

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 4 March 2014.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 4 March 2014

Present

His Worship the Mayor, Councillor C Mead
Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
General Manager - Mr P Tosi
Director Planning and Environment - Mr J Lawrence
Manager Waste and Recycling Services - Mr P Macdonald
Manager Development Services - Mr J Baldwin
Acting Manager Governance and Administration - Mr T Rouen
Senior Strategic Environmental Planner - Ms F Saunders
Senior Strategic Environmental Planner - Mr M Egan
Executive Assistant - Mrs K Peters

Apology nil

Also in Attendance

Following the conclusion of the City Works Committee meeting, Councillor Hawker and Councillor Brticevic attended the Planning and Environment Committee for part of the meeting.

Acknowledgement of Land

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

Minutes Silence

In acknowledgement of the passing of Coral Borg, the Chamber was upstanding to observe a one minute silence.

DECLARATIONS OF INTEREST

Declarations of Interest were made in respect of the following items:

Pecuniary Interests

nil

Non Pecuniary – Significant Interests

nil

1.1 Availability Of Grant Funding Under The "Waste Less, Recycle More: Waste And Resource Recovery Initiative"

Non Pecuniary – Less than Significant Interests

Councillor Oates - Item 2.8 - Campbelltown Main Street Association - Councillor Oates advised that she is a community member of the association.

Councillor Kolkman - Item 2.8 - Campbelltown Main Street Association - Councillor Kolkman advised that he is a community member of the association.

Councillor Rowell - Item 2.8 - Campbelltown Main Street Association - Councillor Rowell advised that he was the Council representative on the Campbelltown Main Street Association 2012-2013 and his daughter in law owned a business in Queen Street Campbelltown until December 2013.

1.1 Availability Of Grant Funding Under The "Waste Less, Recycle More: Waste And Resource Recovery Initiative"

1. WASTE AND RECYCLING SERVICES

1.1 Availability of Grant Funding under the "Waste Less, Recycle More: Waste and Resource Recovery Initiative"

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To provide Council with information regarding the availability of grant funding for waste and recycling initiatives, and advice on funding secured to date.

History

The 'Waste Less, Recycle More: Waste and Resource Recovery Initiative' ('the Initiative') was introduced by the NSW Government in 2013. The objectives of this program are to deliver innovative waste avoidance programs, combat illegal dumping and reduce littering. One of the key outcomes of the program is to stimulate investment in infrastructure to meet waste reduction targets.

Through this program the NSW Government hopes to facilitate:

- engagement with local communities to think differently about recycling, littering and illegal dumping
- delivery of conveniently located, value-for-money waste infrastructure to make it easier for households and business to avoid landfilling
- implementation of innovative regulatory approaches to protect the environment and support investment in new programs

The Initiative has been allocated \$465m over a five year period, which will be spent by way of a series of grants released through the NSW Environment Protection Authority and the NSW Environmental Trust. The program is funded largely by revenue collected through the 'Section 88 Waste Levy', which is collected as part of the gate fee at landfill facilities. Various sectors are eligible to apply for the grants, including local government, non-government community organisations and the private sector.

1.1 Availability Of Grant Funding Under The "Waste Less, Recycle More: Waste And Resource Recovery Initiative"

Report

The program's 2013 round of grants included the 'Regional Coordination Support Package': Councils were encouraged to work collaboratively to apply for regional funding to assist in the development of formal Regional Waste Strategies. The Councils of Campbelltown, Camden and Wollondilly have already enjoyed a strong working relationship over the past decade in respect of waste management initiatives. The most outstanding example of this strong relationship is the joint domestic waste processing and disposal contract, which Campbelltown City Council continues to manage on behalf of its MACROC partners (and Wingecarribee Shire Council).

During 2013 the MACROC Councils worked together to prepare a submission for grant funding under the Regional Coordination Support Package. Following the success of the grant application, the MACROC Councils received funding of \$200,000 in late 2013. The funding is to be used in two parts: development of a Regional Strategy that meets with the EPA's approval (this must be completed by 30 June 2014), and assisting the Councils to complete the specific actions identified in the Strategy.

To fulfill the first objective of the grant, the Councils recently engaged a consultant to develop the Regional Strategy. To fulfill the second objective, the Councils will engage either a consultant or an employee on a fixed-term contract during mid 2014.

The consultant(s) and/or employee will report to Campbelltown City Council's Manager Waste and Recycling Services, who will be managing this project on behalf of the MACROC Councils.

Over the next three years there will be further grant funding available through the Initiative. Therefore, a key function of the consultant's or temporary employee's role will be to secure additional grant funding on behalf of the MACROC Councils.

Costs to Council:

The grant secured in late 2013 did not require contributory funding from the participating Councils. While it is anticipated that most of the grants will be of a similar nature, it is possible that a small number may require contributory funding from the applicants. Each grant will be assessed on the basis of its net benefit to Council and its ratepayers

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 23

That the Officer's Recommendation be adopted.

2.1 Joint Regional Planning Panel Application - Airds Bradbury Renewal Project (Stage 2 Subdivision)

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Joint Regional Planning Panel Application - Airds Bradbury Renewal Project (Stage 2 Subdivision)

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Airds Bradbury Urban Renewal Project – Subdivision Layout Plan (distributed under separate cover)
2. Stage 2 Subdivision Plan (contained within this report)

Purpose

To advise Council of a Development Application for the Stage 2 subdivision of the Airds Bradbury Renewal Project that has been referred to the Sydney West Joint Regional Planning Panel (JRPP) for determination. The application has been referred to the JRPP as the proposal exceeds the prescribed threshold for 'regional development' being an application made by a Crown authority with a capital investment value exceeding \$5m (\$6.8m).

To seek owner's consent from Council for the subject development application given that part of the land affected is currently in Council's ownership.

Property Description	Lots 1- 6, 17 & 41 DP 866527, Lot 2 DP 264110, Lot 1 DP 866456, Lot 1 DP 866457 (NSW Land and Housing) Lot 22 DP 716139 (Council) Lot 301 DP 1000732 (UrbanGrowth NSW) Gundowringa Place, Prell Place, Deane Park Georges River Road, Heathfield Place, Nandewar Place and Riverside Drive, Airds
Application No	2978/2013/DA-SW
Applicant	NSW Land and Housing Corporation
Owners	NSW Land and Housing Corporation, UrbanGrowth NSW, Campbelltown City Council

2.1 Joint Regional Planning Panel Application - Airds Bradbury Renewal Project (Stage 2 Subdivision)

Statutory Provisions *Environmental Planning and Assessment Act 1979*
Campbelltown (Urban Area) Local Environmental Plan 2002
Airds Bradbury Urban Renewal Development Control
Guidelines

Date Received 19 December 2013

Report

Background

The redevelopment of the Airds Bradbury Public Housing area is being undertaken in accordance with the Urban Renewal Concept Plan approved by the NSW Department of Planning and Infrastructure.

The Concept Plan aims to redress the poor amenity and social issues arising from the current 'Radburn' design of the area, with a revised street layout, improved parks, public areas and upgrades to existing facilities. The Project provides for a more sustainable housing outcome with approximately 70% of the planned 2100 dwellings under the Concept Plan to be privately owned.

Council has resolved to support the Concept Plan (13 December 2011 and 3 July 2012) given the broad social and environmental benefits that will flow from the project. Importantly, the Concept Plan provides clear terms of approval for the future redevelopment of the area, including staging of development applications, design guidelines for residential subdivision and future housing, ecological conservation measures, and infrastructure delivery.

At its meeting of 13 August 2013 Council provided owner's consent for Stage 1 of the Airds Bradbury Renewal Project (ABRP) as part owner of the land, and also agreed to a modification of the Concept Plan Approval to enable Works in Kind Agreements for infrastructure delivery for Stages 1 and 2.

The provision of owners consent by Council to the Stage 1 development application also required that prior to the issue of any construction certificate for any access or works applicable to land currently owned by Council, the proponent would be required to be the owner of that land.

Council's Director Planning and Environment provided additional details to Councillors on the ABRP and Stage 1 application at the Councillor briefing night on 20 August 2013. At the briefing, the Director provided background information on the ABRP and a review of the Stage 1 DA prior to the DA being considered by the JRPP. No matters of significance were raised at the briefing (relating specifically to the Stage 1 DA) and the JRPP were notified of the same for that DA.

On 7 November 2013, Stage 1 of the ABRP was approved by the JRPP subject to conditions of consent.

2.1 Joint Regional Planning Panel Application - Airds Bradbury Renewal Project (Stage 2 Subdivision)

Proposal

The current development application for Stage 2 of the ABRP was submitted to Council on 19 December 2013.

The application has been referred to the JRPP for determination as the proposal exceeds the prescribed threshold for 'regional development' being an application made by a Crown authority with a capital investment value exceeding \$5m (\$6.8m).

The Stage 2 area of the ABRP site is bounded by Stage 1 to the north, Riverside Drive to the east, Airds Bradbury Youth Centre to the south, and the bus depot and Kentlyn Zone Substation to the west. The land comprises numerous lots and road reservations, in majority ownership by the NSW Land and Housing Corporation with UrbanGrowth NSW and Council having minor holdings.

The development application for Stage 2 of the ABRP seeks consent for the following:

- Subdivision of the Stage 2 site into 131 lots for housing, 1 lot containing existing seniors housing, and 1 lot for open space
- Associated subdivision works including site benching, road and drainage construction, utility services and landscaping
- Removal of redundant services, sedimentation control and tree removal
- Street landscaping.

The Stage 2 proposal would incorporate Council land being Lot 22 DP 716139 which has an area of approximately 1.47ha being an irregular saw tooth parcel of land. This parcel of land would need to be acquired by NSW Land and Housing Corporation prior to works occurring on that land, consistent with Council's resolution for the preceding Stage 1 ABRP application.

Assessment

The land forming Stage 2 is zoned '2(b) Residential B Zone' under Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is permissible with consent.

The proposal is considered generally consistent with the approved Concept Plan in terms of street layout, subdivision pattern and urban design, open space and landscaping. It is noted that there is a slightly different road pattern proposed which maintains the current alignment of Riverside Drive near the southern end of the Stage 2 area. However, this modification is considered to be beneficial with respect to avoiding impacts to the local bus route the adjoining Airds Bradbury Youth Centre.

The provision of infrastructure is proposed to be secured through a Works in Kind Agreement that delivers all infrastructure identified in the draft Voluntary Planning Agreement (VPA), consistent with the resolution of Council for the Stage 1 ABRP development application.

2.1 Joint Regional Planning Panel Application - Airds Bradbury Renewal Project (Stage 2 Subdivision)

As the JRPP is the consent authority for this DA pursuant to with the relevant provisions of the *Environmental Planning and Assessment Act 1979*, then the full assessment of all technical and environmental considerations associated with the proposal will be undertaken separately by Council Officers, and tabled for the consideration and determination of the JRPP. In this respect it is noted that the Statement of Environmental Effects accompanying the development application includes the following detailed studies and reports:

- Geotechnical Assessment
- Contamination Report
- Ecological Assessment
- Aboriginal Cultural Heritage Assessment
- Bushfire Assessment
- Landscape Assessment
- Water Cycle Management Strategy
- Waste Management Plan
- Aborist Assessment
- Traffic Impact Assessment

Whilst it is beyond the scope of this report to provide a parallel assessment of all matters to be considered by the JRPP, a general review of the application indicates that there is general compliance with the overall Concept Plan for the ABRP and consistency with the preceding Stage 1 approval.

As such there have been no issues identified that would warrant Council objecting to the Stage 2 ABRP development application. However as was the case for the preceding Stage 1 application, Council would need to provide consent for the Stage 2 development application as part owner of the land, and also require the acquisition of affected Council land by the proponent prior to a construction certificate being issued.

Officer's Recommendation

1. That the information be noted relating to the Stage 2 for the Airds Bradbury Renewal Project.
2. That the Council provide owner's authorisation to the Airds Bradbury Renewal Project Stage 2 subdivision Development Application subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land.

Committee's Recommendation: (Oates/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 March 2014

Having declared an interest in regard to Item 2.1, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 11 March 2014 (Greiss/Matheson)

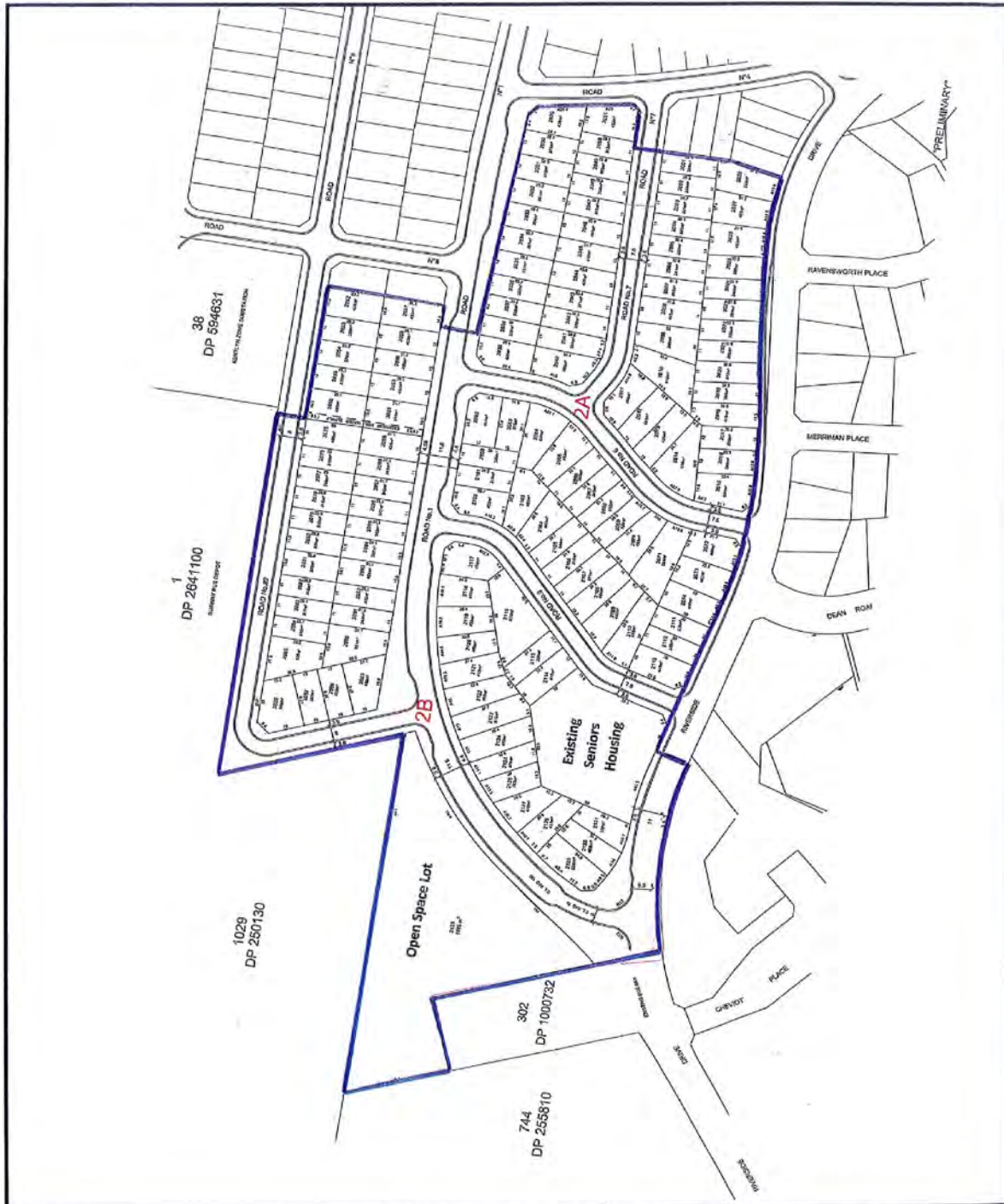
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 23

That the Officer's Recommendation be adopted.

At the conclusion of the discussion regarding Item 2.1, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.

ATTACHMENT 2



STAGE 2 SUBDIVISION PLAN

SUBJECT: AIRDS BRADBURY RENEWAL PROJECT - STAGE 2 SUBDIVISION (FOR JRPP DETERMINATION).
 LOTS 1-17, 3741 DP 866527, LOT 2 DP 264110, LOT 1 DP 866456, LOT 1 DP 866457, LOT 22 DP 716139
 AND LOT 301 DP 1000732, RIVERSIDE DRIVE, AIRDS.

2.2 Rezoning Proposal - No 366 St Andrews Road Varroville

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Site Map (distributed under separate cover)
2. Aerial Photo (distributed under separate cover)
3. LEP D8 Zoning Extract (distributed under separate cover)
4. Planning Proposal – Proposed Subdivision Structure (distributed under separate cover)

Purpose

The purpose of this report is to present to Council, for its consideration, a proposal submitted by Michael Brown Planning Strategies (on behalf of the property owners) to rezone and subdivide No. 366 St Andrews Road Varroville to allow for rural residential development.

Property Description	Lot 1 DP 123968 (366 St Andrews Road, Varroville)
Applicant	Michael Brown Planning Strategies
Owner	Mr A and Mr P Thomson
Provisions	Campbelltown Local Environmental Plan District 8 (Central Hills Lands)

History

At its meeting on 10 September 2013 Council considered a report on a proposal to rezone the adjoining properties of No. 71 St Andrews Road and No. 366 St Andrews Road. At this meeting Council resolved:-

‘That a decision in this matter be deferred pending receipt of further information.’

Council staff were subsequently asked to separate the proposal for No. 71 St Andrews Road from that of No. 366 St Andrews Road and present individual reports for each property.

The proposal for No. 71 St Andrews Road was considered at Council’s meeting on 15 October 2013 where Council resolved:

1. That Council resolve to invite the proponents to submit a formal planning proposal request for No. 71 St Andrews Road, Varroville that would consider the potential development of a number of rural residential/environmental living allotments, noting that such a proposal would need to be supported by a range of technical investigations to address issues including:
-

- visual impact
 - flora and fauna
 - traffic impacts and management
 - relationship to surrounding development (future and existing)
 - land use history and any site contamination potential
 - servicing capability
 - easements and utility constraints.
2. That Council notify the proponents in writing of its decision.
 3. That interested Councillors attend an inspection of the property and surrounds.

This report deals exclusively with the rezoning proposal for No. 366 St Andrews Road, Varroville.

Report

The rezoning proposal for No. 366 St Andrews Road is for approximately 12 rural/environmental residential allotments in excess of 1ha across the existing 13.3ha property. This would closely resemble the type and scale of development seen along St James and St Davids Roads at Varroville.

Current Planning Controls

No. 366 St Andrews Road is presently zoned 7(d1) Environmental Protection (Scenic) under the provisions of Campbelltown Local Environmental Plan District 8 (Central Hills Lands).

The objectives of the LEP D8 is “to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City”. Under the provisions of this Plan, a range of uses considered unsuitable are prohibited. All other uses are considered permissible with consent. An extract from LEP D8 including the zoning table is attached (see attachment 3).

Under LEP D8 the minimum subdivision size for land zoned 7(d1) Environmental Protection (Scenic) was also set at 100ha to ensure the retention of the rural/scenic nature of the Scenic Hills.

It should be noted that while the allotment has an area which is less than the 100ha minimum, the property retains a dwelling entitlement. This is owing to the fact that the allotment was created prior to the prescribed date (20 September 1974) in the LEP. This entitlement has not been acted upon at the time of preparation of this report.

Under the current planning controls there is no further opportunity for subdivision of the property, hence the submission of the rezoning proposal to amend the planning instrument provisions for the site.

Precedent

The site is located behind the ridgeline of the Scenic Hills as viewed from Campbelltown. As such development on the site would have minimal visual impact upon the vista of the Scenic Hills. The precedent created could however potentially give rise to future similar requests for subdivision on adjoining and nearby land. The site is typical of several located within the Varroville locality that may be subject to future planning proposals. In each case these sites are typified by their high value scenic nature, low scale of existing development and their environmental significance.

Council's Visual Landscape Analysis (adopted by Council on 18 October 2011 for the purpose of informing the preparation of the Draft CLEP 2014) reflects this stance in recommending that the property and surrounds should be zoned E3 – Environmental Management and the 100ha minimum lot size be retained.

In this regard it is important to consider Council's previous resolution in regard to development in the Scenic Hills. Council at its meeting held 13 November 2007, considered a report on the concept of a proposed business park on a separate and larger site located within the Scenic Hills (Varroville) area. At this meeting Council resolved:

1. That the tabled letter from the Cornish Group seeking the withdrawal of the Strategic Planning overview - Varroville be received and noted and that Council accede to the request for withdrawal of the proposal.
2. That Council confirms in the strongest possible terms its support for the high value that the Community of Campbelltown and South Western Sydney places on the Scenic Hills as an iconic landscape with distinctive scenic, heritage and environmental qualities.
3. That Council unequivocally commits to continue to maintain and preserve the Scenic Hills for future generations to enjoy.
4. That Council declares it has no intention to amend current overall planning controls that would allow land uses and development with the Scenic Hills, not currently permitted by LEP District 8 (Central Hills Land).

While the proposal in this report is considerably different in terms of its scale and proposed use, it is worth noting Council's previous resolution to protect the Scenic Hills, in particular not to support land uses not currently permitted by LEP D8; which in this case relates to a significant reduction in the 100ha subdivision standard and increase in development density.

At its meeting on 16 October 2012, Council resolved:

'That Council reaffirm its strong opposition to any urban/rural residential development in the Scenic Hills'.

These resolutions are consistent with the objectives of the LEP D8 as outlined previously. This rural character and the desire to articulate Campbelltown's boundary with Camden in such a way, has consistently been maintained since first outlined in the Three Cities Structure Plan (1973). Since this time, the environmental, rural and aesthetic character of the Scenic Hills has generally been protected and retained.

Relationship to No. 71 St Andrews Road

As noted previously the proposal to rezone No. 71 St Andrews Road was considered at Council's meeting on 15 October 2013. In the report on that proposal it was noted that while the proposal was consistent with the type of development pressure that Council has previously faced in the Scenic Hills, there were a number of unique aspects of this site and proposal which in combination were considered to warrant further consideration by Council.

These included:

- the site is isolated by the Upper Canal and as such relates more to Camden and the surrounding developments having frontage to St Andrews pond (located in the Camden LGA) than the other properties along St Andrews Road
- in the near future No. 71 St Andrews Road will be surrounded by residential development as part of the East Leppington and Emerald Hills development proposals
- the environmental values of the site appear less than surrounding properties. Additional work is considered necessary to allow for a decision on the environmental values to be made.

Given this, Council resolved to invite the proponents to submit a formal planning proposal on the provision that technical investigations were undertaken to address a range of important issues.

Flora and Fauna

No. 366 St Andrews Road is heavily vegetated. A review of the available mapping shows this vegetation to be made up of River Flat Eucalypt Forest, Shale Sandstone Transition Forest and Cumberland Plain Woodland.

These ecological communities are listed as Endangered and Critically Endangered Ecological Communities under the NSW *Threatened Species Conservation Act 1995*. Shale Sandstone Transition Forest and Cumberland Plain Woodland are also listed as Endangered and Critically Endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. In addition a number of vulnerable/threatened species have been recorded in the vicinity of the site, including:

- Cumberland Land Snail - Endangered
- Eastern Bentwing Bat - Vulnerable
- Little Eagle - Vulnerable

The extent and importance of this area with regard to its conservation value has previously been noted by Council and the (former) Sydney Metropolitan Catchment Management Authority.

As part of the Campbelltown Biodiversity Study (2008) the Endangered Ecological Communities (EECs) around Varroville and Denham Court were highlighted as a focus of future conservation efforts.

The draft Sydney Metropolitan Catchment Management Authority Biodiversity Corridor Strategy also highlights the area as a 'very high' priority.

Given these constraints it is considered unlikely that the NSW Office of Environment and Heritage or the Department of Planning would support the rezoning of No. 366 St Andrews Road.

Existing Easements

The Upper Canal forms the northern boundary of the site. The Upper Canal links water supply dams south of Sydney to the Prospect Reservoir and is part of the water supply system for metropolitan Sydney. Much of the open canal is constructed of concrete and sandstone and is listed as a State Heritage item. Ensuring the quality of water within the Upper Canal is a key issue for surrounding developments. Sydney Water has previously advised that any further road crossing of the Upper Canal (as suggested – see below) would need to demonstrate a clear need.

No. 366 St Andrews Road is traversed by two high pressure gas mains. They are:

- DN 850 natural gas pipeline – Moomba to Wilton (Jemena JGN)
- DN 200 phase ethane pipeline – Moomba to Botany (Gorodok)

The DN 850 gas and the DN 200 ethane pipelines share a common easement located to the east of the Upper Canal. The gas mains are located underground within easements that run through existing rural land. Any development proposed within the vicinity of the easement would be highly restricted.

The Planning Proposal – No. 366 St Andrews Road, Varroville

The proposal submitted to Council seeks to rezone No. 366 St Andrews Road, Varroville to allow for the subdivision of the site into a series of 1 hectare allotments. Given the size and shape of the site (13.3ha) this would allow for approximately 12 lots of approximately 1 hectare in area.

The proposal also intends to facilitate the connection of St Andrews Road (over the Upper Canal) to Camden Valley Road, East Leppington and the wider South West Growth Centre. This would provide a new east/west connection from the Growth Centres through to the Campbelltown LGA (see attachment 4).

The rationale for the proposal is supported by the following principles:

- provide new housing opportunities to assist Council in meeting its dwelling targets
- improve access for surrounding development via St Andrews Road
- reduction in vegetation and consequently reduced bushfire risk
- development is proposed behind the ridge and as such would have no visual impact
- large lots provide an appropriate transition for the residential precinct of East Leppington.

Officers Comment:

The property is highly constrained. The site contains large areas of high quality vegetation and contributes significantly to the wider biodiversity value of the Scenic Hills. Subdivision into one hectare allotments would be likely to severely compromise the value of this vegetation.

The proposal to connect St Andrews Road to Camden Valley Way and to East Leppington has the potential to give rise to significant issues for Council in regard to traffic management and upgrading works along St Andrews Road.

At present St Andrews Road serves 25 rural dwellings. As such, the design and standard of construction is that of a rural road. To connect St Andrews Road to East Leppington and/or Camden Valley Way, thereby creating a new east/west connection, would require a significant road upgrading. Given the traffic flow that this could generate it is envisaged that the road would need to be upgraded to a standard similar to that of Raby Road. Council has previously sought funding from the Growth Centres to upgrade east/west connections such as Badgally Road and Denham Court Road. Council has consistently been advised that funding beyond the boundaries of the Growth Centre is outside the scope of the Commission's responsibility and no funding would be provided. Given this, if St Andrews Road was to be open and connect the Camden and Campbelltown LGAs, Council would be likely to be required to fund any upgrade works required.

As noted previously, the property does still retain a dwelling entitlement. Subject to Council approval the owners could potentially develop the site with a dwelling.

Conclusion

The proposal put before Council, seeks to allow for the subdivision of land currently zoned 7(d1) Environmental Protection (Scenic) – 100ha minimum. This would be to facilitate the development of one hectare rural-residential lots in respect to No. 366 St Andrews Road.

This proposal represents the type of development pressure that Council is facing in the Scenic Hills. As such Council needs to give careful consideration to the impact of the development to the site and the wider Scenic Hills landscape.

The property is constrained with easements for service providers and environmentally significant vegetation. A desktop review of the information pertaining to the site, suggest that NSW Government Agencies would be unlikely to support development that would see the loss of Endangered and Critically Endangered Ecological Communities of such high conservation significance.

The applicant's proposal to connect St Andrews Road to both Camden Valley Way and East Leppington is also considered to create a number of potential challenges for Council, most notably the need to upgrade St Andrews Road.

A dwelling entitlement is attached to the property but is yet to be acted upon. The owners therefore have the opportunity, subject to Council approval, to develop a dwelling on the property.

Given the constraints evident at No. 366 St Andrews Road it is not considered appropriate to give further consideration to the proposal to rezone No. 366 St Andrews Road, Varroville.

Officer's Recommendation

1. That Council resolve not to support the rezoning No. 366 St Andrews Road, Varroville to allow for the development of one hectare lots.
2. That Council notify the proponents in writing of its decision.

Committee Note: Mr Thomson addressed the Committee.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

Amendment: (Lound/Kolkman)

That a decision in this matter be deferred and the property be listed for an inspection at a future briefing night.

Voting for the Amendment were Councillors: Greiss, Kolkman, Lound, Matheson, Mead, Rowell and Thompson.

Voting against the Amendment: Oates.

WON and became the Motion

CARRIED

Voting for the Motion were Councillors: Greiss, Kolkman, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Motion: nil

Council Meeting 11 March 2014 (Greiss/Matheson)

That a decision in this matter be deferred and the property be listed for an inspection at a future briefing night.

Council Resolution Minute Number 25

That a decision in this matter be deferred and the property be listed for an inspection at a future briefing night.

Voting for the Council Resolution were Councillors: Borg, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

Note: Councillor Brticevic was not in attendance at the meeting during debate and voting on this item.

2.3 Gateway Process for Local Environmental Plans

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Local Environmental Plan Making Process – Flow Chart (contained within this report)
2. Pre-Gateway Review Process – Flow Chart (contained within this report)
3. Gateway Determination Review Process – Flow Chart (contained within this report)

Purpose

To provide Council with background information on the 'Gateway' process for the preparation of, and amendment to Local Environmental Plans.

History

In July 2009, the Gateway plan-making process was introduced for the preparation of, and amendment to Local Environmental Plans (LEP). As the process for the development of Council's Comprehensive Local Environmental Plan (CLEP 2014) was commenced prior to the introduction of the Gateway process, the CLEP 2014 is being prepared in accordance with the pre-existing plan making requirements. However, any proposed amendments to CLEP 2014, once adopted, or to Council's existing Local Environmental Plan 2002 need to follow the Gateway process.

As Council has more recently begun to receive an increasing number of enquiries from land owners/developers to rezone land within the Campbelltown Local Government Area, some of which have progressed to the 'Planning Proposal' stage of the Gateway process, it was considered appropriate to provide Councillors with background information on the Gateway process. Further Council considered a report at its meeting on 20 November 2012 in relation to 'Amendments to the Local Environmental Plan Making Processes' and resolved:

1. That Council formally accept the Local Environmental Plan Making delegations offered by the Department of Planning and Infrastructure and that these delegations be sub-delegated to the General Manager and the Director Planning and Environment.
2. That a further report be submitted to Council detailing the administrative and assessment procedures associated with Pre-Gateway and Gateway Reviews.

This report provides a background to the Gateway process and responds to the request for a detailed report from Council's previous resolution.

Report

The 'Gateway' Process

The Gateway process was introduced by the NSW Government in July 2009 as an attempt to:

- assist in meeting the NSW Government's target of a 50 percent overall reduction in the time taken to produce LEPs
- provide clear and publicly-available justification for each plan at an early stage
- ensure vital NSW and Commonwealth agency input is sought at an early stage
- replace the former 'one size fits all' system, under which all LEPs large and small were subject to the same rigid approval steps, with one that better tailors assessment of the proposal to its complexity
- improve links between long-term strategic planning documents, such as regional and metropolitan strategies.

The Gateway process has the following steps (which are shown via a flow chart in attachment 1):

- **Planning proposal** — the relevant planning authority (Council) is responsible for the preparation of a planning proposal, which explains the effect of and justification for a new LEP or an amendment to an existing LEP (planning instrument) including for example, an amendment to alter the zoning of certain land. As indicated previously, Council's comprehensive LEP is following a different process; therefore the discussion in this report will concentrate on the Gateway process as it relates to an amendment of a local environmental plan to facilitate the rezoning of certain land or/and adjustment to the development requirements presented by that plan for certain land. If the planning proposal is initiated by the Minister (rather than the local council which is mostly the case) the Minister can appoint the Director-General of the Department of Planning or a joint regional planning panel to be the relevant planning authority.

For the rezoning of land to allow an additional or alternate uses, the process commences when a proponent (landowner/developer) provides Council staff with an application containing sufficiently detailed information to determine whether there is merit in the proposed amendment. The extent/detail of the information provided is proportional to the complexity of the proposal and may include a number of preliminary technical reports addressing the main issues/impacts associated with the proposal. These technical reports should address the major issues to an extent that the report gives Council an indication that the proposal has justifiable merit to proceed. Additional or supplementary technical reports may be required later in the process (after the Gateway determination) to address more detailed technical issues.

Recently Council has received a number of requests to prepare planning proposals where a proponent seeks an early indication from Council if there would be support for a future amendment to the planning instrument prior to the preparation of planning proposal. In these cases the proponent is seeking a “yes” or “no” decision prior to commencing the formal Gateway process. Where Council provides a positive response to the initial request, further investigation would be undertaken to develop a planning proposal for Council's further consideration. This approach has been used for pre-planning proposals at No.71 St Andrews Rd Varroville, No.366 St Andrews Rd Varroville and No.194 Campbelltown Rd Denham Court.

Council staff will assess the information provided and where it is considered that the proposal has justifiable merit, a report will be prepared for Council which includes a draft planning proposal (prepared in accordance with guidelines issued by the Department of Planning and Infrastructure) as an attachment. Where Council believes the proposal has merit, Council may resolve to refer the draft planning proposal to the ‘Gateway’ for further assessment.

Where Council does not support the planning proposal the applicant has a right of review as discussed later in this report.

- **Gateway** — a Gateway determination over a planning proposal is issued by the Minister (or delegate). It specifies whether a planning proposal is to proceed and if so, in what circumstances. The purpose of the Gateway determination is to ensure there is sufficient justification early in the process to proceed with a planning proposal. It enables planning proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed.

The Gateway determination will confirm the information (which may include technical studies) and consultation required before the proposed amendment to the planning instrument can proceed. The Gateway determination will also establish the timeframe in which the required steps are to be carried out. As the necessary information is gathered and consultation undertaken, the planning proposal may need to be updated by including additional documentation.

Should a Gateway determination support the planning proposal, Council's planning staff will coordinate with the applicant to ensure that the necessary requirements of the determination (such as additional technical studies and initial State Agency consultation) are satisfied within the timeframes specified.

Where the Gateway does not support the planning proposal the applicant has a right of review. Council also has a right of review as discussed later in the report.

- **Community consultation** —once any additional technical studies required by the Gateway determination have been completed and the planning proposal has been updated and Council has resolved to place the planning proposal on public exhibition, the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). Council is also required to refer the planning proposal to the relevant State Agencies at this time.
-

- **Assessment** — the relevant planning authority (Council) considers all public and State agency submissions and the proposal is varied as necessary. A report is prepared for Council's final consideration and where the proposal is supported it is referred to the NSW Department of Planning and Infrastructure. Parliamentary Counsel then prepares a draft LEP or an amendment to an existing LEP.
- **Decision** —the Minister's (or delegate's) approves the plan and it becomes law and is published on the NSW legislation website. The Minister may also determine not to proceed to finalise the amendment to the plan.

Independent Reviews

As referred to above in the Gateway process discussion, there are two administrative review processes relating the plan making process. These are:

- **Pre-Gateway reviews** – which may be requested by a proponent before a planning proposal has been submitted to the Department for a Gateway determination. These reviews are informed by advice from Joint Regional Planning Panels or the Planning Assessment Commission (PAC), and
- **Gateway reviews**– which may be requested by a council or proponent following a Gateway determination, but before formal community consultation on the planning proposal has commenced. These reviews are informed by advice from the PAC. These reviews will allow councils and proponents to have decisions in relation to proposed amendments to LEPs reconsidered, by providing an opportunity for an independent body to give advice to the Minister on such proposals.

Pre-Gateway Reviews

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for an amendment to the planning instrument, the proponent may ask for a pre-Gateway review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

The Regulation requires councils to notify a proponent when the council determines that it will not prepare a planning proposal. The proponent then has 40 days to request that the relevant Joint Regional Planning Panel review the proposal. Where a council has not made a determination after 90 days, the proponent may also request a review any time after the 90 days has lapsed.

Ordinarily the relevant Joint Regional Planning Panel will review all eligible proposals forwarded to it by the Department. The Joint Regional Planning Panel/PAC will provide advice on whether it would recommend to the Minister that the proposed instrument should be submitted for a determination under section 56 of the Act (Gateway determination). The Minister's final decision will be informed by the Joint Regional Planning Panel's or PAC's advice, and taking into account the views of the Department, council and proponent.

For proposals that are to proceed, further work may still be required by the proponent before the proposal complies with section 55 of the Act in relation to submitting a planning proposal for Gateway determination. Attachment 2 contains a flow chart of the pre-Gateway review process.

Gateway Reviews

A council or proponent may request the Minister (or delegate) to alter a Gateway determination, when a Gateway determination is made that:

- a) the planning proposal should not proceed
- b) the planning proposal should be resubmitted to the Gateway, or
- c) imposes requirements (other than consultation requirements) or makes variations to the proposal that the council or proponent thinks should be reconsidered.

If the Gateway determination is either not to proceed or to resubmit the planning proposal, the council or proponent has 40 days from being notified by the Department to request a review. If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the Department to indicate their intent to request a review. The council or proponent would then have 40 days to formally apply for a Gateway review.

The PAC will provide advice on whether the original Gateway determination should be altered, giving consideration to the council or proponent's submission and the reasons given for the original Gateway determination.

The Minister's final decision on whether to alter the Gateway determination will be informed by the PAC's advice, and the views of the Council and the proponent. Attachment 3 contains a flow chart of the Gateway review process.

Status of Planning Proposals Currently with Council

The following table provides Council with an update on status of the Planning Proposals and other relevant requests/applications for Council to prepare Planning Proposals within the LGA.

Planning Proposal	Stage in Process
Menangle Park Urban Release Area	Assessment – Consultation completed. Council staff are finalising a number of issues raised during the consultation process with relevant State agencies. It is envisaged that a report to Council for adoption of the rezoning will be ready towards the middle of 2014.
Mt Gilead Urban Release Area	Gateway – Gateway determination issued. Council staff are coordinating with the proponent to facilitate the preparation of various technical reports required by the Gateway determination. A report to Council to authorise public exhibition is anticipated in the second quarter of this year.

Glenfield Waste Facility (Rezoning to permit Industrial Development)	Gateway – Gateway determination issued. Council staff are coordinating with the proponent to facilitate the preparation of various technical reports required by the Gateway determination. A report to Council to authorise public exhibition is anticipated in the second quarter of this year.
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Request to Prepare a Planning Proposal	Comment
166-176 St Andrews Road Varroville (Rezoning to permit a Cemetery use)	Application lodged and an assessment has been completed by Council staff. A report on this matter is included in the March round (current round) of Council.
71 St Andrews Rd Varroville (Rezoning to permit Residential Development)	Preliminary planning proposal concept reported to Council in October 2013. Proponent now preparing planning, proposal application for future lodgement with Council.
366 St Andrews Rd Varroville (Rezoning to permit Residential Development)	Application lodged and an assessment has been completed by Council staff. A report on this matter is included in the March round (current round) of Council.
194 Campbelltown Road Denham Court (Rezoning to permit a Service Station use)	Application lodged on 30 January 2014 and is being assessed by Council staff. It is envisaged that a report will be presented to Council by the middle of the year.
168-192 Narellan Road Campbelltown (Maryfields) (Rezoning to permit residential business and religious uses)	Application lodged and being assessed by Council staff with a report will be tabled with Council towards the middle of the year.
Appin Road (Multiple Lots) (Rezoning to permit between 10,000-12,000 residential lots with associated support facilities)	Application lodged and being assessed by Council staff with a report scheduled to Council in March/April 2014.

Council will be updated on the status of each of the above items as they are assessed in accordance with the Gateway process.

Conclusion

The Gateway process has introduced a system for the merit assessment of rezoning and other planning instrument amendment requests, based on the complexity of each proposal. It has introduced a time frame for completion of various stages in the process to provide for improved timeliness and add certainty to the process. Recent amendments to legislation have also introduced two review mechanisms into the process which enables a proponent (Pre-Gateway) and the proponent and Council (Post-Gateway) to review decisions.

There are currently six requests for Planning Proposals to be prepared by Council with a further three Planning Proposals having already granted a Gateway determination. It is anticipated that once CLEP 2014 is placed on public exhibition that further rezoning requests will be lodged with Council and therefore it is important that Councillors are familiar with the Gateway process when considering such requests.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Mead)

That the Officer's Recommendation be adopted.

CARRIED

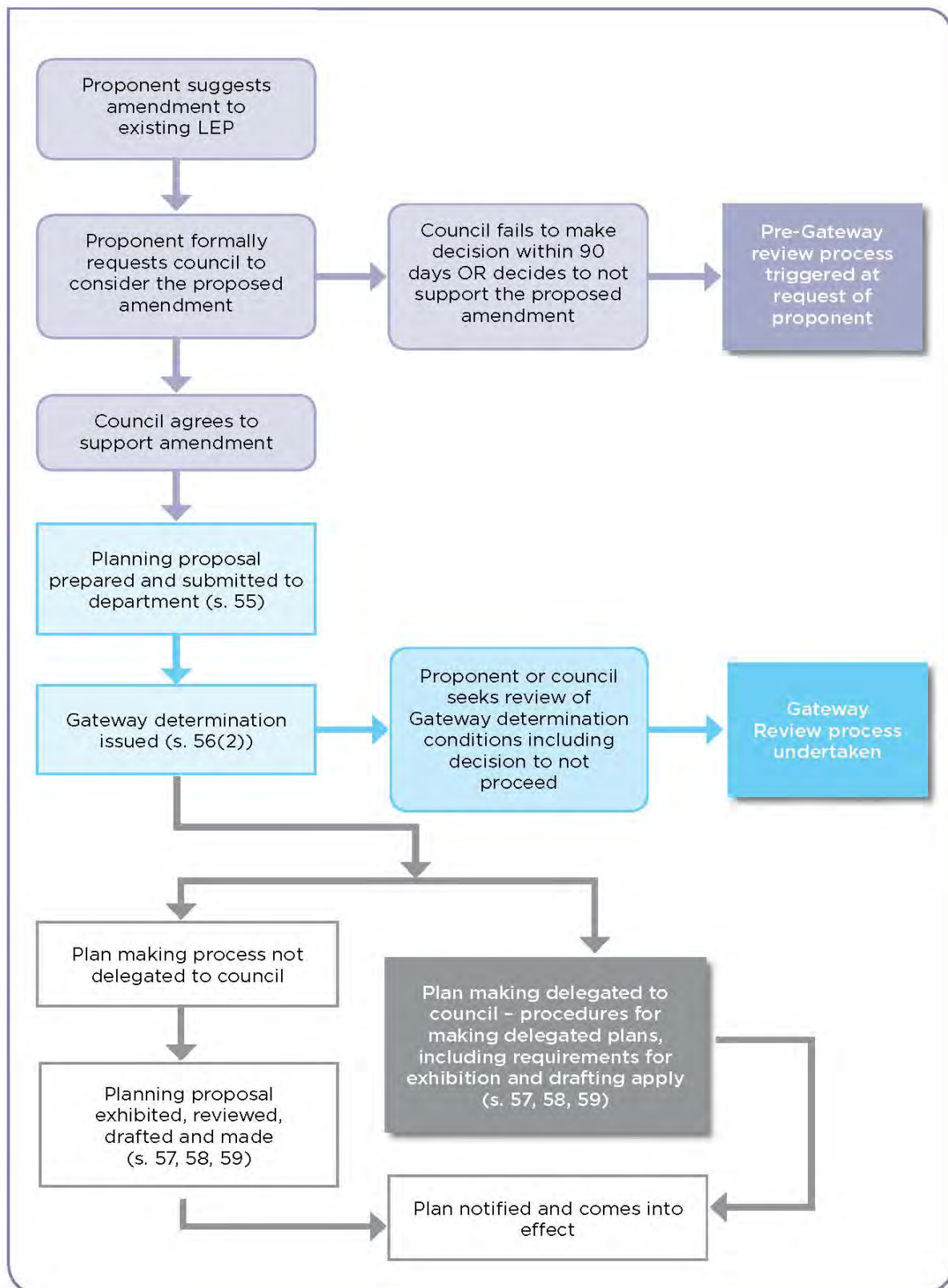
Council Meeting 11 March 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

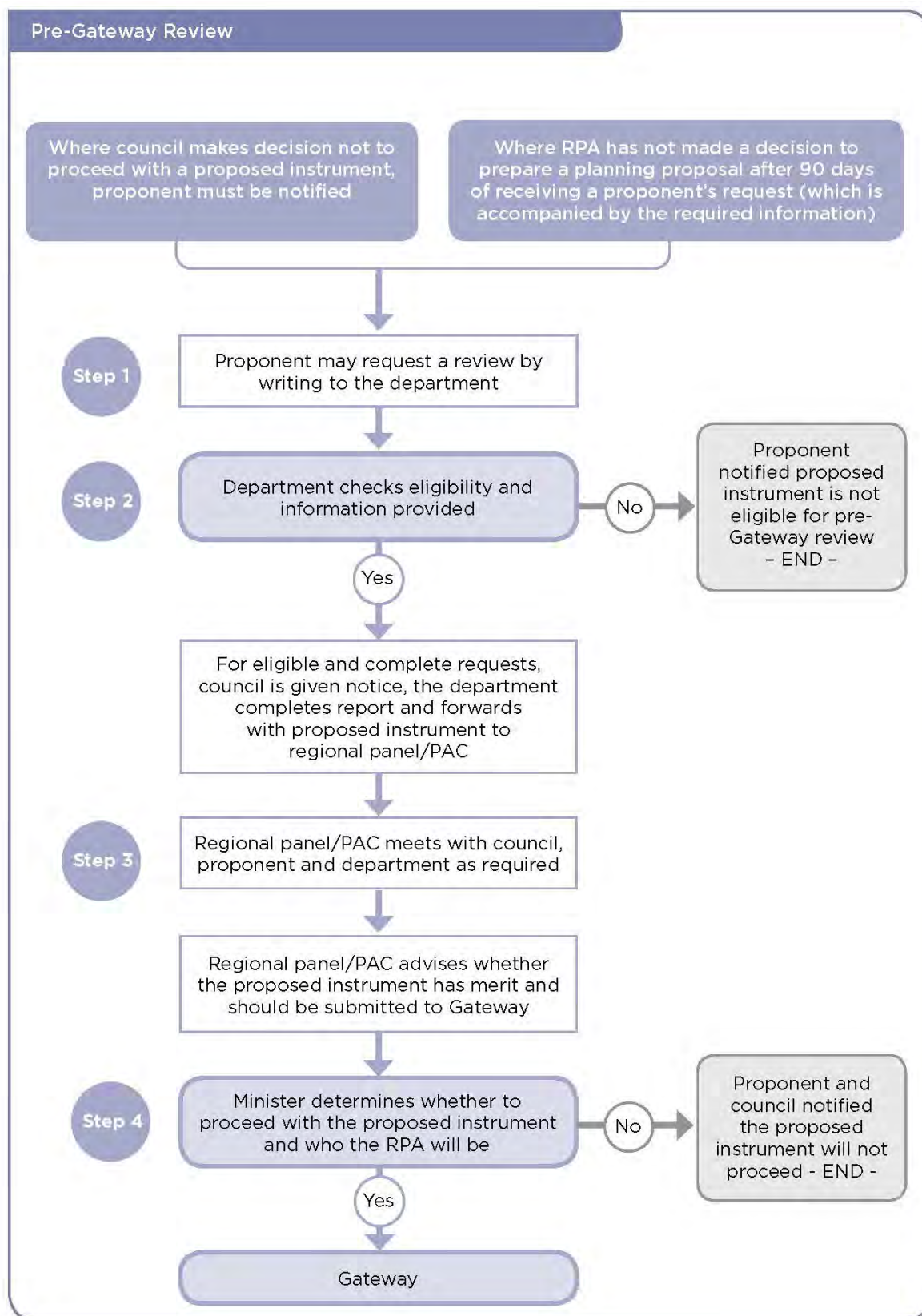
Council Resolution Minute Number 23

That the Officer's Recommendation be adopted.

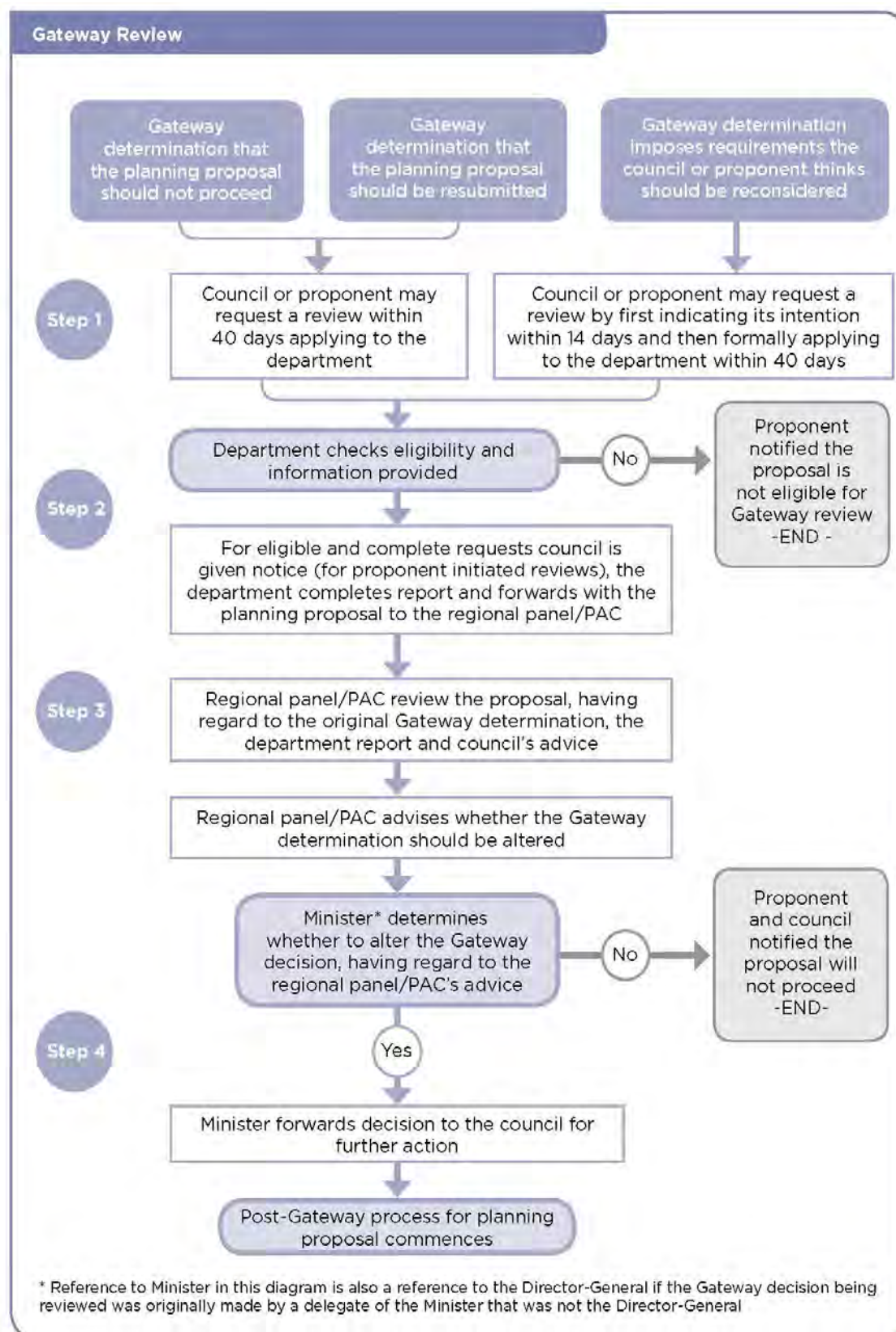
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



2.4 Water Quality Monitoring Program - Half Yearly Report

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Percentage compliance with ANZECC guidelines for water quality at Council's water quality monitoring sites (distributed under separate cover)
2. Percentage compliance with ANZECC water quality trigger values for aquatic ecosystem, primary contact recreation and secondary contact recreation criteria for Council's water quality monitoring sites (distributed under separate cover)
3. Classification of Recreational Water Environments (distributed under separate cover)

Purpose

To inform Council of the results of Council's Water Quality Monitoring Program (WQMP) for the 12 month period January to December 2013.

History

The Campbelltown Local Government Area (LGA) is located within the catchments of two principal Sydney waterways; the Georges and Nepean River systems. These waterways support a diverse variety of plants and animals, as well as provide for community amenity and recreation opportunities.

The majority of Campbelltown's urban waterways flow into the Upper Georges River, either directly to the Georges River itself or via the Bow Bowling/Bunbury Curran Creek system. Approximately 86% of the Campbelltown LGA lies within the Georges River catchment whilst the remaining 14% of the LGA lies within the Hawkesbury-Nepean River catchment.

Water quality within the catchments has been influenced by rapid urbanisation over time. Currently, 99% of Campbelltown's population resides within the Georges River Catchment. In addition, 100% of the LGA's commercial, industrial areas and business centres are also located within this catchment and principally within the Bow Bowling/Bunbury Curran sub-catchment.

Key pressures with the potential to negatively impact on the quality of Campbelltown's water resources include:

- urbanisation
 - stormwater runoff
 - pollution spills
 - illegal dumping
 - litter accumulation
 - aquatic noxious weeds
 - degraded riparian vegetation
 - altered flood regimes.
-

Report

Council's current WQMP involves the sampling and monitoring of 13 strategically selected sites within the Georges River and the Nepean River Catchments against National Guidelines for Fresh and Marine Water Quality, developed by the Australian and New Zealand Environment and Conservation Council (ANZECC 2000). Three sites are also assessed against the National Health and Medical Research Council Guidelines, Managing Risks in Recreational Areas (NHMRC 2008).

The water quality testing sites have been strategically selected to ensure data is collected across a broad section of the catchment including sensitive and high profile locations such as environmental protection areas, recreational swimming spots and stormwater discharge points from urban areas.

ANZECC Guidelines and Monitoring Results

The water quality data collected from each site was compared to a set of trigger values as determined by the ANZECC guidelines for ecosystem health and secondary contact recreation.

The following sites were sampled on a monthly basis between January and December 2013:

- Menangle Bridge (Menangle)
- Wedderburn Gorge (Wedderburn)
- The Woolwash (Airds)
- Frere's Crossing (Kentlyn)
- Fisher's Ghost Creek (Bradbury)
- Simmo's Beach (Macquarie Fields)
- Kooringa Reserve (Varroville)
- Bow Bowing Creek gross pollutant trap (Minto)
- Park Central, north pond (Campbelltown)
- Park Central, central pond (Campbelltown)
- Mandurama Reserve (Rosemeadow)
- Harold Street Bridge (Macquarie Fields)
- Cambridge Avenue (Glenfield)

Attachment one provides a diagrammatic representation of percentage compliance of monitoring sites with ANZECC guidelines for secondary contact recreation and aquatic ecosystem health. Attachment two shows the percentage compliance with ANZECC guidelines for primary and secondary contact recreation and aquatic ecosystem health for each water quality parameter measured.

The results indicate that, on average, water quality throughout the LGA remains similar to the previous reporting cycle (July 2012 to December 2012). The following provides an overview of the results during the reporting period:

- Water quality at Kooringa Reserve continues to be 'poor' for aquatic ecosystem health, the site has the lowest rate of compliance with the ANZECC guidelines within the Campbelltown LGA. This year saw a further decrease in water quality. This could be attributed to recent works undertaken at the site, increasing sediment mobilisation due to soil disturbance and the removal of native and exotic macrophytes (aquatic plants). This reduces the ability of the system to remove nutrient loads and contaminants from the water
- The sampling site at Minto GPT also recorded a slight reduction in water quality since the last reporting period. At the next downstream sampling site within the catchment, Harold Street Bridge, water quality results show improvement across all parameters compared to both Kooringa Reserve and Minto GPT, suggesting that there is some natural treatment occurring along the catchment
- Turbidity levels in the Georges River continue to show 'very poor' compliance with the ANZECC guidelines. However, the non-compliance is due to the readings falling below the prescribed range, meaning the water column is clearer than expected. The cause of the reduced turbidity is most likely a result of long dry periods reducing stormwater and urban-runoff
- Overall the Woolwash and Frere's Crossing recorded the highest level of compliance with the ANZECC guidelines.

NHMRC Guidelines and Monitoring Results

The NHMRC guidelines are considered the most industry relevant for assessing risks to human health from recreational water bodies and specifically analyse microbial levels within the waterbody over a five year period.

Weekly sampling is conducted throughout December to April each year due to the high levels of recreational use that these sites attract. During the monitoring period, the following sites were sampled on a weekly basis:

- Simmo's Beach (Macquarie Fields)
- Menangle Bridge (Menangle)
- The Woolwash (Airds).

Attachment 3 shows the classification of the recreational water environment at Simmo's Beach, Menangle Bridge and The Woolwash against the NHMRC guidelines.

A decrease in bacteria levels was evident at Simmo's Beach, most likely due to previous compliance investigations and actions undertaken in 2012 targeting land use activities contributing to pollution levels. Several properties were identified as potential sources of pollution including a sausage casing business at Kentlyn and two nurseries at Long Point. Land owners of these properties were educated on the potential impacts their business could have on water quality of the Georges River. The land owner of the sausage casing business was directed to improve operational practices on site. The business has subsequently ceased to operate.

Due to the fact that the NHMRC guidelines require analysis of bacteria levels over a 5 year period, it could be two to three years before an overall improvement is evident in the results.

Management Actions

Council continues to investigate and undertake actions aimed at improving water quality within Campbelltown. Most notably, during 2013 a bioretention system was installed within the Spring Creek catchment, downstream of Lake Mandurama, Rosemeadow. The device will serve to filter stormwater as it travels through the system and remove sediment and pollutants prior to the Creek's confluence with the Georges River. This project will be expanded through a joint project between Council and the Greater Sydney Local Land Service in 2014 to further improve water quality in the Spring Creek catchment.

Electrical conductivity (salinity) is marked higher at Wedderburn Gorge compared to sampling points at O'Hare's Creek and Frere's Crossing. Previous investigations by the Environmental Protection Authority and the Georges River Combined Councils Committee have suggested that this is due to the influence of discharges from the Westcliff Colliery, Appin. This matter is currently being regulated by the EPA.

Conclusion

During the reporting period water quality in the LGA on average remains fair. Poor results were recorded within the Bow Bowling/Bunbury Curran catchment, this is most likely due to urban and industrial stormwater influences. High salinity levels also continue to be recorded at Wedderburn Gorge.

The results of Council's WQMP will continue to be analysed and guide future works to ensure Council is fulfilling its commitment to improving the sustainability of its water resources and water quality within the local area.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 23

That the Officer's Recommendation be adopted.

2.5 Proposed Road Names for use within the Airds Bradbury Renewal Project

Reporting Officer

Manager Sustainable City and Environment

Attachments

List of proposed road names for the use within the Airds/Bradbury Renewal Project (contained within this report)

Purpose

To propose new road names for use within the Airds/Bradbury Renewal Project, for Council's consideration.

History

Council at its meeting on 13 December 2011, Planning and Environment Committee Item 3.3 – Concept Plan Application for the Airds/Bradbury Renewal Project, resolved to conditionally support approval of the concept plan (master plan) for the Airds/Bradbury Renewal Project. Council has now received a request from Urban Growth NSW, on behalf of Housing NSW, for approved road names for use in the naming of the many new streets which will be created by this renewal project.

Report

For some time it has been Council's protocol to select specific themes in an effort to harmonise road names within suburbs and developments and provide some assistance to the travelling public. The current theme used for road names within the Airds/Bradbury Renewal Project area is "the wool industry in NSW" due to its proximity to The Woolwash Reserve. However, given the large number of new streets proposed to be created by this project, this current theme is unable to provide sufficient additional road names.

Urban Growth NSW have therefore suggested the theme of "Australian Victoria Cross recipients" for use in the naming of new streets within the project area. Kevin Wheatley Reserve has been located within the suburb of Airds since it was named after Campbelltown's own recipient of the Victoria Cross in 1978 and will continue to provide a centre for sporting activities in an alternative location once the renewal works have been completed. It is therefore considered that this theme is appropriate for use in the naming of these new streets and would also reflect the wider ANZAC Centenary commemorations over the next four years in connection with the centenary of the First World War.

2.5 Proposed Road Names For Use Within The Airds Bradbury Renewal Project

A list of the names of the 99 Australian recipients of the Victoria Cross was sourced from records held by the Australian War Memorial. These names were then checked to ensure compliance with the current Geographical Names Board's NSW Road Naming Policy. Following the removal of names which either duplicate or could cause confusion with existing road names, the remaining 44 names of Australian Victoria Cross recipients shown in Attachment 1 to this report are proposed for use as road names within the Airds/Bradbury Renewal Project.

It should be noted that the name 'Wheatley' has previously been approved by Council for use as a road name within the Bardia Sub-Precinct of the Edmondson Park Urban Release Area. Following consultation with staff at Urban Growth NSW, it is proposed that this road name be removed from the list of road names approved for use in Bardia and added to the list of road names proposed for the Airds/Bradbury Renewal Project because, as noted previously in this report, Kevin Wheatley Reserve is located within this renewal area.

Division 2 of Part 2 of the *Roads Regulation 2008* outlines the procedure that Council must follow when naming public roads under its control. In accordance with these procedures, it is recommended that Council advertise the proposed road names in local newspapers for a period of one month and notify Australia Post, the Registrar General, the Surveyor General and the various emergency services of its intention to name the roads within this development. Should no objections be received from the public or authorities prescribed in this Regulation within the advertisement and notification period of this proposal, it is also recommended that Council then complete the road naming process by publishing a notice of these new road names in the NSW Government Gazette.

Officer's Recommendation

1. That Council approves the proposed road names in Attachment 1 to this report for use within the Airds/Bradbury Renewal Project.
2. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notify the authorities prescribed by the Roads Regulation 2008.
3. That, should no objections to the proposal to use these road names be received from the public or authorities prescribed by the Roads Regulation 2008 within one month, Council publish notice of these new road names in the NSW Government Gazette.

Committee's Recommendation: (Kolkman/Oates)

That a decision in this matter be deferred to the full Council meeting pending the receipt of further information relating to the ability of having the full name of those listed and/or the post nominal 'V.C.' included as the road name.

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Amendment: (Glynn/Hawker)

1. That Council approves the proposed road names in Attachment 1 to this report for use within the Airds/Bradbury Renewal Project.
2. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notify the authorities prescribed by the Roads Regulation 2008.
3. That, should no objections to the proposal to use these road names be received from the public or authorities prescribed by the Roads Regulation 2008 within one month, Council publish notice of these new road names in the NSW Government Gazette.
4. That Council be provided with a further report providing for the inclusion of a further street name of Rayene Stewart Simpson V.C in the Bardia Precinct.

Council Resolution Minute Number 23

That the above amendment be adopted.

2.5 Proposed Road Names For Use Within The Airds Bradbury Renewal Project

ATTACHMENT 1

Proposed Road Name	Recipient's Name	Conflict and date of award
Axford	Thomas Leslie Axford	First World War, 1918
Badcoe	Peter John Badcoe	Vietnam War, 1967
Beatham	Robert Matthew Beatham	First World War, 1918
Bisdee	John Hutton Bisdee	Second Boer War, 1900
Borella	Albert Chalmers Borella	First World War, 1918
Buckley	Alexander Henry Buckley & Maurice Vincent Buckley (Gerald Sexton)	First World War, 1918 First World War, 1918
Carroll	John Carroll	First World War, 1917
Cartwright	George Cartwright	First World War, 1918
Castleton	Claud Charles Castleton	First World War, 1916
Currey	William Matthew Currey	First World War, 1918
Dalziel	Henry Dalziel	First World War, 1918
Derrick	Thomas Currie 'Diver' Derrick	Second World War, 1943
Dunstan	William Dunstan	First World War, 1915
Gratwick	Percival Eric Gratwick	Second World War, 1942
Howell	George Julian Howell	First World War, 1917
Ingram	George Mawby Ingram	First World War, 1918
Inwood	Reginald Roy Inwood	First World War, 1917
Jacka	Albert Jacka	First World War, 1915
Jeffries	Clarence Smith Jeffries	First World War, 1917
Jensen	Joergen Christian Jensen	First World War, 1917
Joynt	William Donovan Joynt	First World War, 1918
Kibby	William Henry Kibby	Second World War, 1942
Kingsbury	Bruce Steel Kingsbury	Second World War, 1942
Lowerson	Albert David Lowerson	First World War, 1918
Mactier	Robert Mactier	First World War, 1918
Maygar	Leslie Cecil Maygar	Second Boer War, 1901
McCarthy	Dominic 'Fats' McCarthy	First World War, 1918
McDougall	Stanley Robert McDougall	First World War, 1918
McGee	Lewis McGee	First World War, 1917
Newland	James Ernest Newland	First World War, 1917
Partridge	Frank John Partridge	Second World War, 1945
Ruthven	William Ruthven	First World War, 1918
Sadlier	Clifford William King Sadlier	First World War, 1918
Shout	Alfred Shout	First World War, 1915
Starcevich	Leslie Thomas Starcevich	Second World War, 1945
Storkey	Percy Valentine Storkey	First World War, 1918
Symons	William Symons	First World War, 1915
Throssell	Hugo Throssell	First World War, 1915
Towner	Edgar Thomas Towner	First World War, 1918
Tubb	Frederick Tubb	First World War, 1915
Wark	Blair Anderson Wark	First World War, 1918
Weathers	Lawrence Carthage Weathers	First World War, 1918
Wheatley	Kevin Wheatley	Vietnam War, 1965
Wylly	Guy George Egerton Wylly	Second Boer War, 1900

2.6 Macarthur Memorial Park Planning Proposal

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Location map (distributed under separate cover)
2. Masterplan (distributed under separate cover)
3. Staging Plan (distributed under separate cover)
4. Visual Exposure Map (distributed under separate cover)
5. Copy of submissions (distributed under separate cover)
6. Draft Planning proposal for referral to the Department of Planning and Infrastructure (distributed under separate cover)

Purpose

To advise Council of a request to prepare a planning proposal to permit the development of a multi-denominational general land cemetery on certain land within the Scenic Hills along St Andrews Road, Varroville, and request Council's approval to forward the proposal to the NSW Department of Planning and Infrastructure for determination by the Gateway Panel.

History

A representative of the Catholic Cemeteries & Crematoria Trust acting on behalf of the property owner of land on St Andrews Road, Varroville advised Councillors at the briefing session held on Tuesday 27 August 2013 of a proposal to amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) to permit the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 St Andrews Road, Varroville. A location map of the proposed site is provided at Attachment 1.

Report

Property Description: Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016
St Andrews Road, Varroville

Owner: Cornish Investments Pty Ltd

Applicant: The Catholic Metropolitan Cemeteries Trust

Council has received a request to prepare a planning proposal on behalf of the property owner to amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) to permit the development of a cemetery on the subject land.

The Site

The subject site includes Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 St Andrews Road, Varroville, owned by Cornish Investments Pty Ltd. It is located on the eastern side of St Andrews Road, Varroville north of the M31 Hume Highway within the Scenic Hills, and surrounds the historic house of Varro Ville.

The total area of the subject site is 113 hectares. It is a largely undeveloped rural property predominantly cleared (currently being grazed by cattle), and contains a number of drainage lines and farm dams, with pockets of remnant native vegetation, and is characterised by undulating grassed hills, high scenic amenity and panoramic views to the Blue Mountains and Sydney CBD.

The Planning Proposal

A planning proposal refers to a formal proposal to amend an environmental planning instrument. Amendments sought by planning proposals would, for example, relate to a change in the zoning of land; an alteration to a development standard such as a minimum lot size for sub division; and the nomination of an additional permissible use of certain land notwithstanding an existing zone prohibition ie: There are many types of amendments that are dealt with by planning proposals. Councillors may be aware that Council is already dealing with a number of planning proposals eg: Mt Gilead Urban Release Area and Menangle Park Urban Release Area.

The purpose of the request to prepare a planning proposal is to amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) by including provisions to permit on the subject land the development of a multi-denominational general land cemetery, which would be operated by the Catholic Metropolitan Cemeteries Trust on behalf of the Crown. The Minister for Primary Industries (The Hon Katrina Hodgkinson MP) in correspondence to the proponent has advised that the NSW Government supports the development of a cemetery at Varroville and considers that it “would be an excellent outcome for the people of south-western Sydney and for the State generally”.

It is anticipated that this cemetery would meet the needs of the community until the year 2169 by providing for a total of 136,000 burial places and areas for the interment of ashes.

The following works are proposed to be provided within the cemetery:

- Chapels
 - Condolence rooms
 - Information and administration buildings
 - Sculpture park offering opportunities for local and Australian artists
 - Arboretum for future preservation and education of generations to come
 - Burial areas integrated in the landform
 - Memorial gardens
 - Passive recreation
 - Swales and ponds
-

It is noted that the development of a crematorium on the subject site is not part of this request.

An indicative master plan has been prepared, in support of the request to prepare a planning proposal, with the following aims and objectives:

- To minimise the impact on the existing environment, especially the topography and the Cumberland Plain Woodland, and protect for future generations
- To protect the colonial landscape (Scenic Hills) qualities
- To provide an environmentally sensitive development
- To achieve best management practices in all aspects of cemetery provision, including stormwater management and ecologically sustainable developments
- To provide an exceptional open space for the community, in perpetuity
- To provide a quality burial ground for the whole community.

Please see a copy of the proposed master plan at attachment 2.

The first stage of development is proposed on land within the north western part of the site and is intended to provide sufficient cemetery need for approximately 60 years. Please see a copy of the staging plan received with the request, at attachment 3. It is noted that the chapels, condolence rooms, information and administration buildings are proposed to be located at the base of the escarpment in a visually non-prominent position.

The proposal has taken into consideration a number of reports being:

- Ecological Constraints Assessment
- Watercourse Assessment
- Bushfire Protection Assessment
- Preliminary Transport Assessment
- Heritage Assessment
- Aboriginal Heritage Summary Report
- Cemetery Demand Assessment

Zoning

The current zoning of the subject site is part Zone No 7(d1) Environmental Protection (Scenic) and part Zone No 6(c) Open Space (Regional) under the provisions of Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) (CLEP/D8). Cemeteries are not a defined land use within this planning instrument, and thus could be potentially argued as an innominate and therefore a permissible land use with Council's consent within these zones. However, due to the fact that cemeteries generally operate as businesses (albeit in this case on a not for profit basis) they could be argued to fall under the definition of commercial premises, which are a prohibited land use within the 7(d1) and 6(c) zones. It is due to this uncertainty with regard to the permissibility of cemeteries within these zones that Council has received this request to prepare a planning proposal, to permit the development of a multi-denominational general land cemetery on the subject land.

Key Planning Issues

Visual Impacts

The bulk of the subject site is zoned 7(d1) Environmental Protection (Scenic) and the objectives of this zone are as follows:

- (a) to set aside certain land as a protected scenic environment
- (b) to ensure that that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space
- (e) to preserve existing farming and agricultural research activities.

The subject land also falls within the Escarpment Preservation Area of CLEP/D8 which requires all buildings to be dark coloured and of low reflective quality that blend with the landscape, and have a maximum height of 7.6 metres.

Approximately 33 hectares of land in the northern portion of the subject site is currently zoned 6(c) Open Space (Regional). This is the steepest part of the site and includes the Bunbury Curran Hill. Please note that the planning proposal request does not provide for any burial or interment of ashes development within this area due to its prominent position and steep terrain.

Council has always been very protective of the Scenic Hills, and the role that it plays in providing:

- i) a buffer to the urban development areas of the Campbelltown, Camden and Liverpool Local Government Areas (LGA)
- ii) a rural landscape backdrop to urban areas of Campbelltown.

Some years ago Council was requested to rezone the subject land, and certain adjoining land, to provide for the development of a business park. Council rejected that proposal and resolved the following:

“That Council advise the Cornish Group that the proposal for a Business Park on certain land located at the Scenic Hills, as presented in the submission entitled "Proposed Employment Lands - South West Business Park - Varroville is not supported by Council.”

However, it is important to note that there are a number of land uses that are currently permissible with development consent on land within the 7(d1) Environmental Protection (Scenic) Zone, that have the potential to impact detrimentally upon the visual character and aesthetics of the Scenic Hills, due to the nature and extent of the structure and form of such development. These include, but are not limited to:

- hospitals
 - educational establishments
 - places of public worship (all denominations)
-

- institutions (penal or reformative establishment)
- public buildings (offices etc for administrative purposes)
- public utility undertakings (supply of water, electricity, gas, transport infrastructure, sewerage and drainage services, etc)
- rural industries (processing and packing of primary products, (eg fruit cannery), servicing of plant or equipment for rural purposes).

The Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands prepared by Paul Davies Pty Ltd in association with Geoffrey Britton in October 2011 (and adopted by Council as a contributory document to be taken into account in the preparation of the Comprehensive Local Environmental Plan) notes that the "views over the Scenic Hills from Campbelltown Road between Denham Court Road and St Andrews Road are of the highest quality", and ".....they are not obstructed by residential or other development". It also notes that significant views are available from the top of Bunbury Curran Hill, but their accessibility to the community is limited due in part to land ownership. The document is concerned that any new structures will "compromise the ability to appreciate and interpret the wider historic pastoral landscape of the Scenic Hills". It is also noted that the "'hidden' areas are as scenically valued as much as the grand panoramas". The planning proposal request recognises the importance of the Scenic Hills, and the submitted master plan proposes to maintain the topography and utilise the 'hidden' areas as concealed burial 'rooms'.

Views to the city are also available not only from the top of Bunbury Curran Hill but also from land on the eastern boundary of the subject site, where the master plan shows a proposed roadway. This effectively has some potential to give the community access to these extensive vistas which have always been in private ownership, and thus currently not available to the general public.

An overview assessment of the visual opportunities and constraints of the proposed use of the subject site as a cemetery has been undertaken by Dr Richard Lamb (as a specialist consultant for the proponent).

The outcome of this overview includes the following:

- the site exhibits two areas of high visual sensitivity being:
 - Land in the northern western part of the site, being the ridge and slopes of Bunbury Curran Hill, and is visible mainly through distant views
 - Land in the south eastern part of the site that includes the ridge where Varro Ville homestead is situated. This area is visible through closer range views. See Visual Exposure Map at attachment 4
 - with regard to visual issues it is considered that the proposed cemetery can meet the zone objectives
 - the retention of grassy, open areas is important to the maintenance of the rural character of the Scenic Hills, and this can be maintained through the proposed cemetery use
 - only four small individual conceptual buildings are proposed (as shown in the master plan), and the proposed cemetery use is compatible with the small number of buildings usually associated with a rural environment
-

- the subject site offers extensive elevated views of the Scenic Hills and the Campbelltown district plus distant views to the Sydney CBD and beyond. These views are currently not accessible to the public. Thus it is considered that the use of the site as a cemetery could provide “public access to a landscaped and managed environment of higher scenic quality than may occur with alternative land uses”
- the open rural character of the setting of the Varro Ville homestead is noted, and it is considered that the proposed master plan for the cemetery use is not incompatible with retaining the views to and from the homestead.

Flora and Fauna

The subject site is an undeveloped rural property characterised by occasional tree stands and undulating topography, and is currently being grazed by cattle. However the Ecological Constraints Assessment, attached to the planning proposal submission, has identified two endangered ecological communities (being Cumberland Plain Woodland and Moist Shale Woodland), three threatened species under the Threatened Species Act and one migratory species listed in the Commonwealth Environment Protection and Biodiversity Conservation Act. Unfortunately the subject site also exhibits dense infestations of African Olive. Whilst the proposal looks to retain most of the significant vegetation and provide for revegetation and enhancement throughout the site, there are a small number of anomalies within the Ecological Constraints Assessment that require further clarification prior to any public exhibition of this proposal, should Council deem it appropriate to proceed. However, it is not considered that these anomalies are unresolvable, and thus they are not likely to impose any major impost on this proposal.

Transport and Access

A Preliminary Traffic Assessment has been prepared by consultants to support the planning proposal request and it considers that the proposed parking provisions and internal road system would adequately meet the demands of the proposed cemetery. Public access to the subject land is proposed via a roundabout on St Andrews Road, and an additional service access is proposed north of the main entry. It is noted that additional accesses to the subject site would be required in the future as the site develops.

St Andrews Road is a no through road and does not link with Camden Valley Way, and thus traffic movements on this road are currently low. However, further improvements would be required to St Andrews Road if, and when, connection to Camden Valley Way was completed. The Preliminary Traffic Assessment considers that the projected vehicle generation can be accommodated on the existing roundabouts on St Andrews Road with Spitfire Drive and Campbelltown Road, with no mitigation required.

However, Council’s technical officers advise that if Council deems it appropriate to proceed with this proposal then further information would be required including:

- projected vehicle generation on a number of other intersections on St Andrews Road, eg Ballantrae Drive (east and west), Aberdeen Road, Midlothian Road
- more detailed traffic survey and traffic movement work for all intersections.

It is important to note, however, that the relevant engineering staff do not object to the proposal proceeding, subject to the outcome of these further investigations.

Stormwater Drainage and Watercourse Assessment

A Flood Impact Assessment Report has been prepared by consultants to support the planning proposal request and it considers that localised flooding is limited to the watercourses and within the riparian zones, and that there is no increase of flood risk down-stream of the site. It notes that the proposed cemetery development is most likely to provide more pervious/landscaped areas than impervious, therefore reducing any flooding impact down-stream and within the site. It is also noted that the burial sites are planned to be located within the sloping areas of the site, and therefore not likely to be subject to flooding.

There are a number of farm dams and watercourses on the subject site which are noted in the request for a planning proposal as being retained, and for waterfront land to be protected in accordance with the NSW Office Water Controlled Activities on Waterfront Land - Guidelines for Riparian Corridors on Waterfront Land (July 2012).

Geotechnical Assessment

The Geotechnical Assessment prepared by consultants to support the planning proposal request considers that the proposed cemetery will not cause any serious impact on slope stability, soil erodibility or contamination of the local streams. However, it is noted that further geotechnical investigation would be required at any development application stage.

Heritage – Non Indigenous

The subject site forms part of the original land associated with the property known as Varro Ville. Although the homestead of Varro Ville is not part of this planning proposal request, it is listed on the State Heritage Register and as an item of environmental heritage within Campbelltown Local Environmental Plan – District 8 (Central Hills Lands), and is surrounded by the subject land. The original outbuildings of the Varro Ville property are located within the subject site, but are not currently listed on any heritage register. The proposed staging plan for the planning proposal at Attachment 3 identifies a heritage curtilage around the Varro Ville homestead which includes identified elements of the original Varro Ville estate eg the outbuildings, evidence of former vineyards, original carriageway, etc. The heritage curtilage has not been included as a specific stage in the staging plan, as it is recognised that significant investigation of this area will be required to ensure appropriate conservation and management of the cultural assets, prior to the consideration of any future uses within the curtilage.

Specifically the planning proposal request recognises the overall importance of the heritage significance of the subject site and thus proposes the following:

- A conservation management plan should be prepared for the estate
 - A historic archaeological assessment should be undertaken to determine the archaeological potential and significance of the site
 - A structural assessment of the outbuildings should be undertaken
 - The historic setting of Varro Ville should be retained and conserved and remain able to be interpreted as part of the cultural landscape
 - Significant views and vistas to and from Varro Ville and the estate (including those to and from Bunbury Curran Hill, views to and from St Andrews Road and views to other historic properties including Macquarie Fields House and Robin Hood Farms) should be retained and conserved
-

- Significant landscape features including the dams, the former carriageway and remnant vineyard terracing should be retained and conserved
- Significant outbuildings should be retained and conserved
- The archaeological resource should be conserved. Works may be subject to approvals and should be undertaken in accordance with the recommendations of the required Historical Archaeological Assessment and any Aboriginal Archaeological or Heritage Assessments.”

As previously noted, the Varro Ville homestead site is listed on the State Heritage Register, but does not include any of the original outbuildings, etc. Council has on a number of occasions since the year 2000, requested the NSW Heritage Office to review the existing curtilage to include the outbuildings, but to date this has not occurred. Council staff understand that the Heritage Council has “resolved to investigate expansion of the State Heritage Register curtilage around Varro Ville to include the outbuildings located on the Varro Ville estate and to request Campbelltown City Council to consider the status of the outbuildings on the Varro Ville estate in relation to the Local Environmental Plan”. As has been made clear to the Heritage Council previously, it is not considered appropriate for Council to amend the curtilage of the Varro Ville homestead in draft Campbelltown Local Environmental Plan 2013, until the Heritage Council amends the curtilage on the Register.

Heritage – Aboriginal

An Aboriginal Heritage Due Diligence Assessment has been prepared which identifies the recording of 8 Aboriginal sites within the subject land, and also identifies areas where Aboriginal objects are likely to occur. The assessment notes that an Aboriginal Archaeological Survey Report prepared in accordance with the NSW Office of Environment and Heritage Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales would be required at the development application stage. However, on advice from Council that the comments of the Aboriginal community would assist Council in its consideration of this planning proposal request, the consultants have undertaken the fieldwork for Stage 1 of the Aboriginal Survey Report in the company of a representative of the Cubbitch Barta Native Title Claimants Aboriginal Corporation (Ms Glenda Chalker).

Ms Chalker has not indicated any objection to the planning proposal request. However, Ms Chalker has advised that it would be appropriate “that the whole of the area should have a complete Aboriginal Heritage Assessment carried out now, not any time in the future as each stage is developed. This will give a much better picture of the whole area up front, instead of a little piece at a time.” It is therefore recognised whilst there is potential for significant Aboriginal cultural heritage on the subject site, more investigative work would need to be undertaken if Council decides to support this planning proposal request.

Servicing

Initial investigations have indicated that the subject site can be serviced with water, sewer, electricity and telecommunications. However, further confirmation would be required prior to any public exhibition of this planning proposal, should Council deem it appropriate to proceed.

Need for a cemetery

Included in this request for a planning proposal is a Cemetery Demand Assessment prepared by the proponent's consultants Urbis, which concludes that there is a strong need for future cemetery space within the Macarthur Region. The request has identified a catchment area for the proposed cemetery as including the Campbelltown, Liverpool and Camden LGAs. The closest cemeteries to the subject site are the Forrest Lawn Cemetery (Camden), Camden General Cemetery, Liverpool General Cemetery, Liverpool Catholic Cemetery and the Kemps Creek Catholic Cemetery. There is no existing general cemetery within the Campbelltown LGA. The Cemetery Demand Assessment indicates that Sydney's cemeteries are expected to be at full capacity within the next 30 years, and that the Macarthur Region specifically will experience a growing demand for burial spaces and lack of accessible supply.

It is important to note that the Minister for Primary Industries announced significant reforms to cemetery management in NSW last year, which resulted in the public exhibition of an Exposure Draft of the Cemeteries and Crematoria Bill 2013, and subsequently the *Cemeteries and Crematoria Act 2013*. One of the main outcomes of the *Cemeteries and Crematoria Act 2013* is to ensure that sufficient land is acquired and/or allocated for cemetery and crematoria services. The *Cemeteries and Crematoria Act 2013* also provides for the establishment of the Cemeteries Agency (a NSW Government agency), which will be led by an independent Board with powers to address (amongst other things) "the pressing problem of diminishing cemetery space".

The Minister has also advised "that south-western Sydney will require a significant amount of new cemetery space in the medium to long term" and specifically with regard to this planning proposal request, the Minister has stated the following in correspondence to the proponent:

"I understand that the proposed cemetery at Varroville will yield approximately 100,000 interment sites and is expected to have a useful life exceeding 100 years. This would be an excellent outcome for the people of south-western Sydney and for the State generally".

Submissions

Council has not invited any comments from the community or government agencies with regard to this planning proposal request. Nonetheless, Council has received the following submissions with regard to this matter:

1. Carmel of Mary and Joseph, St Andrew Road, Varroville

The Carmelite Nuns object to the development of a cemetery on the subject land because such a proposal "jeopardises the Scenic Hills because it makes the whole district vulnerable to further attempts to industrialise and or commercialise the area". The nuns also are concerned by the impacts on Varro Ville house and its surrounds.

2. Mount Carmel Priory, St Andrews Road

The Discalced Carmelite Friars community “affirms its desire that the integrity of the Scenic Hills be preserved for the people of Campbelltown” and supports “the provisions of the current zoning of the land as Environmental Protection – Scenic”. It is also “particularly concerned in regard to the impact of the proposed development on the resale value of Varroville House”.

3. Heritage Council – NSW Office of Environment & Heritage

As stated previously, notwithstanding that Council has not invited submissions or comments on the planning proposal request, Council has received an individual submission by the Heritage Council/NSW Office of Environment and Heritage to notify that it does not support “the planning proposal for Macarthur Memorial Park.”

The Heritage Council has advised the following:

- “1. It has resolved to investigate expansion of the State Heritage Register curtilage around Varroville to include the outbuildings
2. It has resolved to request Council to consider the status of the outbuildings in relation to the Local Environmental Plan (LEP)
3. It does not believe that the proposed cemetery usage is compatible with the open space rural character of the Scenic Hills, and such usage contradicts the aims and objectives of the existing LEP and zoning of the land
4. Considers that the cemetery use constitutes “commercial premises” which are contrary to the objectives of the LEP and zoning of the land
5. Considers that the best conservation outcome for the landscape is the ongoing rural use of the site, and that the proposed concept design for a cemetery is incompatible with the predominantly rural character of the Scenic Hills and the subject land
6. Considers that “a statement of significance should be prepared for the Varroville Estate in its entirety to assist understanding and appropriate management of the place”
7. Considers that a number of documents should be prepared to inform decision making including a conservation management plan, historical archaeological assessment, structural assessment of the outbuildings, and identification of all significant views
8. On the basis of the above issues the Heritage Council does not support the planning proposal request.”

Attachment 5 provides a copy of all submissions.

Please note that if Council decides to support this planning proposal request and the Gateway Panel grants its approval, then Council would need to undertake full consultation with the community and relevant public authorities in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*. It is anticipated that this will be a lengthy process and may take up to twelve months to complete.

Discussion and Evaluation (Assessment)

Council over the years has had to deal with a number of development proposals that would have impacted upon the rural landscape character of the Scenic Hills. As noted above, the current planning provisions list a number of land uses that Council could be asked to consider (by means of determination of a development application) under Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) that would have potential to significantly impinge on the visual character of the area.

Effectively the only sure way to protect the Scenic Hills asset would be for it to be in public ownership for use by the community as passive open space. Unfortunately, that scenario is not an option for Council, as it would be financially prohibitive. Thus Council must use what powers it has to retain the landscape qualities of the Scenic Hills, for the benefit of the community, through planning controls.

This planning proposal request for a multi denominational cemetery recognises the objectives of the current zoning of the subject land, and has included a master plan which aims to address these objectives. The built structures (eg: chapels, condolence rooms and administration buildings) are proposed to be located at the base of the escarpment in a non-prominent location, and being in the escarpment area will need to be constructed of dark and low reflective materials. The burial areas are proposed to respond to the site by being integrated into the landform, eg: monumental graves would be concealed in landscaped screened rooms and placed furthest away from the main roads, and would be limited in height to a maximum of 1.5 metres. These types of constraints on the extent, location, scale and form of any future development on the land, can be addressed by the inclusion of special provisions as part of any amendment to the planning instrument applying to the land, should Council decide to support this proposal.

The following is an extract from the proponents master plan accompanying the planning proposal request which indicates how the objectives of the current zoning are proposed to be addressed:

- “Setting the land aside for perpetuity as an open space which retains and enhances the scenic environment. The proposal retains the existing landform and protected vegetation on it, whilst committing to improve the quality of both the Moist Shale Woodland and the Cumberland Plain Woodland over time
 - Retaining the land as a green belt, providing contrast to the urban areas of Campbelltown, Camden and Liverpool by providing a development which offers 93.9% green/vegetated areas and only 6.1% built/hard surfaces, most of which are access roads
 - Retaining views of and access to a green space by offering 37 hectares (33% of the site) of unimpeded passive recreation space which will benefit the community in perpetuity
 - Maintaining the land for the purpose of providing recreation that requires large areas of open space by offering a “park-like” site with 99.8% open space in perpetuity, ie only 0.2% for buildings on the site
 - Limiting development and retaining the native vegetation within the Escarpment Protection Area, by offering, within the protection zone, a proposal which removes only 2.6% of the native vegetation
-

- Providing enhanced additional vegetation solutions, within the Escarpment Protection Area. Any significant vegetation removal (however limited) has been assessed by our ecologist and will be replaced in the riparian zones, to ensure that overall, there is no loss of vegetation to the community
- Avoiding building within the Escarpment Protection Zone where possible (only one cluster of six small buildings and one concealed depot and a small welcome kiosk proposed in this zone), all of which represent only 0.2% of the total surface area
- Limiting the height of all buildings (whether in the Escarpment Protection zone or not) by setting them into the hillside, using non-reflective and transparent materials and keeping them within the prescribed 7.6m maximum height above ground level
- Ensuring stability of all slopes steeper than 1:6 on site. It should be noted that the site has many areas steeper than 1:6, all of which occur naturally on site. There are no plans to significantly disturb the existing slopes nor provide extensive cut and fill on site.

As the proposal is mostly landscaped, the majority of the development will be invisible from the Campbelltown urban areas. The main building facilities have been located at the northern end on a sloping part of the site in a way that they will largely blend into the existing landscape. As demonstrated by the sketch computer modelling, the roads and buildings are unlikely to be visible from the Hume Highway and the urban areas of Campbelltown beyond. The visual impact of the landscape and buildings on the Scenic Hills is therefore deemed to be nil."

It is recognised that if this planning proposal request were to proceed then the Varro Ville homestead would be surrounded by a cemetery. Whilst it is noted that the request acknowledges the significance of the homestead, it will still be imperative, if Council decides to support this proposal, to include provisions to ensure that the integrity of the historic Varro Ville homestead and its setting are protected. However, the planning proposal request aims to retain and conserve the historic outbuildings associated with the Varro Ville homestead, the original carriageway to the house, the historic vineyard terraces and historic dams. The request also includes a buffer area around the Varro Ville homestead, as defined on the staging plan, where further archaeological investigation will be undertaken prior to consideration of any future development within this area. It is considered that this buffer area could provide Council with the opportunity to ensure the ongoing integrity of the Varro Ville homestead and its immediate setting.

It is also noted that the Heritage Assessment included in the planning proposal request recommends the preparation of a conservation management plan and historic archaeological assessment for the subject site, structural assessment of the outbuildings and identification of all significant views. This recommendation is synonymous with the list of documents that the Heritage Council in its submission considered should be prepared to inform any "decision about land use, zoning and future change".

Conclusion

It is considered that there is merit in this planning proposal request for the following reasons:

- The rural landscape character of the Scenic Hills can generally be maintained in conjunction with the development of a cemetery. The topography of the site would remain, and the views into and out of the site would not be compromised by obtrusive development to any noticeable degree
-

- The historic dams, the former carriageway and original outbuildings to the Varro Ville homestead and remnant vineyard terracing are proposed to be retained and conserved
- A heritage curtilage buffer is proposed around the Varro Ville homestead
- The subject land would be open to the public to benefit from the extensive vistas that it provides to both the Blue Mountains and the Sydney CBD, in a passive rural landscape setting
- The provision of a cemetery within the Macarthur Region would help to fulfil the need for new cemetery space in south-western Sydney as recognised by the State Government, and would also provide the local community with more accessible interment options
- The area of the subject land currently zoned 6(c) Open Space (Regional) would not be developed for burial or interment of ashes development.

If Council decides to support this planning proposal request, then it would be necessary for further technical documentation to be prepared, including, more detailed information with regard to issues relating to aboriginal heritage, non-indigenous heritage, traffic and transport, flora and fauna, and servicing (eg water, sewer, electricity, telecommunications) and any additional matters requested by the Department of Planning and Infrastructure's Gateway Panel.

Staff have prepared a draft planning proposal based on the information provided by the applicant and additional matters as deemed necessary, for Council's consideration for endorsement and subsequent lodgement with the Department of Planning and Infrastructure for determination by the Gateway Panel. Please see a copy of the draft planning proposal marked attachment 6.

Upon receipt of a draft planning proposal that has been endorsed by Council, the Department of Planning and Infrastructure's Gateway Panel will issue a determination which will specify whether the proposal should proceed, and if so under what circumstances. Generally, if the proposal is supported by the Panel then the determination will advise what studies will be required, which State or Commonwealth Public Authorities will need to be consulted, and the times within which the various stages of the procedure for the making of the proposed LEP amendment are to be completed. As such if the draft planning proposal is supported by both the Council and the Gateway Panel, then a further report would be prepared for Council's consideration, prior to the public exhibition of any planning documentation for this proposed LEP amendment.

Officer's Recommendation

1. That Council endorse the draft planning proposal, generally in accordance with attachment 6, which aims to amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) to permit the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065 and Lot 1 DP 218016 St Andrews Road, Varroville, and lodge with the Department of Planning and Infrastructure for determination by the Gateway Panel.
 2. That Council advise the applicant of Council's decision.
-

Committee Note: Ms Kirkby, Mr Gibbs, Father Maunder and Sister Kramer addressed the Committee in objection to the proposal.

Mr McLeay and Mr Hoy addressed the Committee in support of the proposal.

Committee's Recommendation: (Kolkman/Oates)

That Council not support the planning proposal request to permit the development of a cemetery on Lot B DP 370979, Lot 22 DP 564065, and Lot 1 DP 218016 St Andrews Road, Varroville.

CARRIED

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

Voting against the Committee's Recommendation: Mead.

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 26

That the Committee's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Dobson, Glynn, Greiss, Hawker, Kolkman, Lound, Matheson, Oates, Rowell and Thompson.

Voting against the Council Resolution were Councillors: Lake and Mead.

Note: Councillor Brticevic was not in attendance at the meeting during debate and voting on this item.

2.7 Coal Seam Gas Community Information Forums - Ministerial Response

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Council's letter to the NSW Premier regarding the Coal Seam Gas Community Information Forums – 29 August 2013 (contained within this report)
2. Response to Council's letter from the Minister for Planning and Infrastructure – 28 January 2014 (contained within this report)

Purpose

To advise Council that the Minister for Planning and Infrastructure has responded to its letter regarding Council's Coal Seam Gas Community Information Forums, and to outline the main aspects of the response.

History

Council at its meeting held 13 August 2013 considered a report on the outcomes of the Coal Seam Gas (CSG) Community Information Forums held in February 2013. A draft letter to the NSW Premier, outlining the issues raised at the forums, was attached for Council's consideration and endorsement. At this meeting Council resolved:

That Council endorse the draft letter to the NSW Premier, requesting the NSW Government consider the key issues raised at the coal seam gas community information forums in its deliberations on the Camden Gas Project and coal seam gas developments within or impacting on the Campbelltown Local Government Area.

On 29 August 2013 the endorsed letter was forwarded to the NSW Premier.

Report

On 28 January 2014 Council received a response from the Minister for Planning and Infrastructure (see attachment 2).

The response acknowledges the issues raised at the forums and while it does not respond specifically to each issue, it outlines the initiatives being undertaken by the NSW Government to regulate and manage the mining and coal seam gas industries, including:

- appointing the Environment Protection Authority as the lead regulator of environmental and health effects of CSG activity
-

- prohibiting evaporation ponds and the use of BTEX chemicals (benzene, toluene, ethylbenzene and xylenes) in drilling and in fracking fluids
- establishing CSG exclusion zones, banning new coal seam gas activities, within two kilometres of existing residential areas
- establishing an Office of CSG to regulate non-environmental issues relating to CSG activity
- development of an Aquifer Interference Policy to afford protection to NSW's crucial water resources, including groundwater systems
- a review of existing CSG activities by the NSW Chief Scientist and Engineer, including impacts of these activities on water catchments
- increased and upfront land owner and community consultation through the development of community consultation guidelines and the establishment of a Land and Water Commissioner.

It should be noted that in January 2014 the Coal Seam Gas exclusion zones were expanded to cover future residential growth areas (including the South West Growth Centre), selected rural villages and critical industry clusters.

Further information about the regulatory and policy framework is available at:
<http://www.nsw.gov.au/strategicregionallanduse>

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 23

That the Officer's Recommendation be adopted.

ATTACHMENT 1



29 August 2013

The Hon. B O'Farrell
Premier of NSW
Level 40 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2001

Dear Premier

Coal Seam Gas Community Information Forums

Council recently facilitated a series of coal seam gas community information forums for the Campbelltown community. The forums were designed to inform the local community on coal seam gas processes, planning issues and potential impacts on human health and the environment. The forums were attended by approximately 1000 people, including representatives from community groups and all levels of government.

At its meeting on 13 August 2013, Council considered a report regarding the outcomes of the forums. Following consideration of the report Council resolved to:

'Request that the NSW Government consider the key issues raised at the coal seam gas community information forums in its deliberations on the Camden Gas Project and coal seam gas developments within or impacting on the Campbelltown LGA.'

The key issues raised across the forum sessions by the local community have been identified as:

- inadequacy of baseline data and the risks of the project to the local environment
- the capacity for the local community to influence the decision of the Government in regard to the Camden Gas Stage 3 Project Application
- lack of and inadequacy of consultation by AGL with the community
- lateral subsurface drilling underneath urban areas and the reasons for the project being located within an urbanised area
- fugitive methane emissions associated with coal seam gas extraction activities
- the type and nature of chemicals being used as drilling additives and any hydraulic fracturing operations as well as associated risks of these activities to the local environment and well-being of the local community

- the regulatory environment for coal seam gas extraction activities and its adequacy in protecting the local community from potential impacts associated with the Camden Gas Project.

A copy of the questions and answers from each of the panel discussions is attached for your information. Council requests that the expressed concerns of the Campbelltown community be considered by the NSW Government particularly in regard to potential implications for existing and new urban release areas (such as Menangle Park and Gilead).

If you would like to discuss matters contained in this correspondence, please contact me on (02) 4645 4659.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Tosi', with a long horizontal flourish extending to the right.

Paul Tosi
General Manager

ATTACHMENT 2



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Paul Tosi
General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

13/18117

Paul
Dear Mr Tosi

JAN28'14 08:00:23 RCVD

I refer to your letter concerning Council's coal seam gas community information forums and the AGL Camden Gas Project, and apologise for the delay in replying. I note the issues raised in the forum summary report enclosed with your letter. I understand that AGL suspended its application for Stage 3 of the Camden Gas Project so it could carry out further research and community consultation.

The NSW Government has established a suite of initiatives to address concerns regarding mining and CSG, many of which were raised during council's forums. These initiatives include the stringent regulation of the potential environmental and health impacts associated with CSG activities including:

- the Environment Protection Authority is now the lead regulator of environmental and health effects of CSG activity;
- an Office of CSG has been established to regulate non-environmental issues around CSG activity, such as occupational health and safety;
- evaporation ponds and the use of BTEX chemicals in fracturing fluids have been banned, and codes of practice have been developed for hydraulic fracturing and well integrity, following an independent expert review led by the NSW Chief Scientist and Engineer; and
- an Agricultural Impact Statement (AIS) is required at both the exploration and development application stages for CSG activities.

All new coal seam gas activity is now prohibited in and within two kilometres of all R1, R2, R3, R4 and RU5 zones across NSW as well as the Sydney North West and South West Growth Centres. A new Gateway process has been introduced in the Upper Hunter and New England North West regions to provide an independent, scientific and upfront assessment of how a coal mining or CSG proposal on strategic agricultural land will impact the agricultural values of the land. It will consider proposals at a very early stage, before a development application can be lodged.

A further amendment to the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) was on public exhibition from 4 October to 8 November 2013. This amendment proposes to extend the CSG exclusion zones to the equine and viticulture critical industry clusters in the Upper Hunter region, and to land in and within two kilometres of future residential growth areas and additional

rural villages. It also proposes a State wide map of biophysical strategic agricultural land which, when finalised, will mean the Gateway process applies to mining and coal seam gas proposals across NSW.

In addition, the Aquifer Interference Policy has been introduced State wide. This policy will protect the State's crucial water resources by setting minimal impact considerations against which the NSW Office of Water will assess the potential impacts of all proposals on the State's groundwater systems.

All existing CSG activity in the State will be reviewed by the NSW Chief Scientist and Engineer. The independent review will continue into 2014, and will include impacts on water catchments.

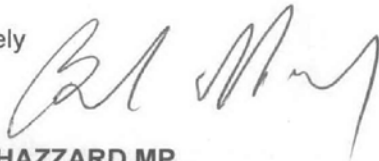
Finally, there will be greater emphasis on upfront consultation with landowners and communities. Community consultation guidelines have been developed to ensure communities are both aware of and consulted on new licence applications. A new Land and Water Commissioner has been appointed to restore community confidence in the processes governing exploration activities and to oversee land access agreements between landholders and miners.

All of the Strategic Regional Land Use Policy documents discussed above, as well as further information about the Land and Water Commissioner, Aquifer Interference Policy and CSG activities, can be found at the following website:

<http://www.nsw.gov.au/strategicregionallanduse>

Should you have any further enquiries about this matter, I have arranged for Mr Chris Wilson, Executive Director — Development Assessment Systems and Approvals, of the Department of Planning and Infrastructure, to assist. Mr Wilson can be contacted on 02 9228 6192.

Yours sincerely



HON BRAD HAZZARD MP
Minister

24.1.14

2.8 Campbelltown Main Street Association

Reporting Officer

Director Planning and Environment

Attachments

1. A copy of the financial statements of the Campbelltown Main Street Association Inc. for the financial year ending 30 June 2013 (distributed under separate cover)
2. Responses to enquiries of other Councils and their involvement in Main Street activities (distributed under separate cover)

Purpose

To provide Council with information relating to the operation of the Campbelltown Main Street Association Inc. and present options for Council's future involvement with the organisation.

History

At its meeting on 15 October 2013 Council resolved:

1. That a report be prepared to assess the success of the Campbelltown Main Street Association with regard to:
 - Encouraging Campbelltown CBD businesses to be members of the Campbelltown Main Street Committee
 - Obtaining financial and in-kind support from business houses in the Campbelltown CBD to conduct promotions and marketing and other initiatives to assist business generation in the Campbelltown CBD
 - Applying for any available grant funding to support these initiatives
 - Involvement in any initiatives to attracting new business and grow existing business in the Campbelltown CBD
 - Working with Council, government agencies, the Campbelltown Chamber of Commerce, and other community organisations to promote the interests of the Campbelltown CBD
 - Provide information on the expenditure of membership funds, the expenditure of Council's contribution and expenditure of funds gained from any other revenue sources.
 2. That the report also provide for Council's consideration options for Council's future involvement with the Campbelltown Main Street Committee having regard to the existing and various other business models which currently exist between Councils and Main Street or like organisations elsewhere in the Sydney Metropolitan area.
-

Report

Background

The Campbelltown Main Street Association Inc. was established in or around 1993 and is understood to have been developed to support the continued viability of the Campbelltown CBD in the face of the retail growth of Macarthur Square regional shopping centre, located approximately one kilometre away from the Campbelltown CBD.

The original president of the Campbelltown Main Street Committee was local solicitor, Mr John Marsden. The current President of the Committee is Ms Elyse Whyte who is a current partner of Marsdens Law Group.

Main Street Committee Structure – Summary

The Campbelltown Main Street Committee was incorporated as an association under the Associations Incorporation Act 1984 (as amended).

The Campbelltown Main Street Association has a fee paying membership and an elected Executive Committee.

The organisation currently has some 70 members that are business houses (the majority of which) located in the vicinity of Queen Street between Bradbury Avenue and Broughton Street.

There is also a small number of additional members which are listed as community representatives or Council representatives.

In previous years, Council has voted to be represented on the Campbelltown Main Street Executive Committee by two Councillors although in the current year (2013-2014) Council is solely represented by the Director of Environment and Planning, who also holds an office bearer position on the Executive Committee.

Each membership attracts a membership fee which is currently listed at \$50.00 per annum.

The Executive Committee comprises a number of positions as follows:

- President
- Vice President
- Treasurer
- Secretary
- Office Bearers

All of these positions are undertaken in a non–paid voluntary capacity.

The Committee conducts Annual General Meetings as per statutory requirements and the Association's financial statements are audited annually.

The Executive Committee meets bimonthly in the rooms of the Marsdens Law Group at Dumaresq Street in Campbelltown.

The Campbelltown Main Street Association employs a part time Main Street Coordinator for 32 hours per week. The Coordinator operates out of an office located in Queen Street.

The only two sources of direct funding for the association are an annual contribution by Council and membership fees.

All salary and related costs, rent and outgoings in addition to events, marketing and promotional activities are met from these two sources. On a small number of occasions, members make a small additional financial contribution to attend special meetings where a meal is provided.

In addition to that provided above, a Main Street Ambassador (MSA) is separately employed by the Council to work primarily in the Campbelltown, Ingleburn and Glenfield CBD's. The MSA is employed to provide a link between the various business houses and Council in relation operational and non-operational issues that arise within the centres. Such issues include that of car parking, waste and litter removal and graffiti attack. A close working relationship exists between the MSA and the Campbelltown Main Street Coordinator (Coordinator).

Response to Council Resolution 1 - Information Requested by Council

i. Encouraging Campbelltown CBD businesses to be members of the Campbelltown Main Street Committee

Both the Coordinator and the President of the committee spend time with the assistance of other volunteers, undertaking activities geared towards enhancing the organisation's membership. These activities range from doorknocking new businesses, co-ordinating business networking events, conducting special 'introduce a member' functions such as the annual Christmas meeting, telephone follow ups and media interviews.

Additional volunteer support is provided by the members in promoting Main Street during times of which major events are held. These include the Fisher's Ghost Festival, Christmas and Easter promotions and the like.

These activities have helped increase membership from 40 to 70 members since 2011.

ii. Obtaining financial and in-kind support from business houses in the Campbelltown CBD to conduct promotions and marketing and other initiatives to assist business generation in the Campbelltown CBD

The business house membership fee for the Campbelltown Main Street Committee is \$50 per annum which was increased from \$25 in 2010. Business houses provide additional volunteer contributions throughout the year during particular events and promotions.

Income from members fees are used towards advertising and promotion, as well as the other operational costs of the Association.

iii. Applying for any available grant funding to support these initiatives

No government funding is available for advertising or the promotion of business that the Main Street Coordinator is aware of. Recent contact has been made with the NSW Community Relations Commission to explore funding opportunities for special events that could be conducted by Campbelltown Main Street. These events include the hosting of seminars/training; multi-cultural forums, local festivals and events with a community focus.

iv. Involvement in any initiatives to attract new business and grow existing business in the Campbelltown CBD

The Campbelltown Main Street Association is involved in or initiates a number of promotional events from year to year. These events have a Campbelltown CBD focus and have two main objectives being:

- a. improving the trading prospects of existing businesses in the CBD
- b. enhancing the exposure of Campbelltown Business Centre and its attractiveness as a place to visit and shop, to a wider population.

These main objectives are aimed at promoting the image of the CBD and improving the vitality and community visitation to the Campbelltown Business Centre.

Events that the Campbelltown Main Street Association has been involved in over the last twelve months include:

- Festival of Fisher's Ghost
 - Street parade
 - Street fair
 - Shop window decorating competition
 - Christmas Celebrations
 - Campbelltown and Camden Band
 - Shop Window decorating competition
 - Santa on Queen Street promotion
 - Easter Celebrations
 - Shop Window decorating competition
 - Easter Baskets
 - Wizard of Oz on Queen Street
 - Welcome Spring promotion
 - Safety BBQ
 - Focus on Fraud Function in conjunction with Campbelltown Police
-

v. Working with Council, Government Agencies, the Campbelltown Chamber of Commerce, and other community organisations to promote the interests of the Campbelltown CBD

As part of its ongoing work to improve the Campbelltown CBD, the Main Street Association looks to achieve a wider involvement with other agencies and actively liaises with:

- Campbelltown Council (officers and Councillors)
- Local Member of Parliament
- Campbelltown Police Force
- Campbelltown Chamber of Commerce
- Community organisations including schools, Macarthur Diversity Services, Macarthur Disability Services

The Main Street Association could be seen as an independent conduit to government agencies, advocating on behalf of the CBD and its business houses over matters that include:

- Council - defects in footpaths, shopfront conditions including awnings in disrepair, traffic signage and management, drainage, waste storage, public health matters, busking, public nuisances and planning enquiries
- Police – crime, safety and intelligence

Through regular attendance at the Main Street Committee meetings by representatives of the Local Police Command, the Council and the Campbelltown Chamber of Commerce and Industry, stronger relationships and more effective lines of communication have developed in responding to a range of matters specific to each of the organisations.

vi. Provide information on the expenditure of membership funds, the expenditure of Council's contribution and expenditure of funds gained from any other revenue sources

Council's cash contribution to the Main Street Association is combined with income derived from membership fees. This forms the basis of the operating budget.

Primarily, the expenditure of funds is allocated to four main areas:

- coordinator's employment costs
- office space rent
- operational outgoings (utilities etc.)
- events
- promotional sponsorship
- marketing, advertising, printing etc. (Main Street and Business House Members)

A copy of the financial statements of the Campbelltown Main Street Association Inc. for the year ending 30 June 2013 is shown under attachment 1.

Response to Council Resolution 2 - Options for Councils Future Involvement with the Main Street Associations

There are a range of options available to the Council with respect to its future involvement with the Campbelltown Main Street Association. Each of those options is dependent upon Council determining whether it wishes to:

- continue to make a financial contribution to the Association
- expand or decrease its financial contribution
- have a greater and more formal role in the setting of operational and strategic business priorities for the Association
- be directly responsible for the conduct of the day to day business of the Association

In considering the above, regard should be given to:

- the capacity of the Main Street Association to continue without Council's support and the potential consequences of the Main Street Association being discontinued through a reduced level of available resources
- the comparative ability of nearby regional shopping centres to self-promote and the advantage that those centres have over a local CBD in terms of their natural potential to draw customers
- the unwritten value that Council's participation in the Main Street Association is worth in providing a level of confidence for the various business houses in the CBD and future investment in the CBD

In a wider and more strategic sense, it is unlikely at this stage to be sufficient business momentum and confidence (within the CBD) to generate additional membership income without the assistance of the Council.

However, should the transition of the old CBD precinct into a higher density living and a commercial 'hub' start to form within the next two-three years, Council could at that time consider options that may be available within increased development and could assist in funding the Campbelltown Mainstreet Association.

For the Councils information, attachment 2 provides a snap shot of responses from a number of the larger Councils within the wider Sydney area, in which it is revealed that various Main Street models (and none) exist, and that it would appear that not one model is the same.

Having regard to the above and the information within the attachments provided, it is suggested that the options before the Council in terms of its involvement with the Campbelltown Main Street Association are:

1. do not change current funding and administrative arrangements
 2. continue with the current funding and administrative arrangements for the short term (Council continues to be represented on the Executive Committee) and review the model again in one-two years, at which time consideration be given alternative sources of funding should higher levels of development proceed. This would require formal endorsement by Council at that time
-

3. reconsider the level of Council's involvement with the Campbelltown Main Street Association
4. take a more direct/formal role in the day to day running the Main Street Association as part of its normal operations

Officer's Recommendation

That Council consider future involvement with the operation of the Campbelltown Main Street Association having regard to the options outlined within the body of the report.

Committee's Recommendation: (Kolkman/Oates)

That Council continue to support the Campbelltown Main Street Association for the balance of this term of Council.

Amendment: (Rowell/Mead)

That in considering the options outlined in the report, Council cease direct funding of the Campbelltown Main Street Association from the 2014-2015 financial year.

WON and became the Motion

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

That in considering the options outlined in the report, Council cease direct funding of the Campbelltown Main Street Association from the 2014-2015 financial year.

Amendment: (Oates/Kolkman)

That a decision in this matter be deferred and representatives from the Main Street Association be invited to attend and address a future briefing evening.

LOST

Council Resolution Minute Number 23

That in considering the options outlined in the report, Council cease direct funding of the Campbelltown Main Street Association from the 2014-2015 financial year.

A **Division** was called in regard to the Resolution for Item 2.8 - Campbelltown Main Street with those voting for the Motion being Councillors Borg, Dobson, Greiss, Hawker, Lake, Matheson, Mead, Rowell and Thompson.

Voting against the Resolution were Councillors Bricevic, Glynn, Kolkman, Lound and Oates.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - January 2014

Reporting Officer

Manager Development Services

Attachments

Development Services application statistics for January 2014 (contained within this report)

Purpose

To advise Council of the status of development and other applications within the Development Services section.

Report

In accordance with Council's resolution of 23 August 2005, that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for January 2014 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

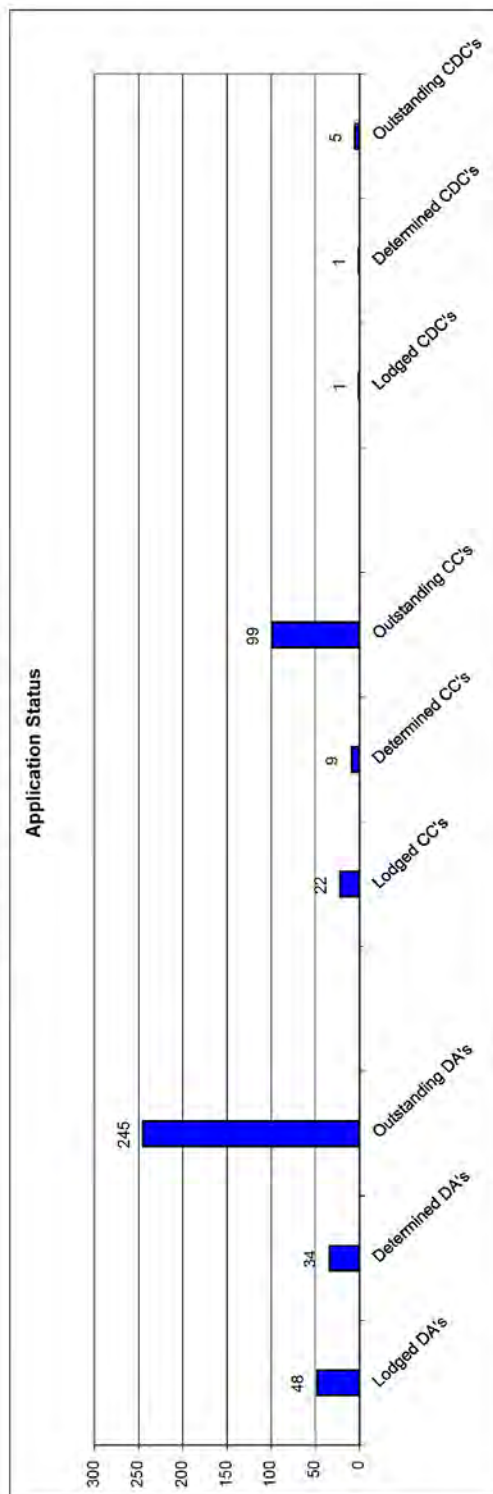
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 23

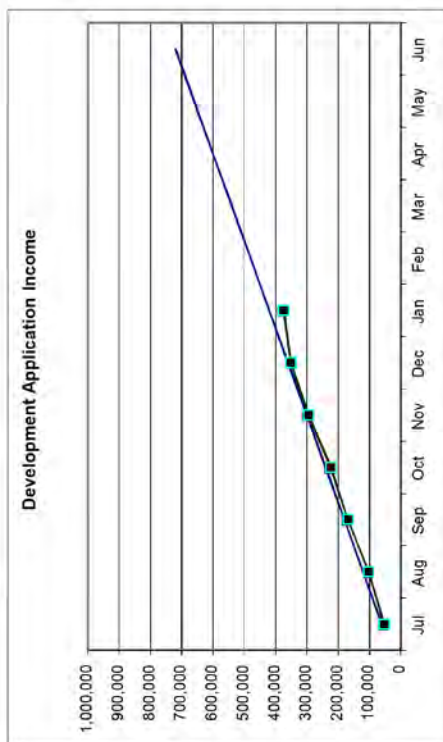
That the Officer's Recommendation be adopted.

ATTACHMENT 1

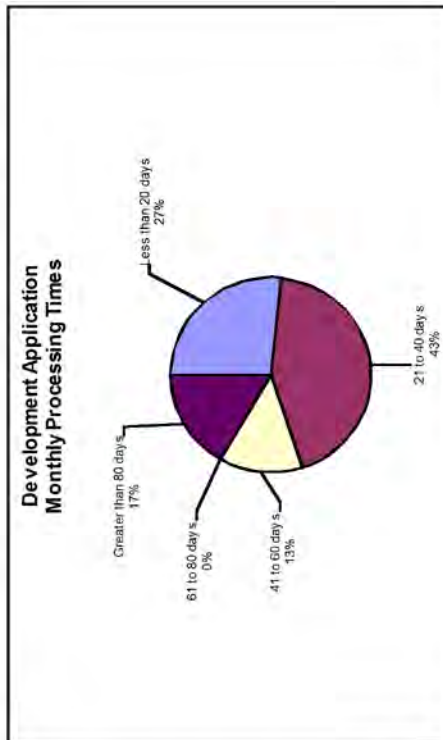
DEVELOPMENT SERVICES SECTION
 MONTH AT A GLANCE – January 2014



Development Application
 Monthly Processing Times



Development Application
 Monthly Processing Times



3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, fitout and use of a single tenancy industrial type building with mezzanine office area, car parking, fencing, earthworks and retaining walls

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Elevations (contained within this report)
5. Landscape plan (contained within this report)

Purpose

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 205, DP 787308 – No. 19 Broadhurst Road, Ingleburn
Application No.	537/2013/DA-I
Applicant	Roblan Property Pty Ltd
Owner	Roblan Property Pty Ltd
Provisions	Campbelltown 2025 Looking Forward State Environmental Planning Policy (Infrastructure) 2007 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 State Environmental Planning Policy No. 1 – Development Standards Campbelltown (Sustainable City) Development Control Plan 2009 Development Control Plan No. 87 – Public Notification and Public Exhibition Policy Campbelltown City Council Section 94A Development Contributions Plan
Date Received	15 March 2013

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

Report

Development Consent is sought for the construction, fit out and use, of a single tenancy industrial type building, (a gross floor area of approximately 1,100m²), with associated office areas, car parking, fencing, earthworks and retaining walls.

The site is rectangular in shape and has a total site area of approximately 5,998m² and has a 13.2m wide transmission easement which runs along the rear portion of the site. The site adjoins the Main Southern Railway Line and other industrial lots.

The proposed tool and stamp making facility, involves the manufacturing, maintenance and warehousing, of metal stamping dies, moulds, springs, pressed metal punches and brushes, using a series of milling machines, cutters, grinders and saws. The application details that all equipment operate at noise levels of less than 85 dBA.

The proposed hours of operation are:

- Mondays to Sundays – 7:00am to 7:00pm

This development application is required to be reported to Council due to an objection to a development standard under Clause 37 – Setbacks within Industrial Areas, of Campbelltown (Urban Area) Local Environmental Plan 2002. An objection to a development standard, pursuant to State Environmental Planning Policy 1 – Development Standards, has been submitted with the application. Despite the fact that this type of development could be determined under delegated authority, the decision on whether to allow a variation to a development standard included in an environmental planning instrument can only be made by the full Council.

1. Vision

Campbelltown 2025 Looking Forward

‘Campbelltown 2025 Looking Forward’ is a vision 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
- 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.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

The strategic directions relevant to this application are:

- growing the Regional City
- building a distinctive Campbelltown sense of place
- creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 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
- development and land use that matches environmental capacity and capability.

The proposed development has been assessed giving regard to Campbelltown 2025 Looking Forward. It is considered that the Development Application is generally consistent with the Vision's desired outcomes when giving regard to the design and level of impact on adjoining development and the locality.

2. Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters the following issues have been identified for further consideration.

2.1 State Environmental Planning Policy (Infrastructure) 2007

Pursuant to clause 85 and clause 86 of the State Environmental Planning Policy (Infrastructure) 2007, written notice of the application has been provided to RailCorp (rail authority for the adjacent rail corridor).

The reasons for the notification include the proximity of the development site to an electrified rail corridor, the proposed metal building materials to be used, and that the proposal involves the penetration of ground to a depth of at least 2 metres on land within 25 metres of a rail corridor.

RailCorp did respond to the Council referral and raised no object to the proposed development subject to the inclusion of specific conditions relating to drainage the environment and pollution. These have been included within the recommended conditions of consent at attachment 1.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

2.2 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The proposal does not conflict with any of the relevant provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

2.3 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 4(a) General Industry under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed warehouse type development is permissible within the zone and is considered to be consistent with the following objectives of the zone:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown
- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown
- (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

Consequently the proposal satisfies the provisions of clause 12 of LEP 2002 and Council can grant development consent should it deem appropriate to do so.

However, sub-clause 37(a) of LEP 2002, states that other than for development for the purposes of landscaping, access roads and/or off-street parking, development consent must not be granted for development on land within Zone 4(a) or 4(b), where the land is located within 30m of the Main Southern Railway Line.

The development application as lodged proposes to erect a building that has setback of only 19.39m from the Main Southern Railway Line and as such, does not comply with the 30m setback provisions of sub-clause 37(a) of LEP 2002.

The applicant acknowledges this non-compliance within the application and included a formal objection to the subject development standard pursuant to the relevant provisions of State Environmental Planning Policy No. 1 – Development Standards (SEPP 1).

In this regard, the applicant seeks Council's approval to vary the development standard on the grounds that complying with the standard, would be unreasonable in the circumstances of the case. The SEPP 1 variation is discussed in more detail below.

Further to the above, sub-clause 37(d) of LEP 2002, requires that development consent not be granted (other than in relation to the use of land for landscaping, for access roads and for off street parking), on any land within Zone 4(a) or 4(b) which is within 10 metres of any other road (i.e. Broadhurst Road). The proposed building is setback 18.645 metres from Broadhurst Road, thereby complying with the provisions of Sub-clause 37(d) of LEP 2002.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

2.4 State Environmental Planning Policy No. 1 – Development Standards

State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) aims to provide flexibility in the application of planning controls operating by virtue of development standards, in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary.

SEPP 1 provides opportunities for objections to development standards to be considered outside the framework of the respective Environmental Planning Instrument standard, which in this instance, is the 30m minimum setback requirement to the Main Southern Railway Line specified under sub-clause 37(a) of LEP 2002.

As stated previously, the application was accompanied by a formal SEPP 1 objection (attached) seeking a variation to the 30m setback standard.

The objectives of SEPP 1 are to provide flexibility in the application of development standards, where strict compliance can be shown to be unreasonable or unnecessary in the circumstances, 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 objectives of Section 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
- (ii) the promotion and co-ordination of the orderly and economic use and development of land”

When putting aside the non-compliance with the relevant setback standard, it is considered that the proposal is generally consistent with these objectives.

As stated, the subject application seeks a variation to the provisions of sub-clause 37(a) of LEP 2002, to allow the proposed building to encroach within the 30 metres Main Southern Railway Line setback. The proposed building is setback 19.39 metres from the Main Southern Railway Line, which equates to a variation to the relevant standard by approximately 10.6 metres or in other words, a variation of approximately 35% to the standard.

The accompanying objection to the development standard, lodged under the provisions of SEPP 1, seeks to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved, notwithstanding the non-compliance with the standard.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

The objection provided the following reasons:

- i. The proposed landscape screening across the rear of the building will ensure that the visual appearance of the building, when viewed from the Main Southern Railway corridor is acceptable
- ii. Despite the reduced rear building setback, the area at the rear of the site is not required for car parking or heavy vehicle manoeuvring
- iii. The proposed non-compliance does not result in any inconsistencies with the objectives of the zone in which the site is located, or the assumed objectives of the rear building setback development standard
- iv. The non-compliance does not directly result in any adverse environmental impacts in terms of the building being out of context with the prevailing bulk and scale of industrial development in the locality
- v. The proposal will provide a high quality industrial development that is sympathetic to and in keeping with the existing and desired future character of the area
- vi. The scale and nature of the non-compliance does not give rise to any matter of State or Regional significance, nor does it adversely affect the public interest
- vii. The style, scale and built form of the building and associated landscaping will reflect and complement the existing and likely future 'built environment' and desired character of the area
- viii. The landscape screening proposed across the rear of the building will soften the visual impact of the building when viewed from the Main Southern Railway corridor
- ix. The proposal will have a positive impact on the streetscape character of the locality
- x. The proposal is generally consistent with the aims and objectives of Campbelltown (Urban Area) Local Environmental Plan 2002
- xi. The proposal is generally consistent with the objects of the *Environmental Planning and Assessment Act 1979*, in particular, the orderly and economic use and development of land and ecological sustainable development.

In providing further support for the SEPP 1 objection, the proposal includes landscaping along the railway interface in order to reduce the chance of graffiti attack on the wall presenting to the railway corridor, and to reduce the visual impact of the proposed building when viewed from within the rail corridor.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

With respect to the question of what would be a satisfactory width of landscaping, advice from Council's horticultural officers has been provided that confirms that a minimum width of 5 metres would be required in order to ensure a sufficient depth and density of planting could be achieved.

Further to this and when giving regard to the known constraints of the land and specifically, the 13.2 metres wide transmission easement at the rear of the property, the proposed setback of 19.39 metres would still allow for 6.2 metres of landscaping in the case that the whole of the landscaped area was clear of the easement. In this regard, where the Council was of a mind to approve the application, it would be considered appropriate to require that the landscaping be kept clear of the easement so as not to impede access along the easement for the relevant authority. This point has been included in the recommended conditions of consent.

When considering such a variation, and on the grounds presented, the risk of setting a precedent must also be considered, as does the consequence of a precedent if one is set.

In this regard, it is noted that there are 11 undeveloped industrial allotments adjacent to the subject site (along Broadhurst Road) with similar attributes to that of the subject site, including the 13.2 metre wide transmission easement and a common boundary with the Main Southern Railway Line. Accordingly, it is brought to the Councils attention that should the above SEPP 1 objection be approved, it is likely (given the grounds on which this objection has been presented), that such an approval would be considered a precedent which in turn, would be likely to invite future development applications objecting to the same standard for the same reasons.

Notwithstanding this, it is considered possible that with well considered alternate controls, the objective of screening the hard surfaces of the industrial buildings and the softening the visual aspect from the rail corridor can be achieved, whilst allowing development within the 30 metre setback area.

Although it may be argued that some of the reasons provided as justification for the variation attempt to uphold the objectives of clause 37(a) of the LEP 2002, it may also be argued that the reasons provided are not be sufficient on their own to justify such a variation. Although this maybe the case, there are other matters that should be considered prior to the Council making a decision on whether to approve such a variation or not.

A discussion on these matters is provided later in this report.

2.5 Campbelltown (Sustainable City) Development Control Plan 2009

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2009.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

Section	Control	Requirement	Proposed	Compliance
2.4 (b)	Rain Water Tanks	A 10,000L rain water tank shall be provided for all new buildings containing a roof area of between 1,001m ² and 5,000m ² .	The proposal includes two 5,000L aboveground rain water tanks.	Yes
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes various indigenous plantings.	Yes. However, additional planting is required for the full width of the allotment for a minimum depth of 5.0m and clear of the transmission easement.
2.12 (1) (c)	Fencing	Commercial and industrial fencing shall be a maximum 2.4m in height.	The proposal includes 2.4m high front fencing and 2.1m high rear fence.	Yes
2.12 (1) (e)	Fencing	Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.		NA
2.15	Waste Management	Provision of a detailed Waste Management Plan.	The proposal has been accompanied by a detailed Waste Management Plan.	Yes
6.3.1 (a) (i)	Building Design	Provision of vertical and / or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses.	The front contains vertical and horizontal variations.	Yes
6.3.1 (a) (ii)	Building Design	Articulate architectural details around doors, windows front facades, roofs and entrances.	The design is of a high quality / contemporary architectural design incorporating various elements of architectural interest.	Yes
6.3.1 (a) (iii)	Building Design	Articulate walls through the use of texture, colour, material changes, shadow lines and other facade treatments, at least every 15m.	The front facade is treated / varied at least every 15m.	Yes
6.3.1 (a) (iv)	Building Design	At least 50% of the total surface area of the front elevation to be constructed of masonry material.	Approximately 80%	Yes
6.3.1 (b)	Building Design	Buildings on corner allotments shall be designed to address both street frontages.		NA

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

Section	Control	Requirement	Proposed	Compliance
6.3.1 (c)	Building Design	Buildings shall be predominantly single storey in height (excluding basements, mezzanines and offices).	The proposal is single storey in height.	Yes
6.3.1 (d)	Building Design	Mezzanines and / or offices shall not comprise more than 30% (combined) of the gross floor area of the building (or each unit in a complex).	Approximately 11%	Yes
6.3.1 (e)	Building Design	No building shall rely upon a required path of egress (as defined within the BCA) over adjoining private land.	Egress is provided directly to the adjacent Road Reserve.	Yes
6.3.1 (f)	Building Design	No building or structure shall be erected within a right of carriage way or easement.	The proposed layout has regard to the easement located on the site.	Yes
6.3.1 (g)	Building Design	A schedule of proposed colours, materials and finishes shall accompany all development applications for new industrial buildings.	The proposed finishes are of earthy tones and include elements of varied texture.	Yes
6.3.1 (h)	Building Design	The main entry to the building shall be easily identifiable from the street and directly accessible from the front of the building.	The main entry to the building is easily identifiable from the street and is directly accessible from the front of the building.	Yes
6.3.2 (a) (i)	Building Setbacks	30m from the Main Southern Railway Corridor.	19.39m	No Subject to decision of Council
6.3.2 (a) (iii)	Building Setbacks	10m from Broadhurst Road.	18.645m	Yes
6.3.2 (b)	Building Setbacks	Buildings adjoining residential zones shall be setback a minimum of 10m.		NA
6.3.3 (a)	Fences	Fencing in industrial developments shall be of recessive colours, palisade design, or plastic coated and framed chain wire with a maximum height of 2.4m, unless required as part of an acoustic solution.	The proposal includes 2.4m high, black powder coated, palisade style front fencing and 2.1m high, black powder coated, palisade style fencing to the rear.	Yes
6.4.1 (a)	Car Parking and Access	Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2	Parking and loading facilities have been designed in accordance with	Yes. Furthermore a condition has been included within the recommendation

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Section	Control	Requirement	Proposed	Compliance
		(as amended).	Australian Standard AS 2890.	requiring compliance with such.
6.4.1 (c)	Car Parking and Access	<ul style="list-style-type: none"> a minimum of two spaces per unit, plus one space for every 100m² of leasable floor area for buildings up to 2,000m², and one space per 35m² for any office area. <p>Equating to 20 spaces</p>	20 spaces	Yes
6.4.1 (e)	Car Parking and Access	Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point movement to enter and exit the site in a forward direction.	The proposal provides for adequate onsite manoeuvring.	Yes
6.4.1 (f)	Car Parking and Access	No car parking spaces or manoeuvring areas shall occupy more than 50% of the required front setback area.	Car parking and manoeuvring areas occupy 50% of the required front setback area.	Yes
6.4.1 (g)	Car Parking and Access	No car parking spaces shall be designed in a stacked configuration.	None of the car parking spaces are of a stacked configuration.	Yes
6.4.1 (i)	Car Parking and Access	Each site shall have a maximum of one ingress and one egress for heavy vehicles (combined or separated). Though each site may have an additional ingress / egress for cars (and other light vehicles).	The proposed layout includes a driveway for ingress and a driveway egress purposes.	Yes
6.4.1 (j)	Car Parking and Access	A minimum of 10% of the required car parking spaces, including disabled spaces, shall be located within close proximity to the main pedestrian entry to the building.	In excess of 50% of the car parking spaces, including the disabled space, are located adjacent to the main entry to the building.	Yes. Furthermore, a condition has been included within the recommendation requiring the disabled space to be appropriately marked and maintained, at all times.
6.4.2 (a)	Loading and Unloading	Each industrial factory / unit shall be provided with a loading bay.	The proposed layout includes a loading bay within the building.	Yes
6.4.2 (b)	Loading and Unloading	Provision shall be made for all loading and unloading to	The proposal provides for	Yes

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Section	Control	Requirement	Proposed	Compliance
		take place wholly within the site.	adequate loading and unloading areas on the site.	
6.4.2 (c)	Loading and Unloading	No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles or on roadways.	The proposed loading bay does not conflict with car parking or landscaped areas.	Yes
6.4.2 (d) (ii)	Loading and Unloading	Each industrial building having a leasable floor area of more than 1,500m ² shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site.	Manoeuvring areas are provided for heavy rigid vehicles.	Yes
6.4.3 (a)	Access for People with Disabilities	Industrial developments shall comply with the minimum access requirements contained within the BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).	Consideration of the proposal indicates that the proposal has the potential to satisfy such requirements.	Yes. Furthermore a condition has been included within the recommendation requiring the provision of details (prior to the issuing of a Construction Certificate) demonstrating compliance with the relevant requirements of the BCA and AS 1428 – Design for Access and Mobility.
6.5 (a)	Landscaping	A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for the construction of industrial buildings.	The application was accompanied by a detailed landscape plan.	Yes
6.5 (b) (i)	Landscaping	Landscaping shall be provided to a minimum of 50% of each required setback area located along the full width of each street frontage (other than vehicle driveways).	Landscaping has been dedicated to approximately 50% of the required front setback area.	Yes
6.5 (b) (ii)	Landscaping	Landscaping shall be provided to a minimum of 50% of each required setback area located along the full width of setbacks of sites adjoining open space, residential and / or commercial areas.		NA
6.7 (a)	Industrial	Industrial developments shall	The proposed layout	Yes

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Section	Control	Requirement	Proposed	Compliance
	Waste Management	make provision for an enclosed on site waste and recycling facility that has adequate storage area to accommodate the waste generated from the development.	makes suitable provision for the storage of waste within the building.	
6.10 (a)	Multi Unit Complexes	Each industrial unit proposed on land zoned 4(a) General Industry under Campbelltown (Urban Area) LEP 2002, shall have a minimum LFA of 400m ² .	The building has a leasable floor area of approximately 1.430m ² .	Yes

3. Planning Assessment

Notwithstanding the setback variation sought by the applicant, the proposed development is considered to be of a high quality design, in terms of its architectural form, and the type of materials and finishes used. Moreover, the overall design provides sufficient on-site manoeuvring and car parking facilities for future occupants.

The landscaping proposed for the street frontage and along the railway corridor interface will result in a softening of the hard edges of the building, as it will also help reduce the visual massing of the building. The added vegetation along the railway interface will also help protect against graffiti attack.

As previously outlined, should Council approve the SEPP 1 variation sought by the applicant, it is highly likely that the decision would be considered a precedent and future development applications seeking similar setback variances would be difficult to defend.

This would specifically apply to the existing vacant industrial allotments to the subject sites south (11 in total), as well as the developed allotments to the north of the subject site. It should be noted that the location of the buildings on each of the northern allotments comply with the 30 metre setback standard.

Background to clause 37

As background, the industrial setback controls stipulated under clause 37 of LEP 2002 came into force with the gazettal of the LEP in 2002.

Clause 37 of LEP 2002 (and in particular clause 37(a)) specifically stated the following:

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

- (a) 30 metres of the main southern railway line, the South Western Freeway, Ben Lomond Road between Pembroke Road and the Main Southern Railway Line, Campbelltown Road, Henderson Road, Pembroke Road, Rose Payten Drive or Williamson Road

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- (b) 15 metres of Airds Road (but in respect of Lot 2 DP 605327, the 15 metres is to be measured from the alignment of Airds Road as existing prior to the dedication of the road widening shown on DP 605327), Badgally Road, Ben Lomond Road between Campbelltown Road and the Main Southern Railway Line, Blaxland Road between Campbelltown Road and Rose Street, the south eastern side of Blaxland Road between Rose Street and Lot 5 DP 538258, Blaxland Road between Lot 5 DP 538258 and Narellan Road, Devon Road, Grange Road, Plough Inn Road between Campbelltown Road and Hollylea Road, Sussex Street or Swaffham Road
- (c) 8 metres of the north western side of Blaxland Road between Rose Street and Lot 5 DP 538258
- (d) 10 metres from any other road.

Part of clause 37(a) specifies that land within Zone 4 (a) or 4 (b) which is within 30 metres of the main southern railway line can only be used for landscaping, access roads and off street parking.

Although this standard is found within LEP 2002, it should be noted that the standard is also found within Part 7 of the Campbelltown (Sustainable City) Development Control Plan 2012 as a building setback control.

LEP 2002 does not explicitly outline the objectives of the setback standard, however, the objectives for setting back industrial buildings 30 metres from the railway line are generally:

- to provide spatial relief and visual interest for passing train passengers
- to enable the sections of properties adjacent to the railway line to be sufficiently landscaped
- protection of developments along the rail corridor from graffiti attack

Since the adoption of the industrial setback standards within the LEP 2002, there have been numerous requests from developers to vary the subject rail corridor control to enable the construction of buildings within the setback area in order to gain a greater return from their land.

Given that the subject standard is found within an Environmental Planning Instrument such as LEP 2002, variations to this standard requires a developer to make an objection pursuant to State Environmental Planning Policy 1 – Development Standards (SEPP1), outlining why compliance with the standards would be unreasonable or unnecessary.

Guidelines issued by the Department of Planning and Infrastructure specify that unless the variation is less than 10% of the standard (in this case it is approximately 35%), an application that proposes to vary the setback standard using a SEPP 1 objection is required to be determined by the full Council and not under delegated authority.

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Reason for Change

Given the number of requests and reasons behind these requests, it may be reasonable to consider permanently varying the standard. It is often argued that by not allowing the development of land within 30 metres of the main southern railway line, valuable land is effectively sterilised, thereby reducing the full economic and employment potential of these properties. For example, on a typical industrial property with a depth of 80 metres, the subject setback control can result in up to 38% of the property being constrained and unable to be used for economic development and employment purposes.

This figure can also increase when required setbacks from roads are taken into consideration. These setback standards can and do ultimately conflict with the overarching objectives of the zone and that of delivering useful employment lands and lands that can be (but for a setback standard) developed to their full potential.

This raises the question of what Council can do to further stimulate development of industrial lands, while at the same time upholding the intent of the 30 metre setback standard when it was made. In this regard it is considered that with appropriate alternate controls, it is possible to still uphold the objective behind the setback standard and achieve a development outcome that improves the economic and employment potential of the city.

In a typical industrial development (including those directly adjoining the railway line) the car parking would normally be located at the front of the property, and as close as possible to the street. This enables the efficient movement of vehicles into and out of the property and reduces the extent of hardstand areas required to be constructed. Landscaping is typically located in front of the car parking area(s) to soften the development's visual impact. Unless the development site has an irregular shape, there is no compelling reason to locate landscaping, access roads and off street parking within the rear portion of the site adjacent to the railway line (as developers are encouraged to do under clause 37 of LEP 2002).

A review of industrial developments located along the rail corridor has found that most have their car parking areas and landscaping at the front of the property. The rear of these properties is often used for the storage of equipment, machinery and stock (often contrary to the approved configuration of the site), and these storage areas are highly visible from the rail corridor, which again is contrary to one of the objectives of the standard, being to provide visual interest for train passengers.

The tendency for businesses to use the 30 metre setback area for storage is understandable, given that in the case of allotments adjacent to the rail corridor, such a large portion of the site is unable to contain a building. Of course there are many who see these large setback areas as "wasted valuable space". Whilst the setback standard within LEP 2002 envisages a landscaped corridor along the railway line, in reality this has not transpired, as there is no standard within the LEP 2002 or Development Control Plans that requires the area between industrial buildings and the railway corridor to be landscaped. This is a matter that could be addressed through a general variation to the setback standards along the rail corridor in addition to the requirement for the planting of a densely vegetated screen of a specified width between the rail corridor and the building.

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Vision - 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
- 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 matter are:

- Growing the Regional City
- Creating education, employment and entrepreneurial opportunities

It is arguable that clause 37 in its current form, in so far as it relates to setbacks from the main southern railway line, does not to the fullest of extent compliment these strategic directions. Such deep setback requirements result in the sterilisation of a significant amount of useable industrial land, and a subsequent reduction in the development potential of several industrial properties. As a result, the potential for industrial properties adjacent to the railway line to provide employment and entrepreneurial opportunities is reduced. This in turn has an influence on Campbelltown's growth as a Regional City.

Standard Instrument Local Environmental Plan

Council is currently preparing a draft Local Environmental Plan that will conform to the Standard Instrument LEP template. The setback controls of clause 37 of the LEP 2002 are not intended to be transferred to the new LEP, as advice from the NSW Department of Planning and Infrastructure has been received to the effect that it is more appropriate to include non-core standards such as setbacks in Development Control Plans rather than Local Environmental Plans. As such, it is expected that once Council's new LEP is adopted and the current LEP is repealed, the railway setback standard in question will not be a 'development standard' within the meaning of the *Environmental Planning and Assessment Act 1979*. This means that following the making of the new LEP, a SEPP 1 objection will not be required to accompany an application that seeks to vary the same standard.

Given this, any assessment and consideration of the proximity of development to the rail corridor (after the making of the LEP) will be subject to some flexibility as DCPs (although generally enforceable) are now considered to have the weight of a guide. In addition, applications that seek to vary the standard will not be required to be reported to the full Council for determination. Hence, the future ability to strictly enforce such a setback standard will be limited, if not lost.

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Complying Development

On 22 February 2014, further amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into force. These amendments have the effect of allowing private certifiers to issue approvals (Complying Development Certificates) for new industrial and warehouse buildings, subject to compliance with a set of standards outlined in the SEPP.

One of the standards that new industrial and warehouse buildings must comply with relates to building setbacks from a railway corridor. The relevant standard in this regard states:

“If the development is carried out on a lot that has a boundary with a railway corridor, the new building or addition and any ancillary development must be located at least 3 metres from that boundary”

This means that subject to the proposed building complying with all of the standards outlined in the Codes SEPP, developers will be able to obtain approval from a private certifier to construct a new industrial building within 3.0 metres of the main southern railway line, without Council's involvement and without having to give consideration to any development standards within Council's Local Environmental Plan.

However, it must be remembered that not all industrial building proposals will be able satisfy the requirements of the Codes SEPP, and therefore will not be able to be assessed/approved under the rules of the Codes SEPP. In these cases, a Development Application will be required to be lodged with the Council where the proposal will need to satisfy Council's relevant controls which would include any railway setback standard set by the Council.

A New Approach

Whilst the main objective of the 30 metre setback standard is considered sound and reasonable, the practical implications of its strict implementation is often seen as overly restrictive and a constraint to further high quality development along the corridor. In view of the economic argument in favour of allowing more of the industrial land to be built upon, it is considered that the objectives of the setback standard can still be upheld where the rail corridor setback standard was reduced and a greater focus placed on the landscaping/screening of the setback area.

In this regard, it is considered that a 5 metre building setback from the railway corridor would provide adequate area for the planting of a dense vegetative screen between the building and the corridor so as to ensure visual relief for train passengers and limit opportunities for graffiti attack on the wall of the building (or internal fence as the case may be). In order to allow flexibility in how these setback areas are to be landscaped, it is considered appropriate that the overarching objective of the setback standard be retained and that for all industrial development along the rail corridor, the approval would be subject to the development proposal providing a substantial landscaped screen of a width of 5 metres and mature height that adequately screens the adjacent building from the rail corridor. Accordingly, in lieu of the current 30 metre setback standard, it is considered that to enable further development of the lands along the rail corridor, Council could allow a general variation to the standard and implement the following as an alternative:

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Buildings/structures/uses of land within the 4(a) and 4(b) zones shall be located a minimum of 5 metres from the Main Southern Railway Corridor. A vegetated screen/landscape area of a width of 5 metres is to be constructed for the full width of the property between the rail corridor boundary and the building. Where the site is constrained by way of easement or other restriction along the rail corridor boundary, the 5 metre wide landscaped area is to be constructed clear of the easement or restriction. The vegetated screen shall be densely landscaped with trees and plants selected from the Campbelltown Native Gardening Guide. Landscaping shall be designed to provide a vegetative screen of sufficiently mature density that results in the satisfactory screening of the development from the railway corridor. If in the opinion of Council the proposed landscaping is insufficient, the provisions of Clause 37 of the LEP 2002 will continue to apply.

Where the standard above was adopted as part of a general variation to clause 37 (i.e. in the case that the variation was to be applied indiscriminately to all future applications), an applicant would still be required to submit a SEPP 1 objection to the standard where the proposed building setback was less than 30 metres from the railway line. However, in the case that an exemption was obtained from the Director General Planning and Infrastructure, such an application could be dealt with more expediently under delegated authority, rather than being reported to the full Council.

Implementation

In November 2008, NSW Planning Circular PS 08-14 advised Councils that all development applications with SEPP 1 objections seeking variations greater than 10% must be reported to Council for determination. It is understood that a small number of Councils have obtained limited and specific exemptions to this requirement and that these exemptions were obtained by making a written application to the Department of Planning and Infrastructure.

These limited exemptions relate to a specific development type and specific development standard. In addition, as part of the limited exemption, these Councils are required to review these specific development types and associated specific development standards as part of the preparation of their new Standard Instrument LEP. These limited exemptions have only been supported in cases where there has been a clear and demonstrated need for and benefit from an exemption.

If Council was to form the view that a permanent variation to clause 37 (a) of the LEP 2002 is appropriate, it would be considered prudent to also seek a general exemption from the 10% rule (for this matter only) from the Department of Planning and Infrastructure. The exemption would allow Council officers to approve (where appropriate) industrial buildings with setbacks to the railway line of less than 30 metres, without the need for each development application having to be reported to the full Council for determination.

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Public Participation where Council vary a standard

Given that the proposed changes being discussed would not constitute an amendment to an Environmental Planning Instrument or Development Control Plan, but rather a general variation to a control, it is not considered necessary to publicly exhibit the variation.

Notwithstanding this, Council has an obligation to notify all SEPP 1 objections that have been approved by the Council. This is already a process that is carried out by Council staff. A SEPP 1 register is held on Council's web site which shows all previous SEPP 1 approvals granted over the past few years.

3.1 Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are applicable the subject development in accordance with the relevant provisions of the Campbelltown City Council Section 94A Development Contributions Plan and accordingly, a condition has been included within the recommended draft conditions of consent at attachment 1.

3.2 Consultation

The application was referred to Council's Development Engineer and Council's Building Certification Unit, for comment. No objections were raised, subject to the inclusion of conditions, which have been included within the recommendation.

4. Public Participation

In accordance with the requirements of Campbelltown Development Control Plan No. 87, the development application was not required to be notified.

5. Conclusion

Apart from the variation to the rear setback, the proposal generally complies with the relevant planning provisions and overall, is considered to be a satisfactory development response for the subject land.

When having regard to the proposed position of the building and its physical proximity to the railway line, it is considered that the building is still well placed and should not overbear the railway line.

Having regard to the applicants request for a variation to the 30 metre setback standard, despite the arguable lack of justification provided by the applicant in support of the variation sought, it is considered that at a more general policy level, preventing the construction of buildings within 30 metres of the main southern railway line effectively sterilises a large amount of valuable industrial employment-generating land that would otherwise provide benefit to the Campbelltown area. Although the objective behind the 30 metre setback standard is considered sound and reasonable, it is considered that when having regard to all matters (including sterilisation of land), the standard does not result in the most effective outcomes.

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In this regard, it is considered that a 5 metre setback from the railway line would be a more appropriate standard in that the reduced setback will enable land holders to use their land more effectively, as would the 5 metre setback provide sufficient width to cater for a dense landscaped screen between the rail corridor and the development.

Further to this, as the setback controls of clause 37 are not intended to be transferred to the future Standard Instrument Local Environmental Plan, any future numerical standard stipulating a setback from the railway line will be articulated within Council's future Development Control Plans (DCP). Accordingly, as all DCPs are now considered guides, Council's power to enforce such a standard will be less than that currently available to it under the LEP 2002. In addition and despite Council's controls, recently adopted amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will allow new industrial and warehouse buildings to be constructed within 3 metres of boundaries with railway lines.

Having regard to the above, it is recommended that the Council approve the general variation to the rail corridor setback standard within clause 37(a) of LEP 2002 and approve the SEPP 1 objection provided in support of the subject development application, utilising its 'Assumed Concurrence' power delegated by the Director General Planning and Infrastructure, and approve the development application subject to the draft conditions at attachment 1 of this report.

Officer's Recommendation

1. That Council approve a permanent variation to Clause 37(a) of Campbelltown (Urban Area) Local Environmental Plan 2002, reducing the minimum setback for buildings within the 4(a) and 4(b) zones from any property boundary shared with the main southern railway line from 30 metres to a minimum of 5 metres.
 2. That subject to the approval of recommendation one, a suitably dense vegetative buffer of a height and density to Council's satisfaction, with a width of 5 metres and for the full length of the property's common boundary with the rail corridor, be provided between the boundary of the rail corridor and the development of all allotments seeking the above variation.
 3. That subject to the approval of recommendation one, all vegetative buffers be constructed clear of any existing easement or right of carriageway, and that the building setback be designed to accommodate the cumulative width of the easement and vegetative buffer.
 4. That subject to the approval of recommendation one, the Council approve Development Application No. 537/2013/DA-I, for the construction, fit out and use, of a single tenancy industrial building, with mezzanine office area, car parking, fencing, earthworks and retaining walls, at No. 19 Broadhurst Road, Ingleburn, subject to the draft conditions within Attachment No. 1.
-

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5. That the option to rely upon and enforce the existing provisions of Clause 37(a) of Campbelltown (Urban Area) Local Environmental Plan 2002 be retained.
6. That subject to the approval of recommendation one, Council write to the Director General Planning and Infrastructure advising of Council's resolution.
7. That subject to the approval of recommendation one, Council write to the Director General Planning and Infrastructure seeking a general exemption from the requirement for the full Council to determine future SEPP 1 objections to the 30 metre rail corridor setback standard (Clause 37(a)) where the variation sought exceeds 10% of the standard.
8. That any approved general variation to Clause 37(a) of Campbelltown (Urban Area) Local Environmental Plan 2002 be incorporated into future editions of Council's Sustainable City Development Control Plan.
9. That subject to the approval of recommendation one, Council write to all owners of industrial lands adjacent to the main southern rail line advising them of the resolution of Council.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Greiss, Kolkman, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Committee's Recommendation: nil

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 27

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

Note: Councillor Brticevic was not in attendance at the meeting during debate and voting on this item.

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 be carried out in accordance with the approved plans prepared by POD Building Design, listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing No.	Date Received by Council
612A-1 (Amendment: A)	17 September 2013
612A-2 (Amendment: B)	16 January 2014
612A-3 (Amendment: A)	17 September 2013
612A-4 (Amendment: B)	16 January 2014
612A-5 (Amendment: B)	16 January 2014
612A-6 (Amendment: B)	16 January 2014
612A-7 (Amendment: B)	16 January 2014
612A-11 (Amendment: A)	17 September 2013

2. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works
- b. The applicant shall appoint a principal certifying authority
- c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works.

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

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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
- 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. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

6. Landscaping

- a. The provision and maintenance of landscaping shall be generally in accordance with the approved landscape plan, prepared by Greenplan, submitted to Council on 17 September 2013, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works. All landscaping along the rail corridor shall extend for the full width/length of the rail corridor interface.
 - b. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
 - c. All trees are to be staked and tied with a minimum of three hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - d. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - e. Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of each tree. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.
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- f. A suitable mix of plant species (trees and shrubs) shall be provided along the rail corridor screen to ensure that the built works are satisfactorily screened from the view of people within the adjacent rail corridor.
- g. All approved landscaping shall be maintained by the owner/operator of the site so as to maintain compliance with this consent at all times.

7. 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 - Volumes 1 and 3.

8. RailCorp – Drainage

Given the development sites' location next to the rail corridor, drainage from the development must be adequately disposed of / managed and not allowed to be discharge into the corridor, unless prior approval has been obtained from RailCorp.

9. RailCorp – Environment

During all stages of the development, environmental legislation and regulations will be complied with.

10. RailCorp – Environmental Harm

During all stages of the development, extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

11. RailCorp – Pollution

During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

12. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

The driveway area shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

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13. Car Parking Spaces

25 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended).

14. Lighting

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

15. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

16. Security Fencing

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

17. Operating Hours

The use of the premises shall be limited to:

Monday to Friday	7.00am - 6.00pm
Saturday	8.00am - 1.00pm
Sunday	closed

18. Emissions

The use of the premises shall comply at all times with the requirements of the *Protection of the Environment Operations Act 1997*.

19. Noise and Vibration

In the event of a noise or vibration problem arising, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

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20. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

21. Storage of Goods

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

22. Rubbish / Recycling Storage

Rubbish and recycling, and associated bins shall be stored within the building at all times.

23. Retail Sales

The direct retail sale of goods from the premises is prohibited.

24. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

25. Advertising Signs – Separate DA Required

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

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.

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26. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

27. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

28. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

29. 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.

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30. Geotechnical Report

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

31. 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.

32. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the existing pit located within the front boundary of the site connecting to the piped drainage system in Broadhurst Road. All proposals shall comply with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3.

33. Certification of Retaining Structures

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall engage a suitably qualified structural engineer to design the proposed retaining walls. A report detailing the construction requirements shall identify all measures necessary to construct the retaining walls.

Upon completion of construction and prior to the principal certifying authority issuing an occupation certificate, the retaining wall shall be certified by a structural engineer that the structures have been constructed in accordance with the design, and a copy of all documents shall be submitted to Council for its records.

34. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

35. 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.

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36. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2009 volume 2 and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

37. Design for Access and Mobility

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

38. RailCorp – Electrolysis Risk Report

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

39. 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
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- 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.

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.

40. 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.

41. 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
-

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- 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.

42. 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.

43. 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.

44. 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.

45. 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.

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46. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

47. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with Work Cover requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the *Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

48. RailCorp – Fencing

Prior to the commencement of works, appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction, prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

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.

49. 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 4.00pm
Sunday and public holidays	No Work.

50. 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.

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Note: On the spot penalties up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

51. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

52. 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.

53. 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.

54. 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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55. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with Australian Standard AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

56. 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. Council's Campbelltown (Sustainable City) DCP - Volumes 1 and 3;
- c. Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian Standards and State Government publications.

57. Footpath

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

58. Industrial / Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP - Volumes 1 and 3.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

59. 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.

60. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

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In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation 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 an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

61. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

62. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

63. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two copies of a work as executed plan certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

64. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

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65. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

66. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation 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.

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. Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. 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 three 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.

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

Advice 3. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 4. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 5. 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.
 - ii. After installation and prior to commencement of earthworks.
 - iii. 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 6. 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 - Volumes 1 and 3.

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Advice 7. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

Advice 8. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the Smoke Free Environment Regulations 2007 (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

Advice 9. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 10. Telecommunications Act 1997 (Commonwealth)

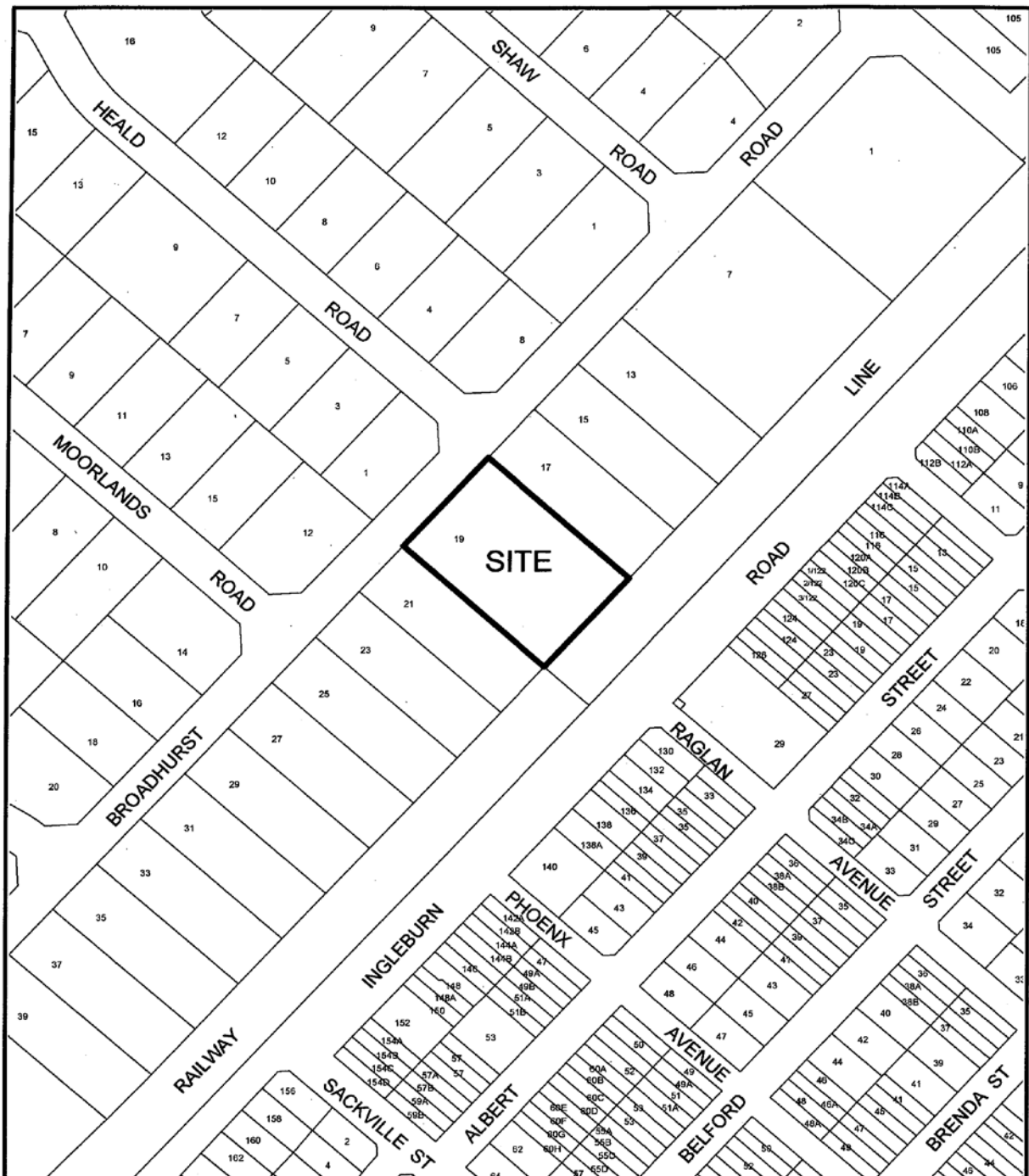
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

ATTACHMENT 2



LOCALITY PLAN

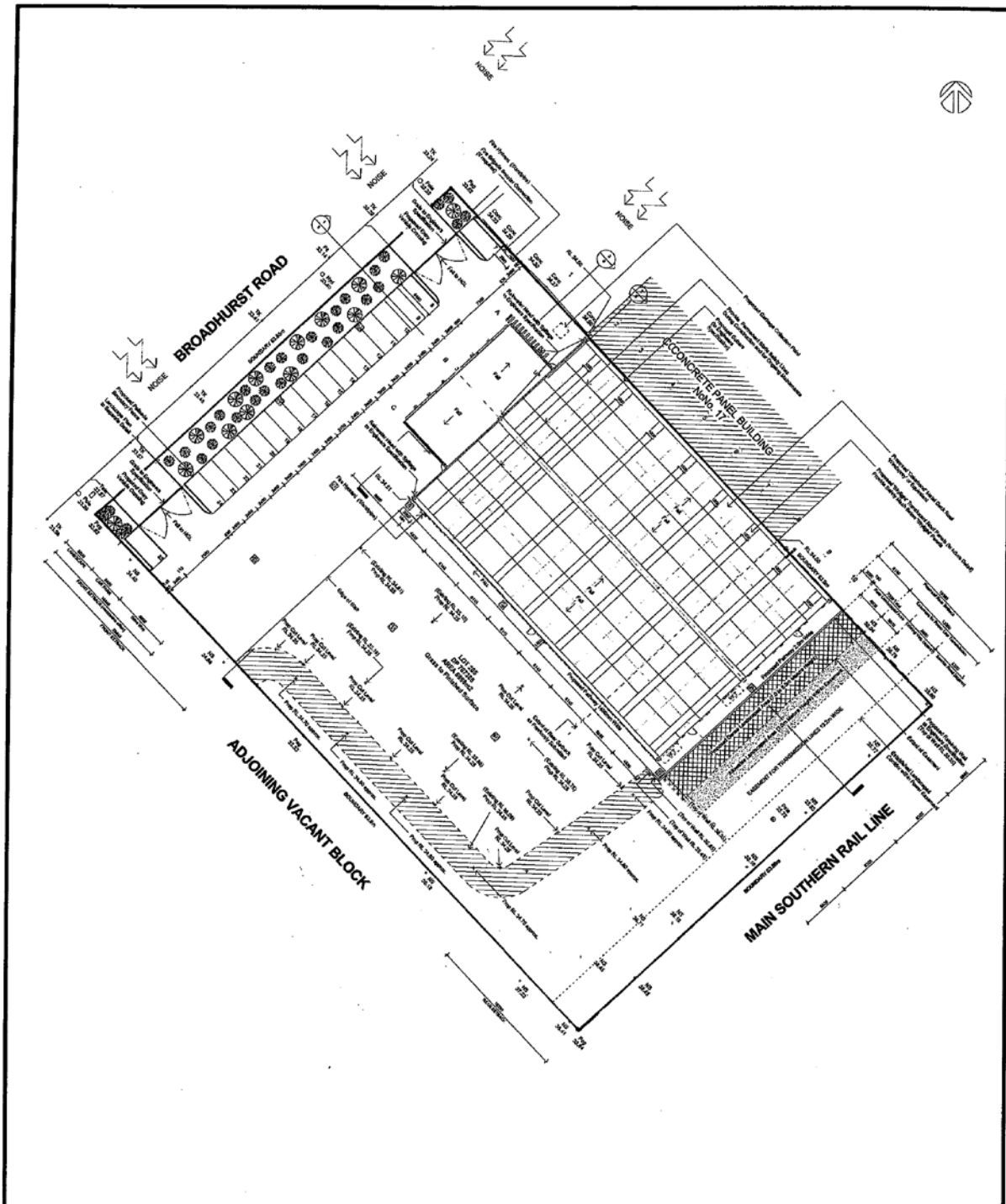


SUBJECT: CONSTRUCTION, FIT OUT AND USE OF AN INDUSTRIAL TYPE BUILDING.

LOT 205 DP 787308 - No. 19 BROADHURST ROAD, INGLEBURN.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

ATTACHMENT 3



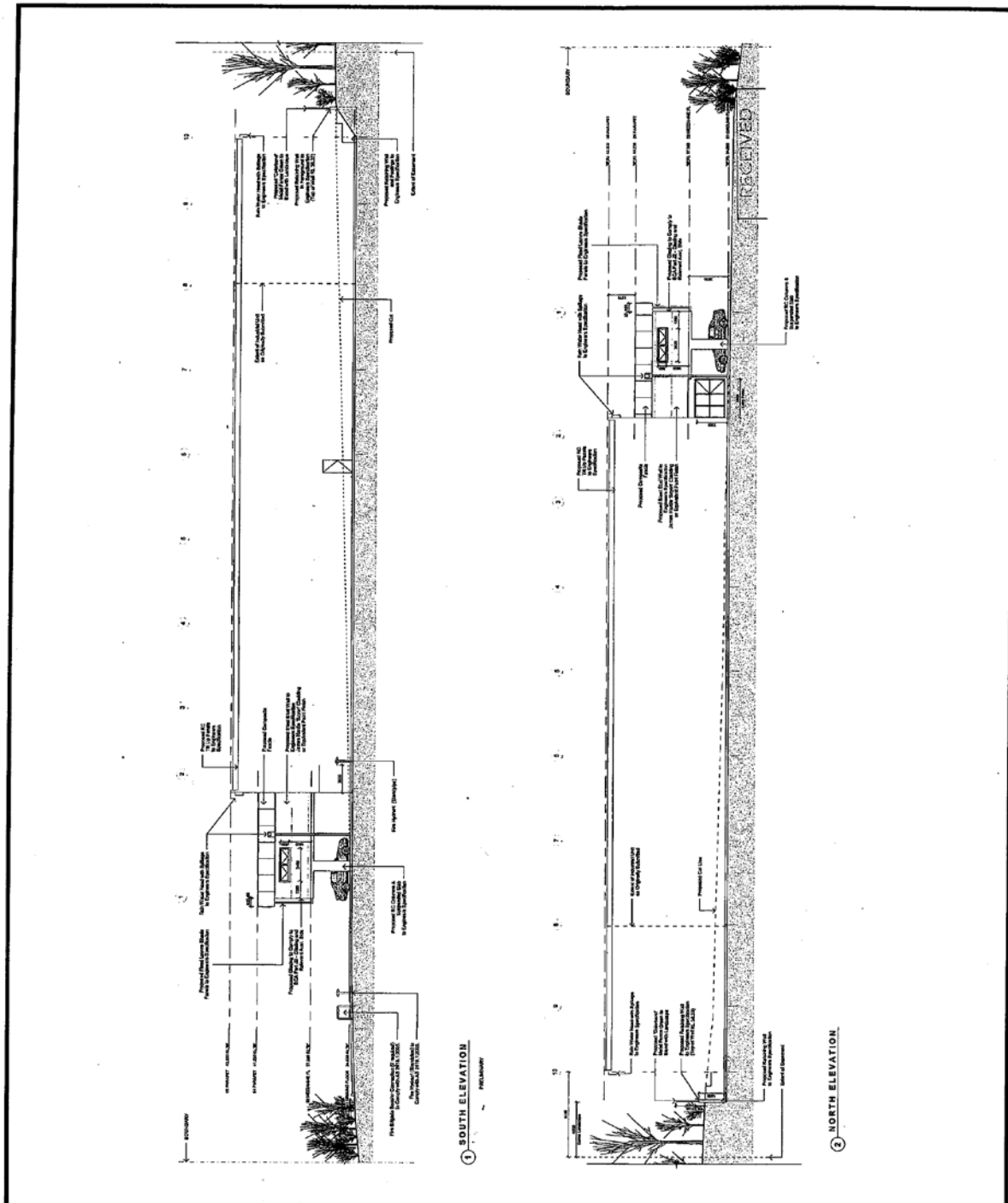
SITE PLAN

SUBJECT: CONSTRUCTION, FIT OUT AND USE OF AN INDUSTRIAL TYPE BUILDING.

LOT 205 DP 787308 - No. 19 BROADHURST ROAD, INGLEBURN.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

ATTACHMENT 4

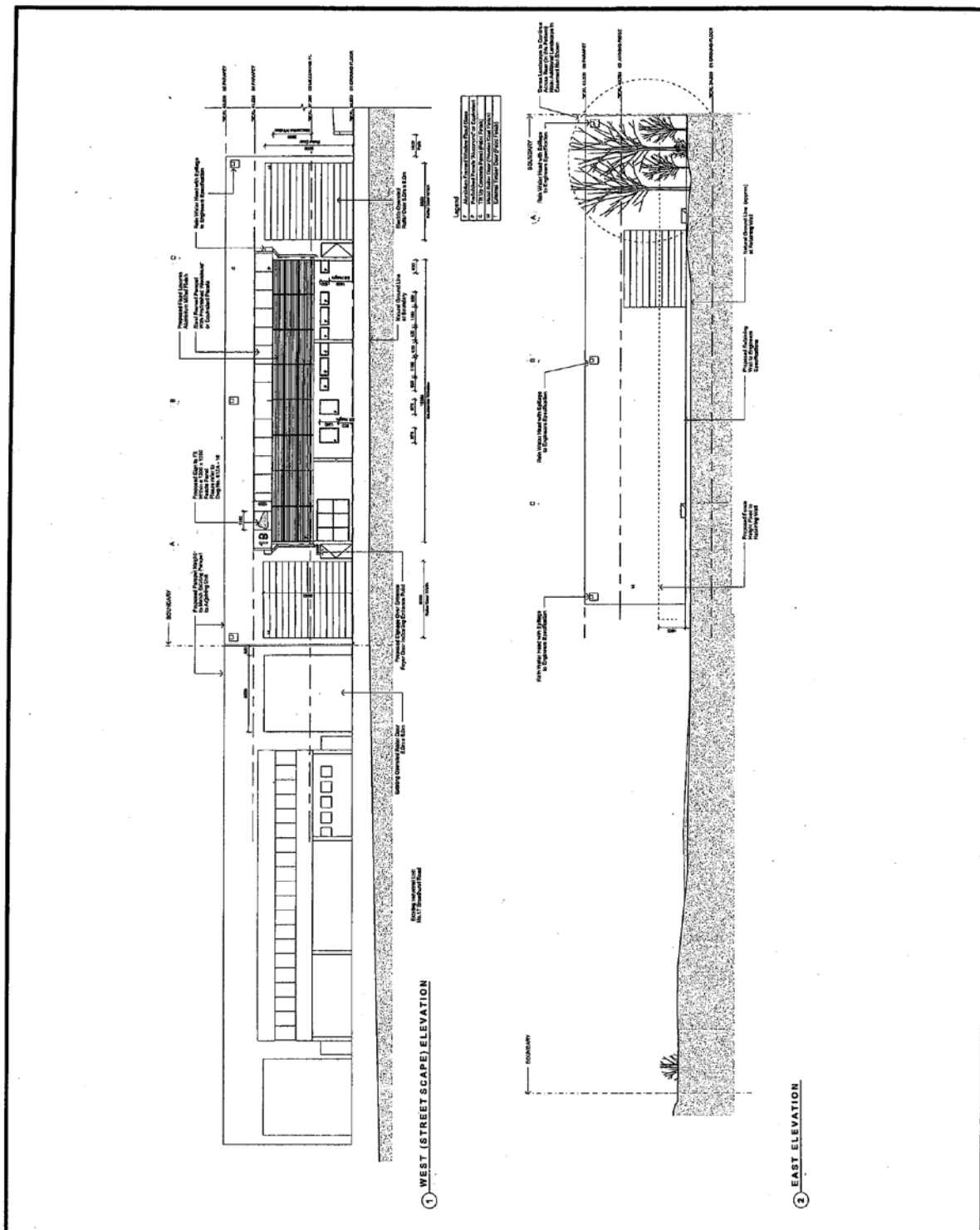


ELEVATIONS

SUBJECT: CONSTRUCTION, FIT OUT AND USE OF AN INDUSTRIAL TYPE BUILDING.

LOT 205 DP 787308 - No. 19 BROADHURST ROAD, INGLEBURN.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls



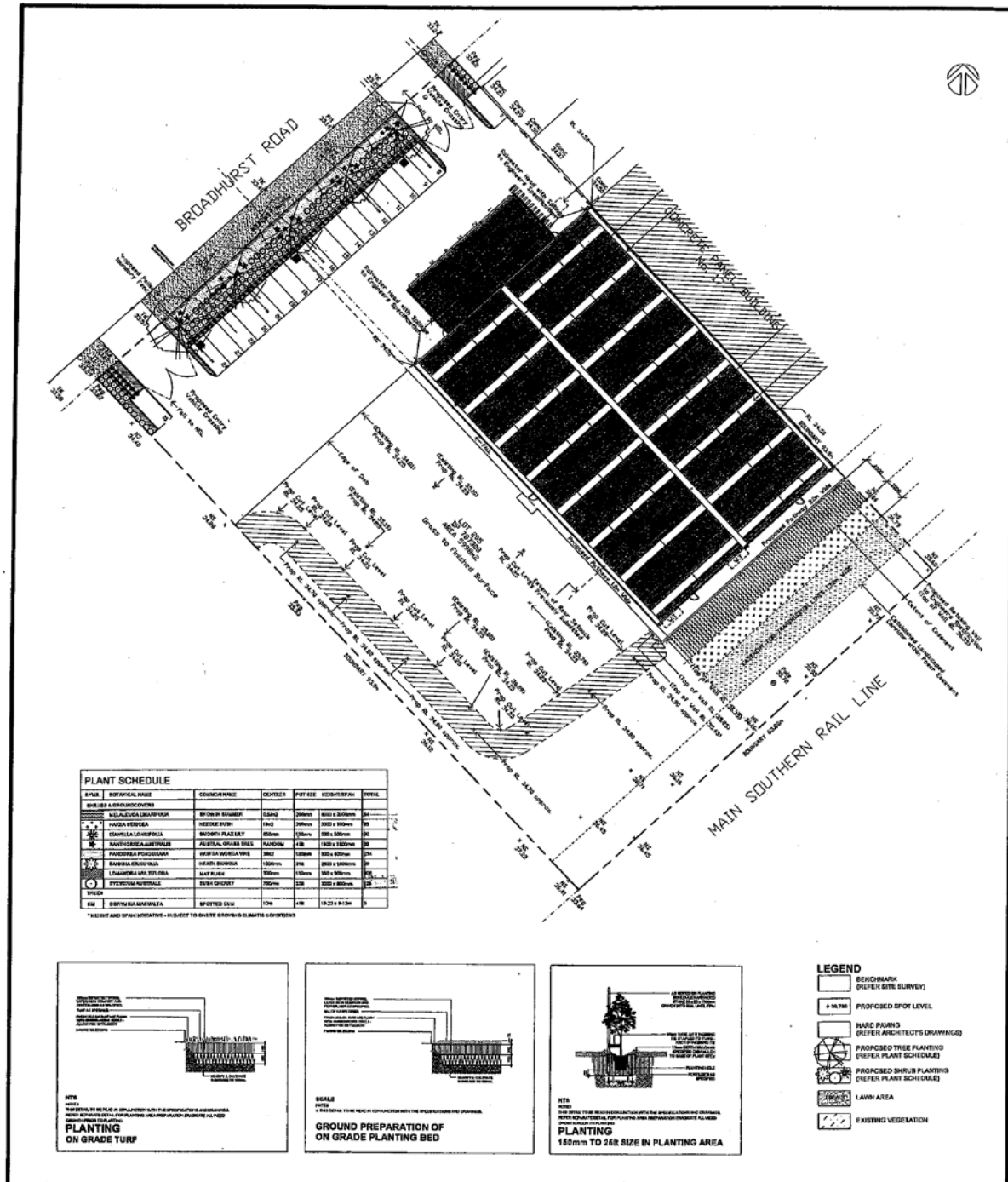
ELEVATIONS

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LOT 205 DP 787308 - No. 19 BROADHURST ROAD, INGLEBURN.

3.2 No. 19 Broadhurst Road, Ingleburn - Construction, Fitout And Use Of A Single Tenancy Industrial Type Building With Mezzanine Office Area, Car Parking, Fencing, Earthworks And Retaining Walls

ATTACHMENT 5



LANDSCAPE PLAN

SUBJECT: CONSTRUCTION, FIT OUT AND USE OF AN INDUSTRIAL TYPE BUILDING.

LOT 205 DP 787308 - No. 19 BROADHURST ROAD, INGLEBURN.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

3.3 No. 13 Austool Place, Ingleburn - Construction of an industrial building and hardstand area and use of the premises for construction plant and equipment hire

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained within this report)
4. Elevations (contained within this report)
5. Floor Plan (contained within this report)
6. Landscape Plan (contained within this report)
7. Fence Details (contained within this report)

Purpose

To assist Council in its determination of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This development application is required to be reported to Council due to an objection to a development standard under Clause 37 – Setbacks within Industrial Areas, of Campbelltown (Urban Area) Local Environmental Plan 2002. An objection to a development standard, pursuant to State Environmental Planning Policy 1 – Development Standards, has been submitted with the application. Despite the fact that this type of development could be determined under delegated authority, the decision on whether to approve a variation to a development standard included in an environmental planning instrument can only be made by the full Council.

Property Description	Lot 7 DP 1071594 No. 13 Austool Place, Ingleburn
Application No	1657/2013/DA-I
Applicant	Apex Building Systems Pty Ltd
Owner	Roblan Property Pty Ltd
Provisions	Campbelltown 2025 - Looking Forward State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy 1 – Development Standards Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2012
Date Received	6 August 2013

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Report

This application proposes the construction of an industrial building and hardstand area at the abovementioned address and use of the premises for construction plant and equipment hire.

The proposed development would consist of:

- A workshop and washbay building with a floor area of 775m²
- A ground floor office and amenities area of 205m²
- A gravel roadbase hardstand area for storage/display of equipment
- 28 car parking spaces
- Landscaping within the front setback of the site and within the southeastern portion of the site adjacent to the Main Southern Railway Line
- Use of the premises for the hire of construction equipment, including the storage of the machinery within the proposed hardstand area.
- Construction of a 3.6 metre high screen wall comprised of panels alternating between decorative colorbond and steel horizontal girt screening, to block the view of the proposed outdoor storage area from the Main Southern Railway Line and Milton Park.
- Landscaping between the 3.6m high screen and the rail corridor
- Business identification signage

The subject site is vacant and has an area of 8,495m² with a curved frontage to Austool Place of 23.15 metres. The site is adjoined to the northeast and southwest by vacant industrial allotments, and to the southeast by the Main Southern Railway Line.

1. Vision

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
- 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 direction relevant to this application is:

- Creating education, employment and entrepreneurial opportunities
-

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

The application is consistent with the above strategic direction as the proposal would provide employment opportunities within the construction industry, and would permit the construction of an industrial development that would support the creation of employment opportunities as part of the operation of business that will operate from the site.

The relevant desired outcome of the strategic directions included in Campbelltown 2025 is:

- Development and land use that matches environmental capacity and capability

The application is consistent with the above desired outcome as the proposed building's built form responds well to the site's context and constraints, and the proposed development would not result in any unreasonable aesthetic impacts upon the public domain.

2. Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

2.1 State Environmental Planning Policy (Infrastructure) 2007

Given that the site is located immediately adjacent to a rail corridor (The Main Southern Railway Line) that is used by electric trains and that the proposed development involves the placing of a metal finish on a structure, pursuant to the requirements of Clause 85 and 86 of State Environmental Planning Policy (Infrastructure) 2007, written notice was sent to RailCorp notifying it of the development proposed adjacent to its corridor.

RailCorp has since responded to the notice, and subject to the inclusion of specific conditions, raised no objection to the proposal. As requested, the conditions specified by RailCorp have been included within the recommended conditions of consent in attachment 1.

2.2 State Environmental Planning Policy 1 – Development Standards (SEPP 1)

SEPP 1 provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

SEPP 1 applies to this application, as the applicant seeks to vary Clause 37 of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP), which states that consent must not be granted to development, other than the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4(a) or 4(b) which is within 30 metres of the Main Southern Railway Line. The subject site is zoned 4(a) and the application proposes building works (a screening wall) within 30 metres of the site's property boundary with the Main Southern Railway Line, and therefore fails to comply with Clause 37 of the CLEP. The proposal involves the construction of a 3.6 metre high screening wall comprised of panels alternating between decorative colorbond and steel horizontal girt screening. The proposed wall would be located 10 metres from the boundary of the property with the Main Southern Railway Line. The wall is proposed as a response to Council's requirement that outdoor storage areas must not be visible from public spaces. It would act to screen the view of the proposed outdoor storage of equipment from the Main Southern Railway Line and from Milton Park.

Clause 6 of SEPP 1 states that where development could, but for any development standard, be carried out under the Act, the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.

The applicant has submitted a written objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the 30 metre setback control in question would be unreasonable and unnecessary. The arguments made by the applicant in this regard are the following:

- The proposed screen wall will obscure public view of the proposed display area for vehicles/machinery, as the height of the wall has been designed in consideration of the projected line of sight of train passengers
 - The area between the proposed screen wall and the railway line is to be substantially landscaped in accordance with a landscape design prepared by a landscape architect. This will assist in the prevention of graffiti attacks
 - Constructing the screen wall 30 metres from the railway line (in strict compliance with the standard) would result in the sterilisation of 3,270m² of industrial land (or 38% of the total site area), which would be unreasonable
 - The setback of the proposed screen wall is sufficient to enable views of the proposed outdoor storage areas to be obscured from public view (which will mitigate any potential aesthetic impacts of the development as viewed from the Main Southern Railway Line and Milton Park). Therefore strict compliance with the standard would be unnecessary.
-

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Under Clause 7 of SEPP 1, where the consent authority is satisfied that a SEPP 1 objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of the SEPP (outlined in the first paragraph of this section), it may, with the concurrence of the Director General of the Department of Planning and Infrastructure, grant consent to that development application notwithstanding the development standard that is the subject of the objection. It should be noted that consent authorities may assume the Director General's concurrence in relation to all development applications except for some dwelling and subdivision proposals on rural and non-urban land. In this regard, Council can assume the Director General's concurrence in respect of the SEPP 1 objection in this instance, as the objection is considered to be well founded.

Clause 8 of SEPP 1 stipulates that the matters which shall be taken into consideration in deciding whether concurrence should be granted (or assumed) are:

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument

In regard to point (a), the non-compliance does not raise any matters of state or regional planning significance. In regard to point (b), the public benefit of maintaining the 30 metre setback control outlined by CLEP 2002 would be minimal, considering that if the 30 metre setback control was to be strictly enforced in relation to the proposed screen wall, 38% of the area of the site would be needlessly sterilised and would have no practical use. This is considered unreasonable and reduces the extent of the land that can be reasonably and viably developed. In addition, when viewed from the railway line or Milton Park, the site would have an awkward appearance as it would contain a large vacant area, which would have the potential to become overgrown.

It is therefore considered that the proposed (non-compliant) setback would achieve a better aesthetic and functional outcome for the development than if the setback for the screen wall was increased to 30 metres, and therefore, an improved community and economic benefit would be achieved by varying the control.

In the case of this development, it needs to be clear that the use of the land within the 30m setback also needs to be considered.

Guidelines for varying development standards prepared by the Department of Planning outline a five part test issued by the Land and Environment Court for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standard is well founded. An assessment of the objection against this five part test is outlined below. It should be noted that not all of the points are necessarily applicable to an application.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.

In this case, there are no specific objectives that relate to the standard in question; however the relevant zone objective for the 4(a) zone to which the setback standard is considered to relate is the following:

“To encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development”

It is considered that this objective is satisfied despite the proposed setback non-compliance, as the reduced setback does not prevent the overall development from having a high quality design that addresses the streetscape and its surroundings well.

It is considered that the non-compliant setback of the proposed screen wall would result in a better aesthetic outcome than would strict compliance with the setback standard. If the 30 metre setback standard were to be strictly enforced, the site would have an awkward appearance when viewed from the railway line or Milton Park as it would contain a large vacant area, which would have the potential to become overgrown.

The proposed 10 metre setback however would result in the screen wall being constructed adjacent to the top of a battered slope area that forms the south-eastern edge of the site adjacent to the railway line, and dense landscaping on the sloped area between the wall and the railway line. This configuration gives the development a much better presentation when viewed from the Main Southern Railway Line and from Milton Park than would a larger setback area and vacant space.

The functionality of the site would be greatest if the setback standard were to be varied, and in fact the optimal functionality of the proposed development is arguably dependent on the setback standard being varied. Therefore the objective most relevant to the standard being varied is considered to be satisfied notwithstanding non-compliance with the standard.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

The understood purpose of the standard, being to encourage a high quality standard of development, is relevant to the development, however as discussed above, the zone objective most relevant to the standard is considered to be satisfied despite the numerical non-compliance.

3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

It is considered that the underlying object or purpose of the 30 metre setback development standard is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development. If the 30 metre setback control was to be strictly enforced, the site would have an awkward appearance when viewed from the railway line or Milton Park as it would contain a large vacant area, which would have the potential to become overgrown.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

In addition, enforcing strict compliance with the 30 metre setback control would detrimentally affect the functionality of the site, given that a compliant setback would result in a significant amount of the site being sterilised and having no practical use.

It is considered that the proposed non-compliant setback would achieve a better aesthetic and functional outcome for the development site than if the setback for the proposed screen wall was increased to 30 metres. Therefore, the objective most relevant to the standard, being to encourage high quality and functional development, would be thwarted if compliance was strictly enforced, and as such, given the circumstances of the case, compliance with this standard may be reasonably argued to be unreasonable.

Having regard to the use of the 20m area behind the proposed screen wall, it is not considered unreasonable for that area to be used as a normal operational area, given the proposed erection of the wall and provision of landscaping along the rail corridor interface will effectively obscure any activities within the main part of the site, and therefore any visual impact from the site.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

It is not considered that the setback standard has been abandoned by continually allowing variations to the standard in question. Council has on occasion granted variations to the setback standards stipulated under Clause 37 of the CLEP where the variation has been justified by a sound objection submitted under SEPP 1.

In the present case, the proposed variation is justified on the basis that the proposed development would satisfy the objectives of the standard notwithstanding numerical non-compliance with the standard, and that strict compliance with the standard in question would result in a less desirable built form than if the standard was to be varied as proposed. Supporting the applicant's objection would not undermine Council's ability to consistently enforce the CLEP's setback controls.

5. Compliance with the development standard is unreasonable or inappropriate due to the existing use of land and the current environmental character or the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The existing use of land and the environmental character of the land is not a relevant factor in the consideration of this objection.

In consideration of the five part test for evaluation of the objection to the setback development standard in question, it is considered that the circumstances of the case warrant the variation of the standard, and that the reduced setback should be accepted.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

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

- The subject site is zoned 4(a) - General Industry Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as “plant hire” and is permissible with Council’s development consent within the zone
- The proposal is consistent with several zone objectives, particularly:
 - (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown
 - (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown
 - (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development
 - (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
 - (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.
- Clause 31 of the CLEP outlines controls for outdoor advertising and is relevant to the application as the proposed development incorporates business identification signage. Pursuant to clause 31(2)(b), business identification signage may be erected without consent. The application proposes the construction of a sign within the front setback of the site, which would identify the name of the business and the occupation carried out on the site, and is therefore a business identification sign. Accordingly, the proposed sign is exempt and does not require further assessment
- Clause 37 of the CLEP states that consent must not be granted to development, other than the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4(a) or 4(b) which is within 30 metres of the Main Southern Railway Line. The subject site is zoned 4(a) and the application proposes building works (a screening wall) within 30 metres of the site’s property boundary with the Main Southern Railway Line, and therefore fails to comply with Clause 37 of the CLEP

The applicant has submitted an objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the 30 metre setback control in question would be unreasonable and unnecessary. This aspect of the application has been discussed in detail in a previous part of this report, and is briefly discussed below. The arguments outlined within the applicant’s SEPP 1 objection are the following:

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

- the proposed screen wall will obscure public views of the display of vehicles/machinery, as the height of the wall has been designed in consideration of the projected line of sight of train passengers
- the area between the proposed screen wall and the railway line is to be substantially landscaped in accordance with a landscape design prepared by a landscape architect. This will assist in the prevention of graffiti attacks
- constructing the screen wall 30 metres from the railway line (in strict compliance with the standard) would result in the sterilisation of 3,270m² of industrial land (or 38% of the total site area), which would be unreasonable
- the setback of the proposed screen wall is sufficient to enable views of the proposed outdoor storage areas to be obscured from public view (which will mitigate any potential aesthetic impacts of the development as viewed from the Main Southern Railway Line and Milton Park). Therefore strict compliance with the standard would be unnecessary.

Assessment of the applicant's objection to the development standard against the relevant parts of SEPP 1 and the associated guidelines as outlined above has revealed the following outcomes:

- Council can assume the Director General's concurrence in respect of the SEPP 1 objection in this instance
 - the non-compliance does not raise any matters of state or regional planning significance
 - the public benefit of maintaining the 30 metre setback control outlined by CLEP 2002 would be minimal, and a greater public benefit would be achieved by varying the control
 - in consideration of the five part test for evaluation of the objection to the setback development standard in question, it is considered that the circumstances of the case warrant the variation of the standard, and that the reduced setback should be supported by Council.
- Clause 60 of the CLEP applies to the subject site. It states that despite any other provision of the plan, consent must not be granted at any time before 1 March 2007 to development, other than development for the purposes of the design, testing, manufacture, repair and ancillary support services associated with specialist tool making, on the land to which this clause applies. This application does not contravene this provision, as the specified date (1 March 2007) has passed.
-

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

2.4 Campbelltown (Sustainable City) Development Control Plan 2012

Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Views and vistas – The subject site is highly visible from the Main Southern Railway Line that is adjacent to the site, as well as Milton Park, which is located across the rail line from the site. Accordingly, the applicant was required to incorporate into the proposal a screening device and landscaping at the rear of the property so that the outdoor storage area associated with the proposed development would not be visible from either of these two public areas. The applicant has proposed a 3.6 metre high wall comprised of panels alternating between decorative colorbond and steel horizontal girt screening. Dense landscaping comprising a variety of native plants and trees is proposed on the railway side of the wall to soften the aesthetic impact of the wall when viewed from the Main Southern Railway Line and Milton Park.

Sustainable building design – A 10,000 litre rainwater tank is required to be provided. The application proposes to install six 16,000 litre rainwater tanks. In addition, translucent sheeting is to be provided as part of the surface of the roof of the building to help maximise internal natural lighting.

Landscaping – A landscape plan prepared by a landscape designer has been submitted with the application. Landscaping is proposed within the front setback of the development facing Austool Place and along the rear boundary of the site facing the Main Southern Railway Line. All species of trees and plants have been selected from the Campbelltown Native Gardening Guide. The proposed landscaping within the south eastern portion of the site (adjacent to the proposed screen wall) is sufficiently dense to soften the aesthetic impact of the wall when viewed from the Main Southern Railway Line and from Milton Park.

The application proposes to remove two existing street trees in order to construct the driveway and layback associated with the proposed development. Accordingly, a condition has been included in the recommended conditions of consent in Attachment 1, requiring the applicant to plant two new street trees to the satisfaction of Council.

Cut, fill and floor levels – A negligible amount of cut and fill is proposed on the site in order to provide a level building platform.

Stormwater – The application was referred to Council's Development Engineer, and was found to be satisfactory. Conditions of consent have been provided in this regard.

Retaining Walls – No retaining walls are proposed.

Waste Management – A Waste Management Plan has been submitted and is considered to be satisfactory.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Part 7 – Industrial development

The application has been assessed against the relevant parts of Part 7 of Campbelltown Sustainable City DCP 2012.

Standard	Required	Proposed	Compliance
Height	Predominantly single storey, excluding offices and mezzanines	Single storey with mezzanine platform level	Yes
Building design	Vertical/horizontal offsets in wall surfaces	Vertical/ horizontal offsets in wall surfaces provided	Yes
	Articulate windows/ doors/roof /entrances	Windows/ doors/ roof /entrances articulated	Yes
	Articulate walls using change of texture, colour, materials every 15 metres	Walls articulated – different materials and colours	Yes
	Min. 50% of total surface area of front elevation to be constructed of masonry material	Greater than 50% of total surface area of front elevation to be constructed of masonry material	Yes
	Mezzanines/offices to be less than 50% of gross floor area of the ground floor of the building	Less than 50% of gross floor area of the ground floor of the building	Yes
	Offices shall not comprise more than 30% of the gross floor area of the building	20% of gross floor area of building	Yes
	Main entry identifiable from street	Walkway to entrance visible from street and driveway	Yes
Setbacks	30 metres to Main Southern Railway Line	10 metres	No
	10 metres to Austool Place	23.35 metres	Yes
Car parking	Minimum two spaces	28 spaces provided	Yes
	One space for every 100sqm of LFA up to 2000sqm (7.3 based on 731m ²), plus		
	One space per 35sqm		

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Standard	Required	Proposed	Compliance
	for any office area, lunch rooms, storage areas and the like (4.85 based on 170m ²), plus One space per 300sqm of outdoor storage space (5 based on 1,470m ²) Total = 17 Vehicles must be able to enter and leave in a forward direction with max. three point turn Car spaces / manoeuvring not to occupy more than 50% of required front setback 10% of required car spaces, including disabled spaces, located close to main pedestrian entry Loading bay to be provided for a Medium Rigid Vehicle. Loading/unloading wholly within the site. Each site shall have a: - maximum of one ingress and one egress for heavy vehicles (combined or separated); and - each site may have an additional ingress/egress for cars (and other light vehicles).	28 spaces provided All vehicles can manoeuvre on the site, and enter/leave in a forward direction Car spaces / manoeuvring would occupy far less than 50% of required front setback Greater than 10% of car spaces (including disabled space) are to be located close to main pedestrian entry Sufficient loading space for Medium Rigid Vehicles One ingress/egress point for heavy vehicles and cars One ingress/egress point for heavy vehicles and cars	Yes Yes Yes Yes Yes Yes
Landscaping	Landscaping must be provided to min. 50% of required setback area to street frontage The first 3.0 metres of all required street front	Landscaping will be provided to more than 50% of required setback area	Yes

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Standard	Required	Proposed	Compliance
	landscaped area shall be planted of advanced canopy trees that are: i) a minimum of 2.0 metres in height with a minimum pot size of 400 litres at the time of planting; ii) of native species; and iii) planted /placed every 10 metres. Site boundary landscaping of minimum 1.0 metre width shall be provided between the street boundary and the building line	Complies Complies	Yes Yes
Fencing	Max. 2.4m height Palisade design (or plastic coated and framed chain wire) Recessive colours Fencing to be setback 3.0 metres from street property boundaries	2.1 metres high Palisade design for front fence and framed chain wire for side and rear boundaries. Black Set back 3.0 metres	Yes Yes Yes Yes
Outdoor storage areas	No outdoor storage shall occur without development consent Outdoor storage areas shall not be located between the primary or secondary street boundary and any building on the allotment Outdoor storage areas shall be adequately screened from public view Goods and materials stored shall not be stacked higher than an approved screening	Outdoor storage of equipment is proposed Outdoor storage areas not located between the street boundary and the building Outdoor storage areas will be screened by screening wall and landscaping A condition has been included in the recommended conditions of consent	Yes Yes Yes Yes

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Standard	Required	Proposed	Compliance
	structure	requiring compliance	
	Screen fencing and structures shall be constructed of high quality materials that complement the buildings located on site	3.6 metre high wall comprised of panels alternating between decorative colorbond and steel horizontal girt screening	Yes
	All outdoor storage areas shall be sealed and drained to the storm water system in accordance with any environmental management requirements	Outdoor storage areas would be located on hardstand areas (compacted base material to be used; machinery would break concrete) and drain into stormwater pits	Yes A condition has been included that requires the surface to be maintained so as not to erode or cause sediment to be transported off site.
	Notwithstanding any other provision of this plan, no external storage of used unregistered motor vehicles, vehicle parts, used building materials, scrap products or other industrial waste shall be permitted	Used unregistered motor vehicles, vehicle parts, used building materials, scrap products or other industrial waste not proposed to be stored	Yes
	No above ground tanks or other storage facilities shall be erected within a required setback	No above ground tanks or other storage facilities located within setbacks	Yes
	Goods shall be stored above the flood planning level	Council's Technical Services section advised no flood level applies to site	Yes
Industrial Waste Management	Industrial development shall make provision for an enclosed on site waste and recycling facility that has adequate storage area to accommodate the waste generated from the development	Compliant waste storage area to be provided	Yes
	Adequate provision shall be made for the screening and storage of all industrial waste	The proposed waste storage area would be located behind the building	Yes

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Standard	Required	Proposed	Compliance
	behind the front building setback		
Environmental Management	All activities with the potential to pollute the stormwater system from a system failure shall be carried out within a covered and bunded area sited, designed and constructed to Council's satisfaction.	The proposed oil storage room is a covered and bunded area constructed of impervious materials	Yes
	All above ground liquid storage facilities, including waste shall be in a covered bunded area that is constructed of impervious materials.	The proposed oil storage room is a covered and bunded area constructed of impervious materials	Yes
	Above ground tanks shall be contained in a bunded area that: i) is at least 110% of the volume of the tank or the largest tank, where a group of tanks are enclosed; and	Proposed bunded area exceeds 110% of the largest tank to be stored	Yes
	ii) walls shall be at least 250mm in height.	Full height of bunded area is 750mm	Yes

Setback to Main Southern Railway Line

Consistent with the relevant provisions of the CLEP, Part 7 of the SCDP specifies that a building must be set back a minimum of 30 metres from the Main Southern Railway Line. The non-compliance with the setback standard has been discussed earlier in this report, and is considered to be satisfactory for the following reasons:

- The proposed screen wall will obscure public views of the display of vehicles/machinery, as the height of the wall has been designed in consideration of the projected line of sight of train passengers
- The area between the proposed screen wall and the railway line is to be substantially landscaped in accordance with a landscape design prepared by a landscape architect. This will assist in the prevention of graffiti attacks
- Constructing the screen wall 30 metres from the railway line (in strict compliance with the standard) would result in the sterilisation of 3,270m² of industrial land (or 38% of the total site area), which would be unreasonable

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- The setback of the proposed screen wall is sufficient to enable views of the proposed outdoor storage areas to be obscured from public view (which will mitigate any potential aesthetic impacts of the development as viewed from the Main Southern Railway Line and Milton Park). Therefore strict compliance with the standard would be unnecessary.

It is considered that the proposed variation would not detrimentally affect the amenity of the surrounding locality, and accordingly, it is recommended that the variation to Council's setback control be supported.

4. Public Participation

The application was not required to be publicly notified.

5. Conclusion

The application is generally consistent with the applicable environmental planning legislation and Council's Development Control Plans, with the exception of the proposed setback variation.

The proposed setback variation is considered justifiable on the basis that the proposed siting of the screen wall and the adjacent landscaping would contribute positively to the surrounding visual landscape, particularly when viewed from the Main Southern Railway Line and Milton Park, and that strict compliance with the 30 metre setback standard would result in a development with reduced architectural merit and functionality, and effectively render the site less than useful.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the application is consistent with the relevant planning legislation.

Officer's Recommendation

1. That Council approve the applicant's objection pursuant to State Environmental Planning Policy 1 – Development Standards, in relation to the non-compliant setback from the site's property boundary with the Main Southern Railway Line (10 metres as opposed to 30 metres required under CLEP 2002).
 2. That Development Application No. 1657/2013/DA-I, proposing construction of an industrial building and hardstand area and use of the premises for construction plant and equipment hire, be approved subject to the recommended conditions contained in Attachment 1.
 3. That subject to the approval of recommendation No.1, Council write to the Director General Planning and Infrastructure advising of the Council's resolution.
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3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Greiss, Kolkman, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Committee's Recommendation: nil

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 28

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Lound, Matheson, Mead, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

Note: Councillor Brticevic was not in attendance at the meeting during debate and voting on this item.

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 be carried out in accordance with the approved plans listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing/Document No.	Prepared By	Date
1912/1B	Apex Building Systems	10 December 2013
1912/2	Apex Building Systems	28 June 2013
1912/3	Apex Building Systems	28 June 2013
1912/4	Apex Building Systems	5 July 2013
1912/5	Apex Building Systems	11 July 2013
1912/6	Apex Building Systems	24 July 2013
3440 Sheet 1	Monaco Designs	15 October 2013
1912/7A	Apex Building Systems	14 October 2013
1912/8	Apex Building Systems	10 December 2013
"Section Through Oil Store"	Apex Building Systems	Received 15 November 2013
"Schedule of Materials and Finishes"	Apex Building Systems	23 July 2013

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

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4. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

5. Switchboards/Utilities

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

6. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

7. Advertising Sign

- a. All signage is to be erected/supported in a safe and secure manner
 - b. At no time shall the intensity, period of intermittency and hours of illumination of the signage cause injury to the amenity of the neighbourhood
 - c. No signage on site shall flash, move or display electronic images
 - d. The advertising structure shall be maintained in a condition so as to not become unsightly so as to adversely affect the amenity of the surrounding area
 - e. The advertising sign/s and any associated structure must be removed and the building/site reinstated, within a period of three years from the date of consent or on the termination of the subject lease of the premises whichever is the lesser. If the advertising sign is to be retained after this period, a new development application must be lodged before the expiration of the consent for Council's consideration.
-

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

8. Approved External Storage of Goods

All approved works, storage and display of goods, materials and any other item associated with the approved development must only be undertaken in accordance with the approved plans and documentation referred to in condition 1. Any external works or storage/display of goods, materials or any other item associated with the development undertaken in accordance with the approved plans, must be adequately screened from the public view at all times.

The outdoor storage of equipment and machinery shall not exceed the height of the approved screening wall.

9. Security Fencing

The front security fencing shall be established at a setback of 3 metres into the site and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

10. Bund Wall

All liquid storage areas shall be bunded to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to a minimum of 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

11. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids.

12. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

13. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

14. 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.

15. Operating Hours

The use of the premises shall be limited to:

Monday to Friday	7.00am - 6.00pm
Saturday	7.00am - 1.00pm
Sunday	Closed

16. Car Parking Spaces

28 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

17. Rubbish/Recycling Bin Storage

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored in accordance with the approved plans.

18. 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
- 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.

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19. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

20. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works
- b. The applicant shall appoint a principal certifying authority
- c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works.

21. RailCorp - Drainage

Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.

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.

22. RailCorp - Electrolysis Report

Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.

23. RailCorp - Risk Assessment/Management Plan

Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

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24. RailCorp - Aerial Operations

Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

25. RailCorp - Work within the Rail Corridor

No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an agreement has been entered into with RailCorp. Where the applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

26. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

27. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

28. 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.

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29. Stormwater Management Plan (Development)

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. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the Council stormwater system. All proposals shall comply with the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

30. 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 applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

31. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2009 volume 2 and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

32. 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
-

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

- 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.

33. Design for Access and Mobility

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

34. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

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.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

35. RailCorp - Access to the Rail Corridor

Prior to the commencement of works, appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

36. RailCorp - Boundary Survey

Prior to the commencement of works, the applicant shall peg-out the common boundary with RailCorp's property and/or easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

37. 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.

38. 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
- 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.

39. 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:

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

40. 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.

41. 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.

42. 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.

43. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

44. Hoarding/Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with WorkCover requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the *Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

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45. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

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.

46. 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.

47. 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 \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

48. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

49. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council or identified on the approved plans as being removed.

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All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

50. Excavation and Backfilling

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage
- b. If necessary, must underpin and support the building in an approved manner
- c. Must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

51. 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.

52. Certification of Location of Building during Construction

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

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53. Certification of Location of Building upon Completion

Upon completion of the building, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

54. Certification of Levels of Building during Construction

Prior to the placement of any concrete of the basement/ground floor slab, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing that the formwork levels are in accordance with the approved plan.

55. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

56. 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)
- d. Relevant Australian standards and State Government publications.

57. Industrial/Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

58. 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.

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59. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation 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 an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

60. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

61. Street Trees

Two mature trees shall be planted within the Council verge area in front of the site. The location and species of the trees shall be to the satisfaction of Council.

62. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

63. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

64. Industrial / Commercial Inter-Allotment Drainage

Prior to the principal certifying authority issuing an occupation certificate, a work as executed plan for the drainage works shall be submitted demonstrating that inter-allotment drainage and associated easements, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended), and with the design requirements of Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2 has been provided to industrial/commercial lots.

65. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation 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.

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. Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000
 - b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works
 - c. Give Council at least two days notice prior to the commencement of any works
 - d. Have mandatory inspections of nominated stages of the construction inspected
 - e. Obtain an occupation certificate before occupying any building or commencing the use of the land.
-

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

Advice 2. 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 three 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 three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *Noxious Weeds Act* (NSW).

Advice 3. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 4. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 5. 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 6. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

Advice 7. *Smoke Free Environment Act 2000*

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the Smoke Free Environment Regulations 2007 (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

Advice 8. *Dial before you Dig*

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 9. *Telecommunications Act 1997 (Commonwealth)*

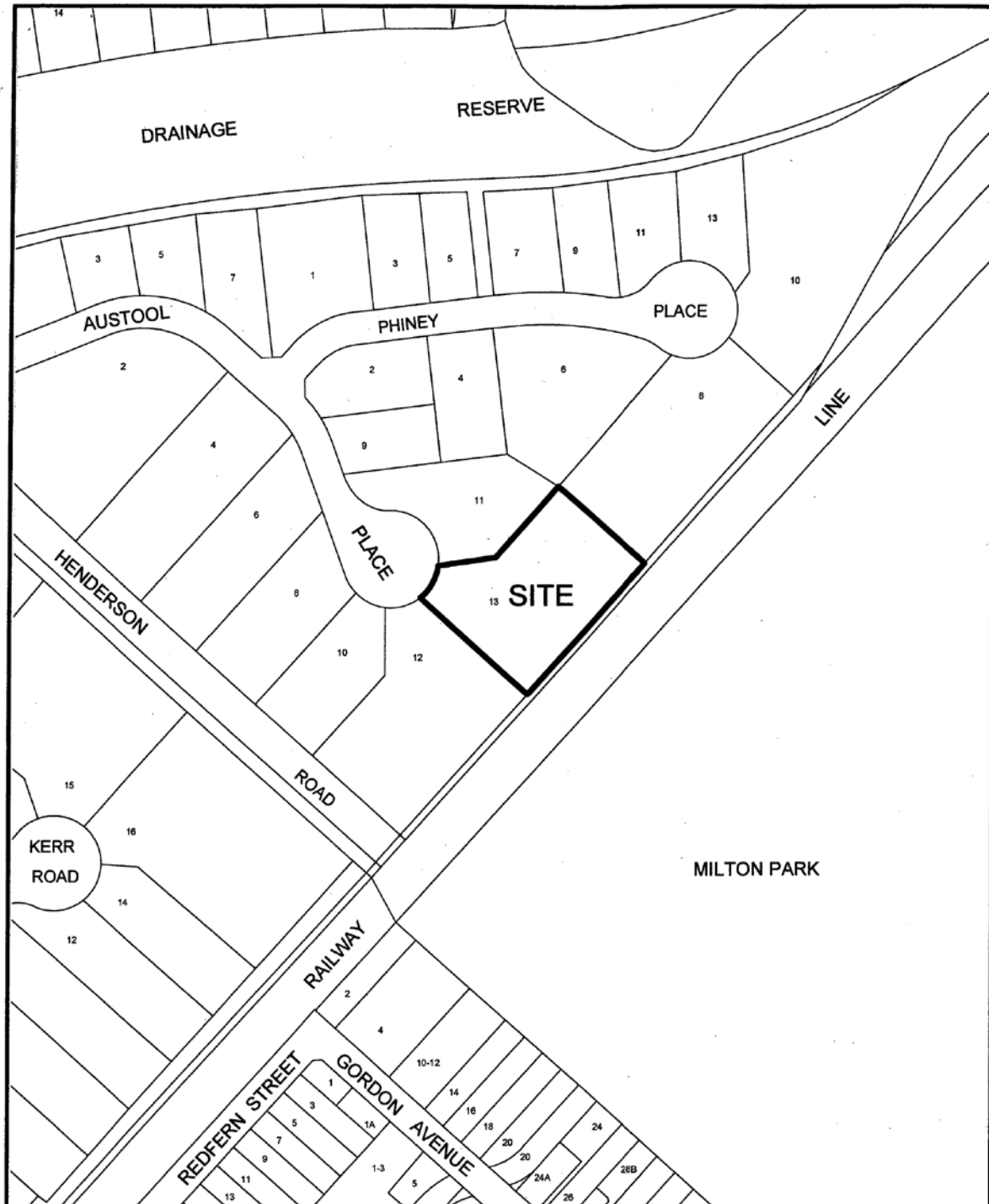
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

ATTACHMENT 2



LOCALITY PLAN

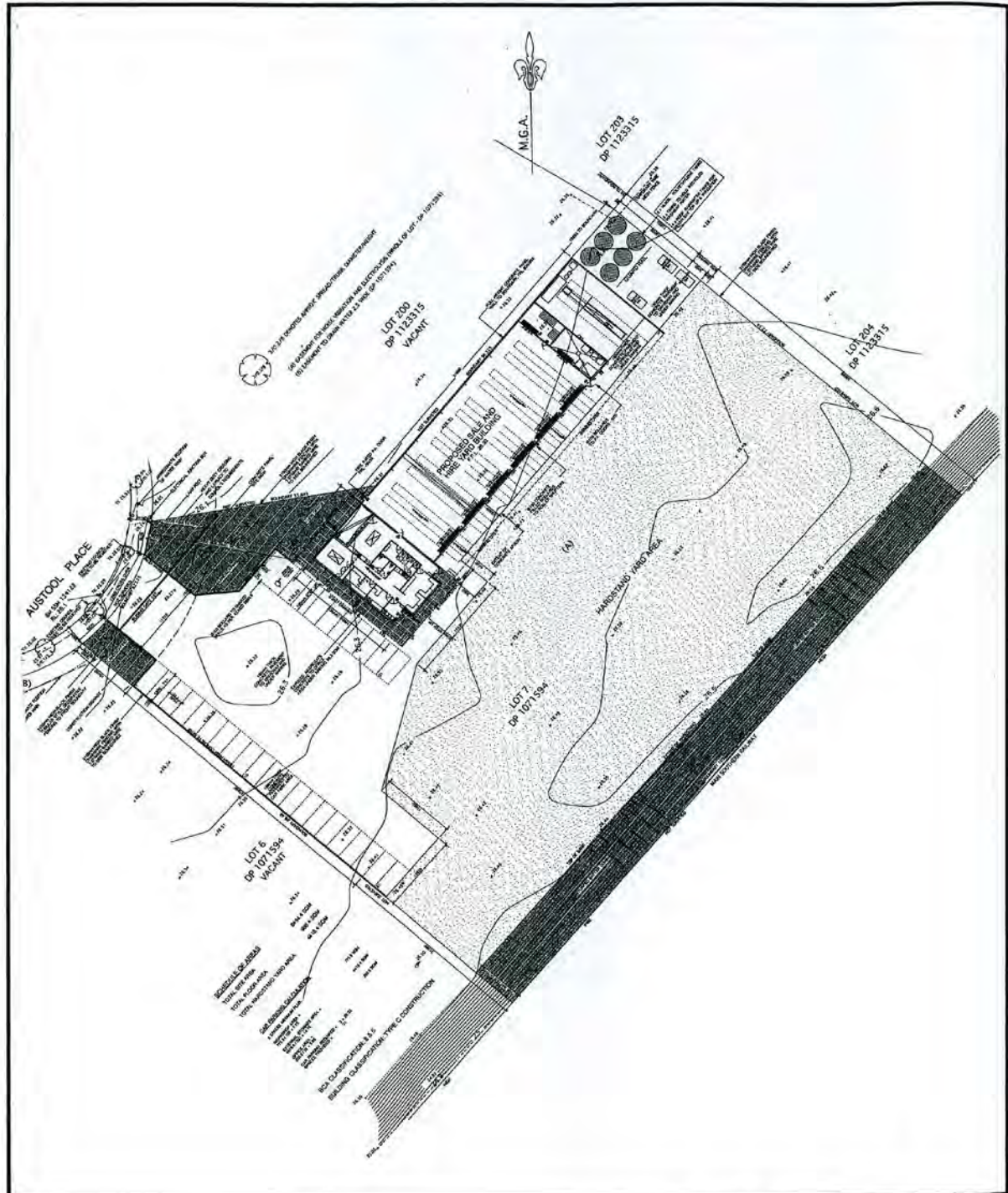


SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING AND HARDSTAND AREA
AND USE OF PREMISES FOR CONSTRUCTION PLANT AND EQUIPMENT HIRE.
LOT 7 DP 1071594 - No. 13 AUSTOOL PLACE, INGLEBURN

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

ATTACHMENT 3



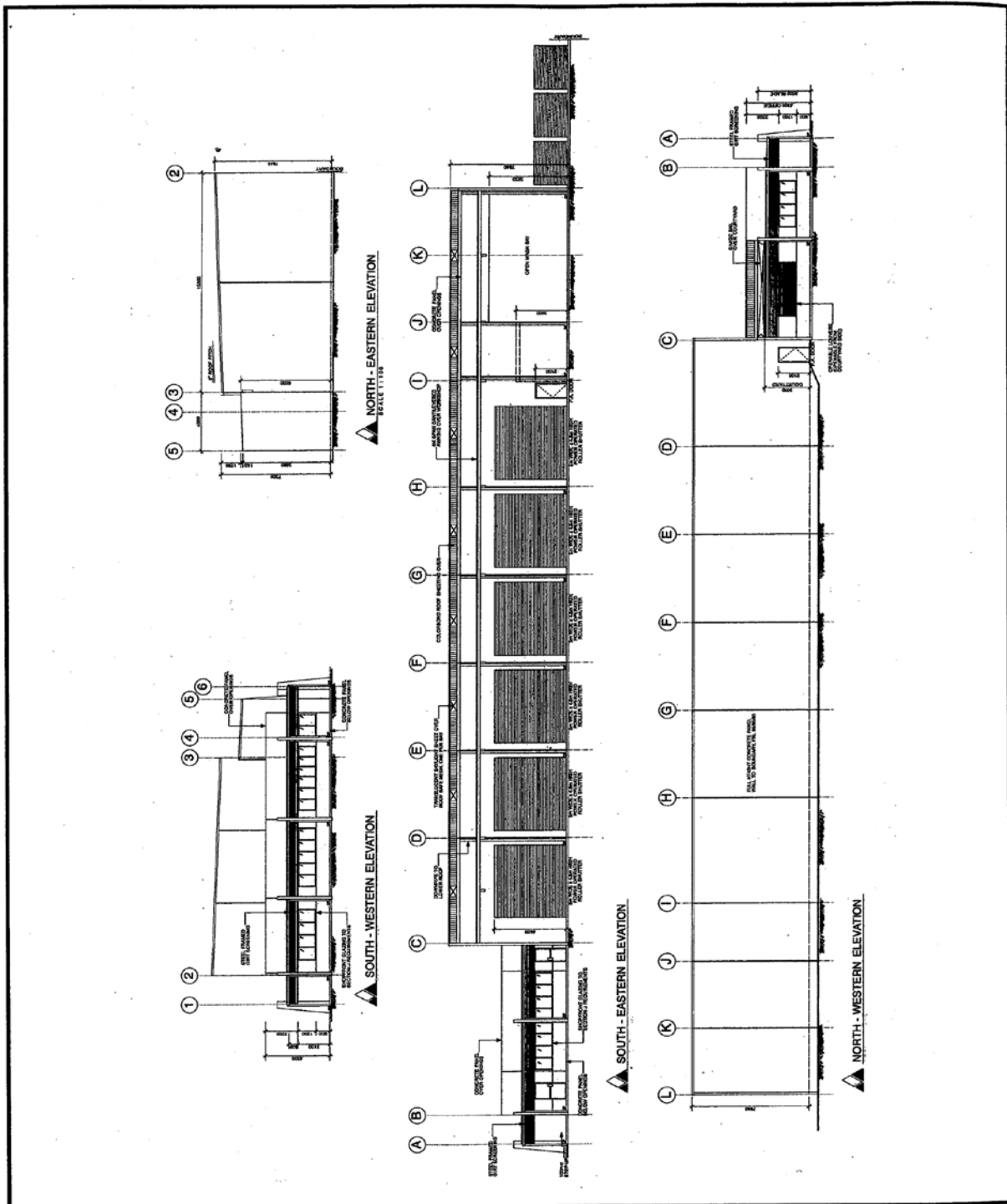
SITE PLAN

SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING AND HARDSTAND AREA
AND USE OF PREMISES FOR CONSTRUCTION PLANT AND EQUIPMENT HIRE.
LOT 7 DP 1071594 - No. 13 AUSTOOL PLACE, INGLEBURN

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

ATTACHMENT 4



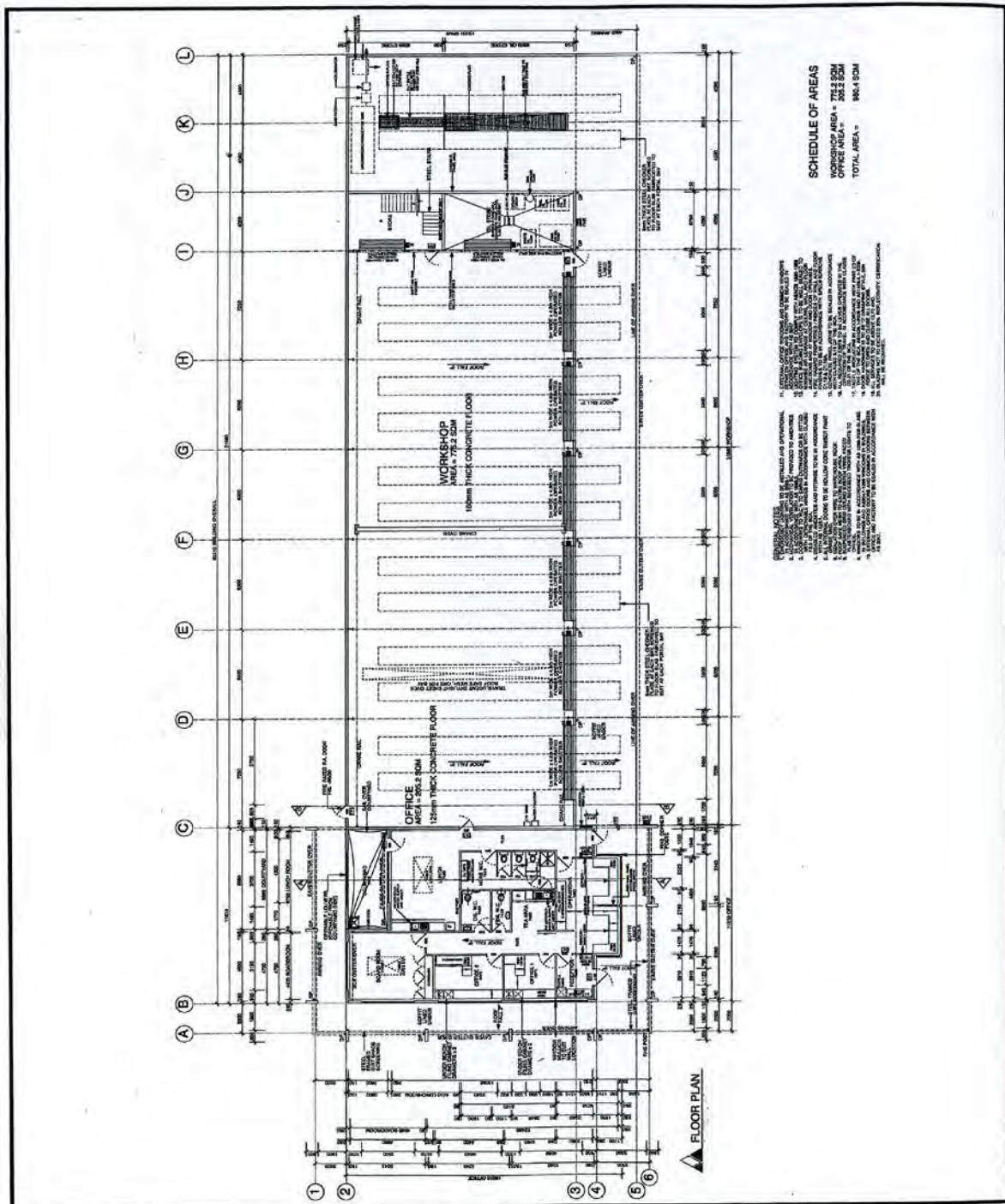
ELEVATIONS

SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING AND HARDSTAND AREA
AND USE OF PREMISES FOR CONSTRUCTION PLANT AND EQUIPMENT HIRE.
LOT 7 DP 1071594 - No. 13 AUSTOOL PLACE, INGLEBURN

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

ATTACHMENT 5

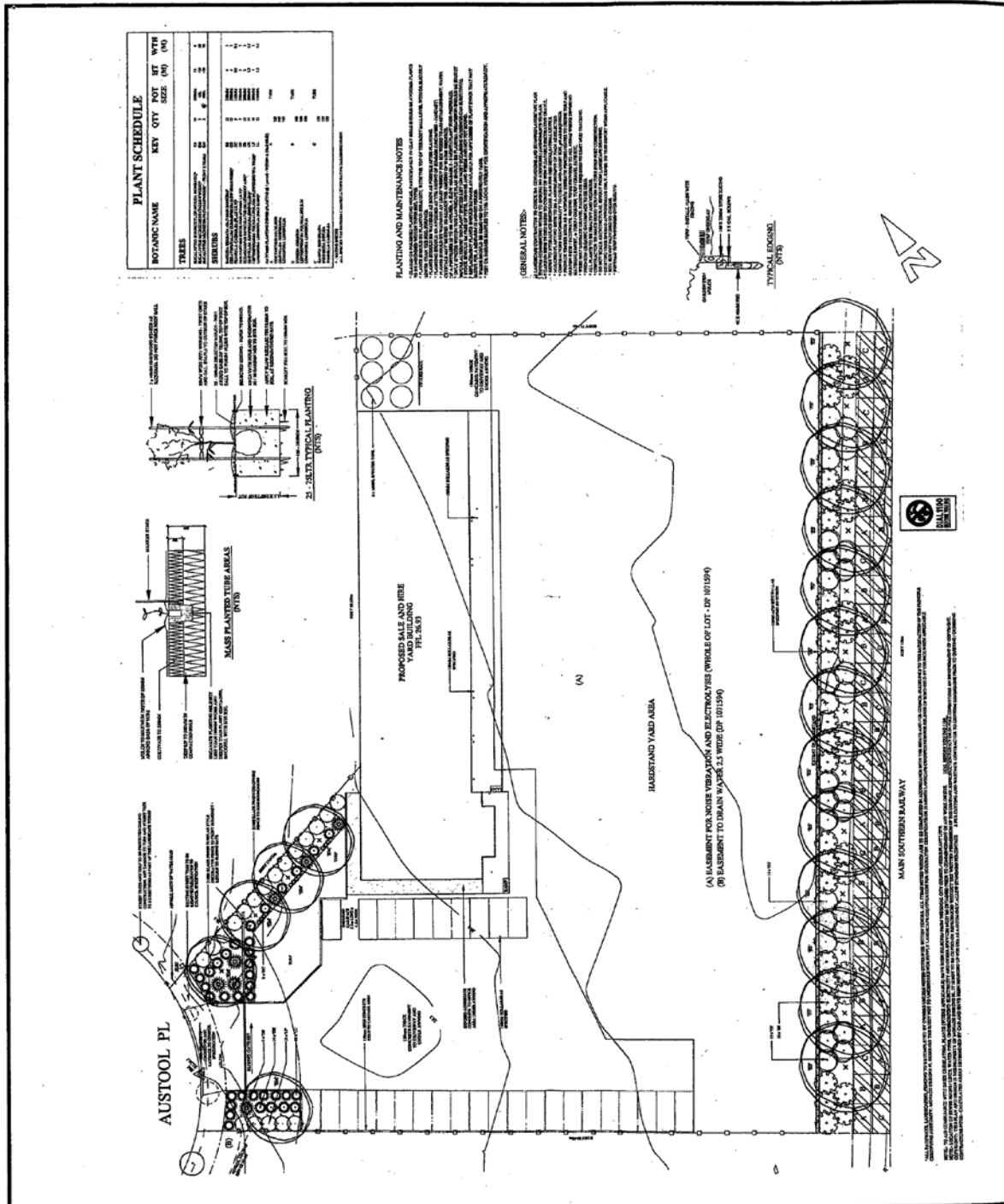


FLOOR PLAN

SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING AND HARDSTAND AREA
AND USE OF PREMISES FOR CONSTRUCTION PLANT AND EQUIPMENT HIRE.
LOT 7 DP 1071594 - No. 13 AUSTOOL PLACE, INGLEBURN

ATTACHMENT 6

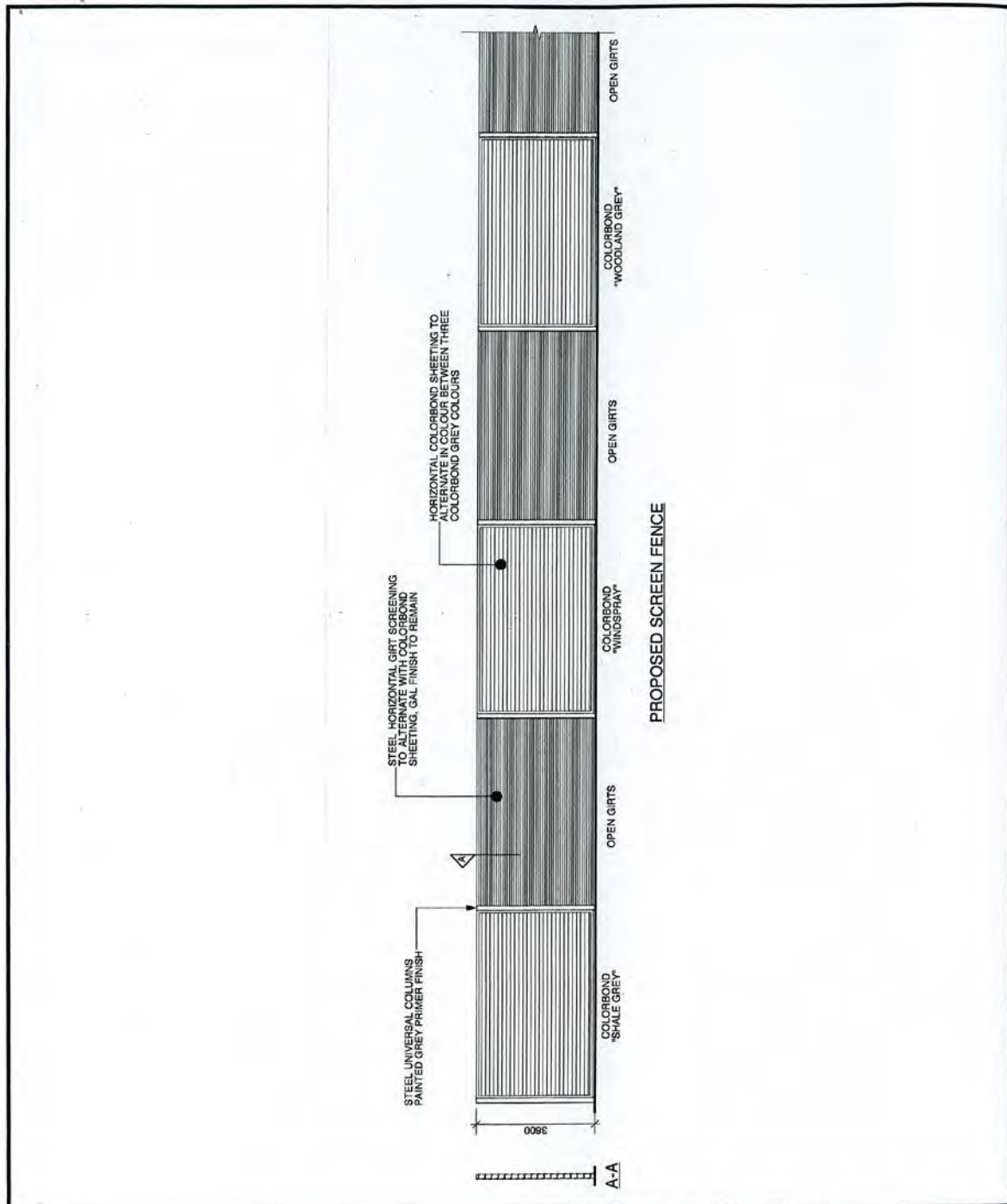


SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING AND HARDSTAND AREA
AND USE OF PREMISES FOR CONSTRUCTION PLANT AND EQUIPMENT HIRE.
LOT 7 DP 1071594 - No. 13 AUSTOOL PLACE, INGLEBURN

3.3 No. 13 Austool Place, Ingleburn - Construction Of An Industrial Building And Hardstand Area And Use Of The Premises For Construction Plant And Equipment Hire

ATTACHMENT 7



FENCE DETAILS

SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING AND HARDSTAND AREA
AND USE OF PREMISES FOR CONSTRUCTION PLANT AND EQUIPMENT HIRE.
LOT 7 DP 1071594 - No. 13 AUSTOOL PLACE, INGLEBURN

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 for the 2013-2014 period as they relate to:

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

A summary of year-to-date costs and the total number of matters is also included.

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
--

Total ongoing Class 1 DA appeal matters (as at 25/02/2014)	2
Total completed Class 1 DA appeal matters (as at 25/02/2014)	3
Costs from 1 July 2013 for Class 1 DA appeal matters:	\$23,391.38

1 (a)	Yeugen KYSELOV
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Issue:	Appeal against Council's refusal of Development Application No. 2159/2012/DA-RS for the construction of a detached dual occupancy with Torrens title subdivision.
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Property:	Lot 2736 DP 811889 No. 15 Nepean Towers Avenue, Glen Alpine
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Property Owner:	Mr Yeugen Kyselov
Council File:	No. 2159/2012/DA-RS
Court Application:	Filed on 18 October 2013 - File No. 10812/2013
Applicant:	Yeugen Kyselov
Costs Estimate:	\$18,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Final Costs:	\$16,250.02
Status:	Completed
Progress:	Matter was before the Court for hearing on 22 and 23 January 2014, where on conclusion the Commissioner reserved judgement. On 29 January 2014 judgement was delivered dismissing the applicant's appeal and refusing Development Application 2159/2012/DA-RS for the construction of a detached dual occupancy development and subdivision of the property into two allotments.

1 (b)	Abdulhalim ELBAF & Amne ELBAF
Issue:	Appeal against Council's deemed refusal of a Building Certificate Application seeking to regularise building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and residential outbuilding and associated retaining walls, on the property.
Property:	Lot 1 DP 1039153 Zouch Road, Ingleburn.
Property Owner:	Mr. Abdulhalim Elbaf and Mrs Amne Elbaf
Council File:	No. 957/2013/BC-UW
Court Application:	Filed on 12 December 2013 - File No. 10969 of 2013
Applicant:	Abdulhalim Elbaf and Amne Elbaf
Costs Estimate:	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	Nil
Status:	Ongoing – listed for directions hearing on 21 February 2014

Progress: The Applicants have filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of a building certificate application seeking to regularise building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and residential outbuilding and associated retaining walls, on the property.

The appeal was before the court for first mention on 16 January 2014, where by consent, the proceedings were adjourned to 14 February 2014 for call over, in order to bring all three Class 1 appeal matters together and thereby give priority to Class 4 review matter of the disputed Complying Development Certificate listed under item 3(a) of this report.

The appeal was before the court on 14 February where, by consent, the proceedings were adjourned to 21 February 2014 for directions hearing. The adjournment was to allow the Applicant to file a Notice of Motion seeking orders that the proceedings be transferred to the Court's Residential List to enable the appeal to proceed separately to the Class 1 and Class 4 proceedings listed at items 2(a) and 3(a) respectively of this report.

1 (c)

Abdulhalim ELBAF & Amne ELBAF

Issue: Appeal against Council's refusal of a modified development application seeking a review under section 82A of the *Environmental Planning and Assessment Act 1979* of development application No. 1458/2013/DA-DW for building works, the subject of a disputed complying development certificate comprising a residential dwelling and residential outbuilding and associated site works, on the property.

Property: Lot 1 DP 1039153 Zouch Road, Ingleburn.

Property Owner: Mr. Abdulhalim Elbaf and Mrs Amne Elbaf

Council File: No. 1458/2013/DA-82A

Court Application: Filed on 12 December 2013 - File No. 10970 of 2013

Applicant: Abdulhalim Elbaf and Amne Elbaf

Costs Estimate: \$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: Nil

Status: Ongoing – listed for directions hearing on 21 February 2014

Progress: The Applicants have filed an appeal in the Land and Environment Court of NSW against Council's refusal of a modified development application seeking a review under section 82A of the *Environmental Planning and Assessment Act 1979* of development application No. 1458/2013/DA-DW for building works, the subject of a disputed complying development certificate comprising a residential dwelling and residential outbuilding and associated site works, on the property.

The appeal was before the court for first mention on 16 January 2014, where by consent, the proceedings were adjourned to 14 February 2014 for call over, in order to bring all three Class 1 appeal matters together and thereby give priority to Class 4 review matter of the disputed Complying Development Certificate listed under item 3(a) of this report.

The appeal was before the court on 14 February where, by consent, the proceedings were adjourned to 21 February 2014 for directions hearing. The adjournment was to allow the Applicant to file a Notice of Motion seeking orders that the proceedings be transferred to the Court's Residential List to enable the appeal to proceed separately to the Class 1 and Class 4 proceedings listed at items 2(a) and 3(a) respectively of this report.

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 25/02/2014)	1
Total completed Class 1 Order/Notice appeal matters (as at 25/02/2014)	0
Costs from 1 July 2013 for Class 1 Order/Notices appeal matters:	\$0.00

2 (a) Abdulhalim ELBAF & Amne ELBAF

Issue: Appeal against Council's Order 2 given under section 121B of the *Environmental Planning and Assessment Act 1979* requiring the building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and outbuilding and associated retaining walls, on the property be demolished.

Property: Lot 1 DP 1039153 Zouch Road, Ingleburn.

Property Owner: Mr. Abdulhalim Elbaf and Mrs Amne Elbaf

Council File: No. 801/2013/N-EPA

Court Application:	Filed on 6 December 2013 - File No. 10954 of 2013
Applicant:	Abdulhalim Elbaf and Amne Elbaf
Costs Estimate:	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	Nil
Status:	Ongoing – listed for directions hearing on 4 April 2014
Progress:	<p>The Applicants have filed an appeal in the Land and Environment Court of NSW against Council's Order 2 given under section 121B of the Environmental Planning and Assessment Act 1979 requiring the building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and outbuilding and associated retaining walls, on the property be demolished.</p> <p>The appeal was before the court for first mention on 16 January 2014, where by consent, the proceedings were adjourned to 14 February 2014 for call over, in order to bring all three Class 1 appeal matters together and thereby give priority to Class 4 review matter of the disputed Complying Development Certificate listed under item 3(a) of this report.</p> <p>On 14 February 2014 the Court, by consent, adjourned the proceedings to 4 April for directions hearing.</p>

3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council

Total ongoing Class 4 matters before the Court (as at 25/02/2014)	1
Total completed Class 4 matters (as at 25/02/2014)	1
Costs from 1 July 2013 for Class 4 matters	\$35,802.68

3 (a)	Abdulhalim ELBAF & Amne ELBAF
Issue:	Appeal seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.
Property:	Lot 1 DP 1039153 Zouch Road, Ingleburn.
Property Owner:	Mr. Abdulhalim Elbaf and Mrs Amne Elbaf

Council File:	No. 2491/2012/CDCPRI
Court Application:	Filed on 24 December 2013 - File No. 41030 of 2013
Applicant:	Abdulhalim Elbaf and Amne Elbaf
Costs Estimate:	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	Nil
Status:	Ongoing – listed for further directions hearing on 4 April 2014.
Progress:	<p>The Applicants have filed an appeal in the Land and Environment Court of NSW seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.</p> <p>At the first mention on 7 February 2014 the proceedings were adjourned to 14 February for directions hearing.</p> <p>On 14 February 2014, the Court, by consent, adjourned the proceedings to 4 April 2014 for directions hearing.</p>

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 25/02/2014)	0
Total completed Class 5 matters (as at 25/02/2014)	0
Costs from 1 July 2013 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 25/02/2014)	0
Total completed Class 6 matters (as at 25/02/2014)	0
Costs from 1 July 2013 for Class 6 matters	\$0.00

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

Total ongoing Appeal matters before the Court (as at 25/02/2014)	0
Total completed Appeal matters (as at 25/02/2014)	1
Costs from 1 July 2013 for District Court matters	\$795.00

7. 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 25/02/2014)	4
Total completed Local Court Matters (as at 25/02/2014)	20
Costs from 1 July 2013 for Local Court Matters	\$2,200.00

File No:	LP26/13 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area
Act:	<i>Road Rules 2008</i>
Final Costs:	\$0.00
Status:	Completed
Progress:	The matter was before the Court for hearing on 24 January 2014 where the defendant, Mukhlesur Rahman, entered a guilty plea with explanation. Having heard the facts and submissions the Magistrate found the offence proved and convicted the defendant imposing a fine of \$100 and an order for court costs of \$85.

File No:	LP28/13 – Section 48 Penalty Notice Appeal
Offence:	Stand vehicle longer than allowed
Act:	<i>Local Government Act 1993</i>
Costs to date:	\$0.00
Status:	New matter.
Progress:	Listed for first mention on 11 March 2014.

File No:	LP29/13 – Penalty Notice Court Election
Offence:	Stand vehicle in disabled persons space without authority
Act:	<i>Local Government Act 1993</i>
Final Costs:	\$0.00
	Completed.

Status:

Progress:

The matter was before the Court for mention on 14 January 2014 where the defendant entered a guilty plea with explanation. Having heard the facts and submissions the Magistrate found the offence proved and an order that the matter be dismissed without penalty under section 10(1)(a) of the *Crimes (Sentencing Procedure) Act 1999*.

File No:

Offence:

LP30/13 – Penalty Notice Court Election

Own dog uncontrolled in a public place – not dangerous dog

Act:

Companion Animals Act 1998

Final Costs:

\$0.00

Status:

Completed.

Progress:

The matter was before the Court for mention on 14 January 2014 where the defendant, Sharen Morton entered a guilty plea with explanation. Having heard the facts and submissions the Magistrate found the offence proved and convicted the defendant imposing a fine of \$100 and orders for court costs of \$85 and victim support levy of \$71.

File No:

Offence:

Act:

LP01/14 – Penalty Notice Court Election

Disobey No Stopping sign

Road Rules 2008

Final Costs:

\$0.00

Status:

New matter.

Progress:

Listed for first mention on 25 February 2014.

File No:

Offence:

Act:

LP02/14 – Penalty Notice Court Election

Disobey No Parking sign – School Zone

Road Rules 2008

Final Costs:

\$0.00

Status:

New matter.

Progress:

Listed for first mention on 4 March 2014.

File No:

Offence:

Act:

LP03/14 – Penalty Notice Court Election

Disobey No Parking sign – School Zone

Road Rules 2008

Final Costs:

\$0.00

Status:

New matter.

Progress:

Listed for first mention on 11 March 2014.

8. Matters referred to Council's solicitor for advice

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 25/02/2014)
Costs from 1 July 2013 for advice matters

7
\$10,930.20

9. Legal Costs Summary

The following summary lists the Planning and Environment Division's net legal costs for the 2012/2013 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$23,391.38	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$35,802.68	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$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	\$795.00	\$0.00
Local Court prosecution matters	\$2,200.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$10,930.20	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$73,119.26	\$0.00
Overall Net Costs Total (GST exclusive)	\$73,119.26	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 23

That the Officer's Recommendation be adopted.

4.2 Macarthur Square Free Parking Agreement

Reporting Officer

Acting Manager Compliance Services

Attachments

1. Macarthur Square Parking Agreement Report to Council's Planning and Environment Committee 3 December 2013 (contained within this report)
2. Parking Ranger cost recovery details (contained within this report)

Purpose

To provide additional information as requested by Council at the Ordinary Meeting of 10 December 2013 following its consideration of a report on a request from Macarthur Square Lend Lease to amend the existing Free Parking Area Agreement with Council to include the monitoring of loading docks, no stopping and no parking zones and non-designated areas of the Macarthur Square parking areas.

History

A Free Parking Area Agreement has been in place between Council and Lend Lease Real Estate Investments Limited and GPT Funds Management Limited since 2011 that provides for Council to monitor and enforce disabled parking zones within the shopping centre car park areas.

Macarthur Square Lend Lease has written to Council requesting that Council alter the existing free parking area agreement for Macarthur Square to include an extension of Ranger enforcement of restricted car parking areas to include loading docks, no stopping and no parking zones and non-designated parking areas, in the interest of protecting public safety.

A report on this matter was presented to Council's Planning and Environment Committee at its meeting on 3 December 2013 and the Committee resolved:-

"That a decision in this matter be deferred subject to the provision of a further report examining matters including the legal liabilities for Council staff, financial details outlining provision for full cost recovery and details relating to Council's existing parking enforcement activities on private property."

Council at its Ordinary Meeting on 10 December 2013 adopted the above recommendation of the Planning and Environment Committee.

Report

The request by Macarthur Square Lend Lease to amend the Free Parking Area Agreement stems from concerns for public safety, particularly during busy shopping periods. It is evident that during congested parking periods, there is significant risk of pedestrian (particularly with the number of small children that frequent the shopping centre) or vehicle collision arising from illegally parked cars restricting the access to, and forward movement of, delivery trucks in and out of loading docks and the impeded movement of centre patron vehicles in and around car park areas.

It is important to note that the request for amendment of the Free Parking Area Agreement does not extend to the enforcement of time limit parking areas within the shopping centre car park areas and does not affect the current enforcement of disabled car parking spaces permitted under the Agreement.

Centre Management are restricted in their capacity to ensure the car parking areas are utilised effectively and in accordance with any sign posted conditions of use.

Council has advised that centre management have implemented a number of strategies without success to attempt to regulate and control illegal parking in loading zones and non-designated areas including the placement of notices on vehicle windscreens and the engagement of security staff for car park supervision and monitoring.

Centre management are limited in their ability to employ stronger measures to deal with parking offences, such as the practice of wheel clamping, as this practice is prohibited in NSW, unless the vehicle owner's permission to do so has been granted.

With respect to the land owner's capacity to employ other effective measures such as towing away a vehicle, the Traffic Act provides tow away powers, however these powers are only exercisable by the Police who may order the immediate tow away of an offending vehicle, in serious and urgent situations, where for example, a parked vehicle may be causing significant obstruction to traffic flow, or an immediate danger to pedestrians.

Alternatively, either the Council or the Police may order the impounding of a vehicle under the Impounding Act. Authorised impounding officers would need however to exercise caution by making at least some enquiries in an effort to identify and notify an offending vehicle owner before impounding a vehicle. This may unduly delay the impounding process by up to several days in some instances and therefore is not as effective as the immediate tow away provisions under the Traffic Act.

In response to the request for supplementary information to the 3 December 2013 Planning and Environment Committee Report the following additional information is provided.

(i) Legal Liability for Council staff.

Under the terms of the existing Free Parking Area Agreement the landowner has responsibility to have in place insurance cover and indemnifies Council in respect of any claim for injury to Council staff or any third party to the value of \$20,000,000, or property damage to the property of Council or any third party to the value of \$1,000,000, in respect of its failure to properly maintain the car park areas, and except to the extent that the injury or damage is contributed to by the negligent act of Council.

Similarly, under the terms of the existing Free Parking Area Agreement, the Council has responsibility to have in place insurance cover and indemnifies the landowner against claims for injury to Council staff or any third party, or property damage to the property of Council or any third party, up to a value of \$20,000,000 in respect of its enforcement of car park restrictions and except to the extent that the injury or damage is contributed to by the failure of the landowner to maintain the car park areas or other negligent act of the landowner.

(ii) Cost recovery.

In furnishing its request of Council to amend the Free Parking Area Agreement, Macarthur Square management have confirmed its willingness to contribute financially to additional surveillance activities associated with extending the existing Free Parking Area Agreement. In this regard, it is considered reasonable to levy an hourly rate on the land owner to recover the labour costs, incorporating 30% loading on top of the hourly employment cost, to cover associated on costs.

This rate is based on current parking officer pay rates and would be in the order of \$35 per hour per employee to provide the extended services. As patrols would generally be undertaken in pairs for (WHS reasons), the proposed rate per hour would be approximately \$70 per hour (see details outlined in attachment 2).

In addition to the above, Council retains the revenue raised from parking enforcement activities carried out under the terms of the free parking area agreement (less a small administrative fee of \$17.90 per penalty notice paid to the State Debt Recovery Office for fine administration) and this would not change under the proposed amendment to the agreement. The current base penalty notice amount is set at \$101, ensuring that Council would receive a minimum of \$83 per paid penalty issued.

(iii) Council's existing car parking enforcement activities on privately owned land.

Currently, Council is a party to Free Parking Area Agreements at Campbelltown Mall (disabled zones only) and Ingleburn Town Centre (all parking offences). In addition, Campbelltown Mall has previously expressed some interest in amending its existing parking area agreement to extend parking enforcement activities similar to that requested by Macarthur Square, however no formal approach has been forthcoming at this stage.

In addition to the above, enquiries were made of a number of other Sydney metropolitan Councils as to the nature of any existing free parking area agreement activities. A summary of results are summarised in the table below.

Free Parking Area Agreement Survey			
Council	Free Parking Area Agreements with Private Land Owners	Offences enforced	Financial Arrangements
Penrith City Council	Yes. Numerous formal agreements, including Shopping Centres eg Nepean Village.	All Section 650 LGA parking offences, including time limit offences.	Fine revenue retained by Council. Car parks maintained and signage installed and maintained by land owner. No fee for service.
Sutherland Shire Council	Approximately 12 agreements in place, including Shopping Centres.	All Section 650 LGA parking offences, including time limit offences.	Fine revenue retained by Council. Car parks maintained and signage installed and maintained by land owner. No fee for service. \$300 administrative fee charged to owner to set up agreement.
Hurstville City Council	Free Parking Area Agreement in place for Westfield Shopping Centre.	All Section 650 LGA parking offences, including time limit offences.	Fine revenue retained by Council. No fee for service.
Liverpool City Council	Various Parking Area agreements in place with private car parks.	90% cover disabled spaces only. One agreement covers time limit offences.	Not disclosed by officer interviewed.
Fairfield City Council	No formal agreements in place.	N/A	N/A
Blacktown City Council	No formal agreements in place.	N/A	N/A

The above table indicates that of the Councils contacted, a number have free parking area agreements in place to monitor parking on privately owned car parks. In such situations, Council retains the revenue from parking enforcement, however no separate fee for providing the service applies, with the exception of Sutherland which charged a \$300 fee to cover administrative costs of preparing the agreement “in house” by their legal staff. The private landowner retains responsibility for maintaining the cost of the car park maintenance including signage and line marking as is the case with the existing Macarthur Square, Ingleburn Town Centre and Mall agreements.

(iv) Impact on existing activities

Council has two specialist parking enforcement Rangers who monitor the various on street and Council car park restricted parking areas. These officers also patrol school zones and participate in afterhours heavy vehicle parking patrols as part of compliance program activities with general duties Rangers.

Given the existing limited resources available for parking enforcement duties across the city, it is proposed that additional resources (funded by the proposed fee for service) would need to be engaged to undertake the parking area patrol commitments proposed under the extended parking area agreement. It is considered that patrols would typically be undertaken 2 hours per day Monday to Friday and randomly on weekends depending upon seasonal needs, for example at Christmas and other peak holiday periods.

Given the rising demands for parking (stemming largely from regional growth pressures and the increased reliance on Campbelltown as a regional shopping and transport hub) and the consequential need for increased enforcement heightened by the creation of additional restricted parking areas within the Campbelltown LGA, there may be some merit in considering the provision of additional parking enforcement resources beyond that required to specifically meet the Macarthur Square amended parking area agreement proposal.

Consideration could be given to engaging the services of an additional two full time parking officers which would be partially funded from the services provided to Macarthur Square, to address the growing demand for parking enforcement. These additional officers would be fully funded from enforcement activities (refer to details outlined in attachment 2) and enable greater capacity to monitor "hot spot" parking areas within the city, including major CBD locations, transport interchanges (particularly local rail stations at Campbelltown, Leumeah and Glenfield) and at Park Central. In addition, the engagement of these officers would provide increased capacity to resource existing School Zone and after hours Heavy Vehicle compliance programs.

Conclusion

In view of the comparative survey results and further information contained in the body of the report together with the positive public safety benefit from increasing parking enforcement to regulate illegal parking in designated and non-designated parking areas within the Macarthur Square Shopping complex, and that Macarthur Square management have confirmed its willingness to contribute financially to additional surveillance activities, it is recommended that Council vary the existing Free Parking Area Agreement in accordance with the request by shopping centre management in their letter of 16 July 2013, subject to their agreement to finance patrol activities on a cost recovery and fee for service basis as outlined in this report.

Officer's Recommendation

1. That Council's General Manager be granted delegated authority to enter into an amended Free Parking Area Agreement with parties to the existing agreement to enable Council to enforce illegal parking in loading docks, no stopping and no parking zones and non-designated areas as requested by Macarthur Square Lend Lease in their letter to Council of 16 July 2013.
2. That the General Manager be authorised to negotiate terms of an amended agreement including a scheduled rate of financial contribution on a full cost recovery fee for service basis, with Macarthur Square management as part of finalising the amended Free Parking Area Agreement.
3. That the General Manager be granted delegated authority to enter into similar Free Parking Area Agreements to that referred to in item 1 above with other major shopping centres should Council receive further proposals.
4. That Council's General Manager be authorised to engage additional resources as appropriate to fulfil the regulatory enforcement service requirements of the amended Agreement referred to in item 1.

Committee's Recommendation: (Oates/Kolkman)

1. That the information be noted.
2. That Council not extend the current free parking agreement with Macarthur Square or any other shopping centre.

Amendment: (Thompson/Rowell)

1. That Council's General Manager be granted delegated authority to enter into an amended Free Parking Area Agreement with parties to the existing agreement to enable Council to enforce illegal parking in loading docks, no stopping and no parking zones and non-designated areas as requested by Macarthur Square Lend Lease in their letter to Council of 16 July 2013.
2. That the General Manager be authorised to negotiate terms of an amended agreement including a scheduled rate of financial contribution on a full cost recovery for service basis fee, exclusive of any fine income, with Macarthur Square management as part of finalising the amended Free Parking Area Agreement.
3. That Council's General Manager be authorised to engage additional resources as appropriate to fulfil the regulatory enforcement service requirements of the amended Agreement referred to in item 1.

WON and became the Motion

CARRIED

Council Meeting 11 March 2014 (Greiss/Matheson)

1. That Council's General Manager be granted delegated authority to enter into an amended Free Parking Area Agreement with parties to the existing agreement to enable Council to enforce illegal parking in loading docks, no stopping and no parking zones and non-designated areas as requested by Macarthur Square Lend Lease in their letter to Council of 16 July 2013.
2. That the General Manager be authorised to negotiate terms of an amended agreement including a scheduled rate of financial contribution on a full cost recovery for service basis fee, exclusive of any fine income, with Macarthur Square management as part of finalising the amended Free Parking Area Agreement.
3. That Council's General Manager be authorised to engage additional resources as appropriate to fulfil the regulatory enforcement service requirements of the amended Agreement referred to in item 1.

Council Resolution Minute Number 23

1. That Council's General Manager be granted delegated authority to enter into an amended Free Parking Area Agreement with parties to the existing agreement to enable Council to enforce illegal parking in loading docks, no stopping and no parking zones and non-designated areas as requested by Macarthur Square Lend Lease in their letter to Council of 16 July 2013.
 2. That the General Manager be authorised to negotiate terms of an amended agreement including a scheduled rate of financial contribution on a full cost recovery for service basis fee, exclusive of any fine income, with Macarthur Square management as part of finalising the amended Free Parking Area Agreement.
 3. That Council's General Manager be authorised to engage additional resources as appropriate to fulfil the regulatory enforcement service requirements of the amended Agreement referred to in item 1.
-

ATTACHMENT 1



Planning and Environment Committee Meeting 3/12/13

TITLE Macarthur Square Free Parking Area Agreement

Reporting Officer

Acting Manager Compliance Services

Attachments

Correspondence from Macarthur Square Lend Lease of 16 July 2013 (contained within this report)

Purpose

To report on a request from Macarthur Square Lend Lease to amend the existing free parking area agreement with Council to include the monitoring of loading docks, no stopping and no parking zones and non-designated areas of the Macarthur Square car parking areas.

History

A Free Parking Area Agreement has been in place between Council and Lend Lease Real Estate Investments Limited and GPT Funds Management Limited since 2011 that provides for Council to monitor and enforce disabled parking zones within the shopping centre car park areas.

Macarthur Square Lend Lease has written to Council (Attachment 1) requesting that Council alter the existing free parking area agreement for Macarthur Square to include an extension of Ranger enforcement of restricted car parking areas to include loading docks, no stopping and no parking zones and non-designated parking areas in the interest of protecting public safety.

Council is also a party to Free Parking Area Agreements at Campbelltown Mall (disabled zones only) and Ingleburn Town Centre (all parking offences). Campbelltown Mall has previously expressed some interest in amending the existing parking area agreement to extend parking enforcement activities similar to that requested by Macarthur Square Management.

Report

The request by Macarthur Square Lend Lease to amend the free parking area agreement stems from concerns for public safety arising from illegally parked cars preventing the access to, and forward movement of, trucks in and out of loading docks and restricting the free movement of vehicles in and around car park areas.

The request for amendment of the free parking area agreement does not extend to the enforcement of time limit parking areas within the shopping centre car park areas and does

not affect the current enforcement of disabled car parking spaces permitted under the agreement.

Centre management have implemented a number of strategies without success to attempt to regulate and control illegal parking in loading zones and non-designated areas including the placement of notices on vehicle windscreens and the engagement of security staff for car park supervision and monitoring. This is understood to have prompted a written request from centre management to seek assistance from Council to expand its parking enforcement activities through a proposed amendment to the terms of the existing free parking area agreement.

Council retains the revenue raised from parking enforcement activities carried out under the terms of the free parking area agreement and this would not change under the proposed amendment to the agreement.

In addition, Macarthur Square management have confirmed its willingness to contribute financially to additional surveillance activities on an agreed hourly rate yet to be negotiated.

In view of the positive public safety benefit from increasing parking enforcement to regulate illegal parking in loading docks, no stopping and no parking zones, and non-designated parking areas, it is recommended that Council vary the existing free parking area agreement in accordance with the request by shopping centre management in their letter of 16 July 2013.

Officer's Recommendation

1. That Council's General Manager be granted delegated authority to enter into an amended Free Parking Area Agreement with parties to the existing agreement to enable Council to enforce illegal parking in loading docks, no stopping and no parking zones and non-designated areas as requested by Macarthur Square Lend Lease in their letter to Council of 16 July 2013.
2. That the General Manager be authorised to negotiate terms of our amended agreement including a suitable rate of financial contribution on a fee for service basis, with Macarthur Square management as part of finalising the amended Free Parking Area Agreement.
3. That Council's General Manager be granted delegated authority to enter into similar Free Parking Area Agreements to that referred to in item 1 above with other major shopping centre should Council receive further proposals.



16 July 2013

Mr P Tosi

Campbelltown City Council

DX 5114 Campbelltown

JUL 18 '13 08:08:15 RCUT

Dear Paul

We write to you with regard to the original agreement for the monitoring of the disable parking areas at Macarthur Square,

Over the last several months we have been experiencing many cars parked illegally in Loading Docks and non-designated areas of our car park that has become a major risk not only to property damage but also physical injury, due to the obstruction of the illegally parked vehicles.

We therefore would like to ask council if the existing agreement can be altered to include the monitoring of loading docks, no standing areas, no parking areas and non-designated areas to ensure the safety of all concerned, when in Macarthur Square Shopping Centre. We also request that the new agreement be placed under State Legislation and not the Local Government Act as this will have a far greater effect in dealing with illegally parked vehicles.

We attach a copy of our current agreement and photos of the illegally parked vehicles for your consideration on this matter.

Yours Sincerely

Michael Figallo | Operations Manager | Macarthur Square | Lend Lease

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michael.figallo@lendlease.com | www.macarthursquare.com.au

ATTACHMENT 2

Macarthur Square Free Parking Area Agreement Cost Recovery

i. Parking Enforcement Service Cost Recovery	
Parking Ranger (Grade 7) maximum hourly rate	\$26.87
30% Salary on costs (leave provisions, superannuation)per hour	\$8.06
Total hourly cost per Parking Ranger	\$34.93
Proposed parking enforcement service charge rate \$35/hour per Parking Ranger to fully recover costs.	
Patrols conducted with 2 Parking Rangers at a service charge rate of \$70/hour	

ii. Recruitment of an additional 2 full time Parking Rangers	
Parking Ranger Grade 7 (current maximum salary per annum)	\$53,097
30% Salary on costs (leave provisions, superannuation)	\$15,929
Total Salary cost per Parking Ranger (including salary and on costs)	\$69,026
Total cost (including salary on costs) for 2 Parking Rangers	\$138,052

iii. Existing Parking Ranger Enforcement Income	
Total value of car parking enforcement Penalty Notices issued by the two existing Parking Rangers for parking offences for 2013 Calendar year	\$620,795

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Kolkman/Rowell)

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

CARRIED

18. CONFIDENTIAL ITEMS

18.1 Confidential Report Directors of Companies

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

18.2 2014 Heritage Medallion

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (iii) reveal a trade secret
-

There being no further business the meeting closed at 9.48pm.

G Greiss
CHAIRPERSON
