

8.6 Draft Amendment No 5 - Campbelltown (Sustainable City) Development Control Plan 2015

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council endorse draft Amendment No 5 to Campbelltown (Sustainable City) Development Control Plan 2015 (contained in attachment 1) as outlined in this report for public exhibition in accordance with the *Environmental Planning and Assessment Act 1979* and associated regulation.
2. That at the conclusion of the public exhibition, a separate report be provided to Council on the outcome of the public exhibition of the draft Amendment 5 to Campbelltown (Sustainable City) Development Control Plan 2015.

Purpose

1. To advise Council of a proposed draft Amendment No 5 to Campbelltown (Sustainable City) Development Control Plan 2015.
2. To seek Council's approval to place the proposed draft Amendment No 5 on public exhibition for community input.

History

Council at its meeting held 16 February 2016 adopted draft Campbelltown (Sustainable City) Development Control Plan 2015. The Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) came into effect on 11 March 2016 to coincide with the commencement of Campbelltown Local Environmental Plan (CLEP 2015).

Since its commencement in March 2015, the SCDCP 2015 has been subject to two consecutive amendments in 2016 that primarily finalised the consolidation process of all existing DCPs and introduced additional development standards for boarding houses.

Amendment No 3 to the SCDCP 2015 added Part 7 Mount Gilead DCP to Volume 2 Site Specific DCP and came into effect on 8 September 2017. Amendment No 4 was adopted by Council on 13 December 2016 which added Part 8 Menangle Park DCP to Volume 2 Site Specific DCP. Amendment No 4 came into effect on 17 November 2017.

Report

Proposed Amendment No 5 to the SCDCP 2015 primarily aims to:

1. address a number of matters identified by internal staff during the application of the SCDCP 2015
2. address Council's previous resolution of 15 November 2011 in relation to the displacement of shopping trolleys
3. introduce a new draft Part 18 Tattoo Parlours under Volume 1
4. address Council resolution of 27 October 2015 in relation to Part 9 Public Consultation of Volume 1
5. amend Part 5 University of Western Sydney Development Control Plan (WSU DCP)
6. introduce a site specific DCP for the urban renewal areas of Airds-Bradbury and Claymore
7. introduce a site specific DCP for a number of development applications within the vicinity of Blairmount.

1. Addressing some minor issues with Volume 1 of the SCDCP 2015

The proposed amendments to Volume 1 of the SCDCP 2015 aim to clarify and strengthen certain development controls. The majority of the proposed changes to Volume 1 are considered of minor nature and are included under attachment 1 of this report. All proposed changes to the SCDCP 2015, are shown in red text on the attached draft SCDCP 2015 under attachment 5 of this report.

The remaining main proposed changes to Volume 1 are discussed in details below:

a) Proposed changes to the ratio of shared facilities for boarding houses

Under the Building Code of Australia (the BCA), a boarding house may be classified as either Class 1b Building or Class 3 Building as follows:

A Class 1b boarding house is a boarding house that has a total area of all floors not exceeding 300sqm and in which not more than 12 persons reside.

A Class 3 boarding house is a boarding house, other than a Class 1 or 2 buildings, which is a common place of long term or transient living for a number of unrelated persons.

Under the deemed-to-Satisfy Provisions of Volume 1 Section F2.1 of the BCA, a Class 3 boarding house must be provided with the following facilities for each ten residents for whom private facilities are not provided:

- (a) a bath or shower
- (b) a closet pan and washbasin.

The existing requirement under Section 17.2.7 Shared Facilities of Volume 1 of the SCDCP 2015 in relation to the toilet/shower ratio per resident aligns with the requirement of the BCA (i.e. one shower per 10 residents). However, under the BCA this ratio only applies to Class 3 boarding houses.

A Class 1b Boarding house is required to be provided with a minimum of one toilet, a washbasin and a bath or a shower (Section 3.8.3.2 Required Facilities, Volume 2 of the BCA).

Additional requirements relating to facilities for people with a disability in Class 1b and Class 3C boarding houses are contained in Volume 1 of the BCA and are summarised in Table 1 below.

Table 1: Requirements for Accessible Unisex Sanitary compartments and Showers under the BCA are summarised in the table below:

Class of boarding houses	Minimum accessible unisex toilets/shower to be provided.
Class 1b Class 1b Boarding Houses	<p>Not less than one toilet and one shower ;and</p> <p>(b) where private accessible toilets and showers are provided for every accessible bedroom, common accessible toilets and showers need not be provided.</p> <p>Common Areas: One accessible toilet to be provided as part of the common area.</p>
Class 3	<p>Not less than one toilet and one shower; and</p> <p>(b) where private accessible toilets and showers are provided for every accessible bedroom, common accessible toilets and showers need not be provided.</p> <p>Common Areas</p> <ul style="list-style-type: none"> – One accessible toilet to be provided as part of the common area – One accessible shower to be provided for every ten showers or part thereof.

However, the BCA requirements of a one toilet/shower per ten residents for Class 3 Boarding Houses and one toilet/shower for Class 1b boarding houses are not considered adequate, particularly where a boarding house may potentially be occupied by children and/or the elderly.

A review of a number of adjoining and other metropolitan Councils' policies in regard to the ratio of toilets/showers per resident was undertaken in June this year and the findings are summarised in the table below:

Council	Existing requires under the relevant boarding housing DCP/section of the DCP	Compliance with the BCA
Sydney City Council	One shower/toilet per ten occupants.	Yes
Wollongong City Council	One shower/toilet per ten occupants.	Yes
Randwick City Council	For over 12 boarding rooms, separate male and female facilities must be provided.	Yes
Ashfield Municipal Council (now part of Inner West Council)	One bath or shower and washbasin with hot and cold running water for each six occupants or part thereof and separate independently accessible toilet facilities.	No
City of Ryde	No mention of the ratio, however bathrooms must have a minimum area of 5sqm.	-
North Sydney Council	No mention of the ratio, however bathrooms must have a minimum area of 5sqm and refer to the BCA.	-
Liverpool City Council	No specific development controls.	-
Camden City Council	No specific development controls.	-
Fairfield City Council	No mention of the ratio however 1 in 10 rooms must be adaptable.	-

The above table shows that some of the Councils' requirements do not align with the BCA requirement of 1 shower/toilet per ten residents, while others do.

To improve the quality of life for the occupants of boarding houses within Campbelltown LGA, the following ratios are recommended:

- one toilet/shower per ten residents or part thereof
- one accessible toilet/shower where the number of residents exceeds five or more
- where the number of residents is five or less, the common toilet/shower shall also be accessible for people with disabilities
- at least one toilet/shower shall be provided on every floor level
- toilets shall be able to be accessed separately from the shower, so that the toilet and the shower may be used by two separate people at the same time.

The proposed toilet/shower ratios per resident provide a more reasonable outcome that would enhance the quality of life for the residents of boarding houses.

b) Review of Part 8 Child Care Centres

A new state planning policy entitled State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the Ed SEPP) commenced on 1 September 2017. The ED SEPP introduced a number of non-discretionary development standards in relation to the location of child care centres, site area and site dimensions that are not consistent with the existing development controls under Part 8 Child Care Centres (Part 8).

The Ed SEPP also requires development applications to comply with a Child Care Planning Guideline – August 2017 (the CCP Guideline). The CCP Guideline provides a design framework for preparing and considering development applications for centre-based child care facilities. It includes development controls relating to building design, visual and acoustic privacy, landscaping, noise and air pollution.

Given that the development standards/requirements under the Ed SEPP override the development controls in any DCP, Part 8 has been aligned with the Ed SEPP. Following is a summary of the main recommended changes:

- replace the reference to Child Care Centre by Centre-based Child Care Facility
- include a reference under Part 8 to the Ed SEPP and the Child Care Planning Guideline
- delete Clause 8.3.2 a) that requires child care centres to be developed on allotments having a minimum width of 20 metres, as the Ed SEPP specifically states that a Centre-based Child Care Facility may be located on a site of any size and have any length of street frontage or an allotment depth
- delete Clause 8.3.5 Hours of Operation and all references to the maximum number of children as the Ed SEPP specifically states that a provision of a development control plan that specifies a requirement standard or control in relation to operational management plans or arrangements (including hours of operation) and number of children does not apply to Centre-based Child Care Facility.

3. Proposed draft Part 18 Tattoo Parlours Premises

Tattoo parlours are considered to be potentially a high risk premises to public health and safety and are required to be inspected regularly not only by Council Officers but by the NSW Police Local Area Command. Specific provisions under a newly proposed draft Part 18 Tattoo Parlours are proposed to ensure appropriate design and construction standards are applied, hygiene procedures are followed and premises are suitably located.

A copy of the proposed draft Part 18 Tattoo Parlours Premises is shown as attachment 2 to this report.

2. Addressing a number of Council's previous resolutions

a) Review of Part 9 Public Consultation – Volume 1

Council on 27 October 2015 resolved;

That Council's Public Notification Policy, in respect to development applications, be reviewed and a report provided back to Council recommending options for a more comprehensive community notification process.

A review of Part 9 Public Consultation (Part 9) has been undertaken in consultation with internal staff. Part 9 was found to be sufficiently detailed and comprehensive in regard to the type of development to be notified, however, the section that relates to the parties to be notified (Section 9.4.1.3) may be further improved. Section 9.4.1.3 only requires adjacent owners to be notified and this may not be adequate in circumstances where the proposed development may have an impact on the immediate locality and not just the adjoining owners.

Recommended approach/amendment

To address this matter it is proposed to include a new requirement under Part 9 that requires Council to notify all properties located within 100 metres of the development site where the proposed development is located within a residential zone and comprises any of the following:

A boarding house, attached dwellings, schools; centre-based child care centre; multi dwelling housing; places of public worship; respite day care centre and group homes.

The 100 metres distance is to be measured from the external boundaries of the land subject of the application.

The above approach is similar to Liverpool Council's notification practices for similar type developments.

b) Abandoned Shopping Trolleys

Council at its meeting held 15 November 2011, partially resolved:

That a review of all relevant planning instruments and policies to require that any application for commercial/retail premises is assessed to ensure the prevention of the removal of shopping trolleys from premises.

As a result of the above Council resolution, a condition of consent was introduced that requires all newly proposed supermarkets or alterations to supermarkets include a coin mechanism to encourage customers to return the shopping trolleys to their base.

However, there are concerns that this has greatly disadvantaged the newly established supermarkets as shoppers prefer to shop at the supermarket that does not have the coin mechanism in place, as they are not required to return the trolley to certain bays.

A smart technology has now emerged, which utilises a Wi-Fi technology that sends a signal to an antenna embedded within the shopping trolley and it locks one or two wheels, where the trolley moves beyond a certain point. This system would not require shoppers to return the trolley to a particular point nor would it require shoppers to have a coin to enable them to use the shopping trolley. This smart system is currently being utilised by Coles Supermarket in Mount Annan. Council staff contacted the Mt Annan Coles Manager, and he indicated that this system is currently working very well.

The cost of this smart system may make it only feasible for larger supermarkets such as Coles and Woolworths. Aldi stores currently utilise the coin mechanism to ensure that their trolleys are returned to a designated area.

Recommended approach/amendment

In light of the above, it is recommended to include a new development control under Part 6 Commercial Development that requires all newly proposed supermarkets that operate ten or more shopping trolleys to include a smart technology or a coin mechanism to ensure that shoppers will not be able to leave the site/vicinity with the shopping trolleys.

Proposed draft Part 9 Urban Renewal DCP for Airds/Bradbury and Claymore – Volume 2

The Public Housing Estates situated at Claymore and Airds/Bradbury are the subject of targeted and staged urban renewal programs aimed at revitalising the public housing estates within these suburbs and creating a safe, secure and liveable environment.

Central to the renewal schemes is a reduction in the proportion of public housing to private ownership to approximately 30 per cent of the final yield.

Both the Claymore and Airds/Bradbury public housing precincts are the subject of Concept Plan Approvals issued under the former Part 3A of the *Environmental Planning and Assessment Act 1979* (as amended) (The Act). A set of development control guidelines were also prepared at the time and formed part of the concept plan approval. A copy of the development control guidelines (DCGs) for each precinct is included as attachment 3 to this report. Development applications for subdivision and residential development are required to be consistent with the design requirements under the DCGs. The design requirements relate to maximum site coverage, boundary setbacks and maximum building height.

To facilitate the desired urban design outcomes and ensure that matters that are not included in the design guidelines (such as solar access requirement, privacy, parking) are also considered. Housing, in liaison with staff from Council, prepared a site specific DCP for the subject renewal areas. This DCP is proposed to be included as draft Part 10 Urban Renewal DCP, under Volume 2 of the SCDCP. A copy of the proposed draft Part 10 DCP is shown as attachment 3 of this report.

Proposed draft Part 10 Blairmount DCP

The proposed draft Part 10 Blairmount DCP is a site specific DCP that applies to the land shown on the Map under attachment 4 and generally applies to certain land along Eagle Vale Drive and Blairmount.

The land where this draft DCP applies has been subject to approved development application for residential subdivision and the requirement of the preparation of a site specific DCP for the land was included as part of the conditions of consent for each approved development application on these sites.

Notably, no further subdivision would be allowed on any of the allotments, unless the proposed subdivision is consistent with the subdivision requirements under Volume 3 of the SCDCP 2015.

The main objective of this draft DCP is to provide development controls for lots smaller than the conventional 500sqm lots to ensure the desired design outcome.

A copy of this draft DCP is shown under attachment 4.

Proposed amendment to Part 5 Western Sydney University DCP

The Western Sydney University DCP (WSU DCP) applies to the residential land located within the vicinity of the Western Sydney University.

The WSU DCP came into effect on 24 February 2009 and was later incorporated as Part 5 of Volume 2 Site Specific DCPs of the SCDCP 2015.

In March 2015, the CLEP 2015 commenced and part of the land where the WSU DCP applies was assigned Zone R3 Medium Density Residential. The remaining part of the site was deferred from the CLEP 2015 and as such LEP 2002 continued to apply to this part of the site.

For the following reasons, it is recommended that the WSU DCP be amended so that it only applies to the part of the site where LEP 2002 applies:

1. the terms and definitions used in the WSU DCP do not align with the terms and definitions used under the CLEP 2015.
2. under Section 74C (5) of the *Environmental Planning and Assessment Act 1979* (the Act) a provision of a development control plan (whenever made) has no effect if it is not consistent with the LEP that applies to the Land. The WSU DCP contains development standards in relation to minimum lots sizes and building heights that are not consistent with the development standards under the CLEP 2015.
3. the development controls are not inclusive, as the WSU DCP does not include development controls for dual occupancies.
4. there is no need for a site specific DCP for the part of the WSU site that is zoned under the CLEP 2015, as the SCDCP 2015 provides development controls for R3 medium density Zone that are considered appropriate for this site and align with the anticipated residential products for the site.

Public Exhibition of the draft Amendment No 5

Subject to Council endorsement of Amendment No 5 to the SCDCP 2015, it is recommended that:

- the draft SCDCP 2015 be placed on public exhibition for two months, given that the exhibition will occur around the Christmas Holiday period
- the draft SCDCP 2015 Amendment No 5 is placed in all Council libraries, the Civic Centre and on Council's website.

Attachments

1. Proposed minor changes to the SCDCP (contained within this report)
2. Volume 1 - draft Part 18 Tattoo Parlours Premises (contained within this report)
3. Volume 2 - draft Part 9 Urban Renewal Area DCP (contained within this report)
4. Volume 2 - draft Part 10 Blairmount DCP (contained within this report)
5. Draft Campelltown (Sustainable City) Development Control Plan 2015 - Volume 1 (due to size of document 378 pages) (distributed under separate cover)

Attachment 1: Suggested changes by internal review of the SCDCP (*This table should be read in conjunction with the draft SCDCP 2015*)

The relevant Part/Section of the draft SCDCP	Suggested amendment to the SCDCP	Recommended approach
General	Include a comment that regardless of whether waste is to be collected by Council or a private contractor, the design must provide for the collection system to be provided by Council at the time the DA is submitted. This would ensure that the building is designed to facilitate waste collection by Council where needed.	Amend all relevant waste sections under the commercial, industrial sections to include an additional clause to this effect.
General	Replace the term 'Leasable Floor Area' with the term 'Gross Floor Area' as the term leasable floor area is no longer defined under the SCDCP.	Noted and supported.
2.8 Cut and Fill	Include controls for basement excavation to ensure that basements have setbacks not less than 900mm from the property boundaries and that they comply with the deep soil planting requirements.	<p>Include an additional clause under section 2.8 Cut and Fill as clause 2.8.1 g) that reads:</p> <p>All basement excavation shall be setback a minimum of 900mm from the property boundaries. Provisions of basements shall not result in non-compliance with deep soil planting controls contained within this plan.</p>
2.12 Retaining Walls	<p>Include an additional development control that requires retaining walls not to impede on side access (900mm) between the proposed development and the site boundary.</p> <p>Include an additional development control that requires the consent of the adjoining owner/s for any retaining wall that involves work on neighbouring properties.</p> <p>Include an additional development control that requires retaining walls higher than 900mm to be designed by a structural engineer and made from masonry material.</p>	<p>The following draft clauses are proposed to be included as clause 2.12.3 g), h) and i):</p> <p>g) Where retaining walls are proposed along the side boundary of the property, the side setback where the retaining wall is proposed shall be increased from 0.9 metres to 1.2 metres.</p> <p>h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.</p> <p>i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.</p>

Attachment 1: Suggested changes by internal review of the SCDCP (This table should be read in conjunction with the draft SCDCP 2015)

The relevant Part/Section of the draft SCDCP	Suggested amendment to the SCDCP	Recommended approach
2.13 Security	Boarding houses should be accompanied by a crime prevention plan prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design.	Amend Clause 2.13 a) e) to require boarding houses to be accompanied by a crime prevention plan prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design.
3.4.2 Car parking and Access	Provide a control for internal driveway widths, particularly for internal driveways servicing multi dwelling housing.	<p>Insert a new clause under 3.4.2 j) that reads:</p> <p>k) Internal driveways and vehicle access shall be provided with sufficient widths to ensure easy access to and from designated car parking areas/garages.</p> <p>l) Internal driveways for multi dwellings shall be designed to provide two-way vehicle access</p>
3.4.1 Building Form and Character	<p>Reinstate the following controls that were included in the previous version of the SCDCP: Multi dwellings/dual occupancies shall satisfy the following architectural requirements:</p> <ul style="list-style-type: none"> i) incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines ii) incorporation of façade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements iii) provision of windows and active space in the building ends, to provide additional security and visual interest <p>Include a new development control that requires windows on front elevations to have a balanced architectural design</p>	<p>Reinstate the development controls under 3.4.1.1 Streetscape as clause 3.4.1.1 h).</p> <p>Include an additional clause as clause 3.4.1.1 i) that reads:</p> <p>All windows facing the street (primary and secondary) must have a balanced architectural design.</p>

Attachment 1: Suggested changes by internal review of the SCDCP (This table should be read in conjunction with the draft SCDCP 2015)

The relevant Part/Section of the draft SCDCP	Suggested amendment to the SCDCP	Recommended approach
3.6.2. Secondary Dwellings	<p>Consider an additional objective relating to secondary dwellings' appearance and consistency with the streetscape.</p> <p>The front setback control has to be amended to also require that the secondary dwelling be aligned with existing front building line or alternatively be aligned with the predominant front building line of the adjoining properties</p> <p>The location of the secondary dwelling shall not result in the primary dwelling being provided with a private open space and deep soil planting area less than the requirements of the controls outlined in 3.6.1.</p>	<p>Amend clause 3.6.2.2 a) i) to read:</p> <p>i) A secondary dwelling shall be setback a minimum of: i) 5.5 meters from the primary street of the dwelling and shall align with the existing front building line, alternatively it shall align with the predominant front building line of the street. Add the following new clauses: Clause 3.6.2.2 vi) that reads: vi) Where a secondary dwelling is located forward of the front building line consideration shall only be given to such a proposal where the development is integrated with the existing dwelling and employs the same building materials and features as the existing dwelling including roof form and features i.e. gables etc. Clause 3.6.2.2 e) that reads: The principle dwelling shall continue to meet all the relevant requirements and development controls under Part 3 of Volume 1 of the Plan.</p>
3.7.1.5 c) and 3.6.5.2 Open style non-obtrusive parking structure	<p>Currently, the SCDCP allows only open style car parking for new dwellings on existing narrow lots with frontages ranging from 5.5metres to less than 7.5 metres. This measure was introduced to ensure garages do not dominate the streetscape. However, applicants have constantly sought variation to this clause. In addition, some of the open space car parking has been used by residents as 'storage space' which negatively impacted upon the streetscape character. .</p>	<p>To address this matter it is proposed to allow narrow lots to have closed garages subject to a newly proposed development control that requires the garage component of the front elevation to be setback a minimum of 2 metres from the main building line. This would minimise the impacts of garages on the front elevation.</p>
Waste Management in R2 and R3 Zones 5.4.8.3, 3.7.1.10, 3.7.2.10	<p>There is a need to stipulate a maximum walking distance between the dwelling and the waste disposal point.</p>	<p>Suggested wording to add to Sections 5.4.8.3, 3.7.1.10, 3.7.2.10:</p>

Attachment 1: Suggested changes by internal review of the SCDCP (This table should be read in conjunction with the draft SCDCP 2015)

The relevant Part/Section of the draft SCDCP	Suggested amendment to the SCDCP	Recommended approach
		The maximum distance between a dwelling and the waste disposal point shall be 40 metres (excluding distance travelled in a lift).
3.6.5 Attached dwelling – Zones R2 3.6.6 Multi Dwelling – Zone R2 3.7.1 Attached Dwelling – Zone R2 3.7.2 Attached Dwelling – Zone R3	Include an internal storage requirement for multi dwelling development, similar to requirements for residential flat buildings	Include a new clause for the relevant sections that reads: Each dwelling shall be provided with an ‘incidental’ storage facility within the dwelling which shall be available for the personal use of each dwelling and designed and constructed of materials to Council’s satisfactions. Such storage facility shall have a storage capacity of not less than the following: 6 cubic metres in the case of a one-bedroom dwelling; 8 cubic metres in the case of a two-bedroom dwelling; 10 cubic metres in the case of a three or more bedroom dwelling; In the case of multi dwelling housing, the incidentals storage facility shall not be created as a separate (strata) allotment to the dwelling it services.
3.6.1.3 , 3.6.2.2,3.6.3.23.6.4.23.6.5.2,3.6.6.23.7.1.2and 3.7.2.2 Setbacks	provided 900mm unobstructed side access for at least one side of all residential development (i.e. no air conditioning units/rain water tanks etc.	Amend the relevant controls by adding an additional control to this effect.
5.4.8.1 Number of bins	A new clause should be included that that requires caretaker to be available for all sites where bins are shared between occupants, to ensure bins are correctly presented for collection and returned to the designated bin storage area when emptied.	Add a new subclause Clause 5.4.8.1 c) that reads: c) A caretaker shall be available for all sites where bins are shared between occupants, to ensure bins are correctly presented for collection and returned to the designated bin storage area when emptied
17.5 Waste Management-Boarding Houses	Include a new provision to ensure sufficient area is allocated for kerb side collection	Include a new clause 17.5.1(f) as follows: Developments shall make provision for the storage of bulky waste (kerbside clean up) materials on site including i) A minimum area of 10sqm metres; ii) The area must be accessible to all residents; iii) The area must not be more than ten metres (10m) from the waste collection point.