

PART FOUR

Reports from the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 20 July 2010.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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PART ONE

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Road Renaming Proposals - Minto, Bardia and Gregory Hills

2.2 Rosemeadow Rezoning Request

2.3 Noorumba Streamcare Update

2.4 Section 94E Direction under the Environmental Planning and Assessment Act 1979 - Local Development Contributions

2.5 Minutes of the Heritage Protection Sub-Committee Meeting held on 17 June 2010

2.6 Feral Pest Rabbit Eradication Program - John Kidd Reserve, Blair Athol

PART TWO

3. DEVELOPMENT SERVICES

3.1 Development Services Section Application Statistics - June 2010

3.2 No.415 Pembroke Road, Minto - Subdivision of an industrial estate into five allotments and dedication of estate access road as a public road

3.3 Lot 31, DP 621804 – Sherwood Hills Christian School, No. 65 Jacaranda Avenue, Bradbury - Construction of a School Library and Carpark Reconfiguration

PART THREE

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3.4	Nos. 27-29 Carlisle Street, Ingleburn - Demolition of existing dwellings and construction of a commercial building	
PART FOUR		
3.5	No. 395 Pembroke Road, Minto - Subdivision Of An Industrial Estate Into Seven Allotments And Dedication Of Estate Access Road As A Public Road - Addendum To Previous Report	
4.	COMPLIANCE SERVICES	
4.1	Legal Status Report	
5.	GENERAL BUSINESS	
18.	CONFIDENTIAL ITEMS	
18.1	Confidential Information Relating to Various Items on the Planning and Environment Agenda 20 July 2010	

Minutes of the Planning and Environment Committee held on 20 July 2010

Present Councillor R Kolkman (Chairperson)
Councillor J Bourke
Councillor G Greiss
Councillor M Oates
Councillor R Thompson
General Manager - Mr P Tosi
Acting Director Planning and Environment - Mr J Baldwin
Director Business Services - Mr M Sewell
Manager Environmental Planning - Mr P Jemison
Acting Manager Development Services - Mr A Macgee
Manager Compliance Services - Mr A Spooner
Manager Waste and Recycling Services - Mr P Macdonald
Manager Community Resources and Development - Mr B McCausland
Environmental Planning Coordinator - Ms R Winsor
Principal Strategic Infrastructure Planner - Mr B Dunlop
Executive Assistant - Mrs D Taylor

Election of Chairperson

In the absence of the Chairperson, Councillor Matheson, Councillor Kolkman was elected to Chair the meeting.

Apology (Greiss/Thompson)

That the apologies from Councillors Matheson and Rowell be received and accepted.

CARRIED

Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson Councillor Kolkman.

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

3.5 No. 395 Pembroke Road, Minto - Subdivision Of An Industrial Estate Into Seven Allotments And Dedication Of Estate Access Road As A Public Road - Addendum To Previous Report

Reporting Officer

Director Planning and Environment

Attachments

1. Recommended Conditions of Consent
2. Previous report tabled at Council meeting – 29 June 2010

Purpose

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

Property Description	Lot 1 DP 1089522, No. 395 Pembroke Road, Minto
Application No	2725/2009/DA-S
Applicant	ING Real Estate
Owner	ING Industrial Custodian Pty Ltd
Statutory Provisions	State Environmental Planning Policy No.1 Development Standards State Environmental Planning Policy No.55 Remediation of Land Greater Metropolitan Regional Environmental Plan No.2 Georges River Catchment Campbelltown 2025 - Looking Forward Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
Date Received	4 December 2009

Background

At the previous Council meeting of 29 June 2010 (item 3.5), Council considered development application 2725/2009/DA-S (the same application subject of this report) and adopted the recommendation of the Planning Committee that a SEPP1 objection be allowed and that subject to the SEPP 1 objection being allowed, that the application be referred back to the Director of Planning to be determined under delegated authority.

Since that time (and prior to determination), further consideration has been given to the recommended conditions of consent. Following this and to ensure the best possible outcome for both the landholder and future landholders within the site, it has deemed appropriate to amend a recommended condition to include a requirement to ensure a potential purchaser of any of the proposed allotments is fully informed that the development of the various allotments is subject to an approved masterplan.

No other changes have been made to the recommended conditions as tabled in Council's previous meeting of 29 June 2010. The amending of the condition subject of this report does not have any effect upon that which was reported at Council's previous meeting and the conclusions reached remain the same.

Report

A development application has been received for the Torrens title subdivision of an industrial estate into seven allotments, with the dedication of the estate's private access road as a public road. The subject land, including the access road is currently on one land title.

At the Council meeting of 29 June 2010, Council considered this application (the same application subject of this report which is yet to be determined) and adopted the Planning Committee's recommendation to allow a SEPP 1 variation, and to refer the application back to the Director of Planning and Environment to be determined under delegated authority.

On moving to the finalisation of the application (as per Council's resolution), further consideration was given to the recommended conditions of consent. In this regard, despite the application (as tabled with Council at its previous meeting) being correct in respect to its assessment and informing the Council of all aspects of the development, and notwithstanding the delegation as provided, it has been deemed appropriate to re-submit the item so that Council is fully informed in respect to the refinements of any conditions.

In this regard, condition 33 of the recommended conditions of consent (included in the previous report at attachment 1), has been amended to include an additional item at "g". This item effectively requires that with the submission of any subdivision certificate, that the associated Section 88B Instrument includes a restriction that informs any user of the site that any development of the site is to be in accordance with the approved masterplan F692/2003 (as amended).

Although this is a very minor amendment to the application and has no operational effect on the development considering the masterplan controls already exist, the inclusion of the notation on the title will ensure potential purchasers are fully informed of all encumbrances on the land, including the requirement to give regard to the approved masterplan.

It is noted that the masterplan approval for the site's overall development contains indicative building floor plates, car parking and loading areas. These building floor plates were used to determine the likely traffic generation that the site would eventually create should it be fully developed. Any future development of the subject lands needs give regard to these controls to make certain that the site is developed in accordance with the intended density of the approved masterplan area.

As noted, it is the case that without item "g", the purchaser of any of the allotments within the subject development area would still be subject to the provisions of the masterplan, however, the inclusion of item "g" ensures that a purchaser does not happen upon this requirement at a later stage (post purchase) or when they make an application to Council for the development of a type that is contrary to the provisions of the approved masterplan.

Following this, and to ensure the best possible outcome for both the landholder and future landholders within the site, it is deemed appropriate to include item "g" as an additional line in condition 33, to ensure a potential purchaser of any of the proposed allotments within the site is fully informed that the development of the various allotments is subject to an approved masterplan.

Public Participation

The application was not notified to nearby and adjoining owners in accordance with Council's Development Control Plan No.87 - Notification Policy. DCP No.87 does not require proposals for the subdivision of land to be notified to adjoining and nearby land owners.

Conclusion

The development application is for the subdivision of an industrial estate into seven allotments with the dedication of the estate access road as a public road. The subdivision would create seven lots having total areas of between 9,000 square metres and the already developed Barbeques Galore warehouse site of 28,960 square metres. The five vacant industrial lots would be accessed via the internal road, connecting with Pembroke Road.

The proposed development is permissible under the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002. The development satisfies and is generally consistent with SEPP 1, LEP 2002 and the SCDCP.

Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (see report at attachment 2) and the issues discussed above, it is recommended that the proposed development be approved subject to conditions outlined in Attachment 1.

Officer's Recommendation

That that development application 2725/2009/DA-S for the subdivision of the estate into seven allotments and dedication of the estate access road as a public road at Lot 1 DP 1089522, No. 395 Pembroke Road be approved subject to the conditions contained in Attachment 1.

Committee's Recommendation: (Bourke/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Bourke, Greiss, Kolkman, Oates and Thompson.

Voting against the Committee's Recommendation: nil.

Council Meeting 27 July 2010 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 135

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Matheson, Oates, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution: nil.

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. Access Denied

Vehicular access to and from proposed lots 1,5,6 & 7 shall not be permitted across their common boundaries with Pembroke Road and Ben Lomond Road. The only approved access to these lots shall be via the existing access road. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

3. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

4. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

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

5. Council Acceptance of the Existing Access Road as a Public Road

To enable Council to accept the existing access road as a public road it will be necessary for the applicant to demonstrate that the road has been constructed to Council's standards. The applicant shall provide complete work as executed plans and all necessary material and testing documentation to confirm that all previously completed work associated with the proposed subdivision complies both in geometry and construction with:

- 1) Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- 2) Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,
- 3) Soils and Construction (2004) (Bluebook); and
- 4) Relevant Australian standards and State Government publications.

The applicant shall also submit documentation which includes, but not limited to:

- a) Geotechnical reports.
- b) Pavement design and constructed pavement depths.
- c) Concrete core tests.
- d) Constructed width of carriageway and footpaths. Lot boundaries shall be adjusted where necessary to provide a minimum 3.5m footpath width throughout.
- e) Service conduit locations.
- f) Subsoil drainage locations.
- g) Extent and depth of filling on the site.
- h) Locations and Level of survey marks placed.

Where adequate documentation is not available for any works they shall be retested as required. In this regard, appropriate road pavement testing by a NATA registered laboratory may be required to determine if the pavement area to be dedicated as public road meets the above standards and in particular Council's Category 'F' design standard for industrial cul-de-sac construction (5×10^6 design equivalent standard axles (ESA)). In the event that any aspect of the existing pavement or geometry does not meet the required standard remedial works/reconstruction shall be designed and undertaken to achieve compliance.

Following assessment of the submitted documentation it may be necessary for Council to undertake pavement testing to determine the life expectancy of the road. This testing shall be at the applicant's expense. If testing indicates the road pavement does not meet the required standard a determination will be made by Council's Director, Technical Services on whether Council is prepared to endorse the dedication of the access road as a public road without further reconstruction.

6. Creation of Drainage Easements

Council easements of standard width shall be created over all drainage lines discharging water from the proposed public road through the proposed lots. In this regard the applicant shall liaise with adjoining owners to ensure that the existing easements show 'H' on the Draft Subdivision Plan Issue B are amended if required to benefit Council.

Pits provided with stub outlets shall be provided in all lots at the lowest corner and connected to the proposed Council drainage system, with common drainage easements minimum 2.5m wide created where required.

7. Roads & Traffic Authority Approval

The applicant shall submit a letter to Council from the Roads & Traffic Authority (RTA), which states that the Authority has no objection to the existing access road being dedicated as a public road. Should the Authority require amendments to the intersection layout in order to obtain this approval, the necessary works shall be undertaken by the applicant under the supervision of the RTA and at the applicant's expense.

8. No Construction within Drainage Easements

No construction, building works or alteration to the finished surface levels, as shown on the Works as Executed plans, shall be permitted within drainage easements. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

9. Flora and Fauna Assessment

Prior to the issue of a subdivision certificate, a flora and fauna assessment shall be undertaken and submitted to Council for approval in accordance with the Department of Environment, Climate Change and Water's *Draft Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities* as the site contains native vegetation and/or habitat for threatened biodiversity.

As part of this assessment the boundary of the must be confirmed in accordance with the final determination listing advice for Cumberland Plain Woodland under the NSW Threatened Species Conservation Act 1995. Targeted surveys for *Pimelea spicata* must also be undertaken as part of this process.

In this regard, the boundary and specific area identified as being a part of the Critically Endangered Ecological Community is to be suitably defined by way of including a Restriction As To User pursuant to section 88b of the Conveyancing Act 1919 on each of the affected allotments. The terms and definition of this area are to be in accordance with Council's requirements to ensure the ongoing and future protection, maintenance and up keep of the woodland area. This restriction on title is to be created with the release of the subdivision certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

10. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Integral Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.

11. Telecommunications Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

12. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

13. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

14. Stormwater Management Plan (Subdivision)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

15. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

16. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

17. Traffic Impact Study

The applicant shall engage an appropriately qualified traffic engineer to prepare a Traffic Impact Study, to determine if the subdivision of the site will have impact on the surrounding road network and any affect traffic flows will have on the amenity of the surrounding neighbourhood. The study shall take into account pedestrian and vehicular movements and volumes during peak periods. The study shall identify problems/conflicts and recommend appropriate treatment. A copy of the study shall be forwarded to the Roads & Traffic Authority and to Council's Traffic Engineer for assessment and approval prior to Council or an accredited certifier issuing a Construction Certificate. All recommendations of the approved Traffic Impact Study shall be implemented prior to the release of the Subdivision Certificate.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

18. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

19. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
 - b. Stating that unauthorised entry to the work site is prohibited; and
 - c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
 - d. Stating the approved construction hours in which all works can occur.
 - e. Showing the name, address and telephone number of the principal certifying authority for the work.
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Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

20. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to 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 thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

21. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

22. Vehicular Access During Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

23. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

24. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

25. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

26. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

27. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

28. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's *'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended)*, AS 3798 *'Guidelines for Earthworks for Commercial and Residential Development' (as amended)*, and approved construction drawings;
 - b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
 - c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.
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29. Revegetation

Revegetation to the requirements of the manual – *'Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of the maintenance security bond.

30. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual *"Traffic Control at Work Sites" (as amended)*, all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

31. Compliance with Council Specification

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,*
- c. *'Soils and Construction (2004) (Bluebook);* and
- d. Relevant Australian standards and State Government publications.

32. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

33. Restriction on the Use of Land

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. Floor Level Control – where applicable
- b. No Alteration To Surface Levels - within constructed overland flow paths and easements
- c. Lots Filled – where applicable
- d. Access Denied – lots 1, 5, 6, and 7
- e. Uncontrolled Fill – if applicable
- f. Cumberland Plain Woodland – maintenance, protection, repair, replant, etc – lots 1, 5, 6 & 7
- g. Development of all allotments subject to the provisions of the approved the masterplan F692/2003 (as amended)

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened.

The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

34. Maintenance Security Bond

Prior to the principal certifying authority issuing a subdivision certificate a maintenance security bond of 5% of the contract value for the construction of the access road, or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of twelve months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond within six years of the issue of the subdivision certificate, Council is obligated to surrender the bond to the *Office of State Revenue*.

35. Works as Executed Plans

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

The applicant shall also submit an electronic copy of the Works as Executed information to Council in accordance with the following requirements:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
2. Datum to be AHD (Australian Height Datum)
3. File format(s):

a) AutoCAD Option

The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type - zip

File Format - AutoCAD 2004 Drawing Format or later

Transmittal Options - Include fonts

Include textures from materials

Include files from data links

Include photometric web files

Bind external references

The drawing shall **not** be password protected.

b) MapInfo Option

Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

Survey Information Required to be Shown

- Finished ground and building floor levels together with building outlines.
 - Spot levels every 5m within the site area.
 - Where there is a change in finished ground levels, greater than 0.3m between adjacent points within the abovementioned 5m grid, intermediate levels will be required.
 - A minimum of fifteen (15) site levels.
 - If the floor level is uniform throughout, a single level is sufficient.
 - Details of all stormwater infrastructure, including pipe sizes and types as well as surface levels and invert levels of all existing and/or new pits/pipes associated with the development.
 - All existing and/or new footpaths, kerb and guttering and road pavements to the centre line of the road.
 - The surface levels of all other infrastructure.
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36. Service Authorities

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council a Section 73 Certificate issued by Sydney Water.

Two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

37. Industrial Inter-Allotment Drainage

Prior to the Principal Certifying Authority releasing the Subdivision Certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and associated easements have been provided for all proposed industrial lots. The inter-allotment drainage system shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the *Campbelltown (Sustainable City) DCP Volumes 1 and 2 (as amended)*.

38. Council Fees and Charges

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

39. Easements to be Extinguished

Should it be agreed by the relevant Authorities that the existing access road can be dedicated to the public, it will be necessary for applicant to extinguish the easements that were previously created within the private access road and that will now be located within the future public road reserve. All costs associated with the extinguishment of the easements are to be borne by the applicant.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 2. Filling on Site

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

Advice 3. Inspections – Civil Works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
 - i. Direction/confirmation of required measures.
 - i. After installation and prior to commencement of earthworks.
 - ii. As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 4. Inspection Within Public Areas

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

Advice 5. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 6. Principal Certifying Authority – Subdivision

Council is the principal certifying authority for the construction of the proposed subdivision and issue of the subdivision certificate and Council shall carry out all inspections required by the development consent. Work must not proceed past any inspection point until Council has approved the work inspected.

Advice 7. Linen Plan and Copies

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

Advice 8. Linen Plan Checking Fee

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

Advice 9. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

Advice 10. Dial 1100 Before you Dig

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - www.dialbeforeyoudig.com.au

END OF CONDITIONS

ATTACHMENT 2

3.5 No. 395 Pembroke Road, Minto - Subdivision of an industrial estate into seven allotments and dedication of estate access road as a public road

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan
3. Subdivision Plan
4. Landscape Revegetation Plan
5. Original Masterplan Layout

Purpose

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

Property Description	Lot 1 DP 1089522, No. 395 Pembroke Road, Minto
Application No	2725/2009/DA-S
Applicant	ING Real Estate
Owner	ING Industrial Custodian Pty Ltd
Statutory Provisions	State Environmental Planning Policy No.1 Development Standards State Environmental Planning Policy No.55 Remediation of Land Greater Metropolitan Regional Environmental Plan No.2 Georges River Catchment Campbelltown 2025 - Looking Forward Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
Date Received	4 December 2009

History

The subject land (Lot 1) is a vacant and partially developed 12.93 hectare parcel of industrial zoned land located on the south western corner of Pembroke Road and Ben Lomond Road, Minto. The site is located in the Minto Industrial Precinct, surrounded by industrial development to the south and southwest, residential to the east, sporting fields to the north and commercial development to the north east.

On 24 February 2004, Council granted development consent F692/2003 for an industrial masterplan for the site comprising of 6 warehouse developments in two stages. Subsequently on 26 February 2004, two related development applications were approved - H4/2003 for bulk earth works construction of an access road (linking with Pembroke Road) and F748/2003 for the construction of a warehouse, associated offices and parking (Esselte Australia Facility).

Development consent 4313/2005/DA-I being for the construction of a warehouse, office facility and associated car parking on Lot 1 was granted on 2 May 2006. This development did not commence and has subsequently lapsed.

Development consent 2658/2006/DA-C being for the construction of warehouse and distribution centre for Barbeques Galore was granted consent by Council on 25 January 2007. This facility is completed and currently operational.

A separate application made pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 has now also been received by Council for the modification of development consent F692/2003 (being the masterplan for the subject land). This application has been assessed and is to be determined under delegated authority pending the result of the Council determination of the application subject of this report (2725/2009/DA-S).

Should Council choose to approve the development application 2725/2009/DA-S, the application to modify consent F692/2003 will be approved under delegated authority, subject to conditions consistent with Council determination of the 2725/2009/DA-S.

Report

Introduction

A development application has been received for the Torrens title subdivision of an industrial estate into seven allotments, with the dedication of the estate's private access road as a public road. The subject land, including the access road is currently on one land title.

The total area of the land is 12.93 hectares. The proposed allotment sizes and other development information are addressed later in this report. Proposed Lots 2 and 6 have already been developed containing the Esselte Australia and Barbeques Galore facilities, pursuant to development consents 4313/2005/DA-I and 2658/2006/DA-C approved by Council in May 2006 and January 2007 respectively.

Site Description

The site has a total area of 12.93 hectares. It has a frontage length of 490 metres to Pembroke Road, 256 metres (including splay corner) to Ben Lomond Road and 483 metres to Lot 22 DP 1137825 that abuts the rear boundary.

With the exception of proposed Lots 2 and 6, the land is vacant and the building footprints have been generally cleared of trees in accordance with previous development consents issued by Council. Proposed Lot 2 contains the Esselte Australia warehouse and Lot 6 contains the Barbeques Galore warehouse and distribution centre.

The site has established trees along the Ben Lomond Road frontage and part of the Pembroke Road frontage, containing Cumberland Plain Woodland - a threatened species. Management of this vegetation is continuing in accordance with the approved masterplan development consent (F692/2003) and the report by specialist consultant Anne Clements and Associates. This includes the revegetation of the frontage to Pembroke Road.

The vegetated buffer areas containing the Cumberland Plain Woodland comprise of 36,800 square metres mature vegetation and 5,100 square metres of replanted area.

The topography of the site slopes in a westerly direction falling approximately 20 metres from the south eastern corner on Pembroke Road to Ben Lomond Road over a distance of approximately 450 metres.

Vehicular access to the land has been constructed with the intersection works completed to Pembroke Road in accordance with development consent H4/2003. Vehicular access to the subject development site and future industrial allotments will not change as a result of the development, subject of this report.

The land uses surrounding the site can be described as follows:

- Adjoining to the north of the site is the Minto Public School and Coronation Park consisting of numerous netball courts and a football field;
- South of the site is an industrial development consisting of warehouse type buildings that are accessed from Stonny Batter Road;
- East of the site is low to medium density residential development; and
- West of the site is the Bowports Intermodal Rail Park.

Proposal

The proposed development seeks development consent for the subdivision of the subject land into seven allotments and dedication of the existing access road as a public road. The proposed subdivision would be carried out as per the table below:

Proposed Lot	Area	Location	Access	Comments
1	15,160m ²	Southern corner of intersection of Pembroke Road and estate access road	Estate access road	Vacant site (development consent for warehouse lapsed in 2008)
2	15,550m ²	South western portion of site	Estate access road	Contains existing Esselte warehouse
3	9000m ²	Central western portion of site. North of Lot 2	Estate access road	Vacant industrial site
4	11,900m ²	Central western portion of site. North of Lot 3	Estate access road	Vacant industrial site
5	22,160m ²	North western corner of site. Rear boundary to Ben Lomond Road	Estate access road	Vacant industrial site
6	28,960m ²	North eastern corner of site	Estate access road	Contains existing Barbeques Galore warehouse
7	19,990m ²	Northern corner of intersection of Pembroke Road and estate access road	Estate access road	Vacant industrial site

The proposed allotments are generally rectangular or square in shape and are of sufficient width, depth and size to accommodate future industrial development.

The private access road is approximately 285 metres in length and is constructed with a cul-de-sac head. The width of the road is 12.5 metres.

Assessment

The development application has been assessed having regard to the matters for consideration under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979. In this respect, the following matters are relevant for Council's consideration:

1. Campbelltown 2025 - Looking Forward

'Campbelltown 2025 Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- *Responds to what Council understands people want the City of Campbelltown to look, feel and function like;*
 - *Recognises likely future government policies and social and economic trends;*
and
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- *Sets down the foundations for a new town plan that will help achieve that future.*

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- *Growing the regional City; and*
- *Building a distinctive Campbelltown sense of place.*

The proposed development is considered to be consistent with the relevant strategic directions.

Some of the desired outcomes of Council's Vision include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way; and*
- *Development and land use that matches environmental capacity and capability.*

The development application been assessed having regard to *Campbelltown 2025 Looking Forward*. It is considered that the proposal is consistent with the relevant desired outcomes having regard to its location, design, size and relationship to other land uses in the vicinity of the land.

2. Statutory Controls

Section 79C(1)(a) requires Council to consider any environmental planning instrument, draft environmental planning instrument, or development control plan.

2.1 State Environmental Planning Policy No.1 Development Standards (SEPP 1)

The objectives of SEPP 1 are to provide flexibility in the application of planning standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or would hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

The relevant objects of Clause 5 of the Environmental Planning and Assessment Act 1979 are:

- “(a) *to encourage:*
 - (i) *the proper management development and conservation of natural and man-made resources, including agricultural land, natural areas, forest, minerals, water cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
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- (ii) *the promotion and co-ordination of the orderly and economic use and development of land;"*

Clause 37 of the Campbelltown (Urban Area) Local Environmental Plan 2007 (CLEP) establishes certain building setbacks that apply to the subject land/proposed development.

The objectives of the building setback standard contained within Clause 37 of CLEP 2002 are generally to:

- Provide a visually 'open' corridor rather than a hard built edge, and
- To provide sufficient opportunity for landscaping to address the road.

Clause 37 of Campbelltown (Urban Area) Local Environmental Plan 2002 states:

Setbacks within Industrial Areas

Consent must not be granted to development, other than for the use of land for landscaping, for access roads and for off street parking, on any land with Zone 4(a) or 4(b) which is within:

- (d) *10 metres from any other road.*

The proposed development seeks a variation of this standard to accommodate an existing fire services pump room that would be located on proposed Lot 2 (Esselte Australia facility). The pump room is located on what would be the front boundary abutting the access road that is proposed to be dedicated as a public road. The fire services pump room is built on the proposed boundary for a length of 7.5 metres.

The SEPP 1 objection accompanying the proposal details the following justification for a variation to the standard:

- *The proposed pump already exists and is a service facility small in scale and footprint that does not possess the bulk normally associated with industrial buildings;*
 - *The structure has little visual bulk and in terms of height sits well below the height of the Esselte warehouse building when viewed from Pembroke Road;*
 - *The encroachment will not be visually obvious to persons travelling on Pembroke Road and the access road such that the development will still appear characteristic of and sympathetic to other industrial development in the locality;*
 - *The functional outcome of the encroachment after dedication of the road will be in a visual sense, no different to what is in the present circumstance where the road is a private road. To that extent the non compliance is technical given that the building and road way are already in existence and it is only the act of road dedication that causes non-compliance;*
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- *The development control is more than complied with in relation to the Esselte warehouse itself and given this fact it is considered that the proposal observes a sufficient setback to reduce the visual bulk of the development apparent to the street and to achieve an aesthetically pleasing and sympathetic result in achievement at Clause 12(2)(a) of CLEP 2002.*

Accordingly, the objection to the development standard in this instance is considered to be reasonably well founded and it is recommended that such be supported.

Pursuant to Department of Planning's Circular B1, for the purpose of determining the development application, Council may assume the concurrence of the Director General of the Department of Planning, to varying the standard in this instance.

2.2 State Environmental Planning Policy No. 55 – Remediation of Land

The application has been assessed in accordance with State Environmental Planning Policy No.55 - Remediation of Land. This Policy is a state-wide planning control for the remediation of contaminated land, and states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

If the land is unsuitable, remediation must take place before the land is developed, in accordance with "Managing Land Contamination: Planning Guidelines", prepared in conjunction with the Environment Protection Authority (Department of Environment, Climate Change and Water). The Policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with appropriate standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

The potential for contamination of the site was previously investigated as part of the assessment of the current development consent F692/2003, being for the industrial development of the subject land. The investigations concluded that contamination is not suspected, given the historical use of the land for agricultural purposes.

Development on the site, subsequent to the original approval, has been subject to the strict controls of local and state regulations in regard to the importation of uncontrolled materials onto the land. As with the current activities on the land, the subject proposal does not involve any activities that would alter the results of the previous contamination assessment of the land. In addition, the subdivision of the land will only require works of a very minor level.

With respect to the above, it is considered that the application satisfies the requirements of SEPP 55 and no further investigation of this matter is necessary. Accordingly, it is considered that the land can continue to be used safely for industrial purposes without further investigation.

2.3 Greater Metropolitan Regional Environmental Plan No.2 - Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Part 3 Clause 11 of the Regional Plan provides a list of matters for consideration having regard to industry. These matters include:

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment;*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management;*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998);*
- *Likely impact on groundwater and remnant vegetation;*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options;*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed;*
- *The adequacy of planned wastewater disposal options.*

The proposed development has been assessed in accordance with the specified matters, and is considered to satisfy the requirements of the Regional Plan.

2.4 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002)

The site is zoned 4(a) – General Industry zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). Clause 12 of CLEP 2002 sets out the objectives for this zone as follows:

- (a) *to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and*
 - (b) *to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and*
 - (c) *to encourage a high standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and*
 - (d) *to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and*
 - (e) *to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.*
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Clause 12 provides that Council must not grant development consent within this zone unless it is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

In that regard, it is considered that the development is consistent with one or more of the objectives (ie objectives (a), (b) and (c) in particular) and therefore, Council can grant development consent to the proposal should it deem appropriate to do so.

Clause 32 of CLEP 2002 relates to subdivision. The requirements for subdivision are as follows:

- (1) Land to which this plan applies may be subdivided only with development consent.*
- (2) Consent must not be granted to the subdivision of land traversed by a zone boundary unless the boundaries of lots so created correspond generally with the boundaries between the zones as shown on the map.*
- (3) Where the subdivision of land would result in the opening of a new road, the road must accord with any pattern of proposed roads indicated on the map unless the consent authority is satisfied that the road will provide adequate access to adjoining land and fulfils the objectives of the road pattern indicated on the map.*

It is considered the proposed subdivision satisfies the relevant requirements of Clause 32.

Clause 37 of CLEP 2002 relates to setbacks in industrial zones. Of relevance to the site is the requirement for a 10 metre building setback to the proposed dedicated road. The fire services pump room has been constructed on the proposed front boundary and has a zero front boundary setback.

Given that the application seeks to vary a development standard prescribed by an Environmental Planning Instrument (CLEP 2002), a SEPP 1 objection has been submitted and has been discussed under Section 2.1 of this report. In summary, the variation of the standard in this instance is considered acceptable for reasons outlined previously.

2.5 Campbelltown (Sustainable City) Development Control Plan (SCDCP)

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject land. The aims of the SCDCP are to:

- Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan;*
 - Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;*
 - Facilitate innovative development of high quality design and construction in the City of Campbelltown;*
 - Ensure that new development maintains or enhances the character and quality of the natural and built environment;*
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- *Ensure that new development takes place on land that is capable of supporting development;*
- *Encourage the creation of safe, secure and liveable environments;*
- *Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and*
- *Provide for a variety of housing choices within the City of Campbelltown.*

It is considered that the development is consistent with the relevant aims of the SCDCP.

The proposed subdivision has been assessed in accordance with requirements for Torrens title subdivision within the 4(a) General Industry zone under the SCDCP as per the following compliance table:

Section	Control	Requirement	Proposed	Compliance
6.11.1(a)(i)	Average lot size	The lots shall have an average area of 4000m ²	Average area of all lots is 17,530m ²	Yes
6.11.1(a)(ii)	Minimum street frontage	A minimum street frontage width of 30m to the primary street	All lots achieve a front boundary length of 30m	Yes
6.11.1(c)	Battle axe handles	No industrial subdivision shall create lots with battle axe handles	No battle axe handles proposed	Yes
6.11.1(d)	Development over multiple allotments	Where a single development is proposed on more than one lot, all lots subject of the development shall be consolidated to a single lot	No industrial buildings proposed with development	NA

It is considered that the proposed development is generally consistent with the criteria specified under the relevant provisions of SCDCP for industrial torrens title subdivision in the 4(a) General Industry zone.

3. Environmental Impacts

Section 79C(1)(b) requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

Section 79C(1)(c) requires Council to consider *“the suitability of the site for the development”*.

3.1 Flora and Fauna Assessment

The site has been generally cleared of trees and largely comprises exotic grasses, with some regrowth of endemic trees and shrubs. Flora and fauna studies were previously undertaken for the development of the site under development consent H4/2003.

The flora study prepared for the masterplan of the site by Anne Clements and Associates confirmed that the site contained endangered species and was of high environmental value.

It was found that the northern third of the site met the criteria for Cumberland Plain Woodland, an Ecological Endangered Community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and NSW Threatened Species Conservation Act 1995. Most of the vegetation in the bushland is regrowth after historical clearing with the exception of some larger (>20m) trees.

An 8 part test undertaken on the site to assess the impact of the future development on the land and the Cumberland Plain Woodland concluded that "the proposed development is not likely to significantly impact the individuals of *Pimelea spicata* or the Cumberland Plain Woodland recorded on the site, provided that:

- *A 30 metre wide strip of the existing Cumberland Plain Woodland adjoining Pembroke Road and a 45-65 metre wide strip adjoining Ben Lomond Road is retained without changes to soil surface levels;*
- *A 15 metre wide strip of the Cumberland Plain Woodland is re-established adjoining Pembroke Road, connecting the existing remnant vegetation with Pembroke Road. The re-establishment should utilise direct transfer of topsoil and biomass of the Cumberland Plain Woodland vegetation being cleared for development, supplemented by planting of tubestock grown from seeds collected on site. Species used in the bushland area fronting Pembroke Road and Ben Lomond Road is restricted to plants grown from native seeds collected on the site;*
- *The native vegetation retained and re-established in the conservation area is carefully bush regenerated under the supervision of skilled and qualified bush regenerator(s) as specified in the Bushland Plan of Management for the site.*

A Fauna Survey and Assessment of the site was also undertaken (prepared for the original masterplan assessment for this site) by Ambrose Ecological Services. Relevant conclusions from this report are outlined below:

- *Where possible, conserve at least 50% of the woodland area on the subject site. This will help minimise the loss of potential breeding, foraging and shelter sites for native fauna on the site;*
 - *If trees or bushes have to be cleared from the border areas of the subject site, they should be checked for the presence of active bird nests and arboreal mammals. These plants should not be removed or pruned until animals that are nesting in them have completed their breeding cycle. Any injured animals should be taken to a local vet or wildlife rescue to be notified;*
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- *Appropriate bush regenerate areas of native vegetation are to be retained on the site, including weed removal. Removal of weeds and other exotic plants would significantly improve the value of remnant vegetation on the subject site as habitat for native fauna. Only endemic plant species should be planted as part of the bush regeneration program;*
- *Vegetation that is removed is to be retained as mulch in areas that are proposed for landscaping and rehabilitation. This could include using logs for habitat features and seed bearing species for brush-matting;*
- *Silt fences and sediment ponds should be appropriately placed around the construction areas on the subject site to prevent run off and sediment and nutrient enriched waters entering into bushland that are to be retained;*
- *Bushland areas on the subject site should be protected during construction by erecting appropriate barriers around the bushland perimeters. This restricts access to the bushland areas and protects flora and fauna values of the bushland on the site.*

On the basis of these previous studies undertaken for development on the subject allotment and the relevant controls incorporated as a result, with appropriate and additional controls in place, the proposed subdivision of the land is highly unlikely to result in a detrimental impact on fauna or flora species. However, to further ensure the future protection of the woodland, where Council was of a mind to approve the application, a condition will be included in the consent requiring a flora and fauna assessment be undertaken on the Critically Endangered Ecological Community being the section Cumberland Plain Woodland that currently exists along the eastern and northern boundaries of the subject site.

In this regard, future development of each of the allotments carrying the woodland, will be restricted/controlled by way of including suitable restrictions on title that denies any development that would have an effect on the critical habitat as identified from the flora and fauna study.

Where Council was to approve this application, it would be deemed appropriate to impose a restriction on the use of land (pursuant to Section 88b of the Conveyancing Act 1919), on each of the affected/burdened allotments created under this subdivision. The restriction would ensure the retention and protection of the woodland, but would also require the upkeep and ongoing maintenance of the vegetated buffer / woodland.

3.2 Traffic Impacts

Vehicular access to the site from Pembroke Road is via the intersection treatment on Pembroke Road constructed to RTA standards and in accordance with development consent H4/2003.

A Traffic Impact Assessment was previously undertaken for the original masterplan for the site based on a total yield of 57,000 square metres of warehousing and 4,830 square metres of office area, and considered the number of car parking spaces required as well as the total projected vehicle movements.

It was concluded that future industrial development and associated traffic movements would not have a significant impact on the existing road network. In this regard, access to and from Pembroke Road would remain via left in / left out provisions that have been constructed and are currently operational.

It was considered that future industrial development could occur without resulting in any unsatisfactory traffic constraints upon the surrounding road network. The Sydney Regional Development Advisory Committee considered previous development applications at this site and raised no objection.

Note: Referral of this current application to the RTA's Sydney Regional Development Advisory Committee was not required, as the threshold for referring industrial subdivisions through to the RTA is currently (where as a result of a subdivision) 50 or more allotments gaining direct access to a classified road. This proposal seeks approval to create seven allotments only.

3.3 Visual Impacts

The design and siting of future industrial development will be assessed on individual merit at the time at lodgement of subsequent development applications. Given that any future industrial development may result in large and visually prominent warehouse type buildings due to the allotment's sizes, the current masterplan includes an approved landscape plan to mitigate visual impact with an adequate buffer to future buildings.

3.4 Social and Economic Impacts

The social and economic impacts of future industrial development on the local and broader community have been considered as part of the assessment, and on balance are considered to be beneficial.

It is anticipated that the development would contribute to the community by providing efficient industrial development and additional employment opportunities.

Economic benefits would be realised through both the construction phases and operation of the development. In this regard, it is considered that the development would generate a number of short term and long term employment opportunities - expanding upon the existing number of jobs on the site, adding to additional economic activity across the area.

The social impacts arising from the development would be positive, as these impacts largely stem from the resulting economic benefits.

Public Participation

The application was not notified to nearby and adjoining owners in accordance with Council's Development Control Plan No.87 - Notification Policy. DCP No.87 does not require proposals for the subdivision of land to be notified to adjoining and nearby land owners.

Conclusion

The development application is for the subdivision of an industrial estate into seven allotments with the dedication of the estate access road as a public road. The subdivision would create seven lots having total areas of between 9,000 square metres and the already developed Barbeques Galore warehouse site of 28,960 square metres. The five vacant industrial lots would be accessed via the internal road, connecting with Pembroke Road.

The proposed development is permissible under the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002. The development satisfies and is generally consistent with SEPP 1, LEP 2002 and the SCDCP.

Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the issues discussed above, it is recommended that the proposed development be approved subject to conditions outlined in Attachment 1.

Officer's Recommendation

1. That the SEPP 1 objection to the imposition of the development standard of Clause 37(d) of Campbelltown LEP 2002 be approved so as to allow the variation of the fire services pump room to have a zero set back from the front boundary of proposed Lot 2.
 2. That subject to the SEPP 1 variation being approved, that development application 2725/2009/DA-S for the subdivision of the estate into seven allotments and dedication of the estate access road as a public road at Lot 1 DP 1089522, No. 395 Pembroke Road be referred back to the Director of Planning, and the matter be determined under delegated authority subject to the conditions contained in Attachment 1.
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ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. Access Denied

Vehicular access to and from proposed lots 1,5,6 & 7 shall not be permitted across their common boundaries with Pembroke Road and Ben Lomond Road. The only approved access to these lots shall be via the existing access road. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

3. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

4. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

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

5. Council Acceptance of the Existing Access Road as a Public Road

To enable Council to accept the existing access road as a public road it will be necessary for the applicant to demonstrate that the road has been constructed to Council's standards. The applicant shall provide complete work as executed plans and all necessary material and testing documentation to confirm that all previously completed work associated with the proposed subdivision complies both in geometry and construction with:

- 1) Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- 2) Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,
- 3) Soils and Construction (2004) (Bluebook); and
- 4) Relevant Australian standards and State Government publications.

The applicant shall also submit documentation which includes, but not limited to:

- a) Geotechnical reports.
- b) Pavement design and constructed pavement depths.
- c) Concrete core tests.
- d) Constructed width of carriageway and footpaths. Lot boundaries shall be adjusted where necessary to provide a minimum 3.5m footpath width throughout.
- e) Service conduit locations.
- f) Subsoil drainage locations.
- g) Extent and depth of filling on the site.
- h) Locations and Level of survey marks placed.

Where adequate documentation is not available for any works they shall be retested as required. In this regard, appropriate road pavement testing by a NATA registered laboratory may be required to determine if the pavement area to be dedicated as public road meets the above standards and in particular Council's Category 'F' design standard for industrial cul-de-sac construction (5×10^6 design equivalent standard axles (ESA)). In the event that any aspect of the existing pavement or geometry does not meet the required standard remedial works/reconstruction shall be designed and undertaken to achieve compliance.

Following assessment of the submitted documentation it may be necessary for Council to undertake pavement testing to determine the life expectancy of the road. This testing shall be at the applicant's expense. If testing indicates the road pavement does not meet the required standard a determination will be made by Council's Director, Technical Services on whether Council is prepared to endorse the dedication of the access road as a public road without further reconstruction.

6. Creation of Drainage Easements

Council easements of standard width shall be created over all drainage lines discharging water from the proposed public road through the proposed lots. In this regard the applicant shall liaise with adjoining owners to ensure that the existing easements show 'H' on the Draft Subdivision Plan Issue B are amended if required to benefit Council.

Pits provided with stub outlets shall be provided in all lots at the lowest corner and connected to the proposed Council drainage system, with common drainage easements minimum 2.5m wide created where required.

7. Roads & Traffic Authority Approval

The applicant shall submit a letter to Council from the Roads & Traffic Authority (RTA), which states that the Authority has no objection to the existing access road being dedicated as a public road. Should the Authority require amendments to the intersection layout in order to obtain this approval, the necessary works shall be undertaken by the applicant under the supervision of the RTA and at the applicant's expense.

8. No Construction within Drainage Easements

No construction, building works or alteration to the finished surface levels, as shown on the Works as Executed plans, shall be permitted within drainage easements. In this regard, a suitably worded Restriction As To User shall be placed on the 88B Instrument for the subdivision.

9. Flora and Fauna Assessment

Prior to the issue of a subdivision certificate, a flora and fauna assessment shall be undertaken and submitted to Council for approval in accordance with the Department of Environment, Climate Change and Water's *Draft Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities* as the site contains native vegetation and/or habitat for threatened biodiversity.

As part of this assessment the boundary of the must be confirmed in accordance with the final determination listing advice for Cumberland Plain Woodland under the NSW Threatened Species Conservation Act 1995. Targeted surveys for *Pimelea spicata* must also be undertaken as part of this process.

In this regard, the boundary and specific area identified as being a part of the Critically Endangered Ecological Community is to be suitably defined by way of including a Restriction As To User pursuant to section 88b of the Conveyancing Act 1919 on each of the affected allotments. The terms and definition of this area are to be in accordance with Council's requirements to ensure the ongoing and future protection, maintenance and up keep of the woodland area. This restriction on title is to be created with the release of the subdivision certificate.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

10. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Integral Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.

11. Telecommunications Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

12. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

13. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

14. Stormwater Management Plan (Subdivision)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

15. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

16. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

17. Traffic Impact Study

The applicant shall engage an appropriately qualified traffic engineer to prepare a Traffic Impact Study, to determine if the subdivision of the site will have impact on the surrounding road network and any affect traffic flows will have on the amenity of the surrounding neighbourhood. The study shall take into account pedestrian and vehicular movements and volumes during peak periods. The study shall identify problems/conflicts and recommend appropriate treatment. A copy of the study shall be forwarded to the Roads & Traffic Authority and to Council's Traffic Engineer for assessment and approval prior to Council or an accredited certifier issuing a Construction Certificate. All recommendations of the approved Traffic Impact Study shall be implemented prior to the release of the Subdivision Certificate.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

18. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

19. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
- b. Stating that unauthorised entry to the work site is prohibited; and
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

20. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to 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 thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

21. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

22. Vehicular Access During Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

23. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

24. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

25. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

26. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

27. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

28. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's *'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended)*, AS 3798 *'Guidelines for Earthworks for Commercial and Residential Development' (as amended)*, and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

29. Revegetation

Revegetation to the requirements of the manual – *Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of the maintenance security bond.

30. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual "*Traffic Control at Work Sites*" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

31. Compliance with Council Specification

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*,
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

32. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

33. Restriction on the Use of Land

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. Floor Level Control – where applicable
 - b. No Alteration To Surface Levels - within constructed overland flow paths and easements
 - c. Lots Filled – where applicable
 - d. Access Denied – lots 1, 5, 6, and 7
-
-

- e. Uncontrolled Fill – if applicable
- f. Cumberland Plain Woodland – maintenance, protection, repair, replant, etc – lots 1, 5, 6 & 7

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened.

The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

34. Maintenance Security Bond

Prior to the principal certifying authority issuing a subdivision certificate a maintenance security bond of 5% of the contract value for the construction of the access road, or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of twelve months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond within six years of the issue of the subdivision certificate, Council is obligated to surrender the bond to the *Office of State Revenue*.

35. Works as Executed Plans

Prior to the principal certifying authority releasing the subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

The applicant shall also submit an electronic copy of the Works as Executed information to Council in accordance with the following requirements:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
2. Datum to be AHD (Australian Height Datum)
3. File format(s):

a) AutoCAD Option

The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type - zip

File Format -	AutoCAD 2004 Drawing Format or later
Transmittal Options -	Include fonts
	Include textures from materials
	Include files from data links
	Include photometric web files
	Bind external references
	The drawing shall not be password protected.

b) MapInfo Option

Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

Survey Information Required to be Shown

- Finished ground and building floor levels together with building outlines.
- Spot levels every 5m within the site area.
- Where there is a change in finished ground levels, greater than 0.3m between adjacent points within the abovementioned 5m grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure, including pipe sizes and types as well as surface levels and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line of the road.
- The surface levels of all other infrastructure.

36. Service Authorities

Prior to the principal certifying authority issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

37. Industrial Inter-Allotment Drainage

Prior to the Principal Certifying Authority releasing the Subdivision Certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and associated easements have been provided for all proposed industrial lots. The inter-allotment drainage system shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the *Campbelltown (Sustainable City) DCP Volumes 1 and 2 (as amended)*.

38. Council Fees and Charges

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

39. Easements to be Extinguished

Should it be agreed by the relevant Authorities that the existing access road can be dedicated to the public, it will be necessary for applicant to extinguish the easements that were previously created within the private access road and that will now be located within the future public road reserve. All costs associated with the extinguishment of the easements are to be borne by the applicant.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 2. Filling on Site

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

Advice 3. Inspections – Civil Works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
 - i. Direction/confirmation of required measures.
 - i. After installation and prior to commencement of earthworks.
 - ii. As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 4. Inspection Within Public Areas

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

Advice 5. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 6. Principal Certifying Authority – Subdivision

Council is the principal certifying authority for the construction of the proposed subdivision and issue of the subdivision certificate and Council shall carry out all inspections required by the development consent. Work must not proceed past any inspection point until Council has approved the work inspected.

Advice 7. Linen Plan and Copies

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

Advice 8. Linen Plan Checking Fee

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

Advice 9. Salinity

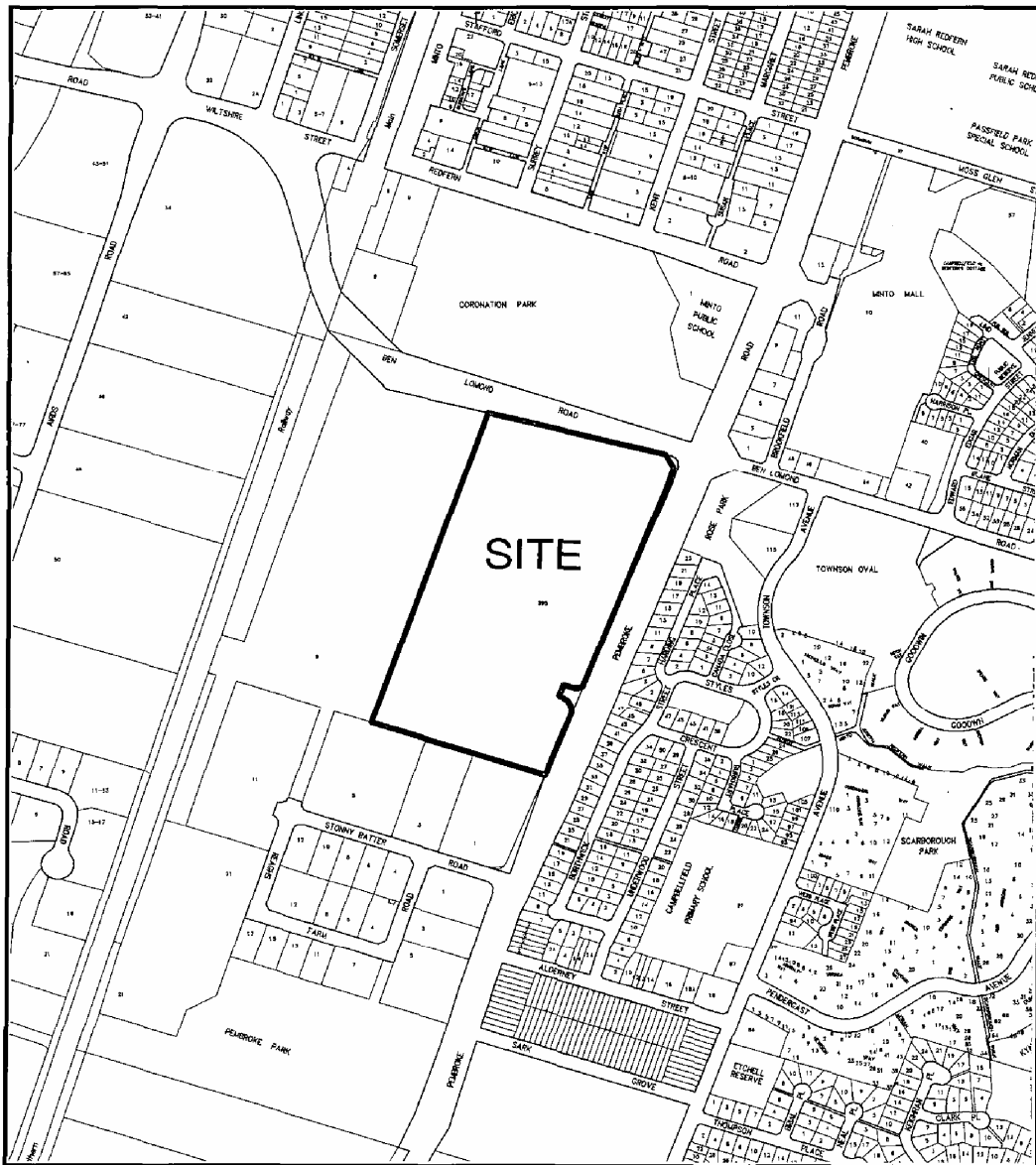
Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

Advice 10. Dial 1100 Before you Dig

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - www.dialbeforeyoudig.com.au

END OF CONDITIONS

ATTACHMENT 2



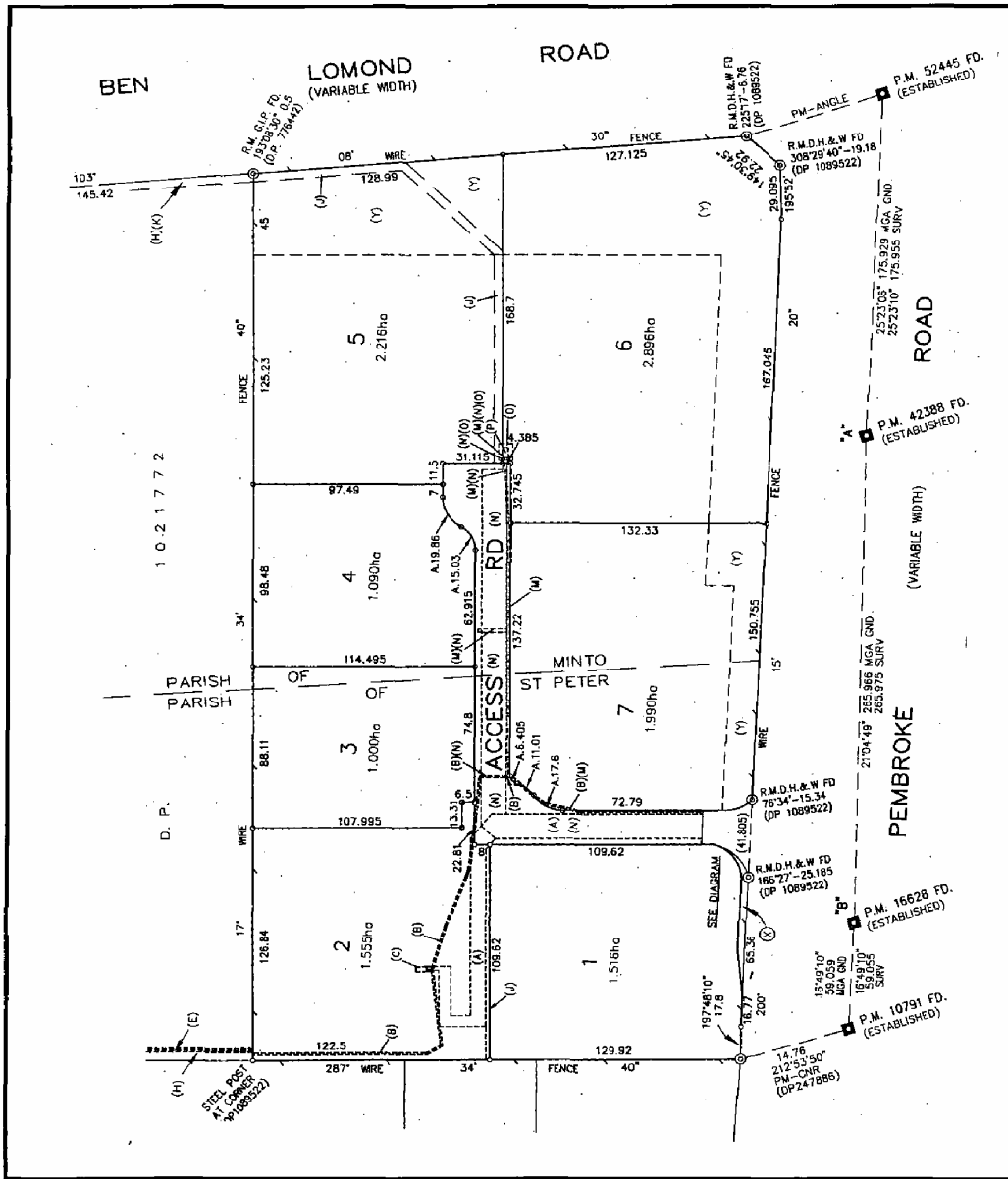
LOCALITY PLAN



SUBJECT:

SUBDIVISION OF ESTATE INTO SEVEN ALLOTMENTS AND
DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.
LOT 1 DP 7089522 - No. 395 PEMBROKE ROAD, MINTO.

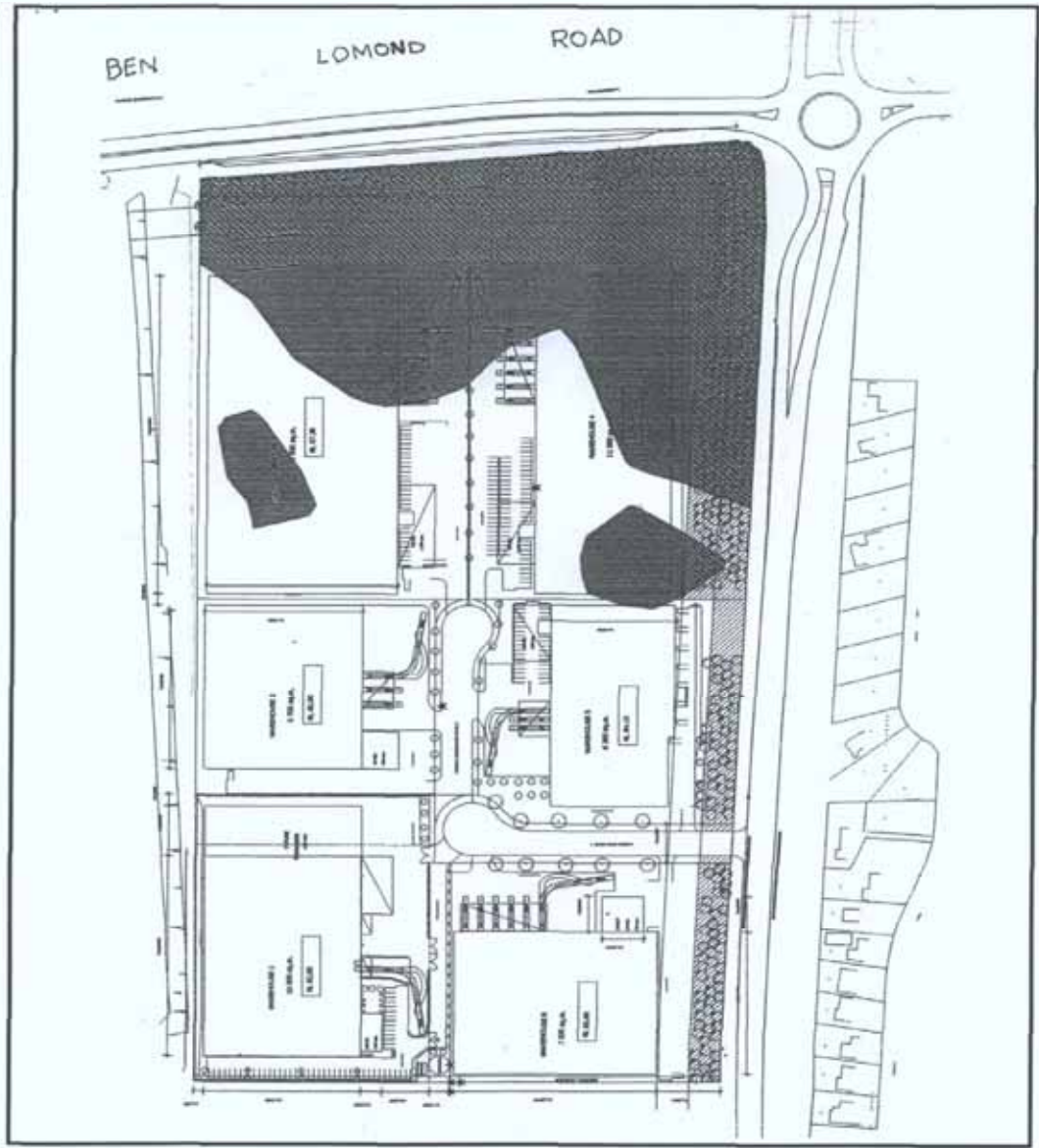
ATTACHMENT 3



SUBDIVISION PLAN

SUBJECT: SUBDIVISION OF ESTATE INTO SEVEN ALLOTMENTS AND
 DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.
 LOT 1 DP 7089522 - No. 395 PEMBROKE ROAD, MINTO.

ATTACHMENT 4

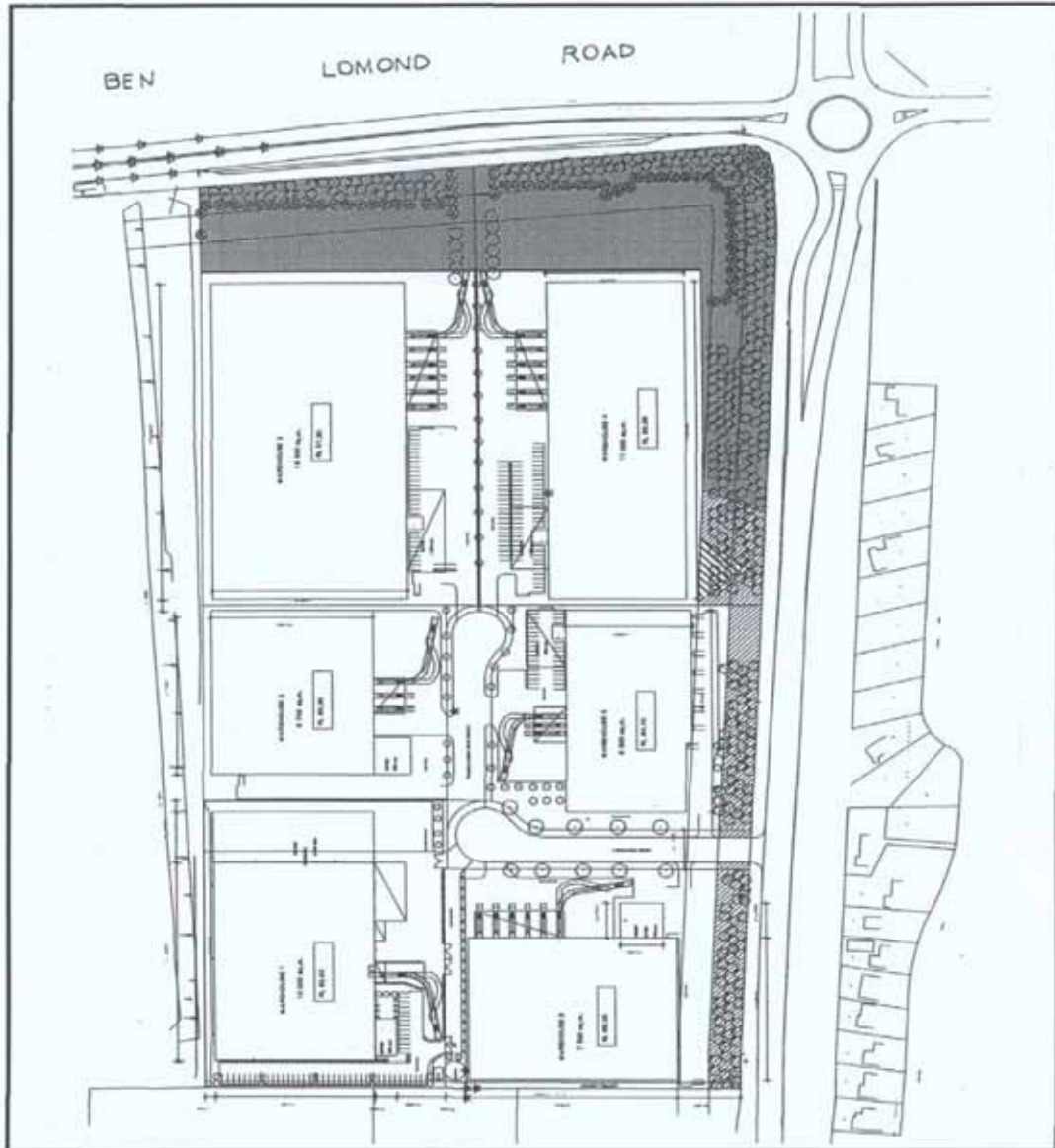


LANDSCAPE REVEGATION PLAN

SUBJECT:

SUBDIVISION OF ESTATE INTO SEVEN ALLOTMENTS AND
DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.
LOT 1 DP 7089522 - No. 395 PEMBROKE ROAD, MINTO.

ATTACHMENT 5



ORIGINAL MASTERPLAN LAYOUT

SUBJECT:

SUBDIVISION OF ESTATE INTO SEVEN ALLOTMENTS AND
DEDICATION OF ESTATE ACCESS ROAD AS A PUBLIC ROAD.
LOT 1 DP 7089522 - No. 395 PEMBROKE ROAD, MINTO.

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To update Council on the current status of the Planning and Environment Division's legal matters.

Report

This report contains a summary of the current status of the Division's legal matters relating to:

- The Land and Environment Court;
- The District Court;
- The Local Court; and
- Matters referred to Council's Solicitor for advice.

A summary of year-to-date costs and the total number of actions are also included.

1. <i>Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</i>

Total ongoing Class 1 DA Appeal Matters (as at 13/07/2010)	1
Total completed Class 1 DA Appeal Matters (as at 13/07/2010)	8
Costs from 1 July 2009 for Class 1 DA Appeal Matters:	\$179,555.88

1 (a)

John Galluzzo

Issue:

Appeal under Section 56A of the Land and Environment Court Act 1979 against Commissioner Bly's decision of 18 December 2009 to dismiss the applicant's appeal against Council's refusal of Development Application 1972/2007/DA-C for the extensions to a childcare centre.

Property:

Pt Lot 101 DP 602622 No.1 Bloomfield Road, Denham

Property Owner: Court.
File No: John Galluzzo
Court Application Filed: 1972/2007/DA-C (Court File 10/10099)
Applicant: 17 February 2010
Costs Estimate: John Galluzzo
\$20,000.00 (exclusive of Barristers, Court Appointed
Experts or disbursement fees)
Final Costs: \$16,584.42
Status: Proceedings completed.

Action Since Last Meeting The matter was heard on 15 June 2010. Verbal advice from Council's solicitor indicated that the court dismissed the appeal and awarded costs to Council. Waiting on written judgment.

1 (b) Angelo Skagias and Nick Skagias

Issue: Deemed refusal of a Section 96 application to modify Development Application 2334/2007/DA-C for the demolition of existing dwelling and construction of a four storey commercial building.

Property: Lot 6 SEC 4 DP 2913 No. 34 Carlisle Street Ingleburn.
Property Owner: Mr Angelo Skagias and Mr Nick Scagias
File No: 2334/2007/DA-C (Court File 10156 of 2010)
Court Application Filed: 9 March 2010
Applicant: Mr. Angelo Skagias and Mr. Nick Skagias
Hearing date: 12 and 13 July 2010
Costs Estimate: \$20,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date: \$30,641.07
Status: Ongoing.

Action Since Last Meeting Listed for hearing on 12 and 13 July 2010.

2. Land and Environment Court Class 1 Matters – Appeals Against Council's Issued Orders/Notices

Total ongoing Class 1 Order/Notice Appeal Matters (as at 13/07/2010) 0
Total completed Class 1 Order/Notice Appeal Matters (as at 13/07/2010) 1
Costs from 1 July 2009 for Class 1 Order/Notices Appeal Matters: \$3,444.65

2 (a) Anthony Powell

Issue: Appeal against the terms of Council's Order No's. 1 and 12 served under Section 121B of the Environmental Planning and Assessment Act 1979, requiring the applicant to cease use of a garage being used for habitable purposes and reinstate the garage for its approved use.

Property: Lot 105 DP 544373 No. 9 Aubrey Street, Ingleburn.
Property Owner: Mr. Anthony Powell and Ms. Christine Lamont
File No: 1359/2009/N-EPA (Court File 10138 of 2010)
Court Application Filed: 2 March 2010
Applicant: Mr. Anthony Powell
Costs Estimate: \$10,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Final Costs: \$3,444.65

Status: Proceedings completed.

Action Since Last Meeting The matter was before the Court for Directions hearing where By consent the Applicant agreed to Orders requiring the terms of Council's Order to be complied with by 20 November 2010.

3. Land and Environment Court Class 4 Matters – Non-Compliance with Council Orders / Notices or Prosecutions

Total ongoing Class 4 matters before the Court (as at 13/07/2010)	0
Total completed Class 4 matters (as at 13/07/2010)	4
Total ongoing Class 4 matters in respect of costs recovery (as at 13/07/2010) these matters will be further reported on completion	4
Costs from 1 July 2009 for Class 4 matters	\$4,561.37

4. Land and Environment Court Class 5 - Criminal enforcement of alleged pollution offences and various breaches of environmental and planning laws.

Total ongoing Class 5 matters before the Court (as at 13/07/2010)	0
Total completed Class 5 matters (as at 13/07/2010)	2
Total ongoing Class 5 matters in respect of costs recovery (as at 13/07/2010) these matter will be further reported on completion	2
Costs from 1 July 2009 for Class 5 matters	\$34,265.47

5. Land and Environment Court Class 6 - Appeals from convictions relating to environmental matters

Total ongoing Class 6 Matters (as at 13/07/2010)	0
Total completed Class 6 Matters (as at 13/07/2010)	0
Costs from 1 July 2009 for Class 6 Matters	\$0.00

6. Land and Environment Court Tree Dispute Matters – Applications filed under the Trees (Disputes Between Neighbours) Act 2006

Total ongoing Tree Dispute Matters (as at 13/07/2010)	0
Total completed Tree Dispute Matters (as at 13/07/2010)	0
Costs from 1 July 2009 for Tree Dispute Matters	\$0.00

7. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences.

Total ongoing Appeal matters before the Court (as at 13/07/2010)	0
Total completed Appeal matters (as at 13/07/2010)	1
Total ongoing Appeal matters in respect of costs recovery (as at 13/07/2010) these matters will be further reported on completion	1
Costs from 1 July 2009 for District Court Matters	\$0.00

8. Local Court Prosecution Matters

The following summary lists the current status of the Division's legal matters before the Campbelltown Local Court.

Total ongoing Local Court Matters (as at 13/07/2010)	15
Total completed Local Court Matters (as at 13/07/2010)	110
Costs from 1 July 2009 for Local Court Matters	\$20,122.02

File No:	LP 17/10 – Enforcement Order Court Election
Offence:	Stop on/near children's crossing – school zone
Act:	Road Rules 2008
Costs to date:	\$0.00
Status – Ongoing:	The matter is listed for hearing on 28 September 2010.

File No: LP 19/10 - Enforcement Order Court Election
Offence: Deposit litter (cigarette) from vehicle
Act: Protection of the Environment Operations Act
Final Costs: \$0.00
Status – Completed: The matter was before the Court for hearing on 25 June 2010 where the defendant maintained a not guilty plea asserting that they were not responsible for the offence and had not received the penalty notice. After hearing the evidence and submissions the Magistrate dismissed the charge as he was not satisfied beyond reasonable doubt that the defendant had received the penalty notice served on the PO Box address shown on the RTA records and was therefore not in a position to challenge the validity of the penalty notice at that time.

File No: LP 24/10 - Penalty Notice Court Election
Offence: Pollute waters (excavated material deposited on roadway)
Act: Protection of the Environment Operations Act
Final Costs: \$880.00
Status – Completed: The matter was before the Court for hearing on 29 June 2010 where the Defendant, Tiger Constructions Pty Ltd, made no appearance. An application by Council for the matter to proceed in the defendant's absence was granted and after considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$1,500 fine and an order for \$956 costs.

File No: LP 28/10 – Penalty Notice Court Election
Offence: Stand vehicle in disabled persons parking space without authority
Act: Road Rules 2008
Final Costs: \$0.00
Status – Completed: The matter was before the Court for hearing on 29 June 2010 where the Defendant, Kristy Lee Goodwin, entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a \$75 fine.

File No: LP 29/10 – Penalty Notice Court Election
Offence: Development undertaken without development consent
Act: Environmental Planning and Assessment Act
Costs to date: \$0.00
Status – Ongoing: Matter was listed for first mention on 18 May 2010 where the Defendant entered a not guilty plea. The proceedings have been adjourned for hearing on 13 August 2010.

File No: LP 30/10 – Penalty Notice Court Election
Offence: Pollute Waters - Corporation
Act: Protection of the Environment Operations Act
Costs to date: \$0.00
Status – Ongoing: The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No: LP 31/10 – Penalty Notice Court Election
Offence: Pollute Waters - Corporation
Act: Protection of the Environment Operations Act
Costs to date: \$0.00
Status – Ongoing: The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No: LP 32/10 – Penalty Notice Court Election
Offence: Pollute Waters - Corporation
Act: Protection of the Environment Operations Act
Costs to date: \$0.00
Status – Ongoing: The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No: LP 33/10 – Penalty Notice Court Election
Offence: Development not in accordance with development consent
Act: Environmental Planning and Assessment Act
Costs to date: \$0.00
Status – Ongoing: The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September 2010 for hearing.

File No: LP 34/10 – Penalty Notice Court Election
Offence: Development not in accordance with development consent
Act: Environmental Planning and Assessment Act
Costs to date: \$0.00
Status – Ongoing: The matter was listed for first mention on 25 May 2010 where the accused entered a not guilty plea. The matter has been adjourned to 13 September for hearing.

File No: LP 36/10 – Penalty Notice Court Election
Offence: Uncontrolled dog in a public place – not dangerous dog
Act: Companion Animals Act
Final Costs: \$0.00
Status – Completed: The matter was before the Court for hearing on 6 July 2010 where the Defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved without conviction under Section 10 of the Crimes (Sentencing) Procedure Act.

File No: LP 37/10 – Penalty Notice Court Election
Offence: Stop in/on bicycle lane
Act: Road Rules 2008
Costs to date: \$0.00
Status – Ongoing: The matter was before the Court for mention on 13 July 2010 where the Defendant entered a guilty plea. The Court adjourned the matter to 9 September 2010 for hearing.

File No: LP 38/10 – Penalty Notice Court Election
Offence: Uncontrolled dog in a public place – not dangerous dog
Act: Companion Animals Act
Costs to date: \$0.00
Status – Ongoing: The matter was before the Court for mention on 6 July 2010 where the Defendant entered a not guilty plea. The Court adjourned the matter to 6 September for hearing.

File No: LP 39/10 – Penalty Notice Court Election
Offence: Development not in accordance with development consent
Act: Environmental Planning and Assessment Act
Costs to date: \$0.00
Status – New Matter: Listed for plea / mention on 20 July 2010.

File No: LP 40/10 – Penalty Notice Court Election
Offence: Development not in accordance with development consent
Act: Environmental Planning and Assessment Act
Costs to date: \$0.00
Status – New Matter: Listed for plea / mention on 20 July 2010.

File No: LP 41/10 – Penalty Notice Court Election
Offence: Development not in accordance with development consent
Act: Environmental Planning and Assessment Act
Costs to date: \$0.00
Status – New Matter: Listed for plea / mention on 20 July 2010.

File No: LP 42/10 & LP43/10 – Penalty Notice Court Election
Offence: Uncontrolled dog in a public place – not dangerous dog x 2
Act: Companion Animals Act
Costs to date: \$0.00
Status – New Matter: Listed for first mention on 27 July 2010.

File No: LP 44/10 – Penalty Notice Court Election
Offence: Disobey no stopping sign
Act: Road Rules 2008
Costs to date: \$0.00
Status – New Matter: Listed for first mention on 27 July 2010.

File No: LP 45/10 – Penalty Notice Court Election
Offence: Disobey no stopping sign
Act: Road Rules 2008
Final Costs: \$0.00
Status – Completed: The matter was before the Court for hearing on 13 July 2010 where the Defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved without conviction under Section 10 of the Crimes (Sentencing) Procedure Act.

File No: LP 46/10 – Penalty Notice Court Election
Offence: Deposit litter from vehicle – food scraps
Act: Protection of the Environment Operations Act
Costs to date: \$0.00
Status – New Matter: Listed for first mention on 27 July 2010.

9. Matters Referred to Council’s Solicitor for Advice

The following summary lists the status of matters referred to Council’s Solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total Advice Matters (as at 6/07/2010)
Costs from 1 July 2009 for Advice Matters

15
\$52,931.31

10. Legal Costs Summary		
The following summary lists the Planning and Environment Division's net Legal Costs for the 2009/2010 period.		
Relevant Attachments or Tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$179,555.88	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$3,444.65	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or Prosecutions	\$4,561.37	\$0.00
Class 5 Land and Environment Court - Pollution and Planning prosecution matters	\$34,256.47	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court Appeal matters	\$0.00	\$0.00
Local Court Prosecution matters	\$20,122.02	\$13,954.00
Matters referred to Council's Solicitor for Legal Advice	\$52,931.31	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$294,871.70	\$13,954.00
Overall Net Costs Total (GST exclusive)	\$280,917.70	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Greiss)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 27 July 2010 (Kolkman/Oates)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 130

That the Officer's Recommendation be adopted.

5. GENERAL BUSINESS

5.1 Animal Care Facility

Committee's Recommendation: (Bourke/Kolkman)

That a report be presented to Council to investigate:

1. the provision of suitable bedding to keep animals off the concrete floor at the Animal Care Facility.
2. the establishment of a volunteer group to provide support services to the Animal Care Facility.

CARRIED

Council Meeting 27 July 2010 (Kolkman/Oates)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 130

That the Committee's Recommendation be adopted.

18. CONFIDENTIAL ITEMS

18.1 Confidential Information Relating to Various Items on the Planning and Environment Agenda 20 July 2010

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

There being no further business the meeting closed at 8.19pm

R Kolkman
CHAIRPERSON
