on satisfactory remediation of the land, the site will be suitable for the proposed development The proposed development will not have any significant adverse impact on the surrounding area, subject to complying with the conditions listed below.

### **(d) any submissions made in accordance with this Act or the regulations**

Development Application DA 644/2008 was publicly advertised for four weeks, between 7 August, 2008 and 8 September, 2008, with notice being placed in the Camden Advertiser during the exhibition period. The application was also notified to adjoining owners, CRAG, WRARG, Heritage Society, Camden Chamber of Commerce and copies of the development application were placed on exhibition at Council's customer service counters at Narellan and Camden, and Camden and Narellan Libraries.

A total of 10 written submissions were received from the public. Following consideration of concerns raised by Council, in accordance with Clause 55 of the Environmental Planning and Assessment Regulations, 2000, the applicant lodged amended plans and supporting information. The amendments were re-notified to those who made written submissions, for 2 weeks, between 28 May and 11 June, 2009 with 5 re-submissions being made.

Consideration has been given to all written submission received by Council, with many issues raised during the original exhibition of the development application being addressed by the applicant in its revised submission.

**A table detailing the matters as well as comments with regard to these matters is provided with the Business Paper supporting documents.**

### **(e) the public interest**

Based upon consideration of the issues listed above, and in particular, the need to ensure the site is rendered safe for its intended residential occupation, it is considered that the proposed development is in the public interest provided conditions are applied. The proposal meets the aims objectives and specific design principles of LEP 45 and will provided a variety of housing choice, being aged housing, residential care or multi unit housing, within the Camden town centre. Furthermore the remediation of contaminated land is considered a significant benefit to human and environmental health. Subject to compliance with the conditions listed below, it is not expected that the proposed development will create any significant impacts on the surrounding area. It is therefore considered that the proposed development is not contrary to the public interest.

### **CONCLUSION**

The applicant's proposed scheme to remediate the land in parallel to construction and occupation is not supported, as it is considered this process will significantly increase the potential risks for current surrounding residents, future site residents, school pupils of two primary schools, Council (as the consent authority) and construction workers of the development. This also applies if any stage cannot be completed, or if the site is unable to be fully remediated to an "unrestricted" land use (to be confirmed by a Site Audit Statement).

As these concerns can be addressed by remediation of the site prior to any construction works occurring, it is considered that the development has merit and can be recommended. It will not unnecessarily or unreasonably intrude upon any items of environmental heritage, the existing character of buildings in the locality or significant streetscapes or vistas and in the process rejuvenating a currently derelict site within the town centre.

It is considered that the design of the proposed development has minimised the appearance of bulk and scale well, it provides an appropriate built form to the surrounding public streets and that overshadowing has been reduced. Activation of the John and Exeter Street corner is a positive planning outcome and the potential benefit to the community by providing residential care facilities, additional medical practices and on-site community facilities for use by the occupants are all positive aspects of the development. An increase in the permanent population within the Camden Town Centre has the potential to introduce more customers for businesses in Camden, will provide both economic and social benefits to the community as a whole.

### **DRAFT CONDITIONS OF CONSENT**

Schedule A Conditions listed within this Consent relate to:

- (a) Remediation of site to a standard suitable for residential development
- (b) Demolition
- (c) Earth Work only associated with Remediation and Demolition

Schedule B Conditions listed in this Consent relate to:

- (a) Demolition (not undertaken under Schedule A),
- (b) Earth Works,
- (a) Commercial Development,
- (b) Residential Development (ie Multi Unit and Seniors Housing),
- (c) Internal Access, Amenities, Landscaping,

This development consent shall not operate until the application satisfies the Council in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, in relation to the matters listed in Schedule A hereto. The applicant has been given a period of **two (2) years** in which to provide evidence sufficient enough to enable Council to be satisfied as to those matters. Upon submission of evidence to the Council and the applicant receiving written notification that Council is satisfied as to the relevant matters, then the consent shall become operative, subject to compliance with the conditions specified in Schedule B hereto.

If the matters listed in Schedule A are not addressed within the specified time period, this Deferred Commencement consent will be come permanently inoperative.

The conditions of Schedule A are as follows:

1. **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, onsite and offsite disposal, asbestos management that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken on the site in accordance with the Remediation Action Plan Report titled "Report on Remediation Action Plan: Former Camden High School Camden NSW, Prepared for AEH Group, Prepared by URS, Ref No 43217705/camden rap, dated 11 June 2008," and "Report Supplement to Remediation Action Plan (URS2008), Prepared for AEH Group, Prepared by URS, Ref No 43217705, dated 3 April 2009." **EXCEPT AS EXPRESSLY PROVIDED BY A SEPARATE CONDITION OF THIS CONSENT.**
2. **Staging of remediation works** – All remediation works are to undertaken, completed, and validated as part of "Schedule A" of this consent. No remediation works are permitted under "Schedule B" of this consent.
3. **Further Monitoring of Groundwater** – Further monitoring of groundwater will be required to be undertaken prior to and post completion of remediation works until groundwater conditions have stabilised and are deemed to be acceptable to the site auditor and the Consent Authority.
4. **Additional Management and Operation Plans** – To support the remediation strategy the following plans are required to be completed and submitted to the Consent Authority (Camden Council) for concurrence prior to the commencement of any works associated with "Schedule A" of the consent.
  - Contaminated Materials Management Plan (CMMP);
  - Sedimentation and Erosion Control Plan (S&ECP);
  - Emergency Response Plan (ERP);
  - Works Progress Plan (WPP);

- Monitoring Plan (MP);
- Odour Management Plan (OMP);
- Quality Assurance and Quality Control Plan (QA&QCP);
- Emergency & Contingency, Management Plan (ECMP);
- Site Specific Project Health and Safety Plan (SSPH&SP).

**5. Environmental Management Plan** - An Environmental Site Management Plan must be submitted to the Principal Consent Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:

- (a) All matters associated with Council's Erosion and Sediment Control Policy.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage of material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involves access to a public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

**6. Traffic Management Plan** – A plan of traffic management within public places associated with the remediation activities must be included in any approved Environmental Site Management Plan (ESMP) associated with this development consent. The purpose of such is to ensure safety minimise effect on adjoining pedestrian and traffic systems. Plans detailing such matters must be prepared in accordance with the most current edition of AS1742.3 and to the requirements of the Roads Authority.

The plan must be included in a Public Road Activity Application (Other) submitted to, and approved by, the Roads Authority, (i.e. Camden Council) **prior to the commencement of work.**

Such application is available at Camden Council's Customer Service Counter.

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

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

In accordance with Council's Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgement of such bond.

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

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

- 8. Notice Of Commencement Of Work** – Notice in the form prescribed by the *Environmental Planning and Assessment Regulation 2000* shall be lodged with the Consent Authority (Camden Council) **at least 2 days prior** to commencing remediation works.
- 9. Variation or Modification of Works** - Any variation or modification of remedial works or compliance or validation works, from that stated in the Remediation Action Plan, other than those variations or modifications as stated in this consent, must be requested from the Consent Authority in writing and approved by the Consent Authority and a NSW DECC Accredited Site Auditor in writing prior to any such works being undertaken.
- 10. Supervision of Remediation Works** – A qualified and experienced Environmental Officer who is familiar with the approved Remediation Action Plan will be required to be onsite to provide full time supervision of all remediation works to complete documentation of such works and to ensure that such works are undertaken in accordance with this consent.
- 11. Compliance Of Remediation Work** - All remediation work must also comply with the following requirements:
  - a. Contaminated Land Management Act 1997;
  - b. Department of Urban Affairs and Planning – Contaminated Land Planning Guidelines 1998;
  - c. SEPP55 – Remediation of Land;
  - d. Sydney Regional Plan No 20 Hawkesbury Nepean River (No 2 –1997); and,
  - e. Camden Council's Adopted Policy for the Management Of Contaminated lands.
- 12. Site Validation Report** – A validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's adopted Policy - Management of Contaminated Lands and clause 17 & 18 of SEPP 55 for each stage of completed remediation works. Alternatively, where all remediation works are proposed to occur at the one time, a single report will be sufficient. The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works.
- 13. Site Audit Statement** – At the conclusion of all remediation works or stages of

remediation work the applicant shall have such works and validation documentation reviewed by a independent NSW Site Auditor accredited by DECC under the Contaminated Land Management Act 1997. The auditor shall undertake a full site audit of the works and documentation and provide a Site Audit Statement (SAS) that clearly states if the land is suitable for the intended (future) use. The SAS must be submitted to the Consent Authority within 30 days following the completion of the remediation works.

- 14. Waste Management Plan (Demolition)** – The management of demolition waste must be undertaken in accordance with the “Waste Management Plan, Prepared for AEH Group, Prepared by ACOR Consultants Pty Ltd, Dated 4/07/08.”
- 15. Licenses** – It is the responsibility of the applicant / owner / operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- 16. Workcover Authority** - All remediation work must comply with relevant requirements of NSW WorkCover Authority.
- 17. Duty to Report Contamination** – Where contamination has been identified as entering or will foreseeably enter the neighbouring land, the atmosphere, groundwater or surface water, or exceeds or will foreseeably exceed a level of contamination set out in DECC’s “Guidelines on the duty to report Contamination under the Contaminated Land Management Act 1997”, the person who has become aware of the contamination must notify DECC immediately when they become aware of the contamination.
- 18. Soil Erosion And Sediment Control Plans** – Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority’s (ie Camden Council) “Soil Erosion and Sediment Control Policy”.

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the satisfaction of Council **prior to the commencement of works:**

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles

- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

**19. Importation of Fill** – Prior to placement of any proposed fill on the subject site a validation report and sampling location plan shall be submitted to the Principal Certifying Authority for concurrence that validates that all such material: -

- i) provides no unacceptable risk to human health and the environment;
- ii) is free of contaminants;
- iii) has had salinity characteristics identified in the report;
- iv) is suitable for its intended purpose and land use, and
- v) has been lawfully obtained

A suitably qualified environmental consultant, as defined in Camden Council's "Management of Contaminated Lands Policy", must prepare the validation report.

The assessment of fill shall be completed in accordance with:-

- The Department of Land and Water Conservation Booklet – "Site Investigation for Urban Salinity"
- The Department of Environment and Conservation Contaminated Sites Guidelines – "Guidelines For the NSW Site Auditor Scheme (2nd edition) - Soil Investigation Levels for Urban Development Sites in NSW "

The sampling for salinity of fill volumes less than 6000m<sup>3</sup> must provide for 3 sampling locations; fill volumes exceeding 6000m<sup>3</sup>, require one sampling location for each additional 2000m<sup>3</sup>. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:-

Classification of Fill Material	No. of samples per volume	Volume of fill (m3)
Virgin Excavated Natural Material	1 (see note 1)	1000

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

**20. Location of Soil Stockpiles** - Stockpiles of soil shall not be located on or near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these assets. All stockpiles of contaminated materials shall be suitably covered to

prevent dust and odour nuisance.

- 21. Works As Executed Plan** - A works as executed plan that identifies the actual areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority with the final Site Validation Report.
- 22. Hazardous Materials Removal Plan** – Hazardous materials to be removed as part of the demolition works must be removed in accordance with the “Hazardous Materials Removal Plan: AEH Lifestyle Estate Project No 3 Pty Ltd Camden High School John Street Camden NSW, Prepared by Noel Arnold & Associates Ref NO. SK0058:66243, Dated June 2008.”
- 23. Odour Management** – Where contamination materials are determined to be odourous or potentially hazardous, the applicant shall ensure that appropriate controls are implemented to eliminate any hazard or odour impact.
- 24. Offensive Noise, Dust, Odour, Vibration** – Remediation, demolition and construction works shall not give rise to offensive noise, dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997 (POEO) when measured at the property boundary.
- 25. Potentially Offensive Odour** – Remediation works must not cause or permit the emission of offensive odour, as defined within the POEO, to occur beyond the boundary of the development site.
- 26. Offensive Odour** - Where a Council Authorised Officer or an Authorised Officer (under POEO) deems that offensive odour has occurred beyond the boundary, then the carrying out of remediation works approved by this development consent must cease immediately until the offensive odour has been eliminated or is controlled to the satisfaction of the Authorised Officer.
- 27. Dust** – All remediation and construction activities must be managed to ensure that dust is minimised and prevented from leaving the site.
- 28. Prohibition of Pollution of Water** - All remediation and construction works conducted on this site must comply with “Section 120 – Prohibition of Pollution of Waters” of the POEO.
- 29. 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.
- 30. Remediation Noise Levels** – Noise levels emitted during remediation and construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA’s Environmental Noise Control Manual. This manual recommends:

Remediation / Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the

construction site is in operation must not exceed the background level by more than 20 dB(A).

Remediation / Construction period greater than 4 weeks:

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

- 31. Mechanical Plant Noise** – Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels in excess of the Environment Protection Authority’s Industrial Noise Policy.
- 32. Bunding and Containment Systems** – Where there is a potential for any stored material/s to spill and cause environmental harm, suitable bunding or alternative spill containment systems must be in place. The bunding or containment systems must be designed, engineered and constructed to be suitable for the types and quantities stored therein in accordance with all appropriate standards.
- 33. Removal Of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer [www.environment.nsw.gov.au/waste/envguidlms/index.htm](http://www.environment.nsw.gov.au/waste/envguidlms/index.htm)). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- 34. Storage of Recyclable Waste** – all waste identified for recycling must be stored separately from other waste on the site.
- 35. Vehicle Decontamination** – All vehicles that come in contact with contaminated materials will need to be swept down prior to exiting the site. The movement of vehicles should be policed so as reduce their contact with contaminated materials.
- 36. Site Security Fencing** – The development site that involves remediation and bulk earthworks is to be kept secure at all times by a suitable fence that will prohibit access from non-authorised users. Any gates providing access to the site are to be locked at the conclusion of each working day.
- 37. Recording of Complaints and Register** - The applicant / owner / site manager of the site must keep a legible record of all complaints that have been received in relation to the activity of remediation and / or construction works undertaken on the site or from works undertaken in relation to the site. A record of all complaints must be kept for the duration of remediation and site development works and be produced to any Council Authorised Officer or Authorised Officer under the POEO who asks to see them.

The record must include details of the following:

- a) The date and time of the complaint;
- b) The method by which the complaint was made;

- c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) The nature of the complaint;
- e) The action taken by the applicant / owner / site Manager in relation to the complaint, including any follow-up contact with the complainant; and
- f) If no action was taken by the applicant / owner / site Manager, the reasons why no action was taken.

**38. Notification of Complaint Line** - The applicant / owner / site Manager must notify the public of the complaints line telephone number and the fact that it is a complaints line so that any potentially impacted community members know how to make a complaint. Community notification must be via a letter box drop to all premises (including residential, commercial, industrial) located in the immediate area that is bounded by Mitchell, John, Exeter and Elizabeth Streets. In addition, a sign notifying the complaint line details must be erected in a prominent position on the front boundary of Elizabeth Street and must remain until the completion of remediation and development works.

**39. No Refuse Burning** - Where building materials, trees and/or shrubs are required to be removed as part of the site works, such materials must be removed from the site and be recycled or disposed to a licensed waste/refuse receiving facility. Under the Protection of the Environment Operations (Clean Air Regulations) 2002, the burning of anything in the Camden LGA is prohibited unless exempt by the regulations or prior written approval has been obtained from DECC.

**40. Copy of Consent** – A copy of the consent is to be kept on the property at all times following the commencement of remediation works and must remain until a subdivision certificate has been issued. The consent must be produced to any Council Authorised Officer or Authorised Officer under the POEO who asks to view the consent.

**41. Hours Of Work** – The hours for all construction and demolition work are restricted to between:

- (a) 7am and 6pm Monday to Friday (inclusive);
- (b) 7am to 4pm Saturday (if remediation noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
- (c) work on Sunday and Public Holidays are prohibited.

**42. Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified at no cost to Council prior to the commencement works under Schedule B.

**43. Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- The delivery of materials shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the

site.

- Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- A waste control container shall be located on the development site.

**44. Access From Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.

**45. Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the commencement of any work under Schedule A of this consent.

The survey must include descriptions of each photo and the date when each individual photo was taken.

**46. Geotechnical report** indicating the assessment of stability of the excavation batters and any fence and structures on adjoining land should be submitted **prior to the commencement of works**.

**47. Drainage strategy** to address the management of stormwater during the proposed excavation work on contaminated sites shall be submitted to the Consent Authority prior to the commencement of any work under Schedule A of this consent. The drainage system should address the stormwater generated during the staging process and potential flood events and all water must be treated for contamination prior to discharging to Council's stormwater system.

**48. Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point

**49. Public Risk Insurance Policy - Prior to commencement**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided to Council as evidence of the currency of the policy before the policy expires.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the

owner of the land.

**50. Excavated Sites** - All excavated sites must be stabilised with grass or other surface treatment to prevent erosion and instability and be enclosed with appropriate fencing to prevent access by public.

**51. Signs to be Erected on the Remediation Site – Prior to the commencement of any work within the site** a rigid and durable sign (minimum size of 300mm x 400mm) must be displayed within the site and be clearly visible and legible from the adjoining roadway advising the following:-

- The name, address and telephone number of the Principal Consent Authority.
- The name of the principal contractor, and a telephone number on which the principal contractor can be contacted at any time.
- Stating unauthorised entry to the site is prohibited.

The sign must be displayed for the duration of the remediation works.

**Note:** Any such sign is to be maintained while the remediation work is being carried out and removed only once the work has been completed.

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

Each toilet provided:

- must be standard flushing toilet, and
- must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

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

In this clause:

- **accredited sewage management facility** means a sewage management facility to which Division 4A of Part 3 of the *Local Government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.
- **approved by the council** means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993* .
- **public sewer** has the same meaning as it has in the *Local Government*

*(Approvals) Regulation 1993 .*

- **sewage management facility** has the same meaning as it has in the *Local Government (Approvals) Regulation 1993 .*

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

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

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

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

**54. Protection Of Council Property** – All reasonable care must be taken to protect Council's roads, including the made footway, kerbs, trees, etc, and when plant and vehicles enter the site, the footway shall be protected against damage by deep sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.

**55. Notice To Adjoining Owners Of Remediation** – The following matters must be satisfied prior to and during remediation:

- (a) The applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of remediation advising of commencement date;
- (b) Safe access to and from adjoining buildings shall be maintained at all times;
- (c) No remediation activity shall cause damage to or adversely affect the structural integrity of any adjoining building;
- (d) Consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the remediation, and appropriate measures implemented;
- (e) The affects of vibration and concussion on adjoining buildings and their occupants must be minimised;
- (f) Where the surface of an adjoining building is exposed by remediation, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate.

**56. Delivery Register** – In order to comply with the above, 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 submitted to the Council at the

completion of the development.

**57. Monthly Environmental Monitoring and Performance Reporting** – The applicant must throughout the entire period of remediation works and, until the remediation works have been completed and validated, conduct regular environmental monitoring and prepare and submit to the Consent Authority each month a monthly environmental monitoring and performance report.

In addition to help ensuring consent compliance, the report will allow the review of environmental performance of remediation works with respect to the potential levels of odour and noise generation. The assessments must be undertaken by a Qualified Environmental Assessment Officer and be conducted when actual remediation works are at their worst. Monitoring shall be undertaken at the boundaries of the most potentially affected residents / premises located down wind of the remediation works.

**The monthly report should include as a minimum:**

- a) Assessment of at least two “grab sample” odour samples (gathered at least two weeks apart) in accordance with “NSW EPA, 2001 Draft Policy: Assessment and Management of Odour from Stationary Sources in NSW, January 2001 and the Technical Notes.”
- b) At least four attended noise assessments (completed on a weekly basis for a time period of one hour) in accordance with “NSW EPA Industrial Noise Policy”.
- c) A copy of the complaints register for the month and details of how complaints were addressed and resolved;
- d) Identification of any non-compliance with the conditions of consent that includes odour and noise.
- e) Details of additional measures to be implemented to address any non-compliance.
- f) Details relating to the volumes and types of materials (in tonnes) that have been excavated, sorted and processed as part of the remediation works, and how much waste material (in tonnes) has been disposed of off-site.
- g) Details of volumes of fill (VENM) material (in tonnes) brought onto the site.
- h) A copy of the completed delivery register.

The first report must be submitted to the Consent Authority within one month after the commencement of excavation works that forms part of the remediation works and every month thereafter, or as otherwise agreed in writing by the Consent Authority.

**58. Storage and Treatment of Leachate** – Where liquid leachate is extracted from the landfill as a result of remediation works, the leachate is not permitted to be re-used on site for any purpose and must be temporarily stored on site in a suitably enclosed holding tank prior to transport removal off-site to a DECC licensed liquid waste facility. The holding tank must be bunded and not allow the release of odour from the stored leachate into the atmosphere. The transport of the leachate must be undertaken by a DECC licensed transport company. Copies of disposal receipts / dockets must be obtained and be supplied to the Consent Authority as per the Condition for “Monthly Environmental Monitoring and Performance Reporting”.

- 59. Leachate Ponds** – The construction and use of leachate ponds on site is not permitted.
- 60. Reuse of Effluent (Leachate)** – Once leachate is collected from the landfill site it is not permitted to be reused on site for any other purpose.
- 61. Protection of Nature Strips, Reserves and Trees** – All proposed work in Council's lands shall be done in consultation with the Council's Works Division with minimum disturbance to the land or activities. Where applicable, in any nature strip areas, trees shall be protected by tree guards, protective bollards etc. All disturbed areas shall be restored to Council's standard.
- 62. Archaeological Artefacts** – Should, during any works involving site disturbance, artefacts be uncovered which may have archaeological or historical significance, Council or the appropriate authority must be notified immediately. Such notification should occur prior to any further land disturbance or removal of the artefact.
- 63. Disconnection of Services** - All services (ie sewer, phone, gas, water and electricity) must be disconnected prior to commencement of remediation and demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- 64. Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.
- 65. Information Required By Council Prior To Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:
- (i) Written notice indicating the date when demolition of the building is to commence.
  - (ii) Details of name, licence, address and business hours contact number.
  - (iii) Copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$10,000,000.
- 66. Demolition/WorkCover Licence** – Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issue demolition licenses to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- 67. Burying of Demolition Materials** – No demolition materials shall be buried on the site, other than with the written consent of Council.
- 68. Notification of Neighbours of Demolition** – The applicant shall give written notice

to adjoining land owners and residents seven (7) days prior to the commencement of demolition advising of commencement date and details of the structures being demolished.

**69. Prevention of Nuisance to Inhabitants** – All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind blown dust, debris, noise and the like.

**70. Giving Notice to Other Statutory Authorities** – The applicant shall give notice of commencement to other Statutory Authorities such as Sydney Water, WorkCover etc as required under legislation and regulations.

**71. Vehicles Leaving the Site** – The demolisher shall:

- (i) cause motor lorries leaving the site with demolition material and the like to have their loads covered;
- (ii) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.

**72. Removal of Hazardous And/OR Intractable Wastes** – Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council for verification of appropriate disposal.

**73. Demolition Australian Standard** – Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.

**74. Site Security for Demolition Works** – The site shall be secured prior to the commencement of demolition and to the satisfaction of the Council or the Accredited Certifier and in accordance with Clause 78H of the Environment Planning and Assessment (Amendment) Regulation 1998.

**75. Asbestos** – All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.

**76. Demolition Access Authorised Persons** – Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when building work is not in progress or the site is otherwise unoccupied.

**77. Demolition Sign Name of Builder** – A sign shall be displayed on the site indicating the name of the builder or another person responsible for the site and a telephone number of which the builder or other person can be contacted outside normal working hours or when the site is unattended.

**The conditions specified in Schedule B are as follows:**

**1.0 - General Requirements**

1. **Approved Plans** – The development must be carried out generally in accordance with the following plans as modified to meet the requirements of Schedule A and B of this consent:

<b>Prepared By</b>	<b>Plans</b>	<b>Numbered</b>
Playoust Churcher Architects	Preliminary	DA 1.0 (D), 1.1(C) TO 1.8(C), 1.9(D)
Playoust Churcher Architects	Site & Floor	DA 2.1(D) to 2.6(D)
Playoust Churcher Architects	Elevations, Sections, Shadow Diagrams	DA 3.1(D) to 3.5(D)
Playoust Churcher Architects	Shadow Diagrams	DA 3.6(D) to 3.22(D)
Playoust Churcher Architects	Individual Building Plans	DA 4.1(D) to 4.26(D)
Paul Scriver Landscape Architects	Landscape Plans	1274-1(C) to 1274-4(c)

The development must also comply with the conditions of approval imposed by Council hereunder.

**Amendments** – Modifications to the approved plans and specifications requires the prior written approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to Section 96 of the *Environmental Planning & Assessment Act 1979*.

2. **Amendments to Approved Plans** - The amendments described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate.
- a) Building 2 shall have the same setback from the boundary of 33a Exeter Street (Nant Gwylan and Gardens) as Buildings 4 and 6.
  - b) Balconies of Buildings 2, 4, 6, 14 and 12 shall be designed to ensure no direct overlooking of 33a Exeter Street (Nant Gwylan and Gardens).
  - c) Acoustic wall shall be provided to the boundary of 33a Exeter Street (Nant Gwylan) adjoining The Central Avenue (internal road) and Basement Carpark access to Building 12.
3. **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
4. **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.

5. **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a construction certificate, the plans shall be amended to reflect the above.
6. **Individual Tenancies (Commercial / Restaurant)** - Approval is given for the construction of shops, offices and Motel/ Restaurant/Function Centre (and the like) only and not the use of the buildings. The use and occupation of each and all individual tenancies are subject to a separate Development Application being lodged with the Consent Authority.
7. **Place of Public Entertainment** – A separate development application is required for the use of the premises as a place of public entertainment.
8. **State Environmental Planning Policy No 65 Requirement** – In accordance with the provisions of State Environmental Planning Policy No 65 the following are to be provided to Council prior to the issue of a Construction Certificate.
  - (i) drawings of the proposed development in the context of surrounding development, including the streetscape;
  - (ii) photomontages of the proposed development in the context of surrounding development;
  - (iii) a sample board of the proposed materials and colours of the façade; and
  - (iv) detailed sections of proposed facades.
9. **Materials** - Public and private footpaths should match Council's preferred clay paver, as recently used in the Argyle Street median upgrade, Austral Victorian Classic Range – Victorian Blue
10. **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and Camden Development Control Plan 2006".
11. **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Engineering Works Development Control Plan and the Guidelines for engineering design specification.
12. **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council's Draft Engineering Design and Construction Specifications – May 2003 for roadworks, drainage and other works associated with the development.

- 13. General Requirement** - All activities associated with the development must be carried out within the unit, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the POEO.
- 14. Emission Requirements** - All gases, odours, fumes, steam, moisture and particulate matter generated by the use of any premises must be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system must comply with the requirements of the POEO as amended and Regulations made thereunder.
- 15. Compliance with POEO Act 1997** – Ensure that all business and operational activities are carried out in accordance with the provision of the Protection of the Operations Act (POEO) 1997 at all times.
- 16. Swimming Pools / Spas** – Swimming and /or spa pool/s and surrounds must be constructed, operated and maintained in accordance with the Public Health (Swimming Pools and Spa Pools) Regulation 2000 and the Department of Health NSW Public Swimming Pool and Spa Pool Guidelines 1996.
- 17. Swimming Pool Disinfection** – The swimming pool water shall be disinfected using continuous dosing equipment.
- 18. Non-Slip Concourse for Pool** – The concourse area that surrounds the pool is to be designed of non-slip materials.
- 19. No Sharp Edges for Pool** – The internal finish applied to the pool must ensure that there are no sharp edges.
- 20. Ventilation of Food Premises** – Adequate provisions shall be made for the installation of mechanical ventilation shafts designed to discharge effluent air above roof level for food premises where cooking / heating of food is to be carried out. Such discharges shall be in accordance with the requirements of AS 1668 Part 1 & 2.

## **2.0 - Construction Certificate Requirements**

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

- 1. Construction Certificate Before Work Commences** – This consent does not allow site works, building or demolition works to commence nor does it imply that the plans attached to this consent comply with the specific requirements of Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.
- 2. BASIX Certificate** – Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

(a) relevant BASIX Certificate means:

- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

- 3. Additional Salinity Investigations & Management Plan** – A qualified environmental consultant is required to undertake further salinity assessments of the site to determine if the soils are aggressive to concrete and steel. The assessment is to be undertaken in accordance with the requirements of Department of Infrastructure Planning and Natural Resources Booklet “Site Investigations for Urban Salinity” and be investigated following the completion of the approved remediation works / bulk earthworks. The depth of sampling must extend (below the ground surface) to the approved depth of development. Where the assessment report indicates that soil / groundwater is aggressive to concrete and or steel then the applicant must prepare and submit to the Consent Authority a detailed Salinity Management Plan.

Where a detailed Salinity Management Plan (SMP) is required for the development the plan should address the risks posed to all proposed built assets by the saline environment and also address risks posed to the natural environment by the proposed assets. The SMP is to be submitted to the Consent Authority (Camden Council) prior to the Consent Authority issuing the Construction Certificate for “Schedule B” of this consent.

The SMP is required to address:

- a. Private (including dwellings) and public assets that will be constructed on the site;
- b. Major construction activities and associated risks;
- c. The appropriate management strategies that includes construction requirements to mitigate the risk;
- d. The person / party responsible for managing the action.

The plan is to be prepared by a suitably qualified Consultant who has recognised expertise in the management of “salinity aggressiveness” and its impacts on construction materials and be approved in writing by the Consent Authority **prior to the commencement of construction works**. Following Consent Authority approval, all recommendations in the SMP must be implemented for the site.

- 4. Services – Prior to the issue of any Construction Certificate** the following service authority clearances must be obtained and submitted to the Certifying Authority for inclusion in any Construction Certificate application:

- A certificate pursuant to s73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.

Application for such a certificate must be made through an authorised Water Servicing Co-Ordinator.

- A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
- A letter from an approved telecommunications service provider stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development.

**5. Public Utility Service Plans** – Public Utility Service plans must be submitted to the Certifying Authority for inclusion in any Construction Certificate application. The plan/s must:-

- (a) be prepared by a designer accredited by a scheme approved by relevant Public Utility Service Authorities,
- (b) be suitable for approval by relevant Public Utility Service Authorities,
- (c) incorporate any relevant conditions associated with this Development Consent,
- (d) recognise all provisions and requirements of the current Streets Opening Conference.

**6. Plan of Management – Prior to the issue of the Construction Certificate** the Applicant must submit to the Consent Authority for approval operation, maintenance and monitoring manuals for the temporary water quality treatment devices proposed to service the subdivision. The manuals are to include, but not be limited to the following:

- Desilting
- Flocculation
- Sediment removal
- Removal of noxious weeds
- Acceptance of water quality discharge parameters as stated in the Clean Waters Regulations 1972.

The manuals are to be prepared by a suitably qualified professional and make recommendations where water quality does not comply with the Clean Waters Regulations prior to any proposal to discharge from the temporary devices.

**7. Works within the Site** – Design plans for drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management and all other matters associated with Development Control 2006:

- a. The recommendations of the Salinity Management Plan,
- b. Camden Council's Draft Engineering Design Specification – May 2003,

and certified by accredited certifiers with Civil Engineering and Subdivisional

Geotechnics accreditation must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

8. **Site Landscaping Plan** – Prior to issue of the Construction Certificate a landscaping Plan is to be submitted to Council for separate approval. Such plan shall detail the landscaping proposal for the entire original development site.
9. **Transport Mobility Access Plan** – The applicant shall prepare a Transport Mobility Access Plan (TMAP) that identifies the demands of pedestrian, cyclist, vehicular and public transport associated with the development and recommends facilities and actions to fulfil these demands to the satisfaction of Council and the RTA. The TMAP shall be **endorsed by Council prior to the issue of the Construction Certificate.**
10. **Roads Act 1993 Consent – Prior to the issue of any Construction Certificate** consent pursuant to s.193 of the Roads Act 1993 must be obtained from the Roads Authority, Camden Council for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- (a) the construction of kerb and gutter, road shoulder and drainage
- (b) footway formation
- (c) public utility service adjustment or installation
- (d) an Environmental Site Management Plan – it should be noted that the plan required by condition (Management Plan) may also include all aspects associated with this requirement.

**The design and subsequent construction of items (a) to (c) above is for the express purpose of providing pedestrian and vehicular facilities as a result of the development.**

Further, all such plans and documents associated with the design must be certified by:

- i) persons who are suitably accredited by a scheme approved by the NSW Department of Planning or where no scheme exists,
- ii) persons who are suitably qualified, are specialists and in that regard, currently practicing in that specialist area, or
- iii) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority,

and be prepared in accordance with Camden Council's Current Engineering Design Specification.

11. **Performance Bond – Prior to the issue of any Construction Certificate** a performance bond, being 10% of the value of all works associated with the development, must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the

satisfaction of Council and the maintenance bond (if required) has been lodged with Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

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

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

**12. Intersection Design** – Prepare a detailed design plan to indicate the feasibility of efficient truck and vehicle movement in and out of the proposed intersections of the development and submitted to Council for approval **prior to the issuing of the Construction Certificate**. All roads and intersection must be designed to facilitate the safe turning of the Large Rigid Truck (12.5m) as per AS 2890.2.

**13. Drainage Design** – A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

- The stormwater drainage system must include the existing storm water runoff from the up stream catchment from Somerset Avenue and any improvement requirement in Elyard Street.
- Any stormwater line draining the basement shall be full located in the road way along with other street drainage at the time of the construction of the roads.

**14. Sub-Floor Drainage** - Sub-floor excavations must be provided with an agricultural pipe and rubble drain not less than 300mm deep nor less than 300mm wide and connected to the building's existing stormwater drainage system.

**15. Stormwater Detention** – The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval **prior to issue of the Construction Certificate**.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council **prior to the issue of the Occupation Certificate**. The plans are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,

- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

**16. Overland Flow Path** - A depression must be formed over the full width and length of the drainage easement to provide a stormwater escape route. The escape route must be designed to have a capacity to carry the difference between a 1:100 year flow and the flow in the pipe. A Restriction as to User must be created on the title of lot/s affected prohibiting the alteration of the surface levels within the drainage easement and limiting permissible fencing across the easement to an open form fence to allow overland flow to be contained within the easement.

**17. Dilapidation Survey** – A photographic dilapidation survey of existing public roads, drainage reserves, drainage easements and any other existing public infrastructure within the immediate area of the development site must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

**18. Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Draft Engineering Design and Construction Specifications – May 2003 and are to be submitted **for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.**

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

**Note:** the developer must obtain a Construction Certificate prior to commencement of any physical site works.

All works associated with the development are to be undertaken at no cost to Council.

**19. Public Risk Insurance Policy – Prior to the issue of any Construction Certificate,** the owner/contractor is to lodge with Camden Council a Certificate of Currency for a Public Risk Insurance Policy with a minimum cover of \$10 million; the policy must relate to the occupation of and works within Council's road reserve.

**The Certificate of Currency must remain current for the duration of all construction activities and until the subdivision has been registered by Department of Lands, Land and Property Information Section.**

**20. Soil Erosion And Sediment Control Plans** – Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued:**

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

**21. Car Washing Facilities and Sydney Water Approval** – All water and run-off from car wash bays proposed under the BASIX Certificate(s) shall be drained to Sydney Water's sewer. Polluted water shall not be disposed of into the stormwater drainage system. Prior to the issue of a Construction Certificate, approval from Sydney Water for car wash bay drainage to their sewerage system shall be submitted to the certifying authority. Drainage plans shall also accurately show the drainage of the car wash areas to the sewer and not the stormwater drainage system.

**22. Indigenous or Low Water Use Landscaping – Prior to the issue of a Construction Certificate** all indigenous or low water use landscaped areas as stipulated in the relevant BASIX Certificate(s) shall be shown on final landscaping plans prepared for the development.

**23. Crime Prevention Through Environmental Design** – The applicant is to submit to Council a schedule of measures proposed to be implemented in the construction of the development in order to minimise the risk of crime. Details are to be provided prior to the release of the Construction Certificate.

The following measures are listed for consideration:

- (i) Security mirrors within corridors and on blind corners;
- (ii) Vandal proof lighting;

- (iii) Directional signage at entry and exit points throughout the development;
- (iv) A Graffiti Management Plan;
- (v) Monitoring within basement car parking;
- (vi) Electronic access control equipment;
- (vii) Laminated glass windows to retail development.

24. **Trees To Be Removed** – Prior to the issue of the Construction Certificate a plan is to be provided which identifies all existing trees on the site and shows those trees proposed to be removed.

The trees along the north eastern boundary of the site are to be retained and incorporated within an amended landscape plan to be separately approved by Council prior to the issue of the Construction Certificate.

25. Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.71 per square metre, total \$89,635 for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid prior to issue of the Construction Certificate.

The monetary contribution may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Construction Certificate.

25. Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4002 per hectare, total \$10,645 for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

26. Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$25 per dwelling, total \$4,100 for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

27. Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$5,706 per dwelling, total \$935,784 for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid prior to issue of the Construction Certificate.

The monetary contribution may be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Construction Certificate.

28. Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$357 per additional dwelling, total \$58,548 for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

29. Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$10,794 per additional lot or dwelling, total \$1,770,216 for **s.94 Open Space**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to issue of the Construction Certificate.

30. **Roof Mounted Equipment – Prior to the issue of a Construction Certificate**  
Council must endorse plans which identify all roof mounted equipment including air conditioning units and communication towers. The roof mounted equipment must be designed in a manner which compliments and is integrated into the overall design of the building.

31. **Waste Management Plan (Post Construction)** – Prior to the issue of the Construction Certificate a Waste Management Plan must be submitted to Council documenting the following:

- (i) a step by step outline of the proposed waste management infrastructure and procedures from individual unit/business to removal of waste from site;
- (ii) the type and size of garbage and recycling receptacles to be used;
- (iii) the configuration of receptacles within each waste storage area/room;
- (iv) the volumes of garbage and recycling expected to be generated per unit block.  
This must be based on the figures in the Department of Environment and Conservation's *Best Practice Guide for Multi-Unit Dwellings* publication found at <http://www.resource.nsw.gov.au/publications.htm#multi-unit>;
- (v) the educational material, eg signage, which will be provided for residents regarding the use of the waste management system;
- (vi) the ventilation and drainage of waste storage areas in accordance with appropriate Australian Standards;
- (vii) the visual amenity of waste storage areas, such as screening;
- (viii) storage and collection locations clearly identified on a site plan;
- (ix) the activities of collection vehicles including timing, manoeuvrability, traffic movements with turning templates.

**Note:** The waste management infrastructure and procedures should give appropriate consideration to the safety of residents and service providers, minimising visual, traffic and noise impact, and maximising resource recovery through accessible recycling. The *Best Practice Guide to Multi-Unit Dwellings* provides a helpful guide on these areas.

32. **External Materials and Finishes** – Prior to the issue of a Construction Certificate a schedule of external materials, finishes and colours is to be separately approved by Council.

33. **Road Stability** – The detail construction strategy for each basement construction must be submitted to council in order to prevent any damage to the road structure. A Public Road Activity application shall be lodged with appropriate Traffic Control plan for approval from the Council for each of the construction activities on the development.
34. **Basement Drainage** – The proposed on-site detention facilities and rainwater tank shall be designed and installed to archive the following:
- i. an unobstructed overflow path must be created from the OSD tank and rainwater tank to Council's drainage system.
  - ii. An appropriate strategy should be provided to prevent any backflow of water into the proposed basements from the road drainage system.
  - iii. Any storm water line draining the basement should be full located in the road way along with other street drainage.
- Any individual water quality facilities which are located in the super lots must be maintained and replaced when required by the Community Association and Strata Corporation in accordance with the Maintenance Manual.
- An appropriate Restriction to user and Positive Covenant shall be provided in the 88B instrument for the subdivision.
35. **Required Car Parking** – Provision of a minimum of 415 car parking spaces in accordance with Camden Council's Development Control Plan 2006.
36. **Parking Design** – All proposed basement parking must comply with the requirement of the AS 2890.1. In particular disabled parking head room requirement, parking bay width adjacent to obstructions, grades of the ramp and appropriate transitions at the footway facilitates and sight distances for vehicles exiting the basement. Any security shutters shall be located so as to provide that there is no obstruction to pedestrian movement. The disabled parking spaces shall be nominated in the basement of the each unit. An amended plan covering parking for all units must **be endorsed by council prior to the release of a Construction Certificate**. Wheel stops are to be provided for all parking spaces.
37. **Bicycle Facilities** – Bicycle racks shall be provided in appropriate locations for use of visitors and residents with an easy access to the community.
38. **Footpath** - A full width pedestrian footpath shall be provided at the frontage of the road prior to occupation of the each stage of development with appropriate connecting footpath to existing footpath in accordance with the Camden Town Centre Master Plan and in consultation with Council's Urban Planner.
39. **Street Lighting** - The street lighting along John, Exeter and Elizabeth Streets to be checked and upgraded to Australia Standard 1158 (latest edition) in order to provide safe environment for the residents and other users.

40. **Water Quality Management** – A comprehensive strategy for the management of the water quality from the development must be prepared and implemented to achieve the water quality objectives of the Council.
41. **Structural Engineer's Certificate** - A certificate must be prepared by a practising structural engineer and must be submitted to Council attesting that the building design is capable of withstanding the effects of water and water pressure due to flooding **prior to the Construction Certificate being issued**. This relates to each structure in all stages.
42. **Flood Study Required** - A flood study prepared by a suitably qualified engineer must be submitted to Council in order to determine the impact of the proposed development on the flood behaviour, levels and velocity of flood and any potential increase of flood hazard or damage to the subject property or others, **prior to the Construction Certificate being issued**. This study must be related to each stage of developments and also to the overall development once it is fully developed.

### 3.0 - Prior To Works Commencing

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

1. **Construction Certificate Before Work Commences** – This consent does not allow site works, building or demolition works to commence nor does it imply that the plans attached to this consent comply with the specific requirements of Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.
2. **Notice Of Commencement Of Work** – Notice in the form prescribed by the *Environmental Planning and Assessment Regulation 2000* shall be lodged with the Consent Authority (Camden Council) **at least 2 days prior** to commencing building works. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
3. **Importation of Fill** – Prior to placement of any proposed fill on the subject site a validation report and sampling location plan shall be submitted to the Principal Certifying Authority for concurrence that validates that all such material: -
  - (a) provides no unacceptable risk to human health and the environment;
  - (b) is free of contaminants;
  - (c) has had salinity characteristics identified in the report;
  - (d) is suitable for its intended purpose and land use, and
  - (e) has been lawfully obtained

A suitably qualified environmental consultant, as defined in Camden Council's "Management of Contaminated Lands Policy", must prepare the validation report.

The assessment of fill shall be completed in accordance with:

- The Department of Land and Water Conservation Booklet – "Site Investigation

for Urban Salinity”

- The Department of Environment and Conservation Contaminated Sites Guidelines – “Guidelines For the NSW Site Auditor Scheme (2nd edition) - Soil Investigation Levels for Urban Development Sites in NSW ”

The sampling for salinity of fill volumes less than 6000m<sup>3</sup> must provide for 3 sampling locations; fill volumes exceeding 6000m<sup>3</sup>, require one sampling location for each additional 2000m<sup>3</sup>. A minimum of 1 sample from each sampling location must be provided for assessment.

The sampling for Contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No. of samples per volume	Volume of fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 (see note 1)	1000

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

4. **Construction Access** – Construction access from public places other than roads (reserves, parks, walkways and the like) shall **not** occur without the prior consent of council. Monetary bonds may be required to protect council's assets if access from these places is approved.
5. **Signs to be Erected on the Construction Site – Prior to the commencement of any work within the site** a rigid and durable sign (minimum size of 300mm x 400mm) must be displayed within the site and be clearly visible and legible from the adjoining roadway advising the following:-
  - (a) The name, address and telephone number of the PCA.
  - (b) The name of the principal contractor, and a telephone number on which the principal contractor can be contacted at any time.
  - (c) Stating unauthorised entry to the site is prohibited.

The sign must be displayed for the duration of the construction works.

**Note:** Any such sign is to be maintained while the construction work is being carried out and removed only once the work has been completed.

6. **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location **prior to the commencement of any work**. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.
7. **Toilet Facilities** - Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being

carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- must be standard flushing toilet, and
- must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

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

In this clause:

- **accredited sewage management facility** means a sewage management facility to which Division 4A of Part 3 of the *Local government (Approvals) Regulation 1993* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.
- **approved by the council** means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993* .
- **public sewer** has the same meaning as it has in the *Local Government (Approvals) Regulation 1993* .
- **sewage management facility** has the same meaning as it has in the *Local Government (Approvals) Regulation 1993* .

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

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

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

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

9. **Disconnection of Services** - All services (ie sewer, phone, gas, water and electricity) must be disconnected prior to commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

10. **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:
- Written notice indicating the date when demolition of the building is to commence.
  - Details of name, licence, address and business hours contact number.
  - Copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$5,000,000.
11. **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.
12. **Demolition - WorkCover Licence** – Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issue demolition licenses to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
13. **Protection of Council Property** - All reasonable care must be taken to protect Council's roads, including the made footway, kerbs, trees, etc, and when plant and vehicles enter the site, the footway shall be protected against damage by deep sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.
14. **Notice to Adjoining Owners of Demolition** - The following matters must be satisfied prior to and during remediation and demolition.
- (a) The applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of demolition advising of commencement date;
  - (b) Safe access to and from adjoining buildings shall be maintained at all times;
  - (c) No demolition activity shall cause damage to or adversely affect the structural integrity of any adjoining building;
  - (d) Consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the demolition, and appropriate measures implemented.
  - (e) The affects of vibration and concussion on adjoining buildings and their occupants must be minimised;
  - (f) Where the surface of an adjoining building is exposed by demolition, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate.

(g) The demolition of below ground walls which support the adjoining ground shall not be undertaken until it is established that demolition will not cause the collapse of the adjoining ground, or effective lateral support is provided to prevent collapse.

15. **Notification of Complaint Line** – The applicant / owner / site Manager must notify the public of the complaints line telephone number and the fact that it is a complaints line so that any potentially impacted community members know how to make a complaint. Community notification must be via a letter box drop to all Premises (including residential, commercial, industrial) located in the immediate area and must remain until the completion of remediation and development works.
16. **The Traffic Management Plan** must address the construction process and construction access for the development for all stages of the development ,the storage of materials, import of the fill materials, location of site offices, turning area for the delivery vehicles, parking for construction staff, any casting and erection of building components. Appropriate Traffic Control Plans shall be submitted for all stages of constructions including the use of Council's road and footpath for construction purposes.

Prior to commencement of any work on public roads an approval under Roads Act should be obtained form the Council and such application must include an appropriate Traffic Control Plans which provides details of Traffic Control measures to be installed to ensure the safety and unobstructed flow of vehicular and pedestrian traffic and such control plan must be prepared by a RTA Accredited Certifier.

17. **Drainage Design** - The proposed drainage connection to the Council's system shall be approved and inspected by the Council. The final design shall comply with the Council's Design Specification and shall have a free board of 300mm of any floor level to the overland flow path. All on-site detention systems should be provided with overland flow paths.
18. **Evacuation Plan Required** - A detailed plan must be submitted to Council indicating that permanent, fail-safe maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site, should a flood occur. The plans must reflect the each stage of development and also the overall co-ordinated combined system of evacuation as each stage of development is completed.
19. **Free Flow Of Water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details shall be evident in the Construction Certificate application.
20. **Water Resisting Construction** - All external and internal partitions, framework, service and flooring must be constructed using flood compatible material. Details shall be evident in the Construction Certificate application.
21. **Flood Risk Management Policy** - The design and construction of the development shall be carried out in accordance with the Council's Flood Risk Management

Policy.

22. **Retaining Walls** - The detail design of the retaining walls at common boundaries and appropriate consent from the adjoining landowner must be submitted to the PCA prior to the issue of the Construction Certificate. All retaining walls including the footing for the same shall be located wholly within the subject property.
23. **Design Plan** – A design plan for the widening of the Exeter street shall be carried out with appropriate barriers, line marking and signage to prevent parking on the grass verge in consultation prior to issue of the Construction Certificate on any stage of development fronting Exeter Street and work must be completed prior to occupation of the subject development.
24. **All internal roads**, roundabouts and other facilities must be designed to cater for medium truck access to facilitate the furniture truck, fire trucks and other utility vehicles. Such work must be completed prior to the issue of the Construction Certificate for the Stage 1.
25. **Staging of the Development** – The applicant is to submit to Council a schedule of the proposed staging for the development.

This schedule must include those community facilities proposed to be provided at each stage of development. This schedule is to be **endorsed** by Council **prior to the issue of a Construction Certificate**.

26. **Drainage Strategy** - The drainage strategy to address the management of stormwater during the proposed construction work on each stage shall be submitted to the Consent Authority **prior to the Construction Certificate being issued**. The drainage system should address the stormwater generated during the staging process and all water must be treated for contamination prior to discharging to council's system.

#### **4.0 - During Construction**

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

1. **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

**Note:** If Council is appointed as the PCA, the Council agrees to the commencement inspection being combined with the first required inspection.

- (a) Commencement of Building Works** - When environmental controls are in place.

- (b) **Foundation Preparation** - The foundation material prior to the placement of slab preparation (prior to sand base and plastic membrane).
- (c) **Swimming Pool Excavations** – The foundation material prior to placement of sand bedding, steel reinforcement or fibreglass shell.
- (d) **Pier Holes** – Excavated pier holes prior to pouring of concrete.
- (e) **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
- (f) **Slab On Ground** – When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.
- (g) **Formwork and Steel Placement** - When formwork and reinforcement of structural components (such as concrete lintels, beams, columns, walls, swimming pools, etc) have been completed, prior to pouring of concrete.
- (h) **Swimming Pool Coping/Bond Beam** – When reinforcement and formwork for the coping around fibreglass swimming pools has been provided, prior to pouring of concrete.
- (i) **Swimming Pool Fencing** - The swimming pool safety fence prior to filling the pool with water.
- (k) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed, prior to internal lining.
- (l) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (m) **Drainage Line-work** - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or drainage easement or rubble pit, prior to backfilling of lines.
- (n) **Sewer Line-work** - When external line-work has been laid and connected to the approved wastewater treatment system.

**Note:** Septic tank(s) excavation must be inspected prior to backfilling.

- (o) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

**Missed critical stage inspections are an offence under the *Environmental***

**Planning and Assessment Act, 1979 , and may prohibit the issue of an Occupation Certificate.**

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

Remediation / Construction period of 4 weeks and under:

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

Remediation / Construction period greater than 4 weeks:

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

3. **Hours Of Operation** - All construction and demolition work must be restricted to between:

(a) 7am and 6pm Mondays to Fridays (inclusive);

(b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;

(c) work on Sundays and Public Holidays is prohibited.

4. **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Council. Any damage to Council's assets shall be made good prior to commencement of use/occupation.

5. **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- The delivery of material shall only be carried out between the hours of 7 am - 6pm Monday to Friday and between 8am - 4pm on Saturdays.
- Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
- Builders operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- Builders waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- A waste control container shall be located on the development site.

6. **Offensive Noise, Dust, Odour, Vibration** – Demolition works shall not give rise to offensive noise, dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997” when measured at the property boundary.
7. **Dust** – All construction activities must be managed to ensure that dust is minimised and prevented from leaving the site.
8. **Prohibition of Pollution of Water** – All construction works conducted on this site must comply with “Section 120 – Prohibition of Pollution of Waters” of the Protection of the Environment Act 1997.
9. **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.
10. **Bunding and Containment Systems** – Where there is a potential for any stored material/s to spill and cause environmental harm, suitable bunding or alternative spill containment systems must be in place. The bunding or containment systems must be designed, engineered and constructed to be suitable for the types and quantities stored therein in accordance with all appropriate standards, including Australian Standard (AS) 1940 and AS 1596.
11. **Removal Of Waste Materials** – Where there is a need to remove any identified waste materials from the site such materials will need to be assessed in accordance with Environmental Guidelines Assessment, classification and management of non-liquid waste, NSW EPA, 1997. Once assessed, the materials will be required to be disposed to a DEC (formerly EPA) licensed facility that can lawfully accept the classification of the waste. Copies of disposal receipts / dockets must be obtained and be supplied to the Consent Authority as per the Condition for “Monitoring and Reporting”.
12. **Storage of Recyclable Waste** – All waste identified for recycling must be stored and disposed of separately from other waste on the site.
13. **Recording of Complaints and Register** – The applicant / owner / site manager of the site must keep a legible record of all complaints in a register that have been received in relation to the activity of remediation and / or construction works undertaken on the site or from works undertaken in relation to the site. A record of all complaint must be kept for the duration of remediation and site development works and be produced to any Council Authorised Officer or Authorised Officer under the POEO Act 1997 who asks to see them.

The record must include details of the following:

- (a) The date and time of the complaint
- (b) The method by which the complaint was made
- (c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect,
- (d) The nature of the complaint
- (e) The action taken by the applicant / owner / site Manager in relation to the

- complaint, including any follow-up contact with the complainant; and
- (f) If no action was taken by the applicant / owner / site Manager, the reasons why no action was taken.

14. **Telephone Compliant Line** – The applicant / owner / site Manager must operate during the approved hours of operation a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to remediation and / or construction works undertaken on the site or from works undertaken in relation to the site.
15. **No Refuse Burning** – Where building materials, trees and/or shrubs are required to be removed as part of the site works, such materials must be removed from the site and be recycled or disposed to a licensed waste/refuse receiving facility. Under the Protection of the Environment Operations (Clean Air Regulations) 2002, the burning of anything in the Camden Local Government Area is prohibited unless exempt by the regulations or prior written approval has been obtained from the Department of Environment and Conservation.
16. **Burying Of Demolition Materials** - No demolition materials shall be buried on the site, other than with the consent of Council.
17. **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.
18. **Asbestos** - All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.
19. **Site Security Fencing** – The development site that involves bulk earthworks is to be kept secure at all times by a suitable fence that will prohibit access from non-authorised users. Any gates providing access to the site are to be locked at the conclusion of each working day.
20. **Excavation And Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
21. **Protection of Nature strips, Reserves and Trees** – All proposed work in council's lands shall be done in consultation with the Council's Works Division with minimum disturbance to the land or activities. Where applicable, any nature strip areas, tree shall be protected by tree guards, protective bollards etc. All disturbed areas shall be restored to council's standard. All work is to be designed so that no change is required to the existing bitumen access road within Council's depot site.
22. **Compaction (Roads)** - All filling on roadways must be compacted at 100% standard compaction and tested in accordance with Camden Council's Engineering

Works Development Control Plan and associated guidelines and AS 1289 by a NATA registered laboratory.

23. **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted to 95% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.

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

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

25. **Mechanical Plant Noise** – Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels in excess of the Environment Protection Authority's Industrial Noise Policy.

26. **Security Fencing** – Any temporary detention, water quality facility and basement exaction areas which are 1.2m below the foot way level shall be enclosed by a 1.8 metre high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be suitably maintained and is to remain in place until the facility is de-commissioned or ground is raised to safe level.

27. **Acoustic Report**– For the noise protection of future occupants of the proposed dwellings an acoustic report must be submitted to the Consent Authority prior to the issue of the Construction Certificate. The report shall represent the entire development and recommend suitable attenuation treatments for the buildings to ensure full compliance with "AS/NZS 2107 – 2000 Acoustics – Recommended design sound levels and reverberation times for building interiors". In addition, the acoustic report must also consider treatments for both private and communal open space to achieve external acoustic amenity in accordance with the NSW DEC's (Formerly EPA) Industrial Noise Policy and Environmental Criteria For Road Traffic Noise.

**Note:** Where it is not possible to achieve internal noise level compliance in accordance with AS2107: 2000, with the dwelling doors and windows open, then dwellings may require mechanical ventilation (air conditioning) in accordance with the minimum standards prescribed by the Building Code of Australia.

28. **Waste Management Plan (Construction)** – The management of construction waste must be undertaken in accordance with the “Waste Management Plan, Prepared for AEH Group, Prepared by ACOR Consultants Pty Ltd, Dated 4/07/08.”
29. **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.
30. **Commercial Kitchen Fit out Plans** – Detailed and scaled fit out plans are to be provided for all commercial kitchens and ancillary areas that demonstrates compliance with Camden Council's Food Premises Code, The food Act 2003 and the Food Regulation 2004 (Incorporating the Food Standards Code). The plans are to be provided to the PCA for approval prior to the issue of the construction certificate.

#### 5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an “interim” Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

1. **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (ie Camden Council) within seven (7) days from the date of determination together with all relevant documentation including the Fire Safety Certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

2. **Seniors Living Covenant** - A covenant prepared pursuant to Section 88E of the Conveyancing Act shall be placed on the title of the land occupied by the “Seniors Living” development to prohibit the occupation of the premises by residents other than:
  - a) Persons over 55 years of age; or
  - b) Persons of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.
3. **Fire Safety Certificate** – On completion of the building works and prior to occupation of the building the **owner of the building shall furnish** to Council a Fire Safety Certificate for each fire safety measure in the building.

The owner of the building shall then furnish Council with a Fire Safety Statement

annually for each Fire Safety Measure in the building.

4. **Archival Record** - The buildings and their setting be recorded through photographic archival recording in accordance with the most recently published guidelines set by the Heritage Branch, Department of Planning prior to their demolition.
5. **Interpretation Plan** - shall be prepared **prior to the issue of the first Construction Certificate**. The Plan shall include, but not be limited to, the following opportunities for public interpretation:
  - The proposed feature signage wall and sculpture at the corner of Elizabeth and Exeter Streets would contribute to the creation of a landmark entrance to the new site which is a strategy for the Camden High School precinct outlined in the Town Centre Strategy.
  - The opening up of this plaza area would also act as a transitional space between the rural character of the Town Farm and the proposed residential and commercial development on the site.
6. **Noise Attenuation Report Compliance** – A compliance report (from the author of the acoustic report) that contains a certifying statement confirming compliance with AS/NZS 2107 – 2000 Acoustics – Recommended design sound levels and reverberation times for building interiors and, compliance with the NSW DEC's (Formerly EPA) Industrial Noise Policy and Environmental Criteria For Road Traffic Noise, must be submitted to the Consent Authority prior to the issuing of the final Occupation Certificate.
7. **Plant and Operational Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary and must also comply with the acoustic criteria contained within Camden Council's Environmental Noise Policy.
8. **Commercial Waste Management Plan** – A commercial waste management plan must be provided for all commercial businesses. The Plan is to address all waste generated from the operation of the business and must be signed off by a Company Director and be resubmitted to the Principle Certifying Authority Prior to the issue of the Occupation Certificate for the relevant business.
9. **Commercial Waste Storage and Labelling** – To ensure compliance with environmental legislation, all waste containers are to be labelled with waste stored in a manner that prevents the escape of pollutants to the environment.
10. **General Waste Service Contract** - The business proprietor shall enter into a commercial contract for the collection of trade waste and recycling. A copy of this agreement shall be held on the premises at all times.
11. **Swimming Pool Operation and Maintenance** - All swimming pool must be operated and maintained in such a manner so that the pool water meets the applicable chemical and biological criteria stated in the "Department of Health

NSW: Public Swimming Pool And Spa Pool Guidelines: June 1996”.

12. **Wastewater Disposal** – All swimming pool waste water must be disposed of to the Sydney Water sewer.

In areas not serviced with a sewer (such as rural areas), the swimming pool wastewater must not be discharged to a septic tank or on-site sewage management installation, or disposal area.

In non-sewered areas, chlorinated pool wastewater can either be disposed of by:

- (a) discharging to a rubble pit 600mm wide x 600mm deep x 3.0 metres long, located not less than 3.0 metres from any structure or property boundary; or
- (b) to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner.

Saltwater pool wastewater must be disposed of in the manner mentioned in (b) above so that concentrated levels of salt do not form in the vicinity of the rubble pit.

13. **Recirculation Systems** – The swimming pool water recirculation and filtration system must comply with *AS1926.3 Water recirculation systems* with regard to the provision of safety measures, to avoid the entrapment of or injury to a young child.

Prior to issue of an Occupation Certificate, a certificate of compliance, or other documentary evidence confirming that the recirculation system and filtration system has been constructed in accordance with AS1926.3, must be submitted to the Principal Certifying Authority (PCA).

14. **Swimming Pool Fence Design** – The swimming pool must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence must comply with the following requirements:

- (a) The swimming pool safety fencing must strictly adhere to the design and location approved with the development consent, and any conditions of the development consent.
- (b) Fences and gates must strictly comply with *AS1926- 2007 – Swimming pool safety – Part 1: Safety barriers for swimming pools*.
- (c) Fencing shall have a minimum effective height of 1.2m.
- (d) All swimming pool gates shall be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure.
- (e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible).

The swimming pool safety fencing must be installed prior to the swimming pool being filled with water.

The Principal Certifying Authority (PCA), or an accredited certifier must inspect the swimming pool safety fencing.

15. **Warning Notice** - A warning notice complying with the provisions of Clause 10 of the *Swimming Pools Regulation 2008*, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the *Swimming Pools Act, 1992* .

The Principal Certifying Authority (PCA) shall ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "*Guideline 7: Cardiopulmonary Resuscitation*" published in February 2006 by the Australian Resuscitation Council (available through [www.resus.org.au](http://www.resus.org.au)).

16. **Depth Markers** - Legible and durable depth markers shall be affixed to the swimming pool coping indicating the water depth at the most shallow and deepest portions of the swimming pool. Depth markers are to be installed prior to the issue of an Occupation Certificate.
17. **Prohibitions Within Swimming Pool Enclosure-** The area contained within the swimming pool safety fencing enclosure must not be used for other non related activities or equipment, such as the installation of children's play equipment or clothes drying lines.
18. **Testing of Pool Water** – The swimming pool water must be tested in accordance with the Department of Health current NSW Public Swimming Pool and Spa Pool Guidelines. The tests must be carried out in accordance with the applicable frequency, parameters and methods stated in the Guidelines.
19. **Stormwater Water Cycle Management Plan** – The collection and flow of stormwater across the boundaries of the development site onto adjoining land must comply with the Water Quality Targets "Table 3.3.9" contained within Camden Council's Engineering Design Specifications (2009). A water cycle management plan that demonstrates compliance with the water quality targets is to be provided to the consent authority (Camden Council) for written approval prior to the issue of the Construction Certificate. All relevant water quality treatment devices proposed to allow compliance with water quality targets contained within the approved water cycle management plan must be constructed prior to the issue of any occupation certificate.
20. **Ventilation** – Where natural ventilation cannot be adequately achieved for all internal areas adequate natural ventilation shall be provided with a system of mechanical ventilation in accordance with the requirements of the Building Code of Australia and Australian Standard AS1668 Parts 1 and 2.
21. **Swimming Pool Compliance Letter** - Where the consent authority is not the Principal Certifying Authority (PCA) an additional inspection of the swim centre must be undertaken by the Consent Authority) Prior to the Issuing of an Occupation

Certificate. A letter is to be issued from the Consent Authority certifying that the swim centre complies with the current NSW Health Public Swimming Pool and Spa Pool Guidelines.

## END OF CONDITIONS

### RECOMMENDED

That Development Application DA 644/2008 be approved subject to deferred commencement conditions requiring remediation of the site prior to the commencement of any construction works (refer to draft conditions shown above).

### ATTACHMENTS

1. Site Location Map
2. Proposed Plans
3. Submissions Table (sup doc)
4. Submissions (sup doc)



Submissions for DA 644-08.pdf Site Location Map - 2 John St Camden.pdf Proposed Plans.pdf Submissions\_Table.doc

### RESOLUTION

Moved Councillor Warren, Seconded Councillor Symkowiak that Development Application DA 644/2008 be approved subject to deferred commencement conditions requiring remediation of the site prior to the commencement of any construction works (refer to draft conditions).

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Anderson, Campbell, Cottrell, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour of the Motion.

Councillor Cagney voted against the Motion).

ORD211/09

### **ACTIONS**

[Link to CRMS document](#)

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