

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 29 April 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 29 April 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 Community Resources and Development - Mr B McCausland
Manager Development Services - Mr J Baldwin
Manager Sustainable City and Environment - Mr A Spooner
Manager Waste and Recycling Services - Mr P Macdonald
Manager Information Management and Technology – Mrs S Peroumal
Acting Manager Governance and Administration - Mr T Rouen
Consultant Planner - Mr G Pascoe
Executive Assistant - Mrs K Peters

Apology Nil

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests

Special Disclosure - Councillor Greiss - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Greiss declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Oates - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Oates declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Lound - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Lound declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Kolkman - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Kolkman declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Mead - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Mead declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Matheson - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Matheson declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Rowell - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Rowell declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Thompson - Item 2.3 - Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Thompson declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Non Pecuniary – Significant Interests - nil

Non Pecuniary – Less than Significant Interests

Councillor Matheson - Item 2.4 - South Campbelltown Planning Proposal - Councillor Matheson advised that Mr Mir who was listed to address the Committee on this matter is known to her.

Councillor Mead - Item 3.4 - Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction of a studio above an existing garage - Councillor Mead advised that a resident of Parc Guell Drive, Campbelltown is known to him.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Evaluation of Community Fishing Day

Reporting Officer

Manager Sustainable City and Environment

Attachments

Photographs showing highlights of the 'Catch-a-Carp' fishing competition (contained within this report)

Purpose

To inform Council of the outcomes from the community fishing day held at Eagle Vale Pond on 16 March 2014 and to seek Council's support for a future event.

History

In April 2013 Council hosted a community fishing event, promoted as the inaugural 'catch-a-carp' competition, at Eagle Vale Pond, Eagle Farm Reserve. At its meeting on 18 June 2013 Council considered a report on the evaluation of the community fishing event and resolved:

That Council conduct a community fishing event in 2014, targeting carp, in one of Campbelltown's local impoundments.

Report

In accordance with the above resolution the second annual community fishing event, promoted again as the 'Catch-a-Carp' competition, was held at Eagle Vale Pond, Eagle Farm Reserve on Sunday 16 March 2014. The event aimed to engage the community with their local waterways and the environment and educate residents on responsible fishing practices as well as ecosystem values and threats to aquatic ecosystems. The event focused on the removal of carp from the pond due to their noxious status and their detrimental impacts on waterways and river health.

The event was promoted through local newspapers, radio, Council's website, posters and flyers at Council libraries and via a letterbox drop in the direct vicinity of the pond.

The event commenced at 7.00am and concluded at 11.00am. The event was considered highly successful with 407 people registering to participate on the day in addition to hundreds of spectators. Participants ranged in age and skill with a large number of families in attendance.

A total of 97 carp were caught across the three and a half hours of fishing. Winners in each of the categories were awarded a trophy, kindly donated by Trophy Mart and an Oz Tackle voucher in recognition of their efforts. Table 1 shows the winners for each of the prize categories.

Table 1 - List of winners

Prize category	Name of winner	Achievement
Most carp caught under 10 years	Madison Warner	1 carp
Most carp caught 10 to 18 years	Brandan Butterfield	5 carp
Most carp caught over 18 years	Weihai Lu	19 carp
Largest carp caught under 10 years	Madison Warner	28cm
Largest carp caught 10 to 18 years	Shay Scott	50cm
Largest carp caught over 18 years	Greg Jackson	63cm
Mystery Length prize	Robert Warner	37cm

The 'Catch-a-Carp' competition was again a highly successful event. Given the popularity of the event, there is considerable merit in Council's consideration of a proposal to conduct a similar future event in 2015. The aims of the event emphasise conservation and taking action to protect and restore the natural environment, and engage residents in a positive way, maximising visibility, heightening community interest and awareness, and strengthening Council's relationship with residents.

It is further recommended that Council staff investigate opportunities to hold the event at alternative impoundments across Campbelltown in order to assist in the rehabilitation of other waterways and encourage participation from additional areas.

Officer's Recommendation

That Council conduct a community fishing event in 2015, targeting carp, in one of Campbelltown's local waterways.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 58

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Photographs showing highlights of the 'catch-a-carp' fishing competition



Attendees around the banks of the pond



A couple holding their catch, all caught within 15 minutes



Madison Warner pictured with the Mayor and her trophies for both, most fish caught and largest fish caught for the under 10 years old category



Greg Jackson with the biggest fish caught on the day measuring 63 centimetres in length

2.2 Amendment to Blair Athol Section 94 Development Contributions Plan

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Draft revised Section 94 Development Contributions Plan No.5 Planning District No.5 Blair Athol – 2014 (contained within this report)
2. Adopted and current Landscape Master Plan – John Kidd Reserve (contained within this report)
3. Draft revised Landscape Master Plan – John Kidd Reserve (contained within this report)

Purpose

To seek Council's endorsement for the public exhibition of a draft revised Section 94 Development Contributions Plan No.5, Planning District No. 5 Blair Athol (attachment 1).

History

Council's Section 94 Development Contributions Plan (S94 Plan) for Blair Athol initially came into effect on 14 February 1995 with a further amendment on 19 May 1998. Subsequently Council received a direction from the then Department of Sustainable Natural Resources prohibiting the construction of the proposed playing fields in the precinct (John Kidd Reserve) due to potential flooding impacts. These constraints also limited the spatial footprint achievable on the site for the location of alternative recreation facilities. As a result, at its meeting on 21 August 2007, Council endorsed a new S94 Plan with amendments.

Councillors were advised at a briefing night on 9 August 2011, that further elements of the proposed works within John Kidd Reserve could not be constructed, due to site constraints associated with the findings of an Aboriginal archaeology survey (undertaken in May 2009), the presence of threatened species and potential community safety issues. These elements included the proposed bush track, boardwalk and pathway on the western side of the site and the open space area surrounded by paths (pedestrian and cycle) as well as located boardwalks in the central area, connecting Blair Athol with Narellan Road.

An amended landscape masterplan has been developed to reflect existing and newly proposed works as an alternative.

The suburb of Blair Athol has developed to the point now where only minimal residential development potential remains. Consequently, Section 94 development contributions have been collected on all created lots, hence no further collection of Section 94 development contributions anticipated. In order to allocate the remaining funds within the S94 account to these alternative works, Council first needs to amend the S94 Plan and Landscape Master Plan following the process prescribed by the Environment Planning and Assessment Regulation 2000.

Report

The majority of the community facilities within the suburb of Blair Athol, as listed in the works schedule of the current S94 Plan, have now been completed. To date extensive works have been undertaken in John Kidd Reserve including the construction of a community centre/amenities block, car park, softworks, playground, half basketball court, picnic facilities/park furniture, cycle/path ways and pieces of art work/sculptures. However, not all works are able to be achieved as per the current and the previously adopted Landscape Master Plan (attachment 2).

Therefore, in the interests of public disclosure it is appropriate to seek an amendment to the S94 Plan to reflect the facilities already constructed and the revised future-planned facilities.

As previously mentioned, although the current route in the adopted Master Plan for the connection from Blair Athol to Narellan Road cannot be achieved, Section 94 funds have been expended on a looped path/cycleway from the suburb of Blair Athol to Narellan Road, still achieving pedestrian access to Narellan Road.

As a result of the amended works undertaken and completed facilities costing less than the budgeted amount, \$310,000 remains in the Blair Athol Section 94 account. In accordance with the *Environmental Planning and Assessment Act 1979*, the remaining funds must be spent on community facilities within the suburb of Blair Athol.

Observation on the utilisation of John Kidd Reserve has shown a high level of patronage of both the community centre and the play facilities including the recently installed 'Goanna' which has proven to be a drawcard to the Reserve. It is therefore proposed to further furnish the Reserve with facilities for various ages and abilities, including rock climbing walls, a ping pong table, chess board and equipment to encourage interaction, along with further landscaping works. The S94 Plan and Landscape Master Plan has been revised to reflect these current and proposed changes and is attached for endorsement for public exhibition (Attachment 3). Based on current utilisation and activities within the Reserve it is anticipated that the amendments and additions will be met with a positive response from the community.

It is recommended that the draft revised Section 94 Development Contributions Plan for Blair Athol and associated draft revised Landscape Master Plan be publicly exhibited for 28 days. Following conclusion of the exhibition period a report will be submitted to Council summarising the outcomes of the exhibition.

Officer's Recommendation

That Council endorse the draft revised Section 94 Development Contributions Plan No.5, Planning District No.5 Blair Athol – 2014 including the draft Landscape Master Plan for public exhibition for 28 days in accordance with statutory requirements.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 58

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Campbelltown City Council



Draft Section 94
Development
Contributions Plan No.5
Planning District No.5
Blair Athol
Amended April 2014



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1. Preamble

This plan was originally prepared to meet the statutory requirements and the policy guidelines issued by the Department of Planning for Section 94 development contribution plans to improve the detail, accountability and administration of providing community facilities in the neighbourhood of Blair Athol.

History

Council has previously adopted background documents relating to the provision of community facilities in Planning Districts No. 4, 6 and 7 including the basis for contribution rates. These documents prepared by Wellings Smith and Byrnes consists of two volumes. Volume I includes the background data and analysis in ascertaining the appropriate public amenities and services required in the development of these new urban areas. The Blair Athol neighbourhood is similar in character to other new residential neighbourhoods in Campbelltown and it has been on this basis that the Section 94 Development Contributions Plan for Blair Athol has been developed.

Council is of the view that its Section 94 practice has a proper nexus to the development occurring in this area and that its contribution rates are reasonable.

This contributions plan is based on a projected growth of the identified neighbourhood accounting for both land, which is currently vacant and urban consolidation.

This plan initially came into effect on 14 February 1995, with further amendments in May 1998 and May 2007.

2. The Plan

1. Citation

This plan may be referred to as Section 94 Development Contribution Plan No.5 Blair Athol. It has been prepared according to the requirements of Section 94 of the *Environmental Planning and Assessment Act, 1979*.

2. Purpose

The purpose of the plan is to enable the levying of development contributions for public facilities and services specified which will be required as a consequence of residential development in the neighbourhood of Blair Athol.

3. Aims and Objectives

The aims and objectives of the plan are:

- (a) to provide a basis for the levying of contributions for the provision of community facilities and services;
- (b) to establish the nexus between anticipated development and the contributions required;
- (c) to identify facilities and services which Council has provided or intends to provide to meet the needs of new residential development;
- (d) to provide facilities and services to the community at the earliest possible time; and
- (e) to provide proper accountability, financial management and administration of the expenditure of contributions and the provision of facilities and services.

4. Relationship to other Environmental Planning Instruments

This plan is to be read in conjunction with Council's other development control plans and environmental planning instruments applicable to the neighbourhood of Blair Athol.

5. Land to which the Plan applies

This plan applies to the neighbourhood of Blair Athol as shown edged heavy black on the map marked "Development Control Plan No. 80" adopted 29 November 1994 as amended, on page 12 of this plan.

3. Assessment of Contributions

1. Establishment of Nexus

The City of Campbelltown, Camden and Wollondilly Councils were formally declared the Macarthur Growth Centre in March of 1975. Since that time the City of Campbelltown has experienced rapid growth and is now recognised as one of the fastest growing local government areas in New South Wales.

The Campbelltown Local Government Area has been and will be a significant part of the Government's urban development programme, which in part accommodates growth within the Sydney Metropolitan Area.

Residential development in Campbelltown typically provides a source of moderately priced but relatively low density housing which is attractive to householders making their first move into the housing market.

New housing areas lack many, if not all, of the basic facilities that are found in more established suburbs. Therefore, there is immediate and substantial demands for capital expenditure to ensure that a range of basic community facilities and services are provided. This ensures that the quality of the social environment in both the short and long term is enhanced so that community networks are developed and social and economic discrimination and antisocial behaviour patterns are minimised.

2. Contribution Formula

Section 94 contributions will be based on the total cost of providing identified facilities and services divided by the projected lot or dwelling yield in the catchment for all residential development which is subject to Section 94 contributions.

The contribution rate will be based on the creation of new lots in the case of subdivision and additional dwellings in the case of multi dwelling (medium density) development.

The formula for calculating contributions is based on the following:

- (a) the number of lots or dwellings, which have or will be subject to Section 94 contributions;
- (b) the cost of providing future community facilities including, where appropriate, the cost of acquiring land; and
- (c) the present day costs of community facilities already provided by Council in anticipation of development.

The contribution formula is:

$$\text{Contribution Rate} = \frac{F1 + F2}{P}$$

(\$per lot/dwg)

F1 = The actual cost to Council to date of constructing community facilities (adjusted to present day values by the *I.P.D.)

F2 = The estimated cost of constructing future community facilities

P = The estimated lot/dwelling yield in the contribution catchment.

* I.P.D. = Implicit Price Deflator

(I.P.D.) is an index obtained by dividing a current price value by its corresponding constant price value. Implicit Price Deflator (seasonally adjusted) is published on a quarterly basis by the ABS for all items of expenditure shown in the Gross Domestic Product, Australian National Accounts.

3. Contribution Rate

The current contribution rate per lot/dwelling for the Blair Athol neighbourhood is shown below. It should be noted that the contribution rate is applicable as of December 2006 and will be indexed on a quarterly basis to keep pace with inflation.

For the purpose of this plan the indexing factor to be used is the Implicit Price Deflator (I.P.D.).

It should also be noted that the Council may review all or part of this contribution plan on an annual basis and as such contribution rates may adjust accordingly.

Locality	Proposed Contribution per lot/building
Blair Athol	\$2,436.77

* The contribution rate is applicable as at December 2013

* All contribution rates will be adjusted on a quarterly basis by the Implicit Price Deflator

4. Payment of Contributions

1. Timing of Contribution Payments

Council, upon granting development consent including the subdivision of land, which is subject to this Section 94 Development Contributions Plan, shall, as a condition of development consent, state the value of the Section 94 contribution at the date of issue of consent. The actual payment of any Section 94 contribution shall be at the rate applicable at the time of payment, which will reflect adjustments made by the Implicit Price Deflator.

In the case of a development not being a subdivision, the payment of the required Section 94 contribution shall be made prior to the release of the building approval applicable to that development. In the case of a subdivision, the required Section 94 contribution shall be paid prior to the release of the linen plan of subdivision.

Under unusual or specific circumstances, the method of payment may be varied subject to a detailed written submission being considered by Council. A decision to defer payment shall be entirely at the discretion of Council. Adequate security will be required to cover the value of the contribution including the indexed value of the contribution over the deferred period.

2. Dedication of Land and Material Public Benefit

Council may consider the dedication of land or the provision of a material public benefit/works in kind in lieu of a monetary contribution. In this regard, the following practice will be considered by Council:

- (a) the extent to which the land, material public benefit or works satisfies a community need and the purpose for which the contribution is sought;
- (b) consideration of locational and other factors which may affect useability; and
- (c) the effect of any maintenance or recurrent costs to Council.

3. Exclusion of Works and Improvements from Contributions Plan

The developer is responsible for the provision of all roads, drainage, detention basins and open space land which is not included as part of this plan.

Landscaping relating to noise and visual attenuation measures as required by Development Control Plan No. 80 is also separate to the requirements of this Section 94 Contributions Plan.

It is the responsibility of the developer to provide services i.e. water, sewer, electricity and telephone to the property boundary of community land in proximity to any community buildings or facilities.

5. Works Schedule

1. Notes

Park Types applicable to this plan:

Type 1 Park: includes an item of playground equipment, a park seat, tree planting, koppe log barriers, water service and ancillary treatment to Council's specification.

Type 2 Park: includes a park seat, tree planting, koppe log barriers, water service and ancillary treatment to Council's specification.

Type 3 Park: includes tree planting, koppe log barriers, water service and ancillary treatment to Council's specification.

2. Projections

Lot Dwelling Projections

	Pre Sec. 94	Current Sec. 94	Future Sec. 94	Total Lots
No. of Lots	0	0	811	811

- 195 lots subject to Local Environmental Plan No. 170
 - urban consolidation lots include sites identified for multi dwelling housing in Development Control Plan No. 80.
 - 90 lots subject to LEP No. 194
-

3. *Facilities and Cost*

Blair Athol

	Facility	Completed	Cost
	Street Tree Planting	Yes	\$33,800
Sub Total			\$33,800

Harvey Brown Reserve

	Facility	Completed	Cost
	Bench Seats	Yes	\$ 1,500
	Lookout Area	Yes	\$ 4,500
	Tree Planting	Yes	\$ 6,000
	Fitness Equipment	Yes	\$58,000
	Cycleway	Yes	\$82,000
Sub Total			\$152,000

Stone Cottage

	Facility	Completed	Cost
	Landscaping/Picnic Seating	Yes	\$25,000
Sub Total			\$25,000

Kraal Park

	Facility	Completed	Cost
	Local Park Type 2	Yes	\$10,000
Sub Total			\$10,000

Tree Gully Park

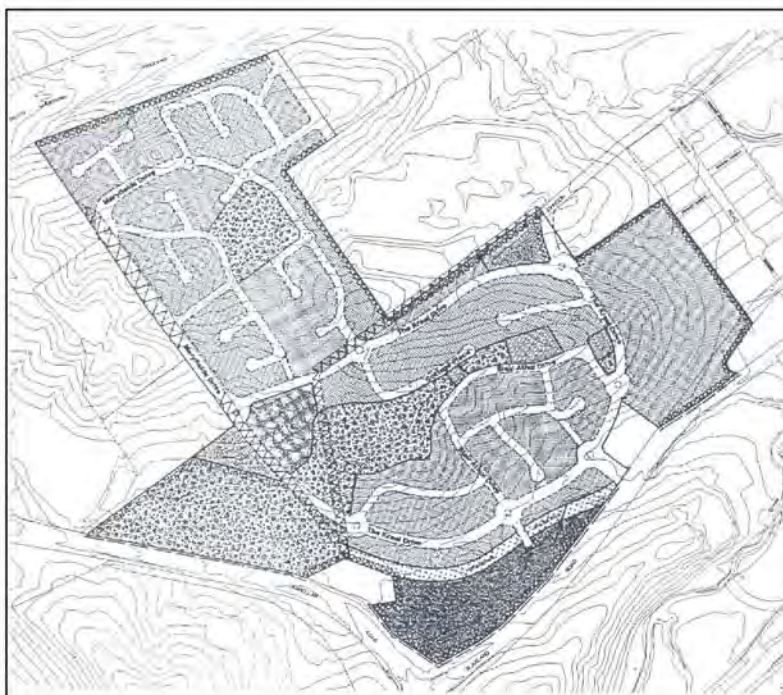
	Facility	Completed	Cost
	Survey	Yes	\$2,000
	Boardwalk	Yes	\$55,000
	Play Equipment	Yes	\$20,000
	Landscaping	Yes	\$14,000
	Cycleway	Yes	\$30,000
Sub Total			\$121,000

John Kidd Reserve

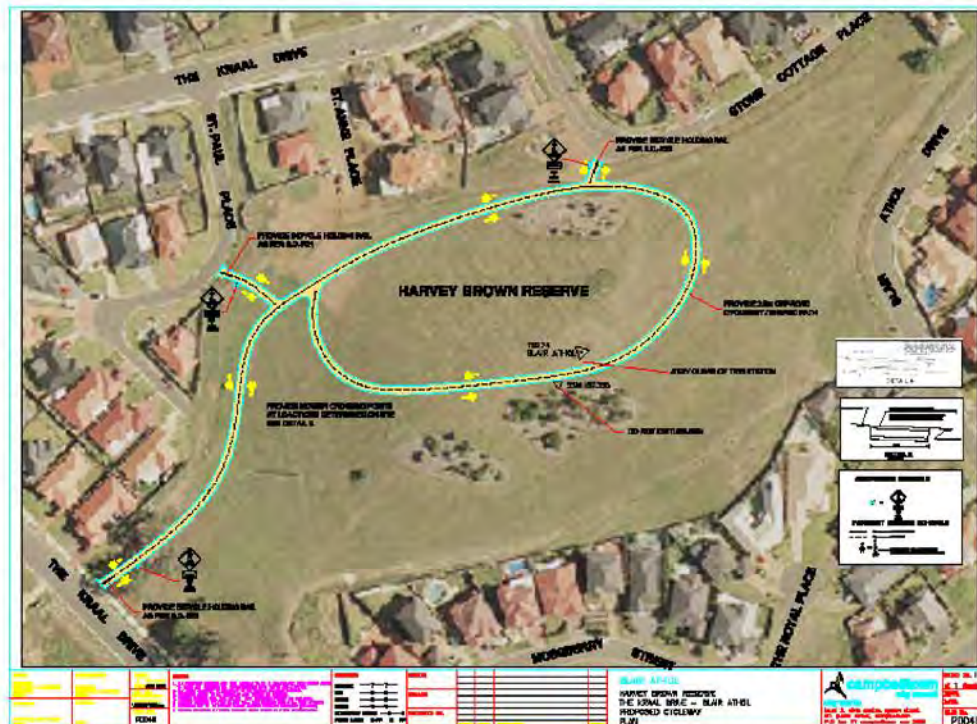
	Facility	Completed	Cost
	Car Parking	Yes	\$197,135
	Amenities Block	Yes	\$110,000
	Community Centre	Yes	\$525,750
	Gateway Entry Signage to Reserve	2014/2015	\$ 6,000
	Cycleway	Yes	\$360,962
	Pathways	Yes	\$ 18,280
	Boardwalks	2014/2015	\$70,039
	Softworks	2014/2015	\$100,787
	Playground	2014/2015	\$201,908
	Half Basketball Court	Yes	\$ 23,573
	Interpretive Signage/ Artworks	2014/2015	\$ 73,537
	Fencing	Yes	\$ 26,103
	Edging	Yes	\$ 36,180
	Picnic Facilities/Park Furniture	2014/2015	\$ 79,629
Sub Total			\$1,829,883
	Contingency	Yes	\$96,000
Grand Total			\$2,267,683

6. Maps and Plans

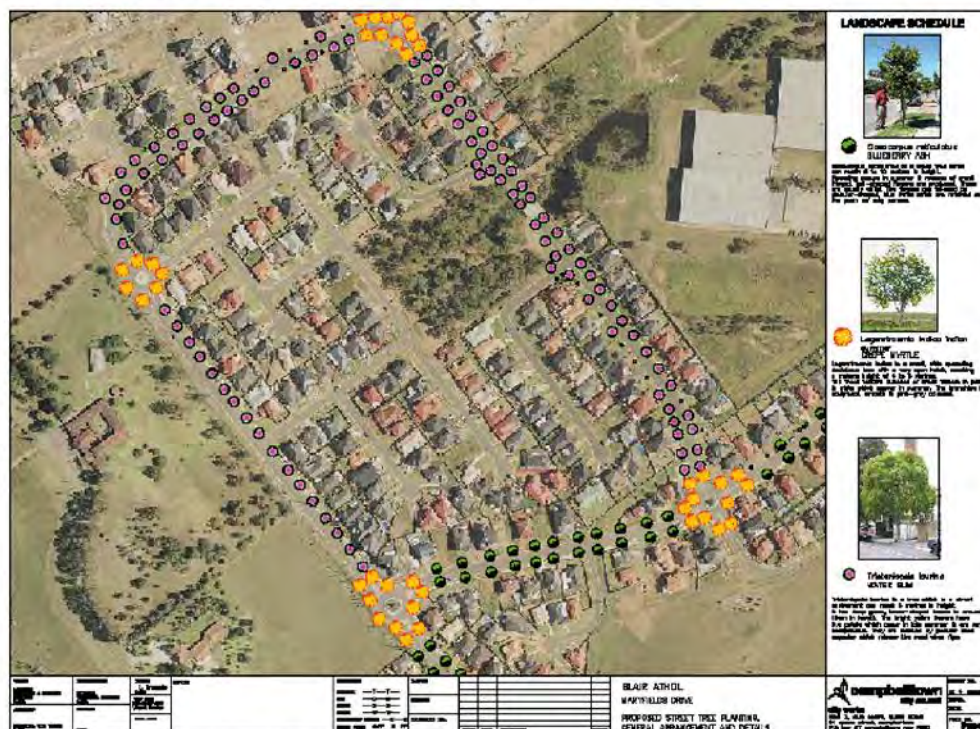
Blair Athol Neighbourhood



Area Subject to Development Control Plan No.80 Adopted 29 November 1994



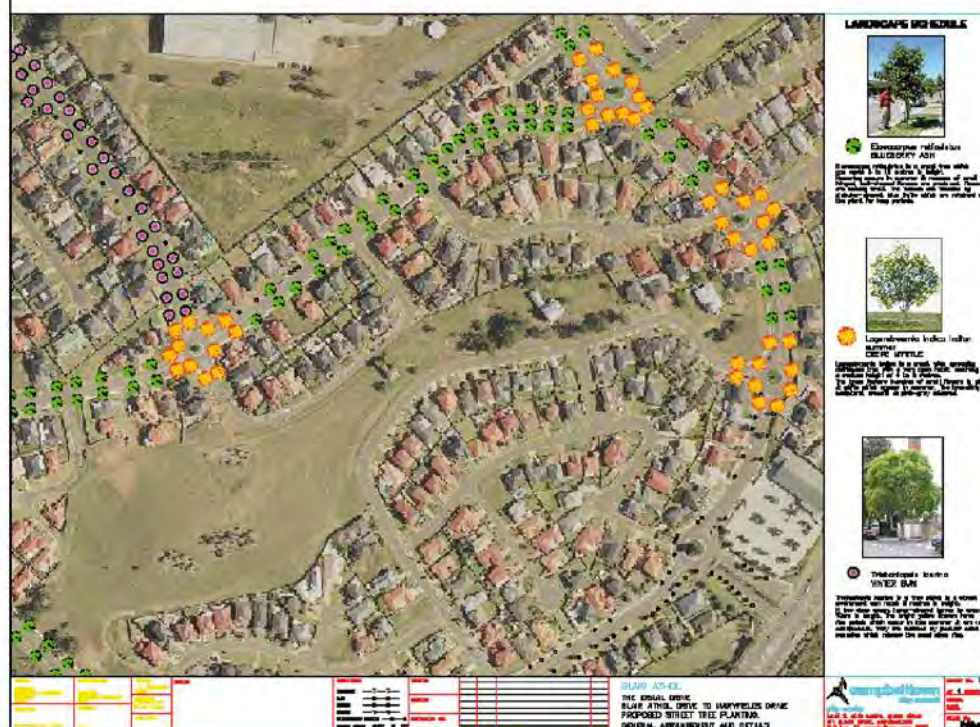
Cycleway - Harvey Brown Reserve



Street Tree Planting - Plan 1



Street Tree Planting - Plan 2

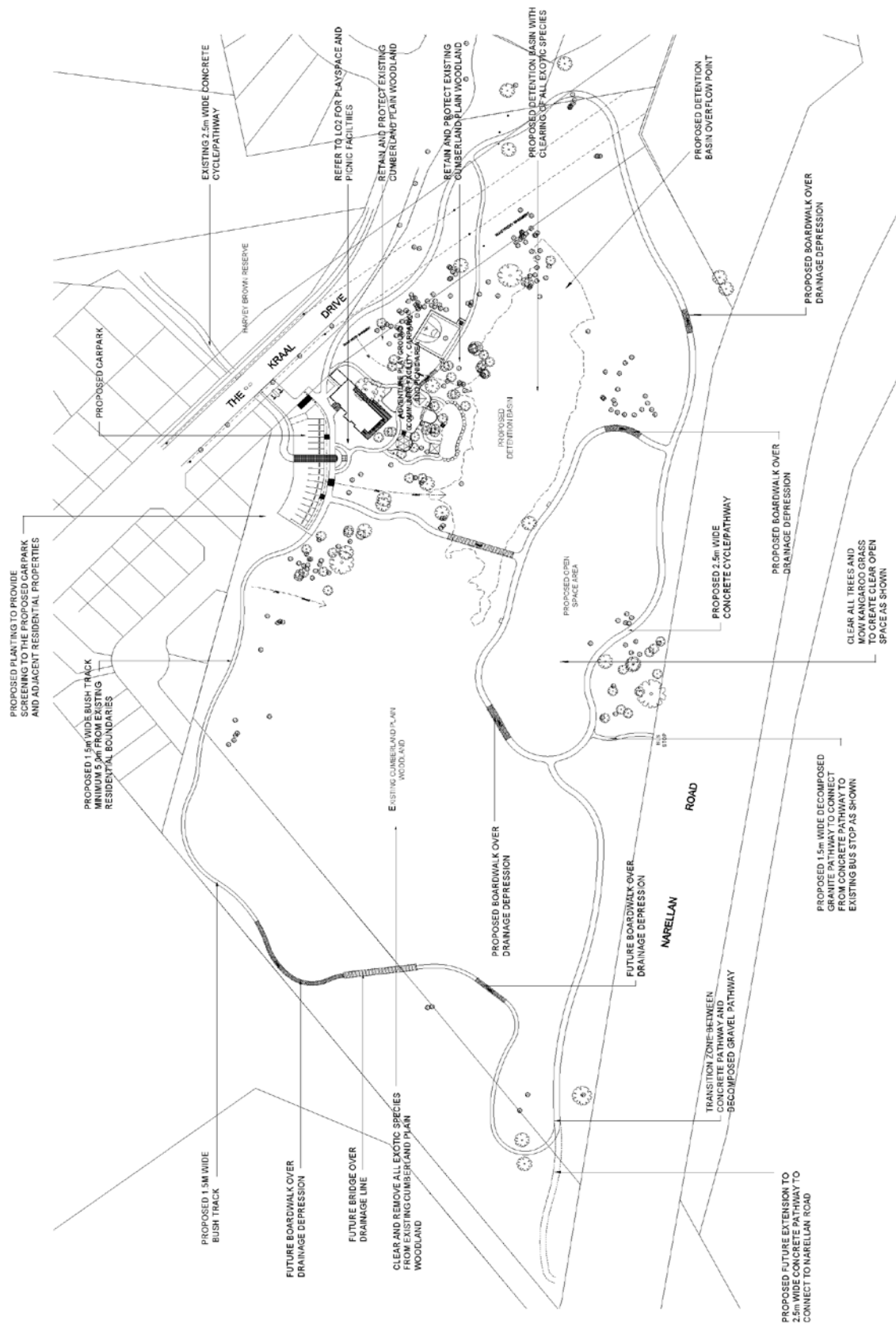


Street Tree Planting - Plan 3

John Kidd Reserve



ATTACHMENT 2



Adopted Landscape Master Plan – John Kidd Reserve

ATTACHMENT 3



2.3 Draft Campbelltown Local Environmental Plan 2014 - Update And Consultation Strategy

2.3 Draft Campbelltown Local Environmental Plan 2014 - Update and Consultation Strategy

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Consultation Strategy – Summary of Proposed Stages (contained within this report)
2. Consultation Strategy – Summary of Communication Mechanisms (contained within this report)
3. Section 65 Certificate including letter of clarification (10 April 2014) and an endorsed copy of draft CLEP 2014 Written Instrument (contained with this report)

Purpose

The purpose of this report is to:

- provide an update on recent amendments to Draft Campbelltown LEP 2014 (previously known as Draft CLEP 2013)
- note receipt of a conditional Section 65 Certificate (to facilitate public exhibition) and letter of clarification, issued by NSW Planning and Infrastructure
- seek Council's endorsement to proceed to public consultation with Draft Campbelltown LEP 2014 in accordance with the proposed Consultation Strategy.

History

The preparation of Draft Campbelltown Local Environmental Plan 2014 (Draft CLEP 2014), based on the Standard Instrument LEP, formally commenced with Council's advice to the Department of Planning in April 2006.

Its progress and the compilation of background supporting documentation has been regularly reported to Council in the intervening period.

More recently, the initial Draft CLEP 2014 (previously known as Draft CLEP 2013) was considered by Council at its meeting on 26 March 2013 and submitted to the Department of Planning and Infrastructure (now Planning and Infrastructure or PI) for review. Draft CLEP 2014 was subsequently revised in response to feedback from Planning and Infrastructure and Council staff.

The revised Draft CLEP 2014 was the subject of a Councillor Briefing on 30 July 2013, and was further considered at the Planning and Environment Committee and Council meetings of 6 August 2013 and 13 August 2013 respectively.

2.3 Draft Campbelltown Local Environmental Plan 2014 - Update And Consultation Strategy

At the most recent Meeting (August 2013), Council resolved to adopt Draft CLEP 2014 generally in the form presented and to request a section 65 Certificate under the *Environmental Planning and Assessment Act 1979* (the Act), from the Director General of Planning and Infrastructure (PI). The Certificate is required to enable public exhibition. Council also endorsed an 'outline' strategy for public consultation (refer to attachment 1), subject to a further briefing and report in respect of the timing and operational details. This report, at Part 2, and attachment 2 provides the relevant detail.

Councillors attended a briefing evening in respect of amendments to Draft CLEP 2014 and the proposed Consultation Strategy for Draft CLEP 2014 on 25 March 2014.

Report

This report comprises two parts:

- Part 1 provides an update on the status of Draft CLEP 2014
- Part 2 provides details on the proposed Consultation Strategy.

Part 1 - Update

A comprehensive report was prepared pursuant to section 64 of the Act, and submitted to PI on 18 October 2013, accompanied by a request for a certificate under section 65 of the Act.

In compiling the section 64 report some minor amendments were made (under delegation) to enhance the rigour of the 'best fit' approach to land use provisions and the relevance of the local provisions.

More recently the Section 64 report and conditional Section 65 Certificate led to detailed liaison with PI, a letter of clarification (10 April 2014) and general consensus in respect of the following matters.

Zoning of Land within Existing Comprehensive Centres

The initial approach adopted by Council in Draft CLEP 2014 in translating the existing comprehensive centre zones was focused on the current and perceived longer term land use and on advice provided in PI's Practice Notes. This approach was considered by PI to represent a potential "down-zoning" of some significant commercial lands (business centres) within the Campbelltown Local Government Area (LGA).

Draft CLEP 2014 has subsequently been reviewed with PI with an emphasis on the strategic role of the centres and in particular the "Regional City" aspiration held for the Campbelltown-Macarthur Centre.

The relevant zoning maps have been amended accordingly. It is also noted that PI in their most recent letter of clarification requested that area "V" (generally including the Aquafit and Art Centre precinct) be zoned B4-mixed use and not SP3 Cultural precinct as proposed. This requested change has been addressed on the relevant map sheets and will be further reviewed by Council during the public exhibition phase. Importantly, the amendments do not zone commercial lands beyond the existing commercially zoned lands. Increased employment opportunities, will, however, occur as a result of Council's previously revised height and floor space ratio provisions contained in Draft CLEP 2014.

The employment generation capacity of the Campbelltown-Macarthur Centre alone is identified, in the short and medium term, to equate to approximately 13,000 new jobs.

Rationalisation of Multi Dwelling Housing Opportunities

Council, in seeking to rationalise the approach to the provision of multi dwelling housing in residential areas and in particular to improve community acceptance, better reflect integrated land use and transport and provide for enhanced infrastructure planning, adopted an approach of prohibiting this type of housing in the proposed R2 Low Density Residential zone. Concurrently, it was proposed to concentrate multi dwelling housing in a transitional R3 Medium Density zone between the commercial centres and the detached dwelling dominated R2 zone.

PI have instructed Council to revert to an approach of permitting multi dwelling housing in the proposed R2 Low Density Residential zone and the land uses within this zone have been amended accordingly. The prevailing density provisions have been retained and reflected in relevant amendments to the Draft Plan. (i.e. 0.45:1 as endorsed in PI's letter of clarification of 10/04/14).

In addition, the proposed R3 Medium Density Residential zone, that buffers higher order centres, has been retained. The proposed floor space ratio of 0.75:1 for multi dwelling housing within this zone has also been retained to encourage this form of development in these locations.

Clarification of the Permissibility of Certain Land Uses

Draft CLEP 2014 has been amended to confirm that cemeteries, crematoria and mortuaries are prohibited land uses in the following non-urban zones:

- RU2 Rural Landscape
- E3 Environmental Management
- E4 Environmental Living

This amendment seeks to clearly reflect consistency with and extend upon the Council's position adopted in respect of its recent decision regarding the Macarthur Memorial Park planning proposal for land within the Scenic Hills.

A more holistic view of Council's non-urban lands and a strategic policy position regarding these areas and the need for cemeteries, crematoria and mortuaries is encouraged by PI. Further, PI have requested a Planning Proposal in respect of this matter within 12 months. It should be noted that if no suitable sites are found PI will be advised accordingly.

Responsible Acquisition Authority

Council is yet to finalise the responsible authorities in respect of certain land reserved for a variety of public purposes. Despite this position, Council is committed to progressing Draft CLEP 2014 to public exhibition and is able to proceed to exhibition with a draft instrument that nominates various acquisition authorities without their confirmed endorsement. It is noted in particular that upon instruction from PI where the nominated acquisition authority has not been resolved the relevant maps and the Written Instrument have been amended to read 'RMS (Roads and Maritime Services) or relevant agency to be confirmed'.

Council is not in a position, and cannot accept, adopting a role as a default acquisition authority for land or as the authority responsible for providing transport or other regional level infrastructure within the Campbelltown LGA.

It is accordingly imperative that relevant acquisition authorities be clearly confirmed prior to Draft CLEP 2014 being made by the Minister. Council should withhold forwarding Draft CLEP 2014 to PI after exhibition/consultation and until such time as acquisition responsibilities are resolved.

Zoning of certain Corporate Sole owned lands (Minister administering the *Environmental Planning and Assessment Act 1979*)

PI requires certain car parking land in the Campbelltown centre to be zoned B4-Mixed Use in a manner consistent with surrounding land and Council's general approach to car parking within centres. The relevant map has been amended accordingly.

Similarly PI requires certain land at Long Point to be zoned E3-Environmental Management instead of the proposed RE1-Public Recreation, in a manner consistent with surrounding lands. The relevant map has been amended accordingly for exhibition purposes and will be further reviewed by Council staff whilst on exhibition.

Ability to Make Minor Amendments to Draft CLEP 2014

Given the complexity of finalising a new local environmental plan, minor errors, oversights and omissions are inevitable. Council is accordingly requested to authorise minor adjustments which seek to improve clarity, completeness and readability and would not involve any policy change. A record of any such changes would be retained for information purposes.

It is also noted that PI in their letter of clarification (10 April 2014) stressed that Parliamentary Counsel have not advised that the plan can legally be made and that the public should be advised at the time of exhibition that the Draft LEP and maps may be changed to reflect legal drafting and technical mapping requirements.

The Sustainable City DCP

The Sustainable City DCP will also be reviewed (subject to a future report and confirmation of the timing of the exhibition period) to ensure consistency with Draft CLEP 2014, once the draft LEP is adopted.

Part 2 - Consultation Strategy

Council's Consultation Strategy needs to achieve the broadest possible level of community awareness of the Draft CLEP 2014 public exhibition, as it is potentially of interest to many groups including property owners, tenants, investors, developers, real estate agents, special interest and community groups/associations, as well as the general public.

Maximising Community/Public Awareness

The following approach is recommended to achieve maximum community/public awareness:

- an extensive media campaign including advertisements at the start of the public exhibition period and then two weeks and one week before the end of the exhibition period
- notification of all land owners and tenants via a "Compass" style brochure advising the public of exhibition and opportunities for viewing and making submissions
- use of a diverse range of communication tools to capture the broadest possible audience including electronic media, exhibition displays and opportunities for face to face interaction with relevant Council staff
- a distinctive theme for exhibition material and Council context/communication
- an internal training and awareness program with customer service and planning staff
- general staff awareness of the public exhibition and where to direct enquiries
- an information summary "pack" for Councillors with appropriate "contact" information.

An accessible exhibition

All stakeholders must be able to easily access Draft CLEP 2014 and its supporting documents, including background studies/investigations, fact sheets, brochures and general explanatory documents.

Ease of access should have regard to the location, duration and 'readability' of all material. Methods used for conveying information should also address those people with limited access and/or understanding of web based technology.

The minimum period for public exhibition is 28 days, however, a period of eight weeks (40 business days) is considered more appropriate given the importance of Draft CLEP 2014.

Accessibility to exhibition material should be optimised via providing:

- opportunities to view Draft CLEP 2014 at appropriate locations throughout the City, such as Libraries and the Civic Centre
 - a number of 'decentralised' information sessions and stakeholder meetings
 - opportunities to view Draft CLEP 2014 in 'out of work hour' periods
 - information in 'plain english', wherever possible
 - opportunities to purchase hard copies of Draft CLEP 2014
 - copies of Draft CLEP 2014 on CD
 - a dedicated phone line to handle all enquiries
 - mechanisms to assist persons with specialised interpretation and access requirements.
-

2.3 Draft Campbelltown Local Environmental Plan 2014 - Update And Consultation Strategy

A more detailed outline of the nature and extent of communication proposed is provided in attachment 2.

Flexibility

Some members of the community will have a desire to thoroughly review the Written Instrument and Maps, including background documentation. Others will simply be seeking highly focussed information about how Draft CLEP 2014 will affect privately owned land.

The relevant Government agencies/authorities may similarly have variable information needs.

Given the amount and variety of information that should accompany the exhibition, the exhibition will be appropriately resourced, structured and widely accessible.

Legality

The public exhibition/consultation process must meet the statutory requirements of the Act. This is critical to ensure legality and prevent future challenge when Draft CLEP 2014 is adopted.

Nature of the Exhibition/Consultation

The key features of a suggested public exhibition/consultation strategy are accordingly focussed on communication, access/venues, resourcing and training/briefing.

The Strategy seeks to bring "balance" to the resourcing demands by blending the appropriate use of technology with access to hard copy exhibition materials and Council staff.

Resources

The consultation and exhibition process will involve both internal and external resources and is intended to be funded via Council's existing budget.

Conclusion

In finalising Draft LEP 2014 in a form suitable for public exhibition, some recent amendments have been made, which take into account matters including representations from Planning and Infrastructure and confirmation of Council's policy position in respect of certain development in the Scenic Hills.

It is now possible to proceed to public exhibition and in this regard it is important that an extensive and accessible strategy for engaging the community and authorities/agencies is implemented. Further, it is important that the documentation is supported by 'plain english' explanatory materials, a 'Frequently Asked Questions' brochure and Facts Sheets about various aspects of Draft CLEP 2014 and about how to make formal submissions. The Consultation Strategy documented in this report is considered to be relevant in light of the preceding objectives.

2.3 Draft Campbelltown Local Environmental Plan 2014 - Update And Consultation Strategy

At the conclusion of the exhibition/consultation period, a further report will be presented for Council's consideration. It will address the submissions received and the nature of any proposed further changes to Draft CLEP 2014 resulting from matters raised during the exhibition period/consultation and whether the outstanding acquisition authority issue has been satisfactorily resolved. Should any major changes be proposed post-exhibition, the Draft LEP will need to be re exhibited, or significant changes dealt with via deferring matters and addressing them via future amendments.

Officer's Recommendation

1. That Council note the amendments to Draft Campbelltown Local Environmental Plan 2014 (Draft CLEP 2014) and the conditional nature of the Section 65 certificate and letter of clarification issued to enable the Plan to proceed to public exhibition.
2. That Council endorse Draft Campbelltown Local Environmental Plan 2014 (Draft CLEP 2014), as amended, and proceed to public exhibition for a period of eight weeks in accordance with the proposed Consultation Strategy.
3. That a report addressing the submissions received in response to the consultation process and the status of the "outstanding" acquisition authority matter be presented after the conclusion of the exhibition/consultation period.

Committee's Recommendation: (Rowell/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 58

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Consultation Strategy – Summary of Proposed Stages

It should be noted that this outline strategy was sourced from the recent report to Council (August 2013) and has been partly amended to reflect the current situation.

Communication/engagement strategy and public exhibition

Given the importance of Draft CLEP 2014 and its potential impacts, it is considered imperative that a wide-ranging and engaging consultation strategy is pursued. Significant staff resources will also be dedicated to support the public exhibition/consultation process in respect of Draft CLEP 2014. It is now considered appropriate to begin making arrangements for the public exhibition stage of the LEP process.

Stage 1 – Prior to commencement of the formal exhibition period

This stage has recently commenced after resolution of the final form and content of Draft LEP 2014 with P&I. It includes the following steps:

- Briefing to Council's Executive/Manex Group
- Briefing to the internal LEP Working Group
- Briefing to Councillors
- Information sessions for internal technical staff (Planners)
- Information sessions for customer service staff
- Development of standard 'Frequently asked Questions' and associated responses, and prompt sheets for dealing with various LEP related issues.

Stage 2 – Preparations for the formal exhibition period

- Extend the exhibition period beyond the statutory 28 day period to a period of at least eight weeks
- Prepare a 'Plain English' version of Draft CLEP 2014 which provides a clear and simple explanation of how the draft plan works and what it contains.

Stage 3 – During the formal exhibition period

- Display of exhibition material at the Civic Centre and at each of Council's libraries
 - Availability of exhibition material on Council's website or via a link on this website
 - Conduct a number of community information sessions about the LEP process, the content of Draft CLEP 2014 and how to make a formal submission
-

2.3 Draft Campbelltown Local Environmental Plan 2014 - Update And Consultation Strategy

- An additional duty planner sourced from Council's Environmental Planning Unit (on a roster basis) to be available to answer enquiries received at the Customer Service Centre and via telephone and email
 - The ability for residents, land owners and other stakeholders to meet with a planner (via appointment) to discuss matters in respect of the Draft LEP
 - Targeted meetings/information sessions with particular community and interest groups:
 - Campbelltown Chamber of Commerce
 - Ingleburn Chamber of Commerce
 - Campbelltown Main Street Association
 - Community Interest Groups
 - A further invitation be extended to government agencies, adjoining councils and other groups to comment on the Draft Plan.
-

2.4 South Campbelltown Planning Proposal

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Location map (contained within this report)
2. Land ownership details (contained within this report)
3. Map indicating committed and proposed developments (contained within this report)
4. Copy of the Planning Proposal Request (contained within this report)

Purpose

To advise Council of a request to prepare a planning proposal to rezone approximately 867 hectares of rural land on Appin Road, Gilead (referred to as South Campbelltown and shown on the location map in attachment 1) to enable the development of up to approximately 12,000 residential (allotments) dwellings accommodating a population of in the order of 33,000 people and potentially more.

Report

Council has received a request to prepare a planning proposal on behalf of the Gilead Landowners Group Limited to amend Campbelltown Local Environmental Plan (Urban Area) 2002 and Interim Development Order No 15 to permit the development of 10,000 – 12,000 residential allotments (resulting in a population of approximately 33,000 people) on certain rural land at Appin Road, Gilead. A copy of the planning proposal request is shown as attachment 4.

The Site

The subject site includes numerous allotments and is in multiple ownership as listed in attachment 2. It is located mainly on the western side of Appin Road, Gilead and a small portion of the subject site is located within Wollondilly Shire. A separate planning proposal has been lodged with Wollondilly Shire Council with regard to this matter.

The total area of the subject site (located within the Campbelltown Local Government Area) is approximately 867 hectares. It is largely undeveloped rural land that is currently being used for cattle grazing and horse agistment. Whilst much of the site is cleared, it does include a number of waterways (being Leaf's Gully, Nepean Creek, Mallaty Creek and the Georges River) and some areas of significant native vegetation.

Zoning

The current zoning of the subject site is Non-Urban under the provisions of Interim Development Order No 15 (IDO 15), where a minimum subdivision (allotment area) standard of 40 hectares applies. The planning proposal request considers that the subject land should be removed from the provisions of IDO 15 and instead be included in Campbelltown Local Environmental Plan (Urban Area) 2002 in accordance with a land use map and zoning map which have not yet been prepared, but would provide for the development of 10,000 – 12,000 residential allotments.

Key Planning Issues

Transport and Access

The planning proposal request notes that “vehicular access to the site from the Greater Sydney Area will be via the M5 Motorway/Narellan Road/Appin Road route. Access to the site from Wollongong will likely be from Appin Road”. Whilst it is noted that Appin Road is a State Road under the care and control of NSW Department of Roads and Maritime Services, and that the Draft South West Sub Regional Strategy advises that it will be widened, there is currently no commitment by the NSW traffic authorities with regard to this issue. The request also notes “the potential to gain access to the development with the future Outer Sydney Orbital (also known as the M9 Motorway)”. Again there is currently no commitment from government agencies to either planning or funding of this road proposal at the current time.

The only existing public transport that could be available to the subject site would be the provision of a bus service. The nearest railway stations would be at either Macarthur or Campbelltown (a distance of approximately 10 kilometres). Thus significant traffic and transport planning would need to be undertaken to address the needs of a proposed development of 10,000 – 12,000 residential allotments, with Appin Road being the only nominated and existing access route to the subject site. This is particularly pertinent given that Appin Road is a main road link between Campbelltown and Wollongong, and is currently experiencing significant traffic volumes in peak times.

A comprehensive roads and transport infrastructure strategy would need to be prepared and agreed to by key transport agencies and Council as part of the preparation of a planning proposal. The strategy would need to be based on detailed technical investigations and modelling, taking into account other plans for urban development in the Macarthur South area.

Employment Opportunities

The planning proposal request advises that it would provide “employment opportunities for up to 7000 jobs”. However, the location of such opportunities is unclear as the request refers to employment lands adjacent to the subject site in one part of the document, and then employment lands along the Appin Road frontage in another part. The development of 10,000–12,000 residential allotments with a likely population of 33,000 people is the equivalent of a whole new town similar to the population of Bathurst (31,294), Dubbo (32,327) or Orange (34,992). Therefore, planning and providing for realistic employment opportunities is of paramount importance to such a proposal, and needs to be addressed as part of the progression of any planning proposal.

Flora and Fauna

Whilst much of the subject site has been cleared for agricultural purposes there is a significant amount of existing native vegetation, particularly located adjacent to the watercourses. The planning proposal request aims to “protect, reinstate and embellish the natural assets of the site”. It also recognises the importance of koalas within the area, and “the corridor along Mallaty Creek in the southern part of the site, which provides an almost continuous overland link from the Nepean River to the Georges River”.

It is understood that the subject site contains quite a number of endangered ecological communities, and significant investigation into these communities would be required to ensure their conservation and enhancement is taken into account, as part of the preparation of any planning proposal.

Heritage

It is understood that an initial investigation has been undertaken with regard to both non-indigenous and Aboriginal heritage, however, it is noted that studies will need to be undertaken to address this issue.

Coal and Gas Resources

The subject site falls within the boundaries of both the South Campbelltown and the Appin Mine Subsidence Districts, and therefore consultation with the Mine Subsidence Board and Department of Primary Industries – Minerals and Petroleum would be required to ascertain the likelihood of future coal extraction and implications for any future urban development. However, the planning proposal request advises that the current coal mining “extraction plan sees all mining activities expected to be complete by the end of 2014”, and that BHP Billiton (the mine operator) “is aware of, and supports this proposal”.

Servicing

The planning proposal request does not confirm that the subject site can be serviced with water, sewer, electricity and gas. Thus it is noted that further technical investigations will need to be undertaken to ensure that the subject site would be able to be adequately serviced for urban development. These investigations would by necessity, also need to be take account of existing and planned urban development in other parts of the Macarthur South area.

Community Infrastructure

The planning proposal request advises that “a considerable amount of community and neighbourhood facilities” will be required, including 2-3 primary schools and a high school. Clearly, the quantum of community infrastructure that would be required for the subject site would need to be determined upon the completion and assessment of relevant technical studies.

In light of the above information, the planning proposal request, as submitted, is considered to provide insufficient justification, at this point in time, to be able to recommend to Council that the matter be forwarded, with Council’s support, to the Department of Planning and Infrastructure for a determination by the Gateway Panel.

However, this should not be taken to suggest that a proposal for urban development of such a substantial scale (up to 12,000 dwellings) does not have merit, particularly when considered in light of:

- the already historically documented urban development capability of the Macarthur South Investigation Area, of which it is understood the land subject of the planning proposal request is part thereof
- recent development approvals and the progression of major urban development planning proposals at Appin and Wilton.

The 'substantive issue/development concept' that rests behind the planning proposal request subject of this report cannot, and should not, be ignored in particular by the NSW Government and the Department of Planning and Infrastructure. It is an example of mounting developer/landowner pressure for Government to reconsider urban development options for significant parts of the Macarthur South Area.

The recent emergence of serious developer interest to supply extensive urban housing in and around the Wilton, Appin and South Campbelltown districts must urgently be examined in light of the confirmed position of the Government as far as the future of the Macarthur South Area is concerned. This area has some potential to be acknowledged as a new growth centre for metropolitan Sydney.

Planning for Macarthur South

In 2007, the then Department of Planning undertook a strategic review of the future land release potential within the whole of the area known as Macarthur South. This area was previously deferred for consideration for future urban land release, in the early 1990s, due to air quality issues. However, the strategic review by the Department addressed housing demand and supply in the Macarthur South area, and it was understood that the initial findings indicated that land release was not warranted in the immediate future.

Also, the Draft South West Sub Regional Planning Strategy, prepared by the then Department of Planning and published for public comment in 2008, noted the following:

"The Macarthur South area contains important coal resources. Mining of these resources is expected to continue for at least 30 years. The mining industry should be encouraged to plan mining operations to prevent conflict between mining and urban development post 2031. This means that there is no case for urban development in Macarthur South until the North West and South West Growth Centres are substantially developed."

However, the then Department of Planning undertook a further review of the viability of the Macarthur South area, and the outcomes of this review were apparent in the then Minister for Planning's (Ms Kristina Keneally) media release issued on 22 July 2009. This media release advised of the planning work that was then currently underway within the North West and South West Growth Centres, to support the State Government's "staged land release strategy to provide enough housing land to meet demand and keep homes affordable, and locate homes near where people will work".

With regard to Macarthur South, the Minister advised that “given the focus on providing homes close to infrastructure and jobs, investigations will cease into a proposed housing release in Macarthur South”. She further advised that: “The decision to stop investigating Macarthur South was based on factors including housing needs, infrastructure costs and the value of resources in the area. We are already planning sufficient land supplies in the South West Growth Centre to meet housing needs in the area for the next 25 years”.

Whilst the previous Government advised that after further investigation of the viability of the Macarthur South area it would release a discussion paper for public comment, it then considered that the prohibitively high infrastructure costs would not warrant the development of Macarthur South at that time, and thus concentrated on developing land within the South West and North West Growth Centres.

Nonetheless, the Minister stated in her media release that: “Consideration of land release proposals for other relatively smaller areas within Macarthur South may be given if they meet the Government’s requirements, particularly regarding infrastructure provision”.

It is noted that the Department of Planning and Infrastructure advised in its document Review of Potential Housing Opportunities in the Sydney Region – Evaluation Report 2012, that South Campbelltown was “not an appropriate location for housing at this time although council supports investigation of long term potential. Currently there are significant environmental constraints; no enabling services and long lead times; and poor accessibility to jobs and services. Area of significant development pressure.”

During mid-2013 the Department of Planning and Infrastructure publicly exhibited the Draft Metropolitan Strategy for Sydney to 2031. This document recognises the need to provide for future housing in both existing urban areas and greenfield sites. It also notes that a new policy will be prepared for the release of greenfield areas, resulting in the market being able to bring forward housing proposals in areas that are supported by infrastructure. It is important to note that whilst the Draft Metropolitan Strategy aims to provide for 545,000 new houses across Sydney by 2031 it is quite explicit about the need for infrastructure provision in any proposals for such development. This is considered to be a not unreasonable position and consistent with Campbelltown City Council’s more recent historical position when considering the importance of infrastructure capacity related to the potential for future urban growth.

It is also significant to note that the subject site falls within the boundaries of the land identified within the Draft Metropolitan Strategy as “Sydney’s Metropolitan Rural Area”. This rural area provides opportunities to maintain a local source of fresh food and produce for Sydney, contains high value conservation lands, but is also noted as a source of land for the future extension of the Metropolitan Urban Area. However, the Draft Strategy acknowledges the need to “undertake a strategic review for the ongoing management of the Metropolitan Rural Area”.

Recent Developer Interest in Urban Development (Mt Gilead, Wilton Junction, Appin and South Campbelltown)

Recent developer interest in urban development in the Macarthur South Area (Appin, Wilton, Campbelltown and Mt Gilead) has been demonstrated in various ways:

- a rezoning proposal for urban development for 1500 residential allotments applied for and supported by Campbelltown Council at Mt Gilead
- rezoning proposals for urban development applied for and supported by Wollondilly Shire Council (Bingara Gorge, Appin and Wilton Junction).
- expressions of interest made by landowners under the previous (2011/2012) Potential Home Sites Program instigated by the current NSW Government. The following sites were nominated within the Macarthur South area, and evaluated by the Department of Planning and Infrastructure in the Review of Potential Housing Opportunities in the Sydney Region – Evaluation Report 2012:

LGA	Site Name	Nominee	Area (ha)	Current Zoning Existing Land Use	Nominated Dwelling Yield	Proposed Land Use
Campbelltown	South Campbelltown	Gilead Landowners Group	607.0	Predominantly Non Urban (40 hectares) Rural/ Agriculture	8000	Mixed use precinct including employment lands and residential
Evaluation Summary		Not an appropriate location for housing at this time although council support investigation of long term potential. Currently there are significant environmental constraints; no enabling services and long lead times; and poor accessibility to jobs and services. Area of significant development pressure.				
Wollondilly	Appin Vale, Appin	Walker Corporation Pty Ltd	517.2	RU2 Rural Landscape Agriculture - grazing	2000 (stage 1)	Residential & centres
Evaluation Summary		Not an appropriate location for housing at this time. Unsuitable site for fast development due to range of constraints and unresolved competing land uses. No waste water capacity and long lead times for planning and servicing. Remote with poor accessibility to jobs and services. Hot spot (Macarthur South). Not supported by council.				
	Bingara Gorge, Wilton	Lend Lease	290.4	Predominately R2 Low Density Residential, part B4 Mixed Use low density residential / golf course estate	Additional 535 dwellings	Residential (intensification from 1165 to 1700 dwellings)
Evaluation Summary		Serviceable but remote location for higher residential densities subject to DCP provisions. Compatibility with mining to be addressed. Deliverable by nominee but council support premised on broader Wilton investigation. Poor accessibility to jobs and services. Hot spot (Macarthur South).				
	Brooks Point, Appin	Mir Group of Companies	253.0	Predominantly RU2 Rural Landscape Agriculture - mainly grazing	3500	Residential & centres
Evaluation Summary		Not an appropriate location for housing at this time. Unsuitable site for fast development due to range of constraints and unresolved competing land uses. Remote with poor accessibility to jobs and services. No waste water capacity and long lead times for planning and servicing. Hot spot (Macarthur South). Not supported by council.				
	Wilton South	Walker Corporation Pty Ltd	392.0	Predominantly RU2 Rural Landscape Agriculture - grazing	2000 (stage 1)	Residential & centres

Evaluation Summary		Not an appropriate location for housing at this time. Unsuitable site for fast development due to range of constraints and unresolved competing land uses. Remote with poor accessibility to jobs and services. No waste water capacity and long lead times for planning and servicing. Hot spot (Macarthur South)				
	Wilton West	Bradcorp Holdings Pty Ltd	626.7	RU2 Landscape Agriculture grazing	Rural - 5500-6000	Residential, including village/town centre & employment uses
Evaluation Summary		Not an appropriate location for housing at this time. Unsuitable site for fast development due to range of constraints and unresolved competing land uses. Remote with poor accessibility to jobs and services. No enabling services and long lead times. Hot spot (Macarthur South).				

In addition to the above nominated potential housing opportunities a late nomination was lodged with the Department of Planning and Infrastructure by Inghams Enterprises Pty Limited for the development of 3000 residential allotments on 300 hectares of land north of Appin on Appin Road. This nomination was not evaluated as part of the Department's review process.

As noted previously in this report a number of specific policy statements were included in the Draft Metropolitan Strategy for Sydney to 2031, and specifically the intention of the Government to prepare a new Urban Land Release Policy for NSW, noting:

- "Opportunities for further greenfield land release will be pursued in response to market demand consistent with infrastructure investment"
- "Opportunities will be explored to fast track rezoning for large scale housing proposals which demonstrate private sector readiness and local government endorsement where conditions are appropriate".

It is understood that such a land release policy is currently under preparation and will be released in the near future. It is anticipated that Council will be consulted over this policy.

Mt Gilead

As Council would be aware, it supported a planning proposal in July 2012 for urban development at Mt Gilead, to accommodate approximately 1500 new urban dwellings. Work on this planning proposal is proceeding.

Wilton Junction

Earlier in 2013 Council became aware of the Wilton Junction project that had gained the support of Wollondilly Shire Council, which seeks to establish a new township on land in the vicinity of the Hume Highway/Picton Road at Wilton, involving a consortium of landowner/developer interests. That project is still under consideration by the Department of Planning and Infrastructure and Wollondilly Shire Council, but has the potential to realise up to 12,000 dwellings.

Appin

Late in 2013, Campbelltown City Council was informed by Wollondilly Shire Council that as a result of a meeting with three property owners of land at Appin (being Appin Vale - Walker Corp, Brooks Point - Mir Group and Appin Road - Ingham Rural Property Group), Council had resolved to seek advice from the NSW Government with regard to the preparation of a master plan for Appin to specifically address infrastructure issues, consideration of agricultural land resources, employment opportunities and biodiversity issues. It is noted from the information available that this land at Appin could have the potential to accommodate a minimum of 8000 residential allotments. This is in addition to the expansion of Appin Village on its northern boundary (Appin Valley) for approximately 340 residential allotments approved by Wollondilly Shire Council and currently under construction, and the proposed 340 residential allotments on the western boundary of Appin Village (Macquariedale Road), which has Gateway (NSW Planning and Infrastructure) approval to proceed.

South Campbelltown

The planning proposal request, subject of this report, looks to provide for up to 12,000 urban dwellings in a new town format. This equates to a town with a population potentially exceeding 33,000 people.

The net effect of all of these current development scenarios across the southern areas of the Macarthur Region can be seen in the map shown as attachment 3, which plots the location of committed and proposed urban development in the Wilton/Appin and South Campbelltown districts.

The map shows the latest round of development applications, planning proposals and urban development investigations in and around Wilton, Appin and South Campbelltown (including Mt Gilead), and this information indicates that the market is now expressing a strong interest in bringing forward and realising the development potential of a significant portion of the Macarthur South Area.

In broad terms, the numbers of new urban dwellings currently contemplated for each of these proposals in Wilton, Appin and South Campbelltown is shown in the tables below.

Sites approved and/or under construction	Proposed Residential Lots	Potential Population	Estimated
Wilton Junction including Bingara Gorge	11,000 - 13,000		
Appin Valley (currently under construction)	340		
West Appin (Macquariedale Road)	340		
Mount Gilead	1500		
Total	15,180	45,000	

Potential Sites	Proposed Residential Lots	Potential Population	Estimated
South Campbelltown	10,000 - 12,000		
Appin Vale	2000 (Stage 1)		
Brooks Point	3500		
North Appin	3000		
Total	20,500	60,000	

Thus it can be seen from the first table that the population of this part of the Macarthur South Area is set to increase by approximately 45,000 people, which is similar to the population of Coffs Harbour (45,580). This would increase to over 100,000 people, or approximately two thirds of the population of the existing Campbelltown Local Government Area, if the sites in the second table are supported.

Conclusion

The potential of the Macarthur South Area for future urban growth is well recognised and there is considered to be merit in a number of the key aspects of this planning proposal request for South Campbelltown. At the same time the extent of urban growth contemplated by the planning proposal request would be complementary to the future development of Campbelltown as a Regional City and add significant weight to recognition by both Government and the private sector for Campbelltown CBD to be the focus for future investment in higher regional level, facilities, services and infrastructure for the Macarthur.

However, it is considered that further clarification is required to ensure that any urban development of the South Campbelltown area can be serviced not only with adequate infrastructure and community facilities, but also will be provided with sufficient local employment opportunities and local services for future residents.

Appin Road is the major access road to the subject site, and Council has not received any advice concerning the commitment from the Roads and Maritime Services with regard to future upgrades of this road in relation to the Mt Gilead proposed rezoning. Also, Council's recent experience in trying to finalise the rezoning of the Menangle Park Urban Release Area, where difficulties have arisen with regard to the provision of major road infrastructure, is also a point of worth to note.

Noting the strategic benefits that could arise from urban development at South Campbelltown, further investigation into transport connectivity, servicing infrastructure and other strategic issues needs to be undertaken before this matter can progress.

In light of the decision by Wollondilly Shire Council to undertake a master planning process, for that portion of Macarthur South that falls within its Local Government Area (LGA), it is considered that Council should request advice from NSW Planning and Infrastructure with regard to such a process being undertaken within the Campbelltown LGA, in partnership with Wollondilly Shire Council to progress well informed and coordinated subregional planning for the Macarthur South area.

When Macarthur South was identified in the NSW Department of Planning's Metropolitan Strategy in 1988 as a "major new urban sector", air quality was a factor in deferring the development of this area, and it is unclear whether this issue has now been resolved satisfactorily. Thus, whilst it is noted that any master planning process for this area would include the need to address all relevant planning issues, (e.g. transport infrastructure, employment opportunities, active and passive recreation, community facilities, preservation of flora and fauna, heritage conservation, underground coal mining, provision of retailing and business opportunities) it is important to ensure that the issue of air quality is also specifically addressed.

Officer's Recommendation

1. That Council advise the proponent that it acknowledges that the planning proposal request for Campbelltown South has merit worthy of further investigation, subject to:
 - the preparation of a master plan for the Macarthur South area
 - key regional transport and infrastructure planning, funding and delivery issues being resolved to Council's satisfaction.
 - air quality issues being satisfactorily addressed
2. That Council write to NSW Planning and Infrastructure requesting the opportunity to enter into a joint partnership arrangement with NSW Planning and Infrastructure and Wollondilly Shire Council, to further investigate master planning, infrastructure provision and air quality issues associated with the Macarthur South area as potentially Sydney's third growth centre.
3. That Council advise Wollondilly Shire Council and the proponent of its decision.

Committee Meeting 29 April 2014

Committee Note: Mr Mir addressed the Committee.

Committee's Recommendation: (Mead/Kolkman)

1. That Council advise the proponent that it acknowledges that the planning proposal request for Campbelltown South has merit worthy of further investigation and that Council further consider the following three items:
 - the preparation of a structure plan for the Macarthur South area
 - key regional transport and infrastructure planning, funding and delivery issues being resolved to Council's satisfaction
 - air quality issues being satisfactorily addressed
 2. That Council write to NSW Planning and Infrastructure requesting the opportunity to enter into a joint partnership arrangement with NSW Planning and Infrastructure and Wollondilly Shire Council, to further investigate structure planning, infrastructure provision and air quality issues associated with the Macarthur South area as potentially Sydney's third growth centre.
-

3. That Council advise Wollondilly Shire Council and the proponent of its decision.

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 6 May 2014 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 59

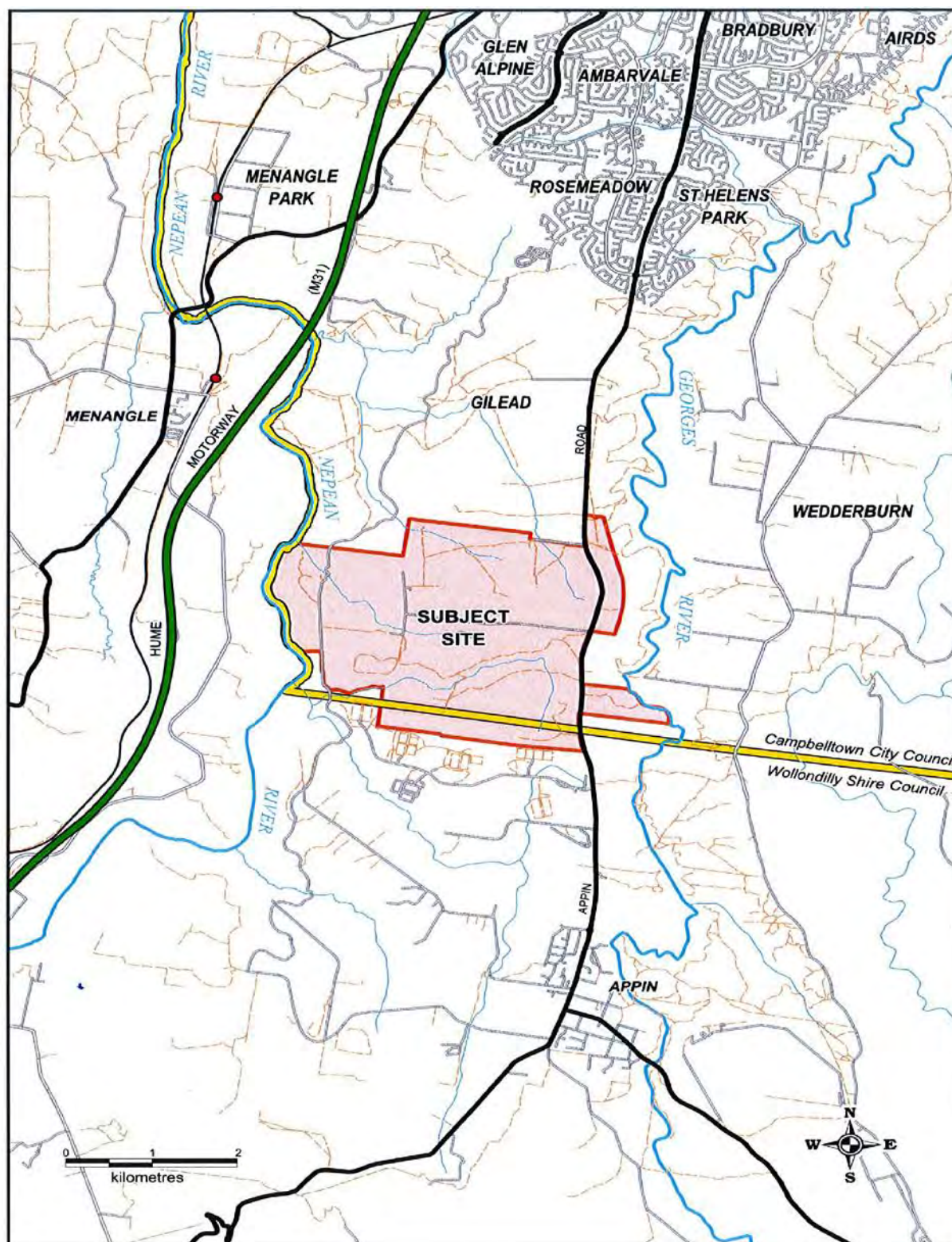
That the Committee's Recommendation be adopted.

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 was Councillor: Brticevic.

ATTACHMENT 1

Location map



ATTACHMENT 2

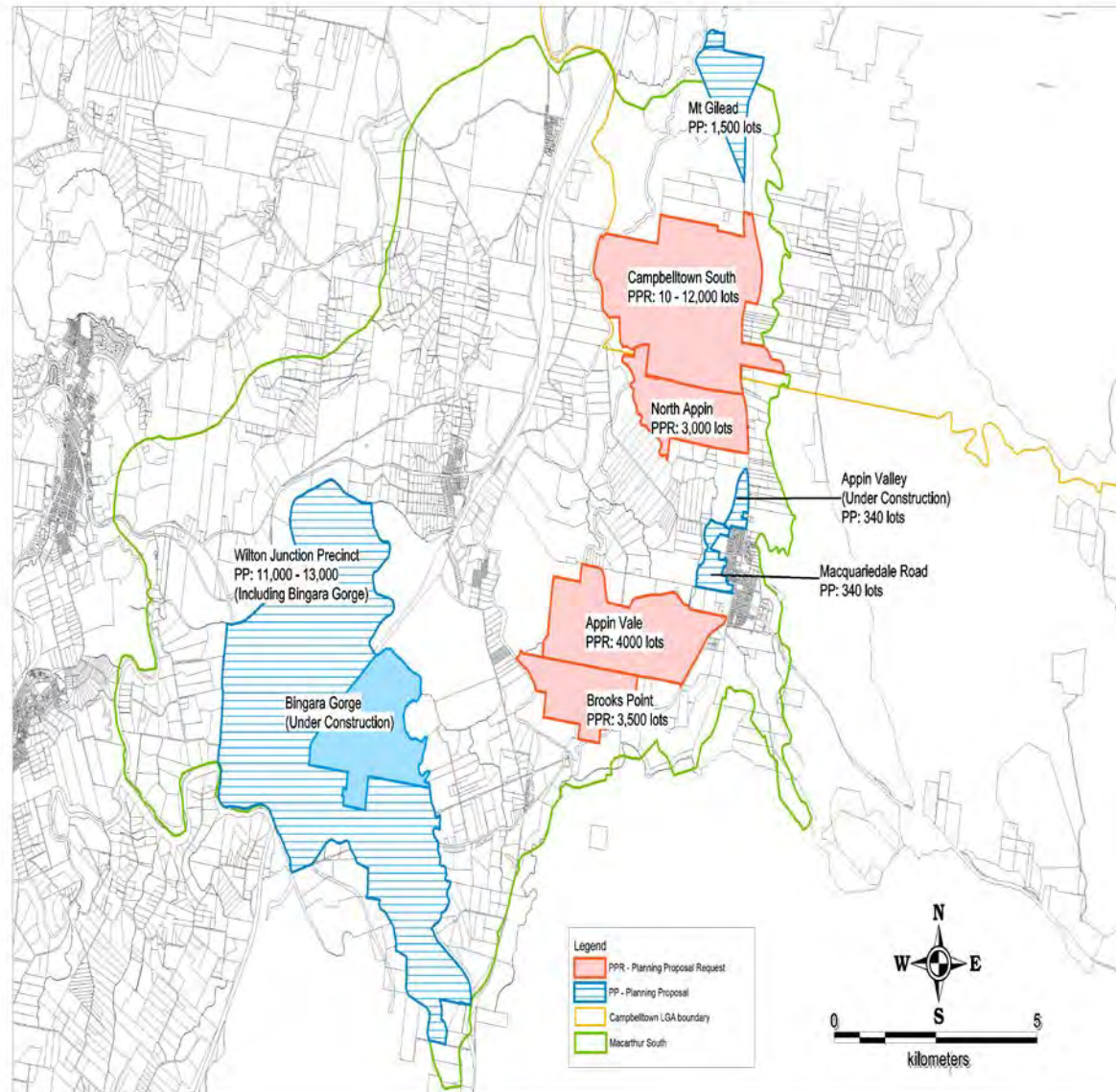
South Campbelltown Planning Proposal Lot and Ownership Details

Lot	Deposited Plan	Total Lot Area (Ha)	Area within CCC LGA (Ha)	Ownership
Part 10 *	DP744101	31.9	9.5	Mir Group
Part 12 *	DP744101	26.0	13.6	Mir Group
11	DP744101	34.0	34.0	Mir Group
104	DP716209	2.1	2.1	Mir Group
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103	DP716209	166.1	166.1	Mir Group
98	DP1140968	0.5	0.5	Mir Group
7001	DP1055415	0.3	0.3	Mir Group
1	DP744101	31.9	31.9	Mir Group
102	DP842937	0.04	0.04	Mir Group
101	DP842937	38.5	38.5	Mir Group
101	DP1140968	0.1	0.1	Mir Group
99	DP1140968	0.6	0.6	Mir Group
100	DP1140968	0.3	0.3	Mir Group
106	DP752042	0.5	0.5	Mir Group
D	DP377759	33.1	33.1	Mir Group
24	DP700072	40.0	40.0	Kyluk
1	DP772025	46.7	46.7	Kyluk
1	DP708762	0.3	0.3	Kyluk
23	DP700072	4.7	4.7	Winkim Holdings
22	DP700072	4.7	4.7	Winkim Holdings
21	DP700072	69.4	69.4	Winkim Holdings
2	DP1113072	29.0	29.0	Malfitana
Part 3 *	DP1113069	40.4	12.1	Malfitana
1	DP58067	60.8	60.8	Presquart
3	DP625921	5.9	5.9	Water Supply
		940.16	866.76	

Lots marked with * indicate that the southern portion of the allotment lies within the Wollondilly LGA and is not part of this proposal.

ATTACHMENT 3

Map indicating committed and proposed developments



ATTACHMENT 4



South Campbelltown



Planning Proposal for Gateway Determination

November 2013

Gilead Landowners Group Limited



South Campbelltown
Planning Proposal for Gateway Determination



Issue and revision record

Revision	Date	Originator	Checker	Approver	Description	Standard
A	14/11/2013	GL	CA	CA	Issue for Client Comments	
B	19/11/2013	GL	CA	CA	Issued for Client Approval	
C	21/11/2013	GL	CA	CA	Re-Issue for Client Approval	
D	29/11/2013	GL	CA	CA	For Submission to CCC	

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1 Executive Summary

This proposal for the redevelopment of South Campbelltown for urban development demonstrates that the area is highly suited for diverse, affordable and sustainable housing with the following benefits:

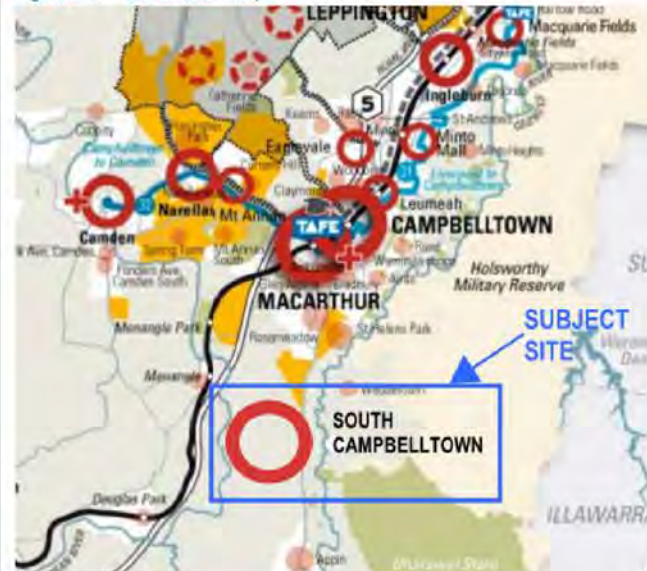
- In the order of 12,000 sustainable dwellings at prices that are lower than those currently available in the market;
- Accommodating an additional population of 33,000 in the Sydney South West Sub-region;
- Additional employment opportunities for up to 7,000 jobs;
- Synergies with the anticipated development at West Appin and Mount Gilead;
- Significant improvements in the Campbelltown road network and links to heavy rail;
- Protected, embellished and re-connected riparian and biodiversity corridor restoring the link between the Georges and Nepean Rivers at Gilead; and
- Excellent passive and active open space facilities promoting green travel options as well as healthy lifestyles.

It will assist the Government in reaching its growth targets while providing critically needed competition for the provision of affordable housing in Sydney's South West.

2 Objectives and Intended Outcomes

This submission to Campbelltown City Council (CCC) has been made for and on behalf of the Gilead Landowner Group ('GLG'), owners of the subject land. The land is situated approximately 10km south of the Campbelltown Regional Centre and is shown on *Figure 2.1* below.

Figure 2.1: Site Context Map



Source: NSW Department of Planning and Infrastructure

The land comprises of a number of lots owned by a small number of parties as outlined in *Table 2.1* below. Note that the southern parts of Lot 10 and 12 DP744101, Lot 1 DP70208 and Lot 3 DP1113069 are contained within Wollondilly Shire Council (WSC) and are not within the scope of this report. They are part of a separate gateway application to WSC.

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Table 2.1: Subject Site Lot & Ownership Details

Lot	Deposited Plan	Total Lot Area (Ha)	Area Within CCC LGA (Ha)	Ownership
Part 10 *	DP744101	31.9	9.5	Mir Group
Part 12 *	DP744101	26.0	13.8	Mir Group
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3	DP625921	5.9	5.9	Water Supply
		940.16	866.76	

Lots marked with * indicate that the southern portion of the allotment lies within the Wollondilly LGA and is not part of this proposal

The purpose of this submission is to support a request to Campbelltown City Council to prepare a planning proposal which would ultimately

allow the development of the Site as an affordable, modern and sustainable urban community. The key aspects of the community proposed will make provision for a Regional Centre, Residential Lands, Education Facilities and Open Space (Passive and Active).

The planning proposal is the first step in the making of an amendment to the Environmental Planning Instruments that govern the site in accordance with NSW Planning's 'gateway' plan-making process. This submission has been prepared with regard to the matters for consideration identified by the NSW Planning & Infrastructure guideline "A guide to preparing planning proposals".

Figure 2.2: Proposed Site Area and Aerial Image



The Project Site is approximately 867 Ha in area and is currently zoned **Non Urban** (40 hectares) under the *Interim Development Order (IDO) No. 15* ('IDO No.15').

Figure 2.3: Campbelltown Municipality IDO No. 15 Zoning Plan – With Approximate Proposed Site Boundary



Source: Campbelltown City Council

The Site is currently being used for urban fringe, rural pursuits by the current land owners including horse agistment and cattle grazing. The majority of the land is cleared and highly suited for urban development.

The GLG are seeking to amend the current planning controls applying to the subject land to allow a higher and better land use. It is the conclusion of this submission that the proposed amendment to IDO No.15 and inclusion in the Campbelltown LEP is consistent with regional strategic planning outcomes currently being implemented in the surrounding environs. Further, it will be compatible with adjoining future land uses and provide additional economic stimulus to the

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Campbelltown City. It would also generate funds for the State and Local Government bodies to be reinvested back into the local community to facilitate major state and regionally significant infrastructure much needed in the Sydney's South West.

3 Explanation of Provisions

This planning proposal relates to the Site outlined in *Table 2.1*. The Site is generally bounded by Appin Road to the east, the Humewood Forest to the north, the Nepean River to the west and Inghams Farms to the south.

The subject site is currently zoned Non-Urban (40 Hectares) under IDO No.15.

The proposed outcome will be achieved through the following mechanisms:

Step 1: Amendment of the Campbelltown (Urban Area) Local Environmental Plan 2002 ('CLEP') to include **South Campbelltown** in the urban footprint as depicted generally in accordance with the Land Use Map and Zoning Map that will accompany the Planning Proposal for the Site.

Step 2: Amending IDO No.15 to incorporate the area of the site that the amended CLEP will govern and thus remove all references and provisions relating to the Site.

3.1 Amendment of the CLEP

Following Gateway determination, a planning proposal will proceed to facilitate the rezoning of the land. It is understood that a number of specialist technical studies will need to be prepared to define and support the proposal.

3.1.1 Supporting Technical Studies

It is anticipated that, as a minimum the following studies will be required.

- Transport and Accessibility;
- Non-Indigenous and Indigenous heritage;
- Soil and Contamination;
- Noise & Air Quality;
- Bushfire Risk;
- Biodiversity, Ecological and Riparian;
- Infrastructure Delivery;
- Water Cycle Management; and

- Economic, Social and Visual Impact.

3.1.2 Strategic Planning Background

3.1.2.1 Draft Metropolitan Strategy for Sydney 2031

The Draft Metropolitan Strategy for Sydney 2031 ('the Strategy') is the latest planning document released to address, shape and guide Sydney's future urban growth.

South Campbelltown's relationship with the Strategy has been plotted and shown in the sketch extract shown in *Figure 2.1*. South Campbelltown would assist in the sustainable growth of Sydney as outlined in the Strategy. The integration of the "South Campbelltown" vision into the Strategy would achieve this goal through the five key outcomes as follows:

1. **Balanced Growth** - The development of the Site will provide housing (in the order of 10,000 – 12,000 dwellings) and job growth (numbers will be driven by the future economic and retail assessments, but could be in the order of 7,000 jobs) potentially to the Campbelltown-Macarthur Regional Centre. Different housing stock designed around a modern, environmentally and socially sustainable town that would provide thorough accessibility to the adjacent employment lands and the surrounding environs.
2. **Liveable City** - Integration of the Site into the Strategy on the urban fringe would significantly compliment the development of the inner region Urban Activation Precincts. This development would assist greatly in meeting the minimum housing targets and provide the diversity of affordable housing stock to the South West Region.
3. **Productivity and Prosperity** - Employment lands would be provided within the Regional Centre of the Site to support a substantial component of the local community. The initiatives outlined in the Strategy for Regional Cities, employment growth and the Western Sydney Employment Area also support the inclusion of the Site in the strategic planning framework for the Macarthur Region.
4. **Healthy and Resilient Environment** - The on-site high value environments would be kept and re-invigorated. The urban development would identify these areas and map them accordingly to ensure a symbiotic relationship between the natural and built environments. The development of South Campbelltown would embrace and adopt all of the most modern principles of urban design, WSUD, energy efficiency and healthy living to achieve this key outcome.
5. **Accessibility and Connectivity** - The principles of modern urban design would be utilised to ensure South Campbelltown prospers

from a holistic approach that complements the site biodiversity and the heritage of the local environs. The M5 Motorway, Appin Road and immediate links to the future Outer Sydney Orbital will provide both sustainable private and public transport opportunities. Within the site an interconnected network of paths and cycleways will provide links from homes to recreation and employment.

3.1.2.2 South West Sub-region of the Strategy

Development of the site through the Planning Proposal will greatly assist in meeting the demand in the South West Sub-region outlined in the Strategy. The Site is relatively unfragmented and will aid the facilitation of the targets outlined in the Strategy as summarised below:

- Target Population Growth of 469,000.
- New Housing Target of 141,000.
- New Jobs Target of 134,000.

The Site's proximity to the M5 Motorway (and potentially the future Outer Sydney Orbital) and the Campbelltown-Macarthur Rail Line provide a nexus for development of a component of the Regional Centre in the form of a business park. This coupled with imminent supporting retail precinct will provide local job opportunities within the development footprint of the Site – something that is lacking in the majority of urban developments in surrounding environs.

The Rezoning of the Site (South Campbelltown) through the Planning Proposal process will have a direct positive impact on the South West Sub-region through the contribution of greenfield land subdivision that fully provides for "work, rest and play".

Table 3.1: South Campbelltown contribution to Sub-regional Growth Targets

	South West sub-regional strategy target	Potential contribution from South Campbelltown
Population Growth	469,000	33,600
Housing Target	141,000	12,000
Jobs Target	134,000	7,000

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3.1.2.3 Metropolitan Development Program

The Metropolitan Development Program ('MDP') is a tool used by the State Government to track and manage housing supply – including analysis of potential new sites.

The MDP does not depict the Site (South Campbelltown) as greenfield release land or zoned land and thus a servicing timetable has not been determined. However, the Gateway process provides the avenue for unsolicited Planning Proposals with potential, such as that exhibited in the Site (South Campbelltown), to be brought forward for consideration and assessment against the Metropolitan Strategy. The Site is considered to satisfy this requirement, given that Planning Proposals for Mount Gilead and Appin (North and South of the Site respectively) have been, or will imminently lodged through the Gateway process for the development of primarily residential land only.

3.1.2.4 Campbelltown 2025 Looking Forward

Campbelltown 2025 – Looking Forward was written in 2004 to lay out the desired social and economic outcomes for the Campbelltown LGA.

The key outcomes that were identified were:

- To protect and enhance the regions environmental assets;
- Create a sense of place;
- Increased access to business centres and other nodes of activity;
- Develop an efficient regional road network;
- Build and maintain quality public infrastructure;
- Create education opportunities; and
- Plan and develop urban environments that are safe, healthy, have a high standard of design and are environmentally sustainable.

This proposal is consistent with this document. It achieves the objectives and will have its own identity that compliments the region and creates a sense of place.

3.1.2.5 Campbelltown's Community Strategic Plan 2013-2023

This strategy contains five key objectives:

- a. A sustainable environment;
- b. A strong local economy;
- c. An accessible city;
- d. A safe, healthy and connected community;
- e. Responsible leadership.

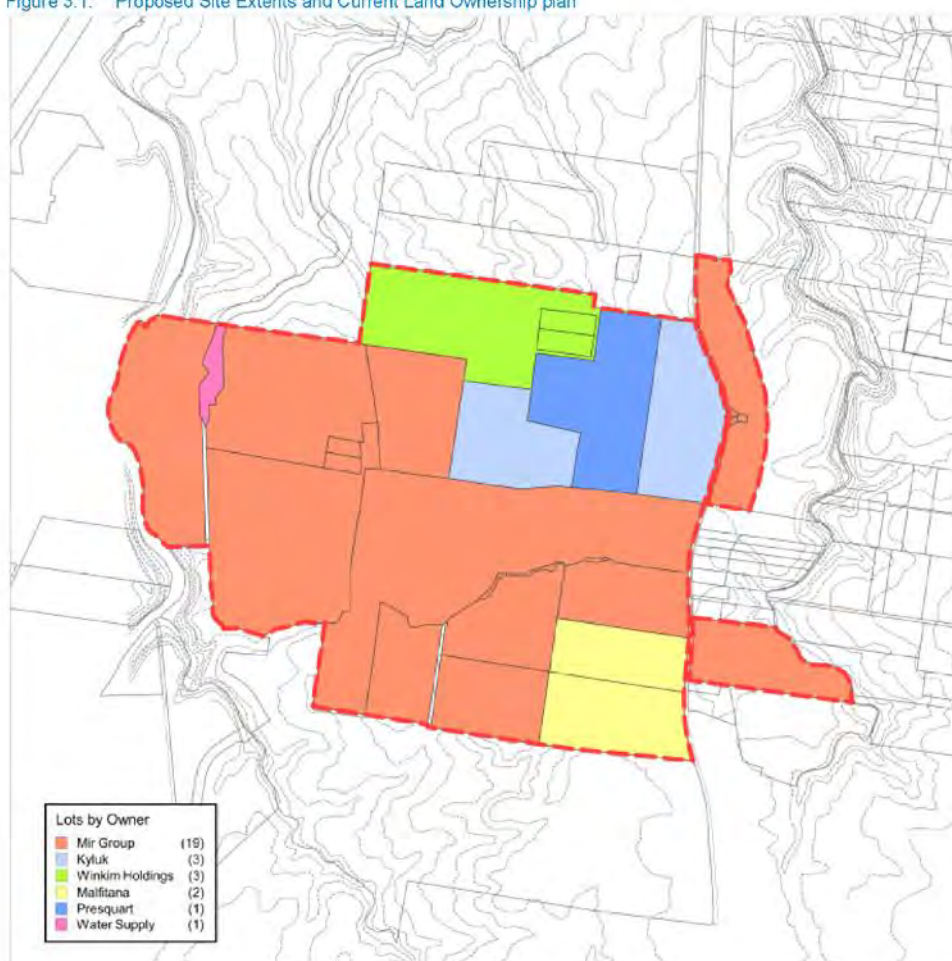
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The proposal seeks to create a leading edge sustainable development. It will embrace the three pillars of sustainability being environmental, economic and social sustainability. These principles are consistent with the above objectives and will guide the decision making process and design philosophy as the project evolves.

3.2 | Site Location and Current Ownership

Figure 3.1: Proposed Site Extents and Current Land Ownership plan



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3.3 Relationship to Future Surrounding Development

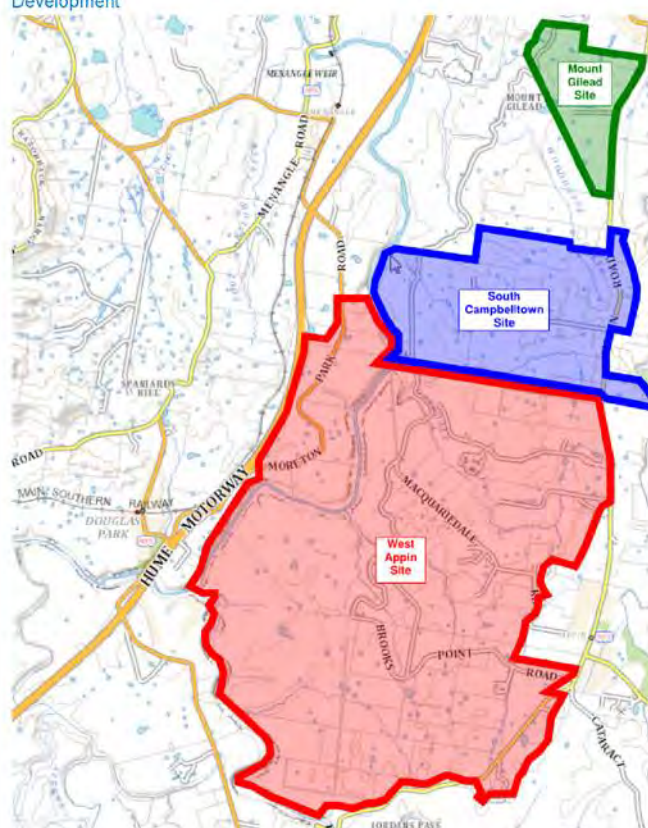
South Campbelltown is considered to be a logical development transition from the current zoning to the highest and best use as prescribed by the detailed reports to be outlined in the Planning Proposal.

To the immediate north of the Site, a Planning Proposal Gateway has recently been endorsed by Campbelltown City Council for Mount Gilead. To the immediate South, a Gateway application has also been endorsed by Wollondilly Shire Council for North Appin. These applications (with some common land owners) show the potential for development of the Site through the Planning Proposal system and also provide a nexus for acceleration of this land for rezoning (refer *Figure 3.2* below).

The benefits of the rezoning and development of South Campbelltown will comfortably fit within the future urban fabric of the surrounding land and environs.

It is also important to note that consultation has taken place with Campbelltown City Council who has resolved to support the proposal in principle for the rezoning of the land.

Figure 3.2: Relationship of South Campbelltown to Proposed Urban Development



3.4 Site Characteristics

The Campbelltown South proposed site is situated approximately 10km south of the Campbelltown Regional Centre and 8km from Macarthur Train Station in the current suburb of Gilead. The site covers approximately 867 Ha of rural properties under multiple ownerships. The site has been used for rural fringe purposes and is predominantly cleared.

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The site topography is gently undulating with grades typically between 3-6% sloping towards the Nepean River. Some localised area of grades up to 12-15% is expected, particularly adjacent riparian watercourses; however the vast majority of the site is highly suitable for land development.

Numerous small farm dams and creeks exist across the site generally draining to the Nepean River. No significant storage dams appear to exist (but will be explored as part of the planning proposal). Appin Road forms a regional ridge line.

Existing vegetation in the area is generally confined to riparian zones with increased vegetation along the Nepean River and Georges River.

Typical soil profiles in the region are from the Blacktown group underlain by Hawksebury Sandstone and Wiannamatta Shale.

3.5 Land Proposed to be rezoned

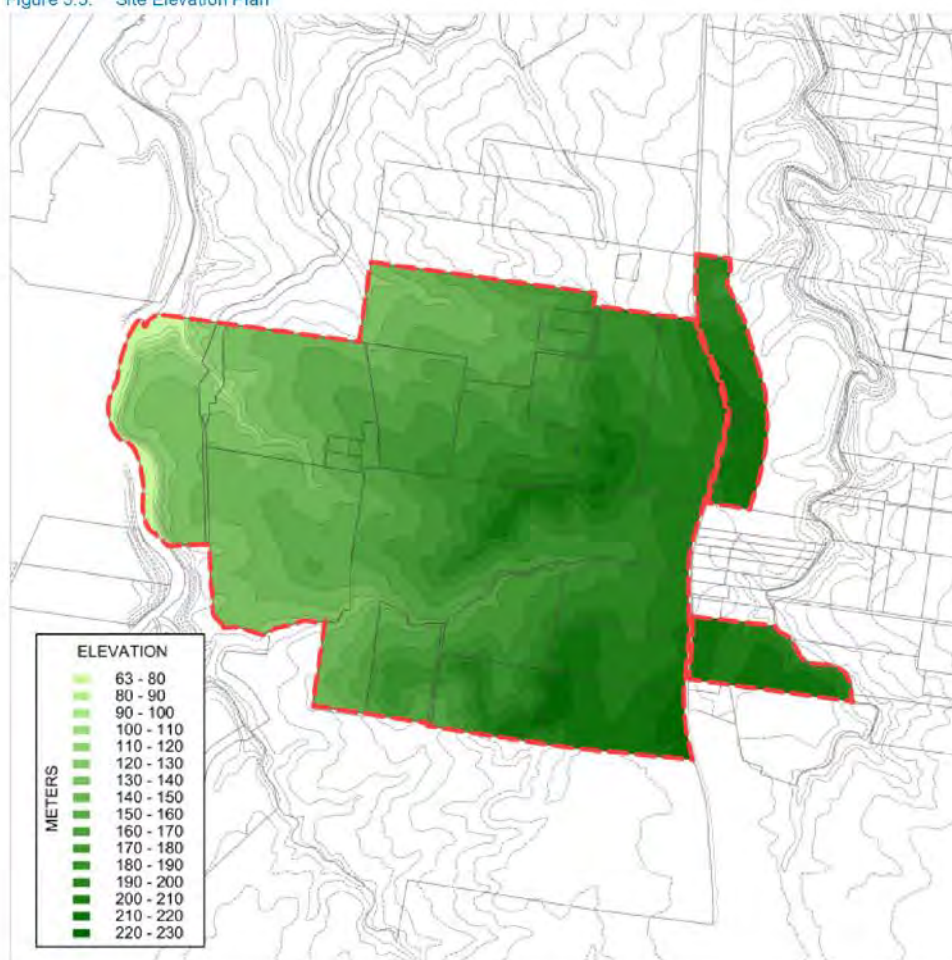
Preliminary assessments have been undertaken using the Growth Centres Development Code as a guide to inform the layout of land uses. It has also shaped the configuration of access and transport as well as environmental preservation areas.

An indicative yield between 10,000 – 12,000 lots has been determined (based on a minimum density of 15 dwellings per hectare).

The development will also feature a considerable amount of community and neighbourhood facilities as well as retail and commercial facilities, higher density residential / mixed use buildings and a neighbourhood shopping centre. Approximately 2-3 primary schools and a high school have been estimated as needs. Employment lands, likely along the Appin Road frontage of the development will create significant employment opportunities.

More detailed zoning requirements will be determined and presented in the future planning proposal following gateway approval.

Figure 3.3: Site Elevation Plan



3.6 Key Planning Issues

3.6.1 Housing Supply

The Campbelltown LGA has a higher proportion of public rental housing and lower private rental housing than the Sydney Average. It also has a higher unemployment rate, mainly focused on the public housing suburbs. Affordable housing is therefore a key planning issue in the area. The provision of 10,000 – 12,000 lots in South Campbelltown is therefore of great regional importance.

Recent data from Gregory Hills and Oran Park has indicated a market acceptance of smaller lot products, mainly due to their affordability. This product diversity will be explored in detail with a particular focus on affordable housing during the Planning Proposal preparation.

3.6.2 Transport

3.6.2.1 Access to the Development Site

The site is approximately 8km from Macarthur station. It is anticipated that bus services will provide a key link from this transport to the development site.

It is expected that vehicular access to the site from the greater Sydney area will be via the M5 Motorway/Narellan Road/Appin Road route. Access to the site from Wollongong will likely be from Appin Road. Appin Road is a State Road under control of Roads and Maritime Services (RMS). It is the primary road link between Campbelltown and Wollongong (via Appin). The Sydney southwest sub-regional strategy has earmarked Appin road for future upgrade.

Initial vehicular access to the development will be off Appin Road. There is also potential to gain access to the development with the future Outer Sydney Orbital (also known as the M9 Motorway). This will be investigated in detail, along with the likely number and configuration of access points in the *transport and access report* as part of the Planning Proposal.

3.6.2.2 Transport within the Development

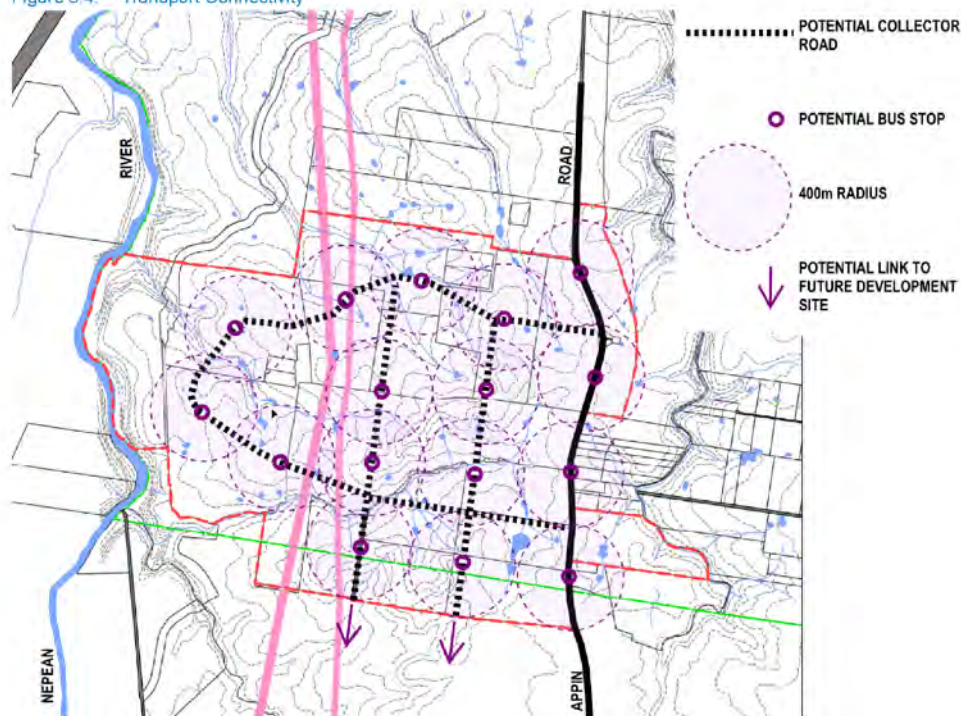
The proposal will implement a transit oriented form of development, with increased densities centred on public transport nodes. A collector

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road network will be designed with bus stops placed within 400m of homes (i.e. at 800m centres). It is anticipated that the bus services will transport commuters to Macarthur Railway Station or the Campbelltown Regional Centre as well as delivering workers from Campbelltown to the employment lands in South Campbelltown.

Figure 3.4: Transport Connectivity



Our Green Transport Strategy will also focus on facilitating and promoting healthy lifestyles with extensive networks of inter-connected pedestrian and bicycle paths throughout the site. These will link homes, recreation facilities and employment lands.

3.6.3 Flora & Fauna

It is the intent of this proposal is to protect, reinstate and embellish the natural assets of the site. This will not only aid in the marketability of the development, but also help create a unique identity and sense of place.

The majority of the site has been cleared for agricultural use, with the general exception of riparian corridors along watercourses. Preliminary mapping based on aerial photography provided by the LPI as shown in *Figure 3.5* provides an indication of the expected extent and distribution of native vegetation communities within the subject site. Native vegetation typically occurs as patches and corridors of Shale Sandstone Transitional Forest (high and low sandstone influence) with some smaller patches of Shale Plains Woodland (Cumberland Plain Woodland). It is possible that some threatened species and/or populations listed under the Threatened Species Conservation Act 1995 (TSC Act) could occur within the site, most likely in association with existing areas of native vegetation.

3.6.3.1 Fauna

Preliminary desktop investigations indicate that a range of fauna species listed as threatened under the TSC Act are known to occur in the local area.

In particular, Gilead and surrounding suburbs are known to contain areas of important Koala habitat, with a viable local population of Koalas, often referred to as the Campbelltown population, resident nearby. Planning of the site will need to consider and be consistent with the Draft Campbelltown City Council Comprehensive Koala Plan of Management (CKPOM), which aims to provide a balanced approach to the management and protection of Koalas.

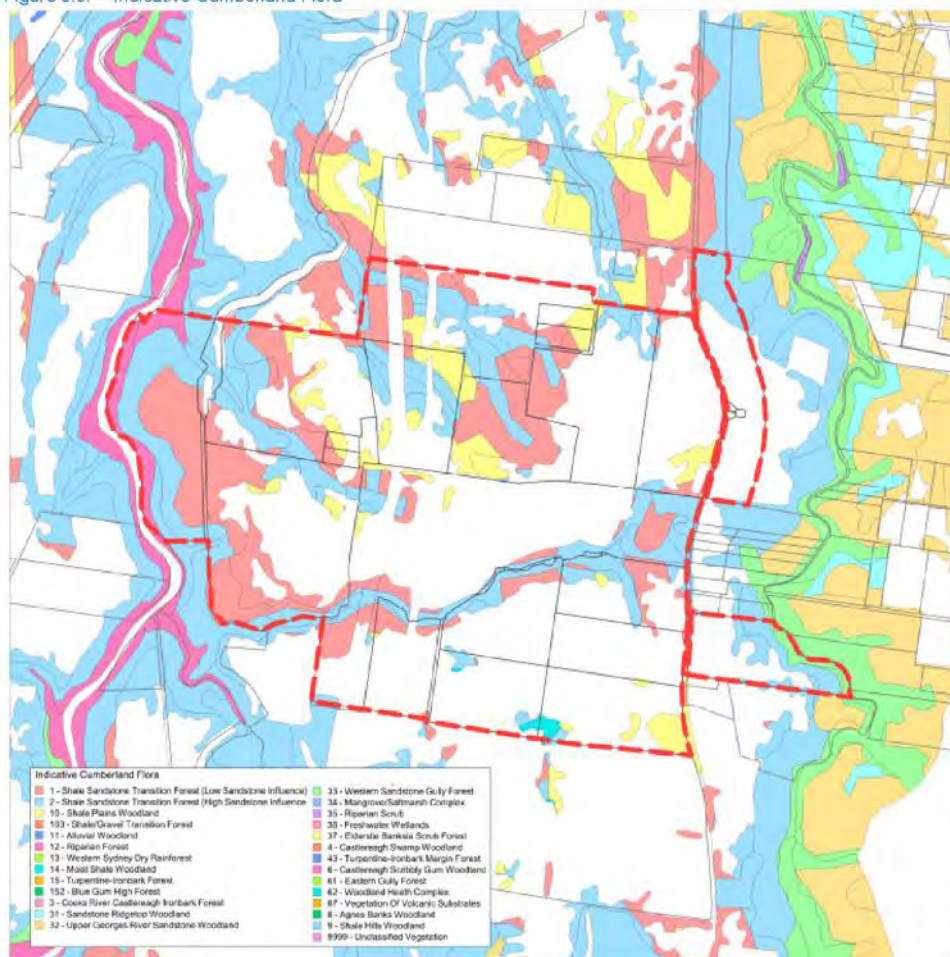
3.6.3.2 Biodiversity Corridors

The site contains a number of existing riparian corridors, of which the most significant is the corridor along Mallaty Creek in the southern part of the site, which provides an almost continuous overland link from the Nepean River to the Georges River.

The maintenance and embellishment of flora and fauna values is of key importance in providing a sustainable, integrated ecological development. The planning proposal will: undertake new mapping of

significant vegetation, habitats and corridors within the site; address impacts on threatened species, populations and ecological communities; and explore opportunities to embellish existing site values, with a particular focus on the Maltby Creek biodiversity corridor.

Figure 3.5: Indicative Cumberland Flora



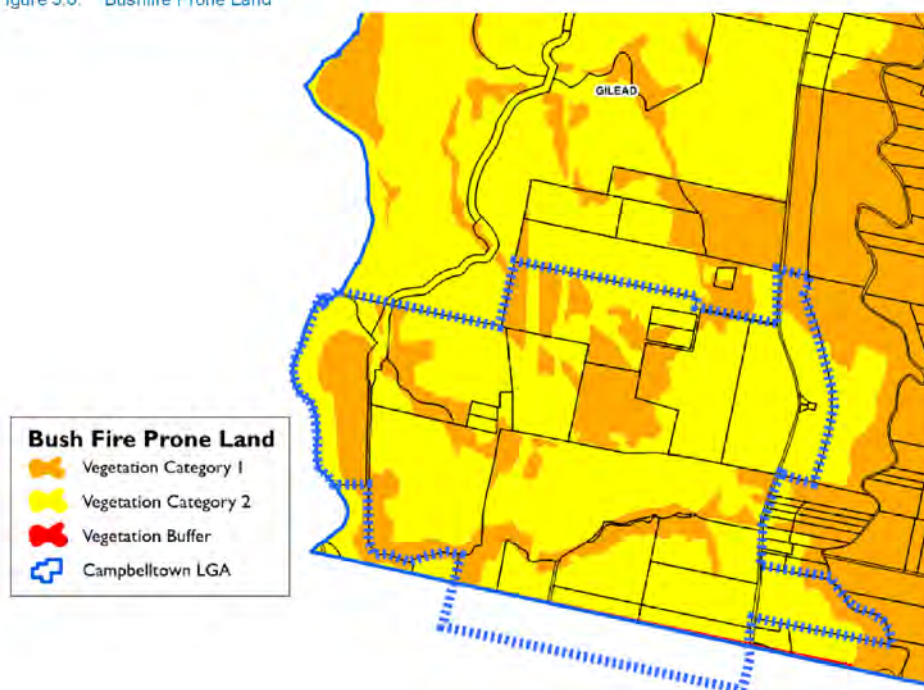
Source: Land and Property Information

3.6.4 Bushfire

The subject site is largely cleared presenting a low risk to bushfire as indicated in the below plans, with most of the site Category 2 vegetation. Relevant asset protection zones will need to be provided in accordance with Planning for Bushfire Protection 2011 and will be incorporated into the proposed concept plan.

A Bushfire assessment is to be prepared as part of the final planning proposal which will provide confirmation of critical areas and details of required asset protection zones as well evacuation management procedures in accordance with the RFS requirements.

Figure 3.6: Bushfire Prone Land



Source: Campbelltown City Council

3.6.5 Riparian Areas

Watercourses have been obtained from the LPI Spatial Information Exchange in accordance with the current requirements of the Office of Water. These watercourses will be subject to further desktop and field investigations as part of the final planning proposal to determine their categorisation and thus buffer zone requirements and permitted works therein.

Figure 3.7: Indicative Riparian Corridors



Source: Land and Property Information

3.6.7 Infrastructure Servicing

3.6.7.1 Water

Preliminary discussions have been undertaken with Sydney Water indicating that the potable water supply will likely be an extension of the existing supply network, with augmentations (e.g. reservoir, pump station, etc.).

There may also be an opportunity for a recycled water network. This will be explored in more detail during the future consultation with Sydney Water.

3.6.7.2 Sewer

Preliminary discussions have been undertaken with Sydney Water indicating that the provision of sewer to the development will require detailed modelling and assessment. Sydney Water has indicated that a resolution will be required during the preparation of the Planning Proposal.

3.6.7.3 Power

It is possible that a new zone substation may be required for the provision of electricity supply to the development. This will be discussed with Endeavour Energy and Transgrid during the consultation period.

3.6.7.4 Stormwater (Water Sensitive Urban Design)

In accordance with current best practice, water sensitive urban design will be incorporated taking the full water cycle into account. Our strategies for the water cycle may include rainwater tanks, constructed wetlands, bio-retention systems, gross pollutant traps, on-site detention basins, etc.). These issues, along with flooding and the impacts of climate change will be explored in detail, informing the Planning Proposal.

3.6.7.5 Other Utilities

Gas and telecommunications (including NBN Co) will be provided in accordance with each service providers commercial agreements. Consultation will take place to determine the nature of each service as appropriate.

4 Justification

The following justification provides a case for amending the development controls applying to the Site at South Campbelltown. In preparing this justification consideration has been given to the NSW Planning & Infrastructure's guideline *"A guide to preparing planning proposals"*. As part of the justification for a planning proposal the guideline identifies four (4) heads of consideration and a number of questions specific to each head of consideration that must be discussed with reasons explained. Those heads of consideration are:

- A – Need for the Planning Proposal
- B – Relationship to Strategic Planning Framework
- C – Environmental, Social & Economic Impact
- D – State & Commonwealth Interests

The heads of consideration, related questions and a reasoned discussion is provided below. In responding to these questions the guideline mentions the following matters for consideration:

- The overarching principle guiding the response to the questions should be that the level of justification is proportionate to the impact the Planning Proposal will have. It is not necessary to address a question if it is not considered relevant to the Planning Proposal, so long as the reason why the question is not relevant is briefly justified.
- In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial Gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

4.1 Section A - Need for the Planning Proposal

A1 Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the result of any strategic study or report. However, it is pertinent to note that part of the Site was briefly examined under the NSW Planning & Infrastructure's "Potential Home Sites Program – Review of Potential Housing Opportunities in the Sydney Region". The studies to be undertaken to underpin the Planning Proposal will demonstrate alignment and conglomeration with the objectives of the Draft Metropolitan Strategy for Sydney 2031.

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered the best means of enabling the proposed development. The current Non-Urban (IDO No.15) and RU2 (WLEP) zones would not permit the development. Based on the provisions of the Standard LEP Instrument, the most appropriate means by which to seek an amendment is with a Planning Proposal.

The rationale behind the requested amendment is as follows:

- This is a major opportunity to satisfy the objectives of the Draft Metropolitan Strategy for Sydney 2031 without the complexities of the major site fragmentation that exists within the Northwest and Southwest Growth Centres;
- IDO No.15 is antiquated and does not address the current needs of the Sydney Metropolitan Area;
- The ultimate development of the site would facilitate the orderly evolution of a new and sustainable community – that encompasses the housing and employment needs of the population whilst embracing the natural and state significant environmental assets of the site.
- The site presents a rare opportunity to provide some of the most affordable housing in the Sydney region at no net cost to government.

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4.2 Section B – Relationship to Strategic Planning Framework

B3 *Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Planning Proposal is consistent with the objectives and actions of the current regional and sub-regional strategies. Please refer to 3.1.2 *Strategic Planning Background* of this document, which addresses the Site's development context to these strategies in detail.

B4 *Is the planning proposal consistent with the council's local strategy or other local strategic plan?*

The GLG will commission a professional consultant team to provide comment on the proposed development in respect to the findings of the local strategies and hierarchy giving consideration to the economic assessment associated with the proposed rezoning of the subject Site.

B5 *Is the planning proposal consistent with applicable state environmental planning policies?*

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken. Whilst a number of policies may be applicable at the development application stage those applicable to this planning proposal are:

- SEPP No.1 Development Standards
- SEPP No. 4 Development Without Consent and Miscellaneous Exempt and Complying Development
- SEPP No. 6 Number of Storeys in a Building
- SEPP No. 19 Bushland in Urban Areas
- SEPP No. 22 Shops and Commercial Premises
- SEPP No. 30 Intensive Agriculture
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No.44 Koala Habitat Protection
- SEPP No. 55 Remediation of Land
- SEPP No. 65 Design of Residential Flat Development
- SEPP No. 70 Affordable Housing
- SEPP Affordable Rental Housing 2009
- SEPP Building Sustainability Index – BASIX 2004
- SEPP Exempt and Complying Development Codes 2008
- SEPP Housing for Seniors or People with a Disability 2004
- SEPP Infrastructure 2007

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- SEPP Major Development 2005
- SEPP Mining, Petroleum Production and Extractive Industries 2007
- SEPP Temporary Structures 2007
- SREP No. 9 Extractive Industry (No 2 – 1995)
- SREP No. 20 Hawkesbury – Nepean River (No 2 – 1997)

B6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

4.2.1 Consistent s117 directions

4.2.1.1 1.1 Business and Industrial Zones

The proposal will encourage employment growth and protect land for business/industrial land uses. The amount and type of land set aside for these uses will be determined following the economic and retail/business study undertaken for the Planning Proposal.

4.2.1.2 1.3 Mining, Petroleum Production and Extractive Industries

The proposal will not compromise the future extraction of significant reserves of coal, other minerals, petroleum or extractive materials. Although the subject site is currently subject to longwall coal mining (BHP Billiton West Cliff Mine - Longwall 37), the extraction plan sees all mining activities expected to be complete by the end of 2014, well before any construction activities take place. BHP Billiton is aware of, and supports this proposal.

4.2.1.3 2.1 Environmental Protection Zones

This proposal will preserve, protect and enhance environmentally sensitive areas on the site. This includes riparian corridors and flora and fauna.

4.2.1.4 2.3 Heritage Conservation

Although no known areas of indigenous or non-indigenous heritage significance are present on site, studies will be undertaken for the preparation of the planning proposal and all findings addressed in accordance with legislative requirements.

South Campbelltown
Planning Proposal for Gateway Determination



- 4.2.1.5 3.1 Residential Zones
- This proposal will provide diverse housing choices, make efficient use of the existing infrastructure and minimise the impact of the housing on the environment.
- 4.2.1.6 3.3 Home Occupations
- With the provision of diverse lots, the proposal will encourage the carrying out of low-impact small businesses in dwelling houses.
- 4.2.1.7 3.4 Integrating Land Use and Transport
- The proposal will provide excellent access to housing, jobs and services by walking, bicycles and public transport. It will reduce dependence on cars with the implementation of efficient and viable public transport.
- 4.2.1.8 4.2 Mine Subsidence and Unstable Land
- The site is situated in the South Campbelltown Mines Subsidence District. The planning proposal will include detailed geotechnical studies on the subject site addressing these issues and gain approval of the Mines Subsidence Board.
- 4.2.1.9 4.3 Flood Prone Land
- Although not subject to flooding from the adjacent Nepean River, the site contains a number creeks and natural watercourses. The proposal will include a hydrologic and hydraulic study and take this potential flooding into account.
- 4.2.1.10 4.4 Planning for Bushfire Protection
- The proposal will ensure that life and property are protected from potential bushfire hazards in accordance with statutory requirements.
- 4.2.1.11 6.1 Approval and Referral Requirements
- The future planning proposal will be consistent with the terms of this direction.

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4.2.1.12	6.2 Reserving Land for Public Purposes	The proposal will include adequate provision and dedication of land for public services and facilities, including active and passive open space.
4.2.1.13	6.3 Site Specific Provisions	The planning proposal will not contain any unnecessarily restrictive site specific planning controls.
4.2.2	Justifiably Inconsistent s117 Provisions	
4.2.2.1	1.2 Rural Zones & 1.5 Rural Lands	The proposal is justifiably inconsistent with this direction as it is consistent with the objectives of the current and draft Sydney metropolitan strategies and south west sub-regional strategy. The land in its current form has limited rural value and it is a logical extension of the urban fabric adjacent to the north, being Mount Gilead. The proposal will also provide a substantial environmental benefit with biodiversity and riparian corridors being restored and embellished where appropriate.
4.2.2.2	5.1 Implementation of Regional Strategies	The proposal is justifiably inconsistent with this direction as it is consistent with the <i>objectives</i> of the current and draft Sydney metropolitan strategies and south west sub-regional strategy.
4.2.2.3	7.1 Implementation of Metropolitan Plan for Sydney 2036	The proposal is justifiably inconsistent with this direction as it is consistent with the <i>objectives</i> of the current and draft Sydney metropolitan strategies and south west sub-regional strategy as it provides diverse, affordable housing, access to walking, cycling and public transport and creates and provides places of employment. The subject site is directly adjacent to land identified for urban development on both sides.

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4.3 Section C – Environmental, Social and Economic Impact

C7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Ecological investigations will be undertaken in detail as part of the planning proposal by an appointed professional consultant team. Any endangered ecological communities present on this portion of the site or any ecological constraints to its development will be identified in the reporting and transcribed through the Planning Proposal to be consistent with current legislation.

C8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Reporting to investigate the more significant potential environmental effects arising from a future development allowed by the requested Planning Proposal have been listed earlier under 3.1.1 *Supporting Technical Studies* of this document.

C9 How has the planning proposal adequately addressed any social and economic effects?

The requested planning proposal would enable a higher and better use of the Site in a manner considered to be compatible with its surrounding future environment. Direct impacts from the rezoning would be significant investment to Campbelltown facilities through building construction, supporting infrastructure works and employment growth. Indirect impacts would be spin-off or multiplier economic benefits to the City as a result of the use of the land. Such investment would also in turn create multiple economic benefits to the City through construction work as well as the social benefits offered by a reinvigorated regional shopping, sporting and passive recreational facilities to be offered under the Planning Proposal.

4.4 Section D – State and Commonwealth interests

D10 Is there adequate public infrastructure for the planning proposal?

31 331881/MSW/SYD/GD01/A 13 November 2013
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CAGL.docx

Currently there is insufficient public infrastructure for the nature and scale of the proposed development. To this end provisions will be made for the following services, if appropriate:

- Health;
- Education;
- Social;
- Emergency Services;
- Transport; and
- Utilities (including stormwater, sewer, water, electricity, telecommunications and gas).

D11 What are the views of the state and commonwealth public authorities consulted in accordance with the Gateway determination?

As mentioned above, extensive studies and authority consultation will form an integral part of the Infrastructure Delivery Plan that will be included in the Planning Proposal. These authorities will likely include:

- NSW Department of Primary Industries;
- NSW Land and Property Information;
- NSW Treasury;
- NSW Soil Conservation Service;
- NSW Department of Health;
- NSW Department of Education;
- NSW Rural Fire Service;
- NSW Police Force;
- NSW State Emergency Service;
- NSW Office of Environment and Heritage;
- Roads and Maritime Services;
- Transport for NSW;
- Hawkesbury Nepean Catchment Authority
- Sydney Catchment Authority;
- Campbelltown City Council;
- Aboriginal Land Council;
- Sydney Water;
- Endeavour Energy;
- Transgrid;
- Telstra;
- NBN Co.;
- Optus; and
- Jemena.

5 Mapping

Preliminary figures have been included in this report where information has been available. The future Planning Proposal will not only obtain further mapping applicable to the site, but will interrogate and verify the data used to derive them via specialist consultant reports.

South Campbelltown
Planning Proposal for Gateway Determination



6 Community Consultation

In accordance with *A Guide to Preparing Local Environmental Plans*, community consultation will be required. Due to the size and nature of the application, it is considered that a public exhibition period of 28 days should be undertaken.

South Campbelltown
Planning Proposal for Gateway Determination



7 Project Timeline

It is anticipated that the following key dates are applicable to the planning proposal:

- Late November 2013 - Lodgement of Planning Proposal for Gateway Determination
- Late December 2013 - Gateway Determination
- Late December 2015 - Completing of LEP

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - March 2014

Reporting Officer

Manager Development Services

Attachments

Development Services application statistics for March 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 March 2014 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Mead/Lound)

That the Officer's Recommendation be adopted.

CARRIED

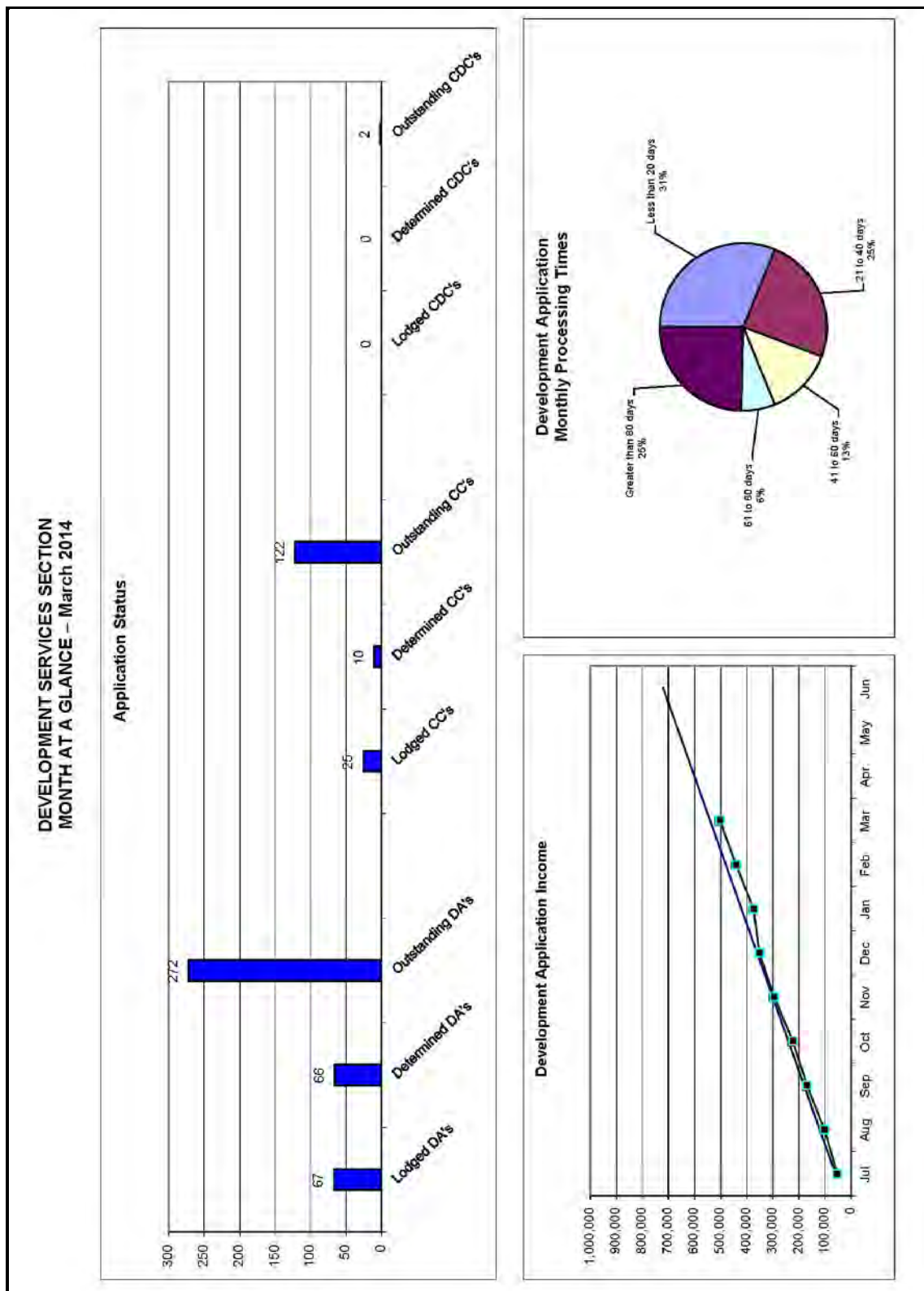
Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 58

That the Officer's Recommendation be adopted.

ATTACHMENT 1



3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

3.2 Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

Reporting Officer

Manager Development Services

Attachments

SEPP 1 variations approved for the period January to March 2014 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 January, 2014 to 31 March, 2014 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 applications).

Report

In accordance with the Department of Planning and Infrastructure's (DPI) requirement for all SEPP 1 applications to be reported to Council, the attachment to this report provides details of all SEPP 1 applications that were determined within the period stated above.

Further to the above, a copy of the attachment to this report was included in the quarterly report to the DPI and the information is also made available to the public under the SEPP 1 register on Council's website.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 58

That the Officer's Recommendation be adopted.

3.2 Council's Monitoring And Reporting Obligations Of Variations To Development Standards Allowed Under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

ATTACHMENT 1

Council DA reference number	Lot number	DP number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environment planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
1657/2013/DA-1	7	1071594	13	Austrood Place	INGLEBURN	2585	12. Industrial	LEP 2002	4(a) - General Industry Zone	Clause 37 (a) Setbacks within industrial areas	The accompanying State Environmental Planning Policy No. 1 objection provided the following justification: 1. The proposed screen wall will obscure public view of the proposed display area for vehicles/machinery. 2. The area between the proposed screen wall and the railway line is to be substantially landscaped. 3. Constructing the screen wall 30 metres from the railway line (in strict compliance with the standard) would result in the sterilisation of 3.270m ² of industrial land (or 38% of the total site area), which would be unreasonable. 4. The setback of the proposed screen wall is sufficient to enable views of the proposed outdoor storage.	66.66666	Council	11/03/2014
537/2013/DA-1	205	767308	19	Broadhurst Road	INGLEBURN	2585	12. Industrial	LEP 2002	4(a) - General Industry Zone	Clause 37 Setbacks within industrial areas	The approved development involves a variation to the Main Southern Railway Line 30m setback requirement of sub-clause 37(a) of the Campbelltown (Urban Area) Local Environmental Plan 2002.	35%	Council	11/03/2014
											The accompanying State Environmental Planning Policy No. 1 objection provided the following justification: 1. 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 built 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.			

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

3.3 No. 16 Kerr Road, Ingleburn - Use of an existing industrial building as a waste processing and storage facility

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality Plan (contained within this report)
3. Floor 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 16 DP 717203, No. 16 Kerr Road, Ingleburn
Application No	1113/2013/DA-DE
Applicant	Benbow Environmental
Owner	J.W., S.L., C.M. and T.J. Baillie
Statutory Provisions	Environmental Planning and Assessment Regulation 2000 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development State Environmental Planning Policy No. 55 – Remediation of Land Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan
Other Provisions	Campbelltown 2025 – ‘Looking Forward’
Date Received	27 May 2013

History

A number of development applications have been granted development consent at the subject site over several years, either by Council or the Land and Environment Court. Briefly, the following relevant development consents are considered to be ‘active’ at the site and relate to the current proposal:

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

- Development Consent F/491/2002 – Erection of a truck workshop and office

This development consent relates to the construction of a building containing truck workshop bays, offices and amenities. The proposal also included the construction and use of several parts of the land for truck parking and other storage. The building was constructed following issue of a construction certificate by a private certifier in 2003 and was issued with an interim occupation certificate by a private certifier in March 2005. The building is located in the eastern portion of the site, where it is closest to the Main Southern Railway and is currently in use for truck repairs and other ancillary activities.

- Development Consent 336/2006/DA-DE – Construction of a concrete batching and masonry products manufacturing plant

Council resolved to refuse the subject application at its Ordinary Meeting held in June 2006. The application was refused for several reasons which predominantly related to the site's physical appearance, its potential to impact on the amenity of neighbours and the development's failure to demonstrate acceptable capture and disposal of stormwater.

Following the lodgement of an appeal against Council's refusal determination, the Land and Environment Court subsequently approved the application in March 2007. The approval was issued with several conditions which related to the operation of the proposed batching and masonry products manufacturing plant, the construction of the building in which it would be located and landscaping and finishing of the site in general.

The construction of the building was commenced following issue of a construction certificate by a private certifier in February 2008. Council has not been provided with any supplementary compliance certificates nor an occupation certificate to suggest that the building has been completed.

Officers are not aware that concrete batching or masonry products manufacturing has commenced at the site.

In addition to the abovementioned consents and their subsequent development of the site, Council, in conjunction with the NSW Environmental Protection Authority (EPA) and NSW WorkCover, have attended the site during June 2013 as part of a joint inspection. The inspection was undertaken following reports that use of the site as a waste transfer and resource recovery facility had commenced without development consent and that dust was leaving the site and affecting nearby properties.

During the inspection, officers from the three agencies noted that a significant amount of demolition and organic waste was being stored and sorted at the site, including what appeared to be materials that had the potential to contain asbestos.

Subsequent to this discovery, Council issued an Emergency Order to cease use of the site. In addition, the EPA issued a 'Notice of Clean-Up Action', which contained several requirements including (but not limited to) that all asbestos containing material be removed from the site and a clearance certificate be issued by the EPA to verify that such material had been removed and lawfully disposed of.

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

The clean-up action was followed up by the EPA and the last correspondence received by Council in January 2014 confirmed that the waste had been removed and the site had been 'cleared' from contamination, although subject to receiving further advice from its internal legal section, the EPA had not yet issued the clearance certificate.

On 11 March 2014, Council received written advice from an independent professional engaged by the tenant of the property that the site has been cleared of all asbestos containing material, which has been verified by a NATA accredited laboratory that tested soil samples taken from the site during a targeted survey.

Council has advised the tenant to forward the information to the EPA so it can continue its role as the agency in charge of pursuing the clean-up of the site.

Report

A development application has been received to use the subject site as a waste transfer, processing and resource recovery facility. The waste transfer, processing and resource recovery facility would be operated within the confines of an existing building at the subject site, known as No. 16 Kerr Road, Ingleburn.

The application was made following Council's inspection of the property which revealed that it was being used for the subject purpose without development consent. Following issue of an emergency order to cease use of the premises, the site has not been used for the purpose of the waste transfer and sorting facility, aside from the 'clean-up' of the waste that was unlawfully transported there prior to Council's Order.

The Site

The site is located in the north eastern corner of Kerr Road, at the end of a cul-de-sac. The site is accessed directly from Kerr Road and is bounded to the south east by the Main Southern Railway and Southern Sydney Freight Line and by Henderson Road to the north, which is raised in this location due to the Main Southern Railway overbridge adjoining the site. The building in which the use would be undertaken is within approximately 110 metres of the nearest residence, being No. 2 Gordon Street, Ingleburn located on the opposite side of the Main Southern Railway.

The site contains two buildings, which are joined along one wall. The buildings are those approved by Council and the Land and Environment Court as detailed earlier in the report. Further, the site has been finished in concrete and asphalt in some parts where vehicle manoeuvring and car parking are supposed to be undertaken. Other parts of the site are disturbed and used to store various equipment and what appear to be derelict pieces of machinery. A noise attenuation wall has been constructed along most of the site's frontage to the two railway lines.

The site is burdened by relatively large easements to drain water, which at this point in time have been affected by unauthorised works to alter their levels and store equipment.

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

The Proposal

The application proposes use of the existing building to undertake demolition waste and scrap metal sorting and processing for reuse.

Equipment involved in the waste processing and storage use as proposed includes:

- 20 tonne excavator
- Skid-steer loader
- Wheeled loader
- Trommel screen
- Crushing machine and screen
- Mulching machine
- Weighbridge.

As mentioned, it is intended to operate this business entirely within the confines of the existing building, approved by the Land and Environment Court pursuant to development consent 336/2006/DA-DE. A small number of metal skip bins may be stored outside under the existing awning from time to time, however, these would be empty.

Demolition and scrap metal waste would arrive at the site by truck, where it would be weighed and then transported into the building for sorting into basic categories, such as metals, masonry, timber and other products (such as plastic linings and glass). After this basic sorting, the materials would be placed in the trommel screen, which consists of a large cylindrical drum rotating at a slow speed with varying sized grates therein to sort out material of different sizes. Sorted products would then be placed in stock piles for further processing (in the case of masonry products) or storage for distribution to other waste processing facilities within Sydney.

Masonry products such as bricks and concrete would be placed into the mobile crusher proposed to be used at the site within the building and crushed to a pre-determined aggregate size, depending on the proposed end use of the product, which could be as a road base or as an ingredient for concrete manufacture for example. This would also be transported off site for reuse.

Green waste and timber would be mulched for reuse off-site.

Asbestos, asbestos-containing materials and putrescible waste would not be accepted at the site under this proposal.

The applicant's environmental impact statement (EIS) notes that up to 15,000 tonnes of waste would be received, sorted and redistributed at the site per annum.

The business would employ approximately five staff and would create up to 16 truck movements within Kerr Road per day. The proposed hours of operation are 7.00am to 6.00pm on weekdays and 7.00am to 4.00pm on Saturday. These hours are consistent with those approved by the Land and Environment Court for the concrete batching plant.

Up to 820 litres of diesel fuel for the machinery proposed to be used inside the building would be stored in drums within a bunded area inside the building.

Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* (the EPA Act) and having regard to those matters, the following issues have been identified for further consideration.

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.

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 not inconsistent with the above desired outcome as the proposal's intention to use the internal space of an existing building responds to the site's context and constraints, and the proposed development would not result in any greater aesthetic impacts upon the public domain.

2. Planning Provisions

Section 79C(1)(a) of the *EPA Act* requires Council to consider environmental planning instruments and development control plans that apply to the site.

2.1 Environmental Planning and Assessment Regulation 2000

Schedule 3 of the Environmental Planning and Assessment Regulation 2000 provides details regarding what is 'designated development'. Specifically, Clause 32 of the Schedule details the factors upon which the consent authority may consider a waste management facility as 'designated development'. The relevant parts of the Clause are reproduced below:

Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:

(d) that are located:

- (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

In this instance, a number of residential dwellings are located within 250 metres of the subject site, primarily on the eastern side of the railway lines in Gordon Avenue and Redfern Street, Ingleburn.

Importantly, the Clause prompts the consent authority to consider whether or not the development is likely to "significantly affect the amenity of the neighbourhood." If the consent authority is of the opinion that the development would "significantly affect the amenity of the neighbourhood", the consent authority is obliged to consider the proposal as a 'designated development'. If the application is considered 'designated development', the Sydney West Joint Regional Planning Panel would be the consent authority.

Conversely, it can therefore be construed that if the consent authority is not of the opinion that the development is likely to significantly affect the neighbourhood, the development does not have to be considered as 'designated development' under the Schedule.

It is the case that this development is not considered likely to significantly affect the amenity of the neighbourhood, noting its location within an existing building, its scale and the proposed imposition of strict conditions relating to noise, dust, the quantity and type of materials accepted at the site and ongoing monitoring. These environmental and amenity issues are discussed later in the report.

It is therefore considered that the proposal is not 'designated development' and Council is the consent authority in this instance.

2.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

Pursuant to Clause 3 of State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33) 'potentially hazardous industry' is defined as follows:

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'potentially hazardous industry' means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality.

- (a) to human health, life or property
- (b) to the biophysical environment.

and includes a hazardous industry and a hazardous storage establishment.

Hazardous storage establishment is defined at Clause 4 of SEPP 33 as follows:

'hazardous storage establishment' means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality.

- (a) to human health, life or property
- (b) to the biophysical environment.

Under this proposal, the materials stored on site would predominantly consist of recycled building materials as well as sand, aggregate, cement and concrete masonry units. None of these materials are considered hazardous. As mentioned earlier, the applicant has stated several times in the submitted environmental impact statement that asbestos will not be accepted, stored and processed at the site.

Potential emissions from the proposed operations include dust and noise. However, due to the use being undertaken within the confines of a masonry building, the presence of an existing acoustic wall and the installation of an internal dust suppression system, it is considered that the impact of operations would not have a significant impact on local amenity and are therefore not considered 'offensive'.

2.3 State Environmental Planning Policy No. 55— Remediation of Land

Pursuant to Clause 7 of State Environmental Planning Policy No. 55 — Remediation of Land (SEPP 55), the consent authority shall not provide consent to the carrying out of development unless it has considered contamination and remediation.

Relevant portions of Clause 7 state the following:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out
-

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- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Council was made aware that use of the site as a waste sorting and storage facility was undertaken prior to consent being granted. As such (and with the assistance of the EPA), an Order was issued to cease use of the premises. Further, the EPA also issued a 'Notice of Clean-Up Action' that required all potential contamination to be removed from the site.

On 11 March 2014, Council received written advice from an independent professional engaged by the tenant of the property that the site has been cleared of all asbestos containing material, which has been verified by a NATA accredited laboratory that tested soil samples taken from the site during a targeted survey.

The site is not considered to be contaminated and therefore, is not subject to further assessment via the requirements of SEPP 55.

2.4 Greater Metropolitan Regional Environmental Plan No. 2 — Georges River Catchment

Clause 9 of the Plan contains specific planning principles for various factors of urban development, which are considered briefly below:

Acid Sulphate Soils

The subject site does not contain acid sulphate soils.

Bank Disturbance

The proposed development will not result in any disturbance to the bank of the natural watercourse that flows to nearby Redfern Creek or Bunbury Curran Creek.

Flooding

The site is subject to inundation by flood waters. The pollution hazard of the industrial site being flooded must be considered by Council. The changes to ground levels across the site which may interfere with over land water flows is discussed later in this report.

Industrial Discharges

The proposed development is unlikely to result in any industrial discharges to land.

On-Site Sewage Management

The subject site has access to Sydney Water's reticulated sewerage system. No on-site sewage disposal is proposed.

River-Related Uses

The site does not extend to the foreshore of the Redfern Creek or Bunbury Curran Creek and accordingly, this issue is not relevant to the subject site.

Sewer Overflows

The proposed development is unlikely to result in significant sewerage discharge.

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Urban/Stormwater runoff

The application is considered satisfactory with regard to this issue as the addition to the site's operation would be carried out inside a building.

Urban Development Areas

Not relevant to the proposal.

Vegetated Buffer Areas

The proposed development provides for the maintenance of an 8m buffer to the natural vegetation separating the site from Henderson Road as well as the Main Southern Railway. This treatment is consistent with other similar localities/developments and is considered to be satisfactory. Further conditioning of the consent to ensure compliance with existing approvals on the site will also create additional landscaped vegetation buffer areas.

Water quality and River Flows

Subject to conditioning of the development consent with specific regard to storage or stockpiles, bunding of the factory building and a general 'clean-up' of the outdoor parts of the site, the proposal is not considered likely to have a significant impact on water quality.

Wetlands

Not relevant to the proposal.

Item 22 in Clause 11 of GMREP 2 provides specific planning controls for waste management facilities as follows:

A system is to be required to manage leachate surface controls on the land on which the waste management facility or works is or are proposed.

A site management plan is to be required for the land on which the waste management facility or works is or are proposed.

The likelihood of groundwater contamination.

The adequacy of the proposed leachate management system and surface water controls.

The long-term stability of the final landform and the adequacy of the site management plan.

In relation to the above matters it is noted that:

- All storage of raw material will take place within the factory building and recycling activities are to occur on hardstand areas also all located within the existing building. Accordingly, there is considered to be minimal to negligible risk of leaching of materials into the subsoil
 - The proposed development is unlikely to result in any ground and water contamination
 - Upon completion of the development, there are no operational characteristics which would give rise to land instability
-

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- The proposed development does not involve extraction of material; hence, there are no likely adverse impacts on the Georges River or its tributaries
- Soil and sediment controls already approved (yet not necessarily installed) would be adequate for this proposed additional development. No additional controls would be considered necessary. The storage area for empty bins would need to be drained to the existing sediment control system.

The proposal is therefore considered to be compliant with the GMREP, subject to conditions relating to the operation of the facility being implemented.

2.5 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 "industry" and is permissible with Council's development consent within the zone.

Under the CLEP, "industry" means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or articles for commercial purposes.

In this instance, the site would be used for the processing of goods for commercial purposes.

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.

Accordingly, the proposal is permissible at the site, with Council's consent and Council is able to approve the subject application should it deem appropriate to do so.

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

Council's SCDCP applies to the site and the relevant controls are discussed below:

Part 7.4 – Car Parking and Access

This Part of the SCDCP contains Council's controls for car parking and vehicular access at industrial sites.

The SCDCP requires that one car space be provided for every 100 square metres of floor area up to 2,000 square metres, and one space 250 square metres thereafter. The building proposed to be used for this development has an area of approximately 3,000 square metres, meaning that 14 spaces would be required.

Pursuant to the conditions and plans for Court-approved consent 336/2006/DA-DE (for the concrete batching plant), 73 car parking spaces are required to be constructed and made available for staff and visitors. Not all of the required spaces have yet been constructed, although it is considered that enough space would be provided across the site to enable parking for staff involved in both the batching plant and the waste reprocessing facility following completion of the car parking areas construction pursuant to the court approved consent.

The proposal provides for adequate space for trucks to manoeuvre within the building and around it so as to ensure that all vehicles can enter and leave the property in a forward direction.

Part 7.5 – Landscaping

This Part of the SCDCP contains Council's controls for landscaping of industrial sites. The site has not been landscaped in accordance with the conditions of the consent mentioned above. Further discussion on the means proposed to ensure compliance with relevant existing conditions of consent is undertaken later in this report.

Part 7.8 – Environmental Management

This Part of the SCDCP contains Council's controls for landscaping of industrial sites. Relevant portions of the Part detail Council's controls relating to noise, stormwater and drainage as well as air quality impacts. These matters are discussed in more detail later in the report, however, the proposal is considered to be complementary to the SCDCP's requirements.

3. Planning Assessment

Impacts on the Natural and Built Environment

Section 79C(1)(b) of the *EPA Act* requires Council to assess the development's potential impacts on the natural and built environment.

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The primary areas in which the development may have some impacts on its environment are detailed as follows:

3.1 Noise

The machinery within the building that would be used to separate and crush the demolition materials will emit noise. As such, the applicant undertook a detailed noise assessment using the latest computer modelling software available.

The noise model considered noise from the following sources:

- Trommel screens
- Bobcat
- Crusher and screen
- Excavator
- Wheeled loader.

The building currently has 11 metre high exterior concrete walls that would be likely to attenuate the noise. The boundary acoustic wall of five metres in height will further attenuate the noise emissions from the site in the direction of nearby residences.

The noise levels of the equipment proposed as part of the application have been sourced from previous similar operations assessed by the applicant.

Two scenarios were modelled:

- Doors of the building open
- Doors of the building closed.

Importantly, the noise predictions were made on the basis of a worst case scenario, with all equipment operating simultaneously (which is considered unlikely in practice). The noise predictions assumed that the activities of the approved concrete batching plant and concrete block manufacturing facility were also occurring at the same time.

The assessment was undertaken by adopting the noise contribution for these approved activities from the environmental impact statement submitted to Council with the previous application for the concrete batching plant and concrete products manufacture. As the approved activities have already been assessed and the noise limits agreed, there was no need to recalculate the noise levels of the concrete batching plant and concrete block manufacture. The noise limits from the batching and manufacturing plant have been set by a condition of consent in the Court's approval from 2006.

The EPA's 'Industrial Noise Policy' was also used to determine the acceptable levels of noise that could be generated at the site, noting the proposed hours of operation and the proximity of residential receivers.

The model detailed that the use of the site as proposed by the current application would not add a significant amount of noise to existing background levels, as well as those approved by the Court for the batching plant's operation. This result is largely attributable to three factors:

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- The processes are undertaken inside of a concrete building
- There are no doors or other openings that directly face nearby residential receivers to the east
- An acoustic abatement wall has already been constructed along the site's eastern boundary adjacent to the railway corridor.

According to the applicant, noise directly attributable to the waste transfer facility would not be noticeable to a resident. Further, the applicant also notes that noises associated with the proposed use are likely to be masked by other noises from the industrial estate and the general "hum" of traffic noise in the community.

As mentioned, the noise generated by the development falls within the limits set by the previous Court-issued approval at the site. Therefore, the proposal is not considered likely to have a significant and detrimental impact on the local environment in respect to noise created during the proposed operations. Recommended conditions of consent in Attachment No. 1 have been formulated to ensure that noise generated by the development is within the accepted limits.

3.2 Air quality

The applicant has undertaken detailed modelling of the proposal in accordance with the requirements of the EPA document "Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales" (DECC NSW 2005). This study identified all potential air emission sources on site, quantified the associated impacts by utilising an air dispersion model, and assessed the impacts and outcomes by comparing them with relevant legislation, standards and guidelines.

The following activities proposed for the site that may generate dust from site operations and activities include:

- Stockpiling demolition wastes
- Transferring materials for processing
- Crushing the waste into aggregates
- Screening the aggregates according to the particle size
- Blending aggregates to form materials that can be used in the concrete production.

No odour emission impacts are expected to occur, given that no green waste (other than timber) will be entering, generated, processed, or exiting the site. Treated pine would need to be removed from deposited demolition waste and disposed of at an appropriately licensed facility.

The main sources of dust emission include:

- Loading/unloading of materials
- Crushing and screening of demolition material
- Wind coming through the building
- Wheel movement along ground surfaces.

Dust mitigation controls for these processes were considered in the air dispersion modelling.

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The applicant's report concluded that the fact that the processes involved in the proposed use would be undertaken internally, would significantly reduce the potential for the proposal to impact on air quality. Incremental increases in the amount of deposited dust and suspended particulates in the nearby area resulting from the development would be negligible, provided certain operational controls are implemented. These are that doors to/from the building remain closed during operations (which would also assist with noise transmission) and that demolition waste and sorted masonry stockpiles are sprayed with water mist to form a crust that reduces the creation of dust during movement.

The assessment states:

The incremental results associated with the proposed waste transfer and recycling facility were very low and the significance in cumulative impacts was due the high level of PM₁₀ (fine particulates) in the existing environment. The proposed activity itself does not produced high level of air pollutants emission, when compared with the background air quality.

It is to be noted that the predicted results are derived based on Level 1 air impact assessment that takes into account worst-case meteorological conditions. The predicted results are therefore conservative.

The assessment made several recommendations to ensure that dust emanating from the proposed use would not create a significant impact. These are listed below and have been incorporated into recommended conditions of consent in attachment 1.

- All activities need to be conducted within the enclosed building with access doorways closed at all times excepting when used for entering or exiting the plant
- Water sprays would be needed to dampen the surface of the materials as these are processed. The surface of stock piles would also need to be kept damp even though these are located within the building
- Operational procedures need to be established to ensure appropriate storage of raw materials and correct operation of equipment within the capacity recommended by the manufacturers.

Having regard to the applicant's detailed assessment and the recommended conditions relating to air quality, the proposal is considered unlikely to have a significant and detrimental impact on the local environment.

3.3 Contamination

As mentioned earlier in the report, Council's officers, the EPA and WorkCover have previously attended the site following receipt of complaints relating to its unauthorised use. During these inspections, a significant quantity of asbestos containing material was discovered.

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The presence of asbestos-containing material at the site could be considered to be inconsistent with several declarations made throughout the applicant's environmental impact statement, which explains many times that no asbestos would be accepted and processed at the site. It is the case that the asbestos was accepted at the site, prior to this subject application being lodged for Council's consideration.

Various recommended conditions of consent in attachment 1 require that no asbestos, asbestos-containing material of any kind be accepted at the site at any time. The operators of the facility will be responsible for ensuring that this material does not arrive on-site. Random checks of the material at the site would also need to be undertaken by Council and/or a suitably qualified and independent industrial hygienist with regular reporting to ensure that receipt of this material does not occur.

Further, a recommended condition of consent also requires that a management plan be developed that deals with unexpected arrivals of asbestos (and other potential contaminants) so that staff at the facility are able to appropriately identify and secure potentially contaminating material.

3.4 Suitability of the Site.

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

The site is considered to be suitable, having regard to its location within an existing building and the industrial nature of nearby land uses. Transport access to the site is considered to be acceptable and existing noise control features would serve to reduce any impacts on residential areas.

One particular area of issue is the relationship of this current proposal with existing approved uses at the site. As mentioned at the commencement of this report, there are two existing consents that are considered 'active' at the site and it would be critical to ensure that those activities can operate from the same site, at the same time.

The approved uses are:

- Development Consent F/491/2002 – Erection of a truck workshop and office

This development consent relates to the construction of a building containing truck workshop bays, offices and amenities. The proposal also included the construction and use of several parts of the land for truck parking and other storage.

- Development Consent 336/2006/DA-DE – Construction of a concrete batching and masonry products manufacturing plant

This development relates to the construction of a large industrial building, construction and operation of a concrete batching plant and concrete products manufacturing facility within the approved building.

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The subject proposal would be located inside the building approved pursuant to consent 336/2006/DA-DE. Use of the site for the truck repairs has commenced and the building associated with the concrete batching plant and masonry manufacturing operation has been constructed, although Council's officers have been unable to ascertain whether or not the batching plant has commenced operation. It is noted that should the concrete batching activities commence, a portion of the recycled masonry aggregate created in the reprocessing of demolition waste may be reused in that complementary operation.

Two conflicts between the current proposal and the previous consents have been identified and are discussed below:

i. Use of a designated truck parking area for bin storage.

The subject application proposes use of an area external to the building to store empty skip bins. However, the same area is nominated as truck parking pursuant to the approved plans associated with Land and Environment Court-approved 336/2006/DA-DE.

Comment: A recommended condition of consent requires that all bins related to the waste processing facility be stored within the confines of the building so that the nominated spaces outside are made available for truck parking as per the requirements of the previously-issued consent.

ii. Use of the building for the waste transfer facility and masonry products manufacturing

The building presently located on the site and proposed for the subject use is also the site of the proposed concrete products manufacturing facility approved pursuant to consent 336/2006/DA-DE. As the areas nominated for each use are the same, it is not possible to co-locate each industry within the site.

Comment: A recommended condition of consent requires that development consent 336/2006/DA-DE be modified, so that the portion that relates to the concrete products manufacturing facility be rescinded, should the applicant wish to operate the subject waste transfer facility from the same building. The use would need to be rescinded pursuant to the requirements of Sections 80A(1)(b) and 80A(5) of the *Environmental Planning and Assessment Act 1979* and Clauses 97(1) and 97(2) of the *Environmental Planning and Assessment Regulation 2000*.

Further to these conflicts, the development site exhibits a relatively poor rate of compliance with other pertinent conditions of consent relating to the two previous approvals. This is considered an important issue because the physical relationship between the proposed development and existing development/activities on the land are inextricably linked. The non-compliances detected by Council include (but are not limited to) the following:

- Landscaping provision and maintenance
 - Car parking and truck parking provision
 - Outdoor storage of equipment
 - Noise and dust impacts
 - Appropriate treatment and finishing of easements to drain water that affect the site
-

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- Completion of building certification
- Completion of building construction
- Stormwater capture and disposal.

It is prudent to consider the site as a whole to ensure that the subject development can operate within the limits specified in the submitted documentation and so as to minimise any impacts on the nearby community and environment.

To this end, it is considered appropriate that should Council grant development consent, that it be issued with a 'deferred commencement' notation, so that use of the building is not possible until such time that certain conditions are met.

The conditions, detailed in attachment 1 of this report relate to rectifying the issues detailed above and would serve to provide Council with added surety that the use would operate in a responsible, compliant manner. The applicant would be provided with six months in which to complete the required amendments to the site to Council's satisfaction, failing which, the use of the site as a waste processing facility would not be permitted to commence and the consent would lapse.

Having regard to the above discussion, the site is considered to be suitable for the development, provided that certain conditions are imposed on its operation and ongoing management.

4. Public Participation

Section 79C(1)(d) of the *EPA Act* requires Council to consider submissions made in regard to the proposal.

Council publicly exhibited and notified the application directly to 176 land owners between 21 June 2013 and 26 July 2013. In addition, Council's officers consulted with the EPA regarding the proposal, although officers of the EPA advised Council verbally that the Authority did not have any comments as the volume of waste proposed to be processed did not reach the threshold at which it issues a licence to operate.

During the exhibition and notification period, two submissions in objection to the proposal were received. Both submissions were from residents of Gordon Avenue, Ingleburn.

The objections detailed the following concerns:

- the use of the site appears to have already commenced for waste sorting and processing
- the use may create noise
- the use may increase the number of trucks entering and leaving the area
- the use may create dust, which can impact on nearby residents' health
- the site may be used to handle asbestos.

In response, the following comments are provided:

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It is acknowledged that the use of the site commenced without Council's consent. The use has since ceased upon Council's direction and the site has been substantially cleaned of waste that was previously received.

The applicant's submission is that no asbestos would be accepted at the site. Council must take this on 'face value', however, conditions have been recommended that impose strict monitoring of incoming waste and ongoing monitoring of the site so as to ensure that asbestos containing materials are not processed.

The use would be contained inside the building, with water and doors used to minimise dust creation and noise would be controlled by the building and existing acoustic walls.

Truck traffic associated with the development is not considered likely to detrimentally impact on the local industrial road network or local residential amenity.

5. Conclusion

The development application to operate a waste processing and storage facility at No. 16 Kerr Road, Ingleburn has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

The development's impacts on the natural and built environment are considered to be relatively minimal, subject to the management of potential issues such as noise, dust control, incoming material detection and compliance with existing consents in operation at the site.

The site is considered to be suitable for the development, having regard to its proximity and complementary nature to the existing businesses operating at the site.

Objections to the proposal have been considered and responded to as part of this assessment.

With due reference to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised throughout the report, it is considered that the proposed development is satisfactory and should be approved subject to the recommended conditions contained in attachment 1.

Officer's Recommendation

1. That development application 1113/2013/DA-DE for the use of an existing building as a waste processing and storage facility at No. 16 Kerr Road, Ingleburn be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those who made a submission on the proposal be advised of Council's decision.

Committee's Recommendation: (Thompson/Rowell)

That a decision in this matter be deferred and the item be listed for an inspection.

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 6 May 2014 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 60

That the Committee's Recommendation be adopted.

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

Voting against the Council Resolution: nil

ATTACHMENT 1

Recommended Conditions of Consent

DEFERRED COMMENCEMENT

You are advised that the subject application has been granted a "Deferred Commencement" consent pursuant to Section 80(3) of the *Environmental Planning and Assessment Act 1979*.

The applicant has been given a period of six months in which to provide the required information to satisfy the matters as listed in Schedule "A". Upon the submission of such evidence and the applicant receiving written notification that Council is satisfied, then the consent shall become operative subject to compliance with conditions outlined in Schedule "B".

Should the required information not be provided in the time period nominated above, the deferred commencement consent shall lapse.

SCHEDULE A

The conditions of Schedule 'A' are set out as follows:

- i. The applicant shall undertake the following works pursuant to consent 336/2006/DA-DE:
 - complete building works, including the concrete floor within the building erected pursuant to that consent
 - construct the concrete vehicle parking and manoeuvring areas required in accordance with the approved plans and condition pursuant to that consent
 - prepare and establish landscape tree plantings that are required pursuant to that consent
 - provide the engineering detail and certification required in Condition 26A
 - remove all items of equipment and storage of other products outdoors of any building that is not permitted by way of development consent condition or approved plan
 - provide all required acoustic abatement structures
 - re-form and finish the easements to drain water that burden the property in accordance with the restrictions on the land registered pursuant to Section 88B of the *Conveyancing Act 1919*
 - remove graffiti from the acoustic wall constructed along the site's eastern boundary
-

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

- receive certification to occupy the subject building, pursuant to Part 4A, Division 1 of the *Environmental Planning and Assessment Act 1979* and relevant clauses of the Environmental Planning and Assessment Regulation 2000 or Sections 149A - 149E of the *Environmental Planning and Assessment Act 1979* and relevant clauses of the Environmental Planning and Assessment Regulation 2000.

The required works shall be completed to Council's written satisfaction.

Further, the applicant shall:

- receive written clearance certification from the NSW EPA that the 'Clean-Up Action Notice' issued in 2013 has been completed to the Authority's satisfaction.

SCHEDULE B

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, including the Environmental Impact Statement prepared by Benbow Environmental (ref. 110072_EIS-Final_rev2, released on 16 May 2013) except as modified in red ink by Council and any conditions within.

Drawing/Document No.	Prepared By	Date
110072_site_layout	Benbow Environmental	15 May 2013

2. Modification of Existing Consent

Prior to **any** operations commencing in relation to the subject development, development consent 336/2006/DA-DE shall be modified.

The modification shall be made in accordance with the requirements of Sections 80A(1)(b) and 80A(5) of the *Environmental Planning and Assessment Act 1979* and Clause 97(1) of the Environmental Planning and Environment Regulation 2000.

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

The modification shall be made:

- to amend the development description to remove reference to a 'masonry plant'
- to amend approved plan references to a 'masonry plant' or 'concrete factory'
- to amend references to a 'masonry plant' or 'concrete factory' in other conditions of consent.

The masonry production plant approved pursuant to consent 336/2006/DA-DE shall not proceed.

Should the applicant wish to pursue that activity on the site in the future, further development consent in relation to that specific use must be received prior to commencement of that undertaking.

3. Landscaping

Landscaping across the site shall be maintained in good order, regularly watered and fertilised in accordance with best practice guidelines for maintaining the health and vigour of the vegetation.

Dead or dying trees and shrubs shall be replaced.

The landscaping must be installed so as not to interfere with the drainage easements that burden the property.

4. Acceptable Waste

The materials acceptable to be received and processed at the site are as follows:

- demolition waste (including masonry products, metals, timber, glass and fibrous cement, associated plastics and remnant amounts of soil)
- scrap metals for sorting, storage and redistribution.

The waste transfer, reprocessing and storage facility shall at no time accept more than 15,000 tonnes of waste per calendar year, as determined from the date of operations commencing at the site.

Records of the mass of waste accepted at the site for processing shall be kept and made available to Council and the NSW EPA for inspection upon request.

This consent does not permit the acceptance, processing and storage of friable and non-friable asbestos-containing materials on the site at any time.

5. Inspection and Recording of Waste

The applicant shall establish and operate a management procedure for the inspection of waste to be delivered at the site prior to its dumping within the building for sorting. The inspection shall record the waste to be received and shall also be undertaken to determine if any contamination (such as friable or non-friable asbestos) is contained within the load. The mass of waste accepted shall also be recorded and a cumulative total be made available for inspection at Council's request at any time.

The management plan shall detail an 'unexpected finds protocol' should asbestos-containing material or other chemical contaminants be detected during the recorded inspection or after dumping within the building.

The protocol shall be developed to ensure the safety of workers and to ensure that the contaminants are appropriately gathered and removed as soon as possible from the reprocessing facility and dumped lawfully at an appropriately licensed facility.

Council may undertake inspections of the site and where appropriate, require the spot check of loads by an independent and suitably qualified industrial hygienist at the applicant's expense to ensure that no asbestos-containing material is being kept at the site.

6. Operational Environmental Management Plan

An Operation Environment Management Plan must be prepared to Council's written satisfaction and implemented prior to commencement of operation of the facility.

The Plan shall include, but not necessarily be limited to:

- identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the facility, including all consents, licences, approvals and consultations
 - a description of the roles and responsibilities for all relevant employees involved in the operation of the facility
 - overall environmental policies and principles to be applied to the operation of the facility
 - standards and performance measures to be applied to the facility, and a means by which environmental performance can be periodically reviewed and improved
 - management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent, including for example, door opening, waste checking, vehicle and bin storage.
-

7. Outdoor Storage and Operation

This consent does not permit or provide for the operation or storage of any goods or materials associated with the waste transfer and storage facility (including empty bins) outside of the building. All operations and storage must at all times be undertaken within the confines of the building.

8. 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 inside the building.
- d. all trucks entering and leaving the premises that are carrying loads must be sealed or covered at all times.

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.

9. Advertising Signs

This consent does not permit the erection or placement of any advertising signage at the site. A separate application must be made and consent granted by Council (where applicable) prior to any signs being placed on the land in relation to the waste transfer and storage facility.

10. 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.

11. 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.

12. 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.

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

13. 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.

14. Operating Hours

The use of the premises shall be limited to:

Monday to Friday	7.00am - 6.00pm
Saturday	7.00am - 4.00pm
Sunday	Closed

15. Noise

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.

Noise generated at the premises during the permitted operating hours must not exceed the noise limits presented in the table below. The noise limits represent the sound pressure level (noise) contribution at the nominated receiver locations in the table and include the concrete batching activities.

Receiver Identification	Predicted $L_{Aeq15minute}$ Noise Level	Combined Noise Level
2 Gordon Avenue	29	46
1 Redfern Street	27	40

To determine compliance with this condition, noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30 metres of the dwellings where the dwelling is more than 30 metres from the boundary to determine compliance with the $L_{Aeq(15\text{ minute})}$ noise limits. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

The noise emission limits apply under meteorological conditions of:

- wind speeds up to 3m/s at 10m above ground level; or
 - temperature inversion conditions of up to 3°C/100m and wind speeds up to 2m/s at 10m above ground level.
-

3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

In the event of a noise related issue 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 its satisfaction.

16. Air Quality

The development, including operation of vehicles, shall be conducted so as to avoid the generation of dust and cause no interference to adjoining or nearby occupants.

The applicant shall fit and operate high speed roller doors, with rapid opening and closing to each of the openings of the building in which the waste processing facility would be located. The doors shall be closed at all times during which the processing facility is being operated, except to allow for vehicle entry and exit.

In addition to the above, the applicant shall ensure that all reasonable means are undertaken to minimise the transference of dust from the site during operations.

The measures include but are not limited to the following:

- a) operate so that there is adequate water supply for dust suppression
- b) install and operate a water misting system that sprays water at a minimum rate of 0.5 litres per square meter of stockpile within the building during periods in which the stockpiles are being disturbed
- c) operate with an aim of preventing windblown dust from all sealed surfaces intended to carry vehicular traffic
- d) operate to suppress dust at transfer points and discharge to the material stockpiles
- e) operate to suppress dust during processing activities
- f) operate to suppress dust during front end loader activities at stockpiles or during loading operations.

17. WorkCover

At all times throughout the waste reprocessing and storage facility's operation, the applicant shall ensure that required work health and safety requirements as required by WorkCover and other agency standards are met. This may include hearing protection and the provision of personal protective equipment for staff and visitors.

18. Vehicle Washing

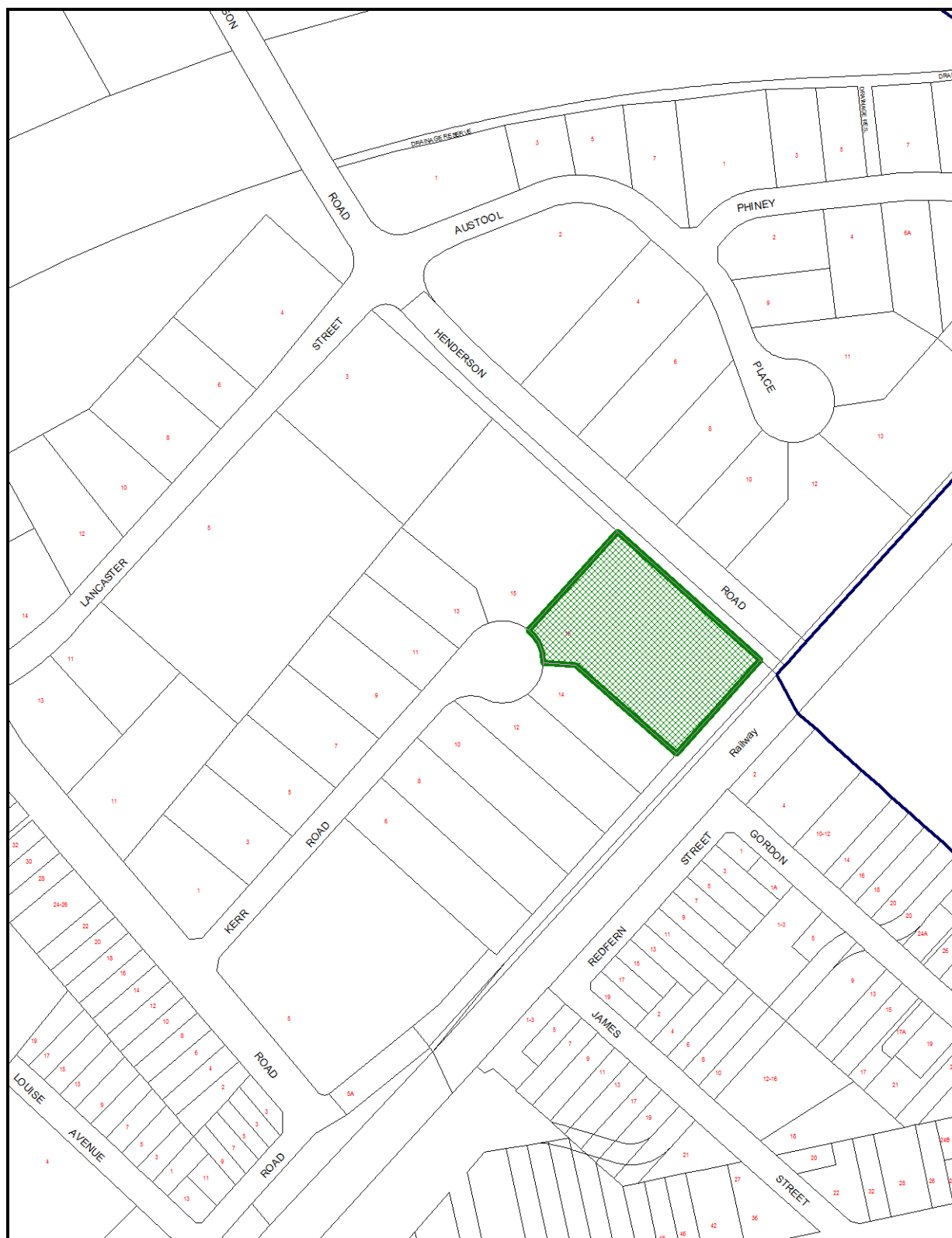
All vehicles leaving the site after delivering/dispatching materials must be subject to equipment or facilities to provide a cleaning process for the removal of materials from wheels and underneath the bodies of vehicles. The facilities must be designed and installed to:

- a. prevent materials being carried from the premises to external surfaces
- b. collect, treat and manage polluted water from any vehicle maintenance and truck wash areas in such a way that does not cause pollution of surface and ground waters.
- c. be connected to Sydney Water's sewer in accordance with its requirements.

END OF CONDITIONS

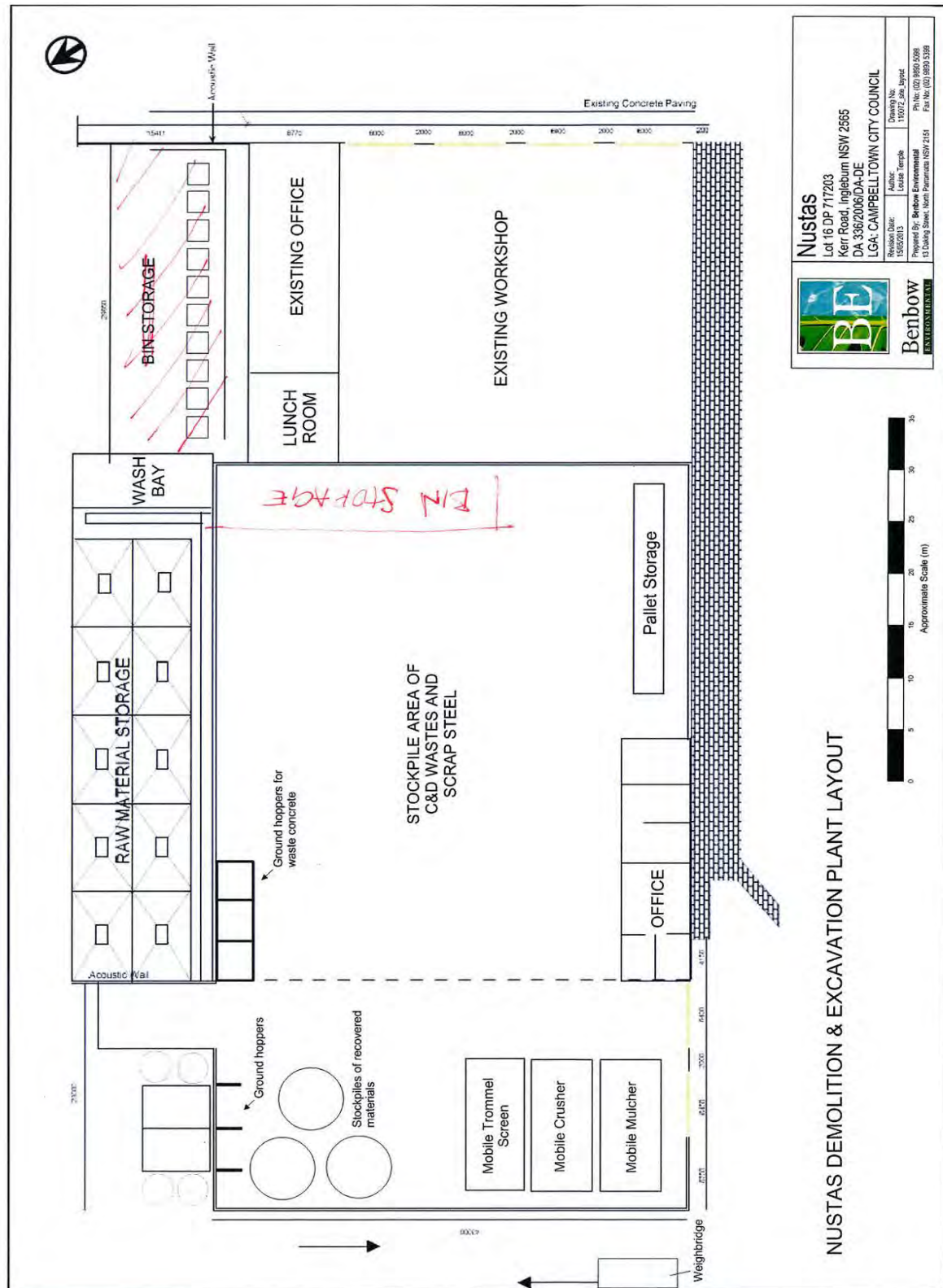
3.3 No. 16 Kerr Road, Ingleburn - Use Of An Existing Industrial Building As A Waste Processing And Storage Facility

ATTACHMENT 2



Locality Plan

ATTACHMENT 3



Floor Plan

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction of a studio above an existing garage

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Locality Plan (contained within this report)
3. Precinct Plan for Link Site DCP (contained within this report)
4. Floor Plans (confidential - for privacy reasons these are not available to the public)
5. Section Plan (contained within this report)
6. Elevation Plans (contained within this report)
7. Shadow Diagrams (contained within this report)
8. External finishes schedule (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* (EPA Act).

Property Description	Lot 407 DP 1107378 No. 5 Parc Guell Drive, Campbelltown
Application No	2097/2013/DA-M
Applicant	Accurate Design and Drafting
Owner	Mr Frank Herman Binder and Mrs Glynis Anne Binder
Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2022 Campbelltown (Sustainable City) Development Control Plan 2012 Campbelltown Development Control Plan No. 104 Campbelltown 2025 – Looking Forward Studio Housing – Second Occupancy Dwellings in Master Planned Estates 2007 Section 94A Development Contributions Plan
Date Received	10 October 2013

Report

Introduction

Council is in receipt of a development application proposing the construction of a studio over an existing rear double garage at No. 5 Parc Guell Drive, Campbelltown.

The land is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). An assessment of the proposed development against CLEP 2002 is contained later within this report.

The Site

The subject site, legally described as Lot 407 DP 1107378, is an irregular shaped allotment with a total area of approximately 521.5 square metres. The site has a primary frontage to the southern side of Parc Guell Drive of approximately 15.49 metres. The site is unique as it also has access to a rear double garage located at the cul-de-sac head on the northern end of Santana Road. The western boundary of the site adjoins a pedestrian access from Santana Road to Parc Guell Drive. The site also shares a rear property boundary with No. 14 and No. 16 Rizal Street, Campbelltown.

Development surrounding the subject site is predominately two storey and single storey detached dwellings. Parc Guell Drive is characterised by two storey dwelling and Santana Road is predominately single storey detached dwellings. Rizal Street is predominately two storey detached dwellings. Immediately to the west of the site is a two and three storey residential flat building.

The Proposal

The development application proposes the construction of a studio over an existing rear double garage.

A description of the proposed building and works proposed is as follows:

- 35 square metre studio comprising of a kitchenette and bathroom facilities
- Access provided by stairs located on the southern side of the existing garage from Santana Road
- Privacy screen 1,600mm high along the access stairs and landing
- East facing kitchen window located 1,705mm above floor level
- North facing bathroom window constructed using obscure glass
- Two west facing windows 1,600mm x 1,900mm

Materials and finishes would match the existing garage structure.

Vehicular access to the existing garage would be maintained.

Assessment

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

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 proposed development is most consistent with the following strategic direction:

- Growing the Regional City.

The strategic direction aims to encourage ongoing investment by the private and public sectors to assure the longer term sustainability of high order retail, commercial, community education and cultural amenities, and job growth within the Campbelltown Regional City Centre.

The development is considered to contribute to the growth of the regional population by way of providing housing opportunities located at key points within the Region. The provision of a variety of housing types within the Region allows for variation in the appearance of and density of development within residential areas to cater for family units of various sizes, and living arrangements.

Relevant desired outcomes of the strategic directions 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.
-

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

The proposed studio above the existing garage is consistent with desired outcomes within Campbelltown 2025 specifically in relation to supporting the growth of the regional population. It is considered to contribute positively to the long term sustainability of the Region, and as such is to be considered favourably, subject to the result of assessment under Section 79C of the *Environmental Planning and Assessment Act 1979*.

2. Planning Provisions

Section 79C(1)(a) of the *EPA Act* requires Council to consider environmental planning instruments and development control plans that apply to the site.

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

An application for development consent in relation to residential development must be accompanied by a list of commitments set out in a BASIX certificate with regard to the proposed development. Accordingly, the applicant has submitted the required BASIX Certificate (Certificate No. 538338S) and has shown the appropriate measures on the architectural plans.

2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10(a) – Regional Comprehensive Centre under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as ‘dual occupancy’ and is permissible with Council’s development consent. A dual occupancy is defined as per the following:

‘Dual occupancy means two dwellings on the same lot.’

It is considered the proposed studio falls within the definition of a ‘dual occupancy’ as stated in CLEP 2002.

The objective of the 10(a) – Regional Comprehensive Centre, of relevance to the proposed development are:

- (f) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations which are accessible to public transport, employment, retail, commercial and service facilities.

Except as otherwise provided by CLEP 2002, Council as the consent authority, must grant consent for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

The proposed studio construction would contribute towards a variety of higher density housing in a location that is accessible to public transport, employment, retail, commercial and service facilities. In this regard, the application is for a permissible studio construction in a higher density living area.

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

Accordingly, it is considered that the development is consistent with the relevant zone objective and Council can grant consent to the proposed development should it deem appropriate to do so.

2.3 Campbelltown (Sustainable City) Development Control Plan 2012

Campbelltown (Sustainable City) Development Control Plan (SCDCP) does not apply to the site as there is a site specific development control plan for Park Central, however it is considered relevant to assess the proposed development against the aims of the SCDCP as follows:

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

It is considered that the development is generally consistent with several of the relevant aims of the SCDCP, particularly providing for a variety of housing choices within the City of Campbelltown.

2.4 Campbelltown Development Control Plan (DCP) No. 104

Development Control Plan No. 104 – Campbelltown Link Site (DCP 104) came into force on 9 January 2002 and applies to the whole of the Link Site. The objectives of the DCP are:

- a) To allow for a variety of land uses and building types including open space, residential, mixed uses, commercial and aged persons housing within appropriate identified precincts
 - b) To ensure a minimum neighbourhood dwelling density of 30 dwellings per hectare of total residential precincts is achieved through the provision of a mixture of dwelling types and building configurations
-

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

- c) To ensure building design demonstrates architectural merit and comprises high quality materials and finishes
- d) To create a place that serves and inspires present generations without compromising future generations through the utilisation of ecologically sustainable design practices
- e) To provide opportunities to a range of transport nodes
- f) To provide for increased housing densities in close proximity to transport nodes and civic precincts, in accordance with State Government Policies and Council's Housing Strategy
- g) To capitalise on the Link Site's location and distinctive features to create a high quality urban environment which offers a range of housing, employment and recreational opportunities.

The proposed development complies with a number of the objectives of DCP 104, in particular by allowing for a variety of building types and allowing for increased housing densities in close proximity to transport nodes. It is considered that the proposed development would not compromise the overall objectives of DCP 104.

The subject site falls within the Entry Avenue Precinct, which is designed to create a unique sense of arrival to the Link site through building form and streetscape pattern. The objectives of this precinct are:

- To promote hard edge building design which complements the street layout and landscape characteristics to create functional and aesthetic gateways to the site
- To provide a variety of medium density housing to meet the changing demand for housing in the Campbelltown Area and the requirements of Council's Housing Strategy
- To provide opportunities for residential-mixed use development in close proximity to the special commercial and business commercial precincts.

The proposed development complies with these precinct objectives as it maintains the existing streetscape of Parc Guell Drive.

Overall, it is considered that the proposed development would not compromise the overall objectives of DCP 104.

Design Guidelines

Specific controls in relation to design, massing and setbacks have been provided for proposed developments within the Entry Avenue Precinct by DCP 104. The proposed development has been assessed against these guidelines and the responses are detailed below:

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

Design Guideline	Assessment
Allotment size Minimum 390 square metres.	The subject site has an area of 521.5 square metres.
Site Frontage Minimum 7.5 metres.	The subject site has a frontage of 15.49 metres to Parc Guell Drive.
Site Coverage Site coverage maximum of 65%.	The proposal would not alter the existing site coverage.
Design and Massing Street elevations to be formal, continuous and uniform in massing with architectural detailing to provide for variety in the design. Strong building frontage with projecting balconies and clearly defined entries.	The proposed development would be located in the rear of the subject site and would not alter the existing streetscape of Parc Guell Drive.
Private Open Space Minimum 20% of the site area of each allotment with minimum dimension of 4.0 metres x 4.0 metres.	The proposed studio construction would not alter the existing private open space dimensions.
Car Parking Car parking is to be provided at the rear of the dwelling for all lots with rear street access.	The proposed development would not alter the existing car parking facilities of the subject site.
Setbacks Front: 2.5 metres applies to all buildings with 1.5 metres setback for indentations. Side: Maximum 1.5 metres for all buildings. Rear: Minimum 3.0 metres.	The proposal would maintain the existing front setback. The proposal would maintain the existing side setback. The existing rear setback would be maintained.

The proposed development complies with the Design Guidelines for the Entry Avenue Precinct.

2.5 Council Report – Studio Housing – Second Dwellings in Master Planned Estates 2007

‘Studio Housing – Second Dwellings in Master Planned Estates 2007’, was prepared to provide guidance to Council, developers and the community regarding studio housing development in master-planned estates. The report details various forms of studio housing which includes:

1. Type 1 – Studio room(s) above garage (no subdivision)
2. Type 2 – Studio apartments above garage (on separate Strata title)
3. Type 3 – Studio apartment above principal dwelling (on separate Strata title).

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

The proposal proposes to construct a Type 1 studio. A type 1 studio means:

‘A room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as either a detached part of the dwelling house on the land, or as a separate secondary domicile on the land, which is located above a garage, car port or the like, but is not intended to, or capable of being separately subdivided from the principal dwelling house on the land.’

Development Standards for Type 1 Studio – Studio room(s) above garage (no subdivision)

		Studio Housing - Second Dwellings in Master Planned Estates	
Control	Proposed	Requirement	Complies
Floor Area of Studio (excluding balcony, car space and stairs)	35 square metres.	No minimum floor area Maximum floor area = 50m ²	Yes
On Site Car Parking for Studio	An additional parking space would not be provided.	No additional car parking space required.	Yes
Private Open Space for Studio	The provision of separate private open space would not be provided.	No separate private open space to be provided for studio.	Yes
Location of Studio	The proposed studio would be located above the existing rear garage.	Studio to be located above the garage, carport or like structure for the principal dwelling on the land.	Yes
Subdivision of Studio	Subdivision does not form part of the development application.	No subdivision of studio from principal dwelling on the land.	Yes
Access to Studio	The proposed studio would have direct access from the secondary street.	The studio shall not have separate direct access to a street or private access way.	No. See below for discussion.
Services and Facilities for Studio	No separate services or provision of separate on-site garbage storage are proposed.	No separate services or facilities required for studio.	Yes

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

		Studio Housing - Second Dwellings in Master Planned Estates	
Control	Proposed	Requirement	Complies
Privacy for Studio	The location of the access stairs and the location of the windows do not impact upon the privacy of any neighbouring dwellings. The proposed windows facing the secondary street frontage promotes casual surveillance of the public domain.	Location of windows, doors and balcony of studio not to impact upon privacy of any dwelling on an adjoining allotment.	Yes

The proposed development generally complies with the Development Standards except as detailed below:

Access to Studio

The existing rear garage has direct access from the secondary street. Access to the proposed studio from Santana Road is considered acceptable in this case as the subject site has existing vehicular access from the secondary street. There are also numerous examples of studios facing the street, particularly in Joubert Lane where all studios are directly accessible from the lane. Furthermore, the proposed studio introduces an interesting streetscape element which is visually compatible within the streetscape context and also promotes passive surveillance of the public domain, particularly the pedestrian access from Santana Road to Parc Guell Drive. It is also considered that the proposal provides for increased housing density in close proximity to transport nodes, as well as adding to the offer of a range of housing opportunities in accordance with the objectives of the DCP. In the circumstances of this case, access to the studio via the secondary street is considered acceptable.

2.6 Section 94A Development Contributions Plan

The estimated cost of the complete development is \$50,000. As the proposed works are less than \$100,000, Section 94A Development Contributions do not apply to the proposal.

3. Planning Assessment

Built Form and Character

The proposed studio addition to the existing double garage is similar in form and massing to adjoining development and is considered to integrate into the streetscape.

Privacy

The location of the access stairs would not impact upon the privacy of neighbouring properties. The proposal includes the construction of a 1,600mm high privacy screen along the access stairs and landing which would minimise any potential overlooking opportunities.

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

The eastern facing kitchen window would be constructed 1,705mm above the floor level of the studio addition and provide amenity for the resident whilst minimising potential overlooking opportunities.

The north facing bathroom window would face the rear of the principal dwelling and be constructed using obscure glass.

The orientation of the proposed windows facing Santana Road and the pedestrian access way would provide natural surveillance of the public domain. The position of these windows would not significantly increase the potential amount of overlooking that the nearby residential apartment building is currently subject to from the public domain.

Overshadowing

Shadow diagrams were submitted with the development application. The proposed first floor studio would not have any significant adverse overshadowing implications for the adjoining properties, namely No. 16 Rizal Street, No. 14 Rizal Street and No. 7 Parc Guell Drive, Campbelltown. No. 16 Rizal Street would experience minimal overshadowing of the north eastern corner of the rear yard between 9.00am and 12.00pm. No. 14 Rizal Street would be minimally overshadowed from 12.00pm to 3.00pm. No. 7 Parc Guell Drive would experience minimal overshadowing in the south western portion of the rear yard between 12.00pm and 3.00pm. From the shadow diagrams, there does not appear to be any overshadowing to any of the windows, including north facing windows, of the adjoining properties.

The proposed development would not impact the affected properties from receiving three hours of continuous sunlight at winter solstice. As such the minimal overshadowing impacts are considered satisfactory.

4. Public Participation

Section 79C(1)(d) of the *EPA Act* requires Council to consider submissions made with regard to the proposal.

The proposed development was notified to 29 adjoining and nearby land owners in accordance with the provisions of Development Control Plan No. 87 – Public Notification and Public Exhibition Policy for a period of 14 days from 8 October to 22 October 2014.

Council received seven written submissions of objection in relation to the proposed development. It is noted that three of the seven written submissions are identical. A petition with 15 signatures was also received. The petition does not state reasons for objection, rather the opposition of the progression of the proposal. It is also noted that three of the signatories also submitted separate written objections to the development.

A discussion of the matters raised in the submissions is provided below:

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

a. The proposal is not in keeping with the single storey residences on Santana Avenue

Comment: Under the Campbelltown Link Site DCP 104 the subject site is within the Entry Avenue Precinct. The single storey residences fronting Santana Avenue are within Rolling Green Precinct which subsequently has different objectives and design guidelines. Furthermore, the bulk and scale of the studio addition would be in keeping with the scale of other existing development located within the immediate surrounding development.

b. The proposal would promote overlooking to adjoining properties

Comment: The proposal includes the construction of a 1,600mm high privacy screen along the access stairs and landing which would minimise any potential overlooking opportunities. The eastern facing kitchen window would be constructed 1,705mm above floor level and provide amenity for the resident and minimise any overlooking opportunities. The north facing bathroom window would face the rear of the principal dwelling and be constructed using obscure glass.

The two west facing windows to the main studio living area would provide natural surveillance of the public domain, particularly the pedestrian access from Santana Road to Parc Guell Drive. The position of these windows would not significantly increase the potential amount of overlooking that the residential apartment is currently subject to from the public domain.

c. The proposal would result in overshadowing of adjoining properties

Comment: Shadow diagrams were submitted with the development application. From the shadow diagrams there does not appear to be any overshadowing to any of the windows, including north facing windows, of the adjoining properties. Furthermore, the proposed development would not impact the affected properties from receiving three hours of continuous sunlight at winter solstice. As such, the overshadowing impacts are considered satisfactory.

d. The proposal would be an 'eyesore'

Comment: A schedule of proposed materials, colours and finishes was submitted with the development application. The studio construction would be constructed of materials and finishes to match the existing high quality finish of the garage structure. Also, the studio addition would be similar in form and massing to adjoining development and is considered to integrate into the streetscape.

e. Increased density of people and traffic

Comment: The proposal is for the construction of a small 35 square metre studio. The resultant increase in numbers of residence and traffic generation would be minimal and would not result in a significant adverse impact on the surrounding road network.

f. The proposal would affectively turn the building(s) into a boarding house

Comment: There is no evidence to suggest the site is being used or intended to be used as a 'boarding house'. The proposal is for a small 35 square metre studio above an existing rear garage which would not result in the site becoming a 'boarding house'. Furthermore, the subject site is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002) and a boarding house is not a prohibited land use with development consent from Council.

5. Conclusion

The development application proposing to construct a studio over an existing garage at No. 5 Parc Guell Drive, Campbelltown has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

The subject site is zoned 10(a) – Regional Comprehensive Centre under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 and satisfies the zoning objectives by providing a variety of higher density housing in a location that is accessible to public transport, employment, retail, commercial and service facilities. In this regard, the application is for a permissible studio construction in a higher density living area.

The site is considered to be suitable for the proposed development as it is consistent with DCP 104 objectives particularly by providing a variety of building types and allowing for increased housing densities in close proximity to transport nodes. The proposal is also considered to be consistent with strategic vision of Campbelltown 2025 – Looking Forward. The development is considered to contribute to the strategic direction of growing the regional city by supporting population growth by way of providing varied housing opportunities.

Privacy and overshadowing considerations have been key planning issues included in the assessment of the proposed studio. It is considered that the privacy of neighbouring properties would be minimally impacted due to the incorporation of a privacy screen along the access stairs and landing and the east facing kitchen window constructed 1705mm above the floor level. It is also considered that the proposed development would not prevent the adjoining properties from receiving three hours of continuous sunlight at winter solstice. As such, the privacy and overshadowing impacts are considered satisfactory.

With due reference to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and the issues raised throughout the report, it is considered that the proposed development is satisfactory and should be approved subject to the recommended conditions contained in Attachment 1.

Officer's Recommendation

1. That development application 2097/2013/DA-M for the construction of a studio over an existing garage at No. 5 Parc Guell Drive, Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those who made a submission on the proposal be advised of Council's decision.

Committee Meeting 29 April 2014

Committee Note: Mr Connolly and Mr Horan addressed the meeting.

Committee's Recommendation: (Kolkman/Mead)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation were Councillors: Lound and Thompson.

Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Amendment: (Borg/Lound)

That a decision in this matter be deferred and the item be listed for an inspection.

Council Resolution Minute Number 61

That the above amendment be adopted.

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

Voting against the Amendment: nil

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Plans prepared by Accurate Design and Drafting (Job: Proposed Additions & Alterations)

Drawing Name	Sheet No.	Issue	Date
Floor Plan	1	G	25 March 2014
Elevations	2	G	25 March 2014
Section A-A & Site Plan	3	G	25 March 2014
Shadow Diagram	4	G	25 March 2014
Drainage Plan	5	G	25 March 2014
Existing Floor Plan	6	G	25 March 2014

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. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation
 - b. To the erection of a temporary building.
-

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio
Above An Existing Garage

4. Notification of *Home Building Act 1989* Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

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. Privacy Screen

A minimum 1,600mm high privacy screen must be erected along the access stairs and landing to the studio to ensure reasonable privacy for the adjoining properties on Rizal Street, Campbelltown. The privacy screen must be permanently fixed and made of durable materials to withstand outdoor exposure.

7. 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.

8. 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.
-

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.

9. 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
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

10. 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.

11. 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.

12. 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:

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

- 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.

13. 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
- 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.

14. 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.

15. 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.

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio
Above An Existing Garage

16. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW WorkCover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW WorkCover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

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.

22. 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.

23. 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".

24. 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.

25. 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.

26. 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.

27. Council Fees and Charges

Prior to the principal certifying authority issuing a 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.

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. Smoke Alarms

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 5. 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 6. 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 7. Adjustment to Public Utilities

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

Advice 8. 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 WorkCover 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 WorkCover Asbestos and Demolition Team on 8260 5885.

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 ON CONDITIONS

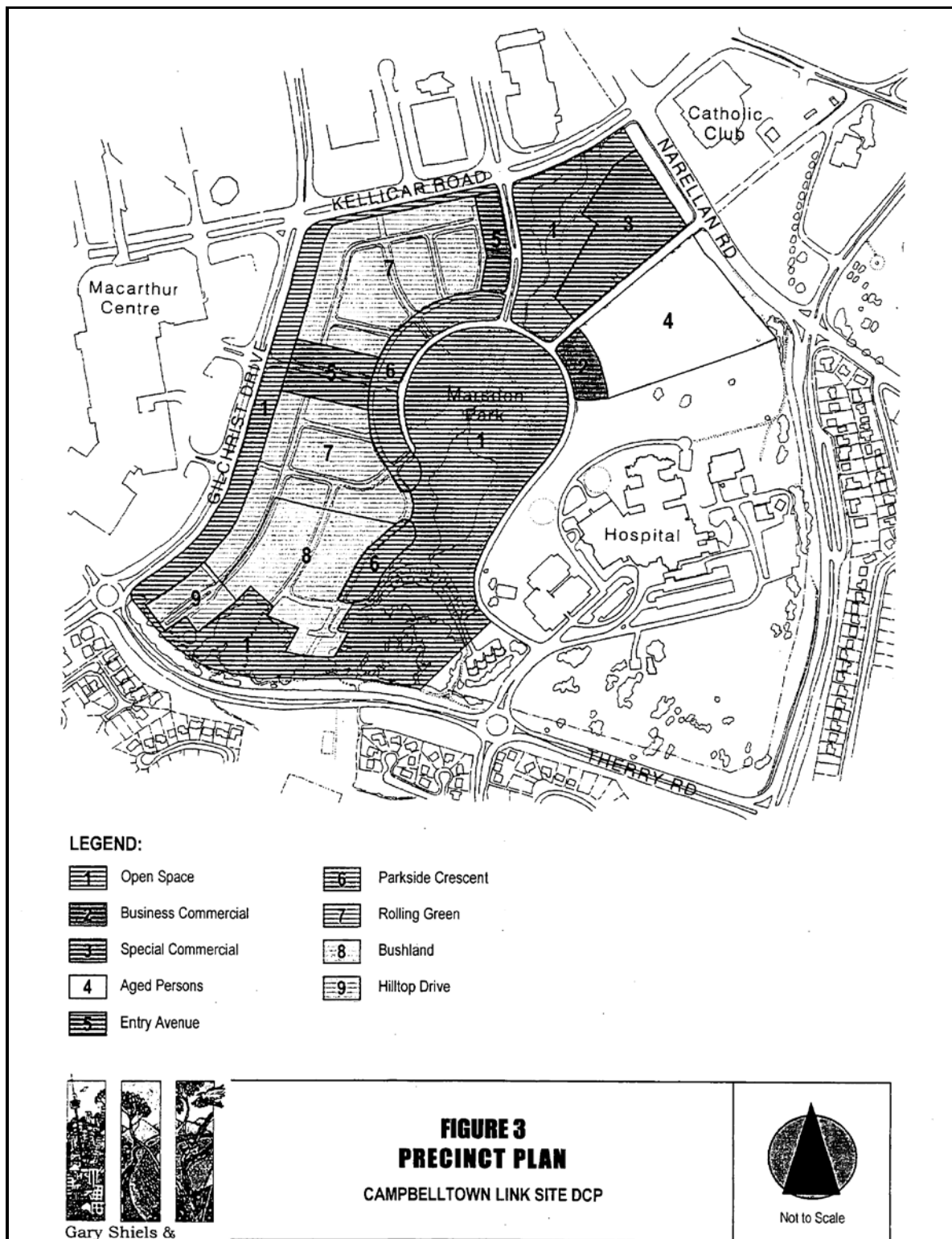
3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

ATTACHMENT 2



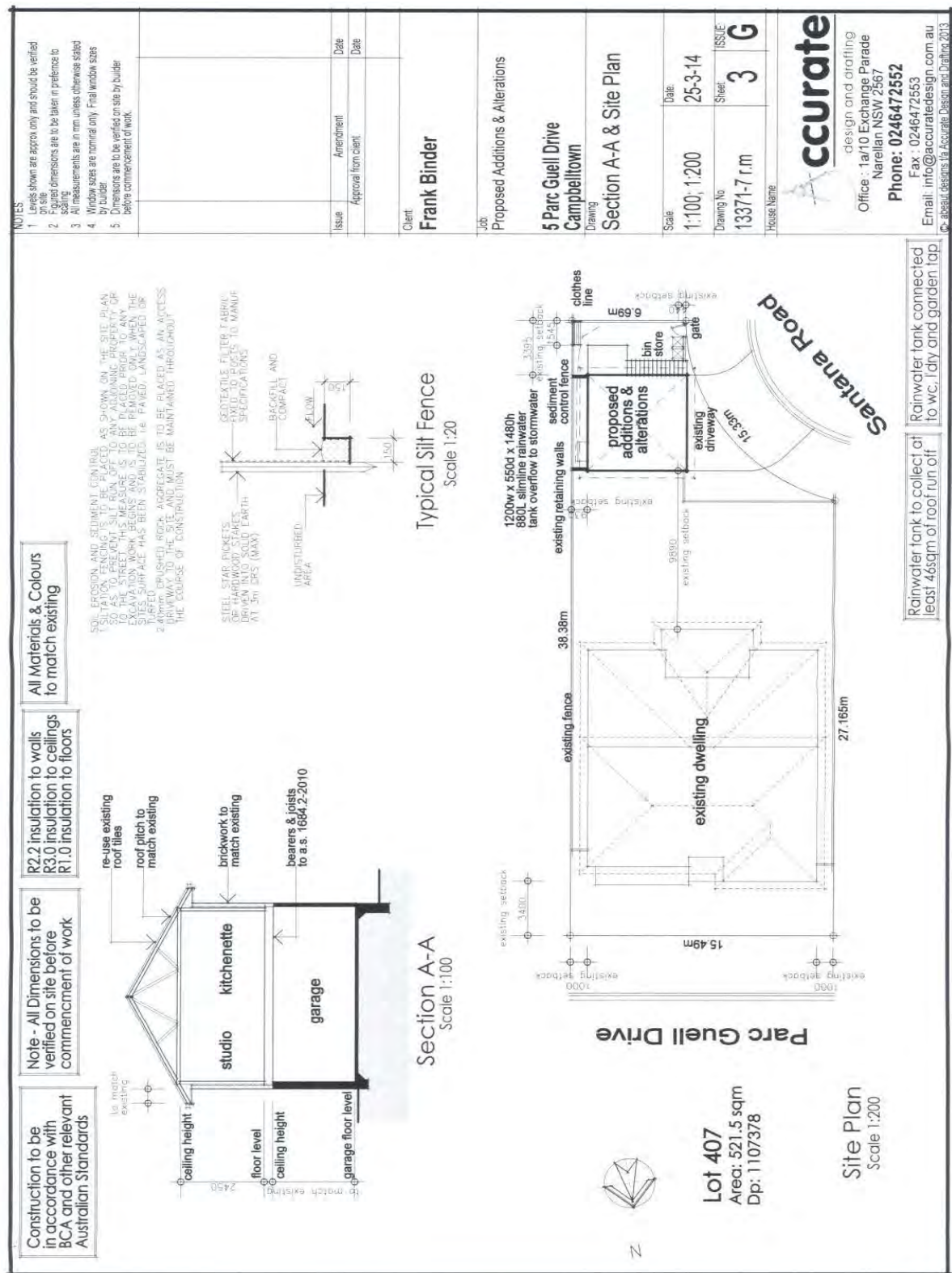
Locality Plan

ATTACHMENT 3



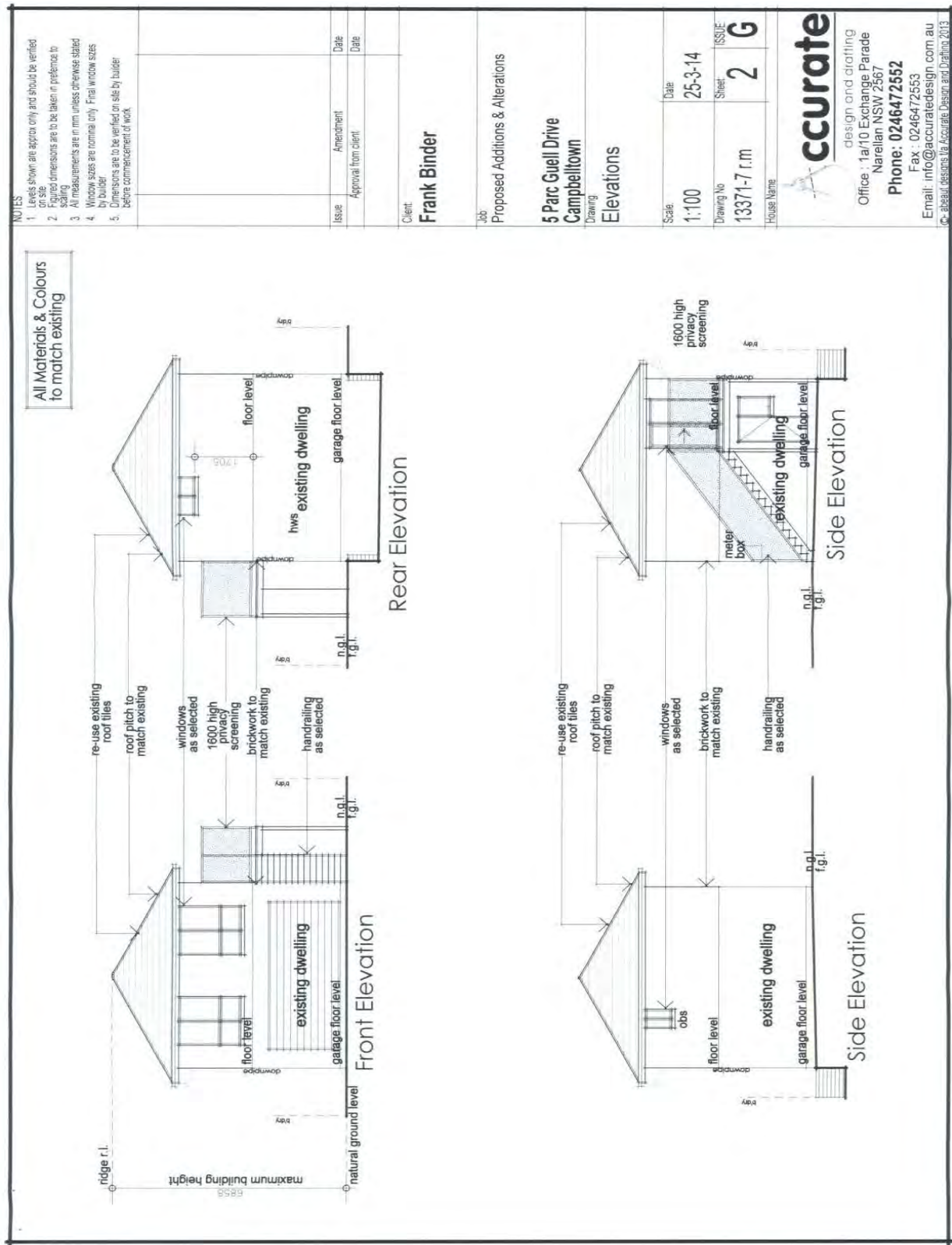
Precinct Plan for Link Site DCP

ATTACHMENT 5



Section plan

ATTACHMENT 6



1600 high privacy screening

downslope

floor level

garage floor level

existing dwelling

hwy

Notes

1. Levels shown are approx only and should be verified on site

2. Fitted dimensions are to be taken in preference to scaling

3. All measurements are in mm unless otherwise stated

4. Window sizes are nominal only. Final window sizes by builder

5. Dimensions are to be verified on site by builder before commencement of work

Issue

Amendment

Date

Approval from client

Date

Client

Frank Binder

Job

Proposed Additions & Alterations

5 Parc Guell Drive

Campbelltown

Drawing

Elevations

Scale

1:100

Date

25-3-14

Drawing No

13371-7.m

Sheet

2

Issue

G

House Name

ccurate

design and drafting

Office : 1a/10 Exchange Parade

Narellan NSW 2567

Phone : 0246472552

Fax : 0246472553

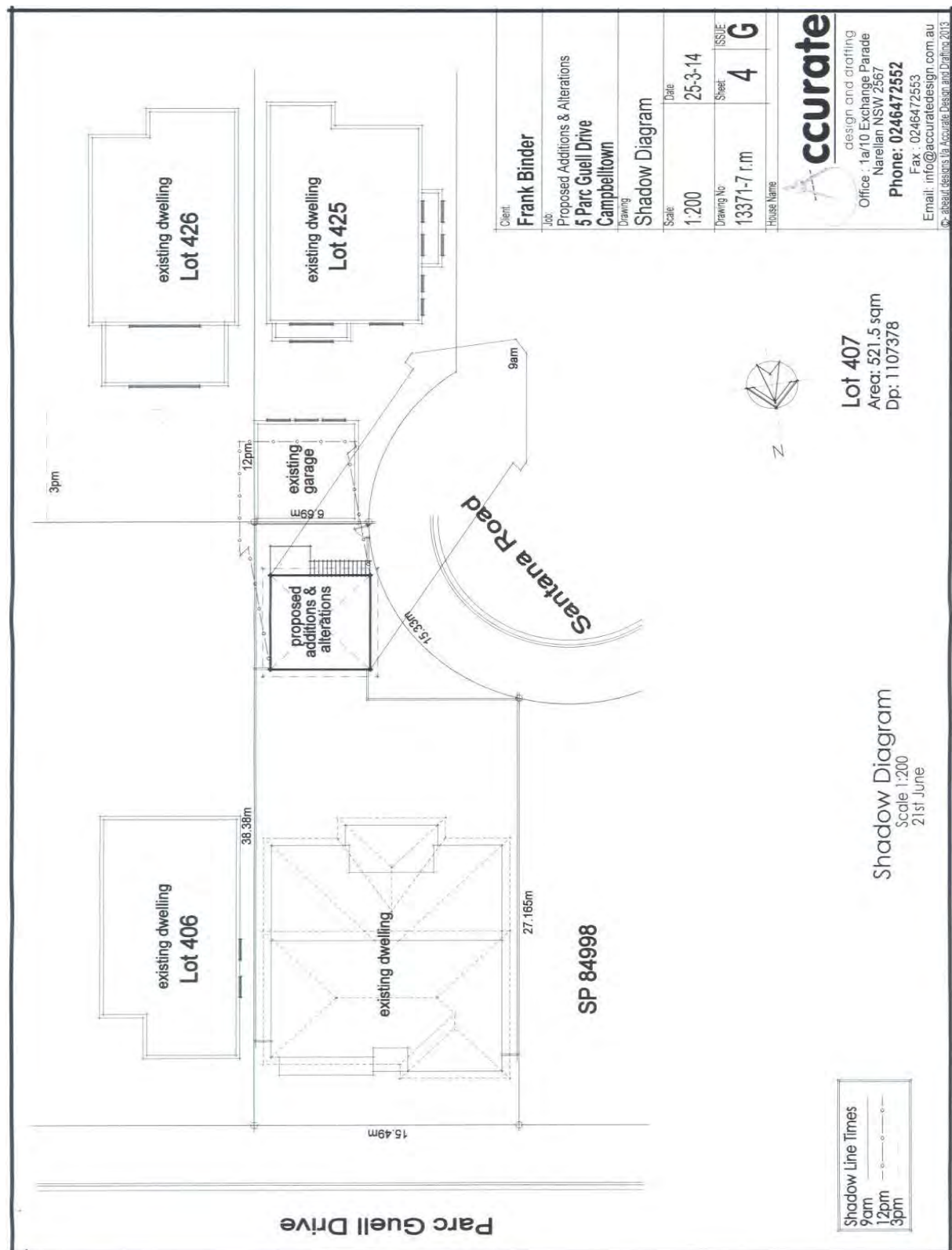
Email: info@accuratedesign.com.au

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Elevation plans

3.4 Lot 407 DP1107378 No. 5 Parc Guell Drive, Campbelltown - Construction Of A Studio Above An Existing Garage

ATTACHMENT 7



Shadow diagrams

ATTACHMENT 8

NOTES

- 1. Levels shown are approx only and should be verified on site.
- 2. Figured dimensions are to be taken in preference to scaling.
- 3. All measurements are in mm unless otherwise stated.
- 4. Window sizes are nominal only. Final window sizes by builder.
- 5. Dimensions are to be verified on site by builder before commencement of work.

All Materials & Colours to match existing

Bricks
Carlisle - To match existing

Garage Door
Classic Cream - To be retained

Windows
Classic Cream

Fascia
Classic Cream
Re-Use where possible

Privacy Screen
Classic Cream

Roof Tiles
Charcoal
Re-use Existing Tiles

Driveway
Charcoal
Existing

Downpipes
Monument

Gutter
Monument
Re-Use where possible

Scale	1:100	Date	25-3-14
Drawing No.	13371-7 r.m	Sheet	7
ISSUE	G		

House Name

design and drafting
Office: 1a/10 Exchange Parade
Narellan NSW 2567
Phone: 0246472552
Fax: 0246472553
Email: info@accuratedesign.com.au

External Color Selections

© Accurate Design and Drafting 2013

External finishes schedule

3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition of existing structures and construction of a six storey residential apartment building comprising 80 apartments and two basement car parking levels

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of development consent
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Basement plans (contained within this report)
5. Floor plans (confidential – for privacy reasons these are not available to the public)
6. Elevations (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* (EPA Act).

Property Description	Lots 53-55 DP 7496, Nos. 30-34 Chamberlain Street, Campbelltown
Application No	813/2013/DA-RA
Applicant	Designcorp Australia Pty Ltd
Owner	Ms Lingfang Huang and Mr Stanley L Yu
Provisions	State Environmental Planning Policy 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002
Other provisions	Campbelltown Development Control Plan No. 87 - Public Notification and Public Exhibition Policy Campbelltown (Sustainable City) Development Control Plan 2009 Residential Flat Design Code (RFDC) Campbelltown 2025 - Looking Forward
Date Received	15 April 2013

3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

Report

This application proposes the demolition of existing structures and construction of a six storey residential apartment building comprising 80 apartments and two basement car parking levels at Nos. 30-34 Chamberlain Street Campbelltown.

The proposed residential apartment building would contain four one-bedroom apartments, 67 two-bedroom apartments and nine three-bedroom apartments. It would contain an activities room and a communal open space area at ground level.

The subject site consists of three allotments with a total area of 2,811m². Two of the allotments contain single storey dwellings, while one allotment contains single storey brick townhouses. The allotments are orientated in a north-easterly to south-westerly direction.

The site is adjoined to the north and east by single dwellings, to the south by a single-storey childcare centre, and to the west across Chamberlain Street by a six-storey mixed-use residential and commercial building.

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 directions relevant to this application are:

- growing the Regional City
- creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic directions as the proposal would provide well-located higher density housing that would enable the Regional City to grow as well as providing employment opportunities within the construction industry.

3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

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
- development and land use that matches environmental capacity and capability.

The development is consistent with desired outcomes within Campbelltown 2025 specifically in relation to providing a development that is functional and of a high quality design, and one that matches the environmental capacity and capability of the site.

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.

1. State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

SEPP 65 applies to the proposed residential flat building, and accordingly, the application has been assessed against this SEPP.

Part 4 of the SEPP states that a development application that relates to residential flat development must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:

- (a) that he or she designed, or directed the design, of the residential flat development, and
- (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

This certification has been provided by Mr Joe El-Sabbagh of DesignCorp.

Part 2 of the SEPP outlines 10 design quality principles that apply to residential flat development. Under the SEPP, the qualified designer must verify that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development. The qualified designer Mr El-Sabbagh of DesignCorp has provided such verification. An assessment of the application against the design principles by Mr El Sabbagh is presented below:

3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

Principle One: Context	Response
<p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>Existing single storey residences are found within close proximity to the site, as well as some recently constructed residential flat buildings/mixed-use developments. The area is undergoing transition from a low density residential area to a high density residential area.</p> <p>The proposed development is consistent with the emerging character of residential flat building developments within the immediate vicinity.</p>
Principle Two: Scale	Response
<p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The precinct is currently undergoing transition from single storey dwellings to multi-storey residential apartments. The height of the apartment building opposite the site is 6 storeys, as are several approved apartment buildings in the vicinity of the site.</p>
Principle Three: Built Form	Response
<p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Appropriate design measures have been employed to modulate the facades of the building, such as the incorporation of balconies, which permit recessed building facades and articulate the building facade.</p> <p>Building elements are clearly identified by distinctive selection of materials and colours.</p> <p>The low parapet scale and horizontal form limits the overall bulk of the built form.</p>
Principle Four : Density	Response
<p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The density of the proposed development is consistent with that envisaged by the applicable DCP planning controls</p>

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Principle Five : Resource, Energy and Water Efficiency	Response
<p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water</p>	<p>The proposed development is compliant with the requirements of BASIX in terms of water and energy efficiency and thermal comfort.</p> <p>The building has been configured so as to maximise solar access to its north-eastern aspect, and includes skylights in all top floor units.</p>
Principle Six : Landscape	Response
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>Landscape elements are to be located predominately within the northern aspect, and will enhance the communal area in the development, and create a buffer between the residential units.</p> <p>The quantity and quality of the proposed landscaping is appropriate for the site and will permit an appropriate interface of building facades to adjoining properties. Extensive deep soil planting has been incorporated into the development in order to encourage a scale of landscaping that will be in keeping with the scale of the proposed building form.</p>

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Principle Seven : Amenity	Response
<p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The size of the proposed units exceeds the minimums under the RFDC.</p> <p>The mix of single, two and three bedroom units offers diversity, and the design of each unit has responded to the need for good room sizes, efficient planning and adequate solar access.</p> <p>Each unit has private open space complying with the minimum size and width requirements under the DCP.</p> <p>Access is provided to all units via an internal lift and as such, permits all units to be accessible from basement car parking. Direct pedestrian access is also provided from Chamberlain Street.</p>
Principle Eight : Safety and Security	Response
<p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>The site provides for adequate casual surveillance of public areas and internal pathways.</p> <p>The basement car park will be provided with a security controlled gateway. An intercom system to control security access is provided for all residents and visitors into the basement for parking and storage. Visitors can only access stairs and the lift alcove via a security intercom system at each entry point.</p>
Principle Nine : Social Dimensions	Response
<p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposed development features a diverse range of single, two bedroom and three bedroom units.</p> <p>It is considered that the residential units will be ideal for first home owners, and will contribute to meeting the high demand for housing within the region.</p> <p>The incorporation of a lift giving access to all residential units will provide access to all levels for people with disabilities.</p>

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Principle Ten : Aesthetics	Response
Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	<p>The proposed architectural treatment addresses the street frontage with a design that is complementary to the expected future built environment.</p> <p>External balconies have been integrated into the building façade to break up the building form. These balconies offer relief and articulation to each elevation.</p> <p>The roof form has been intentionally made flat in order to minimise the scale of the proposed development. The flat parapets and predominately horizontal forms limit the overall bulk and scale of the development.</p> <p>A rich variety of materials, colour scheming and materials to the residential façade will complement the design integrity of the overall development.</p> <p>The overall resulting architectural form will compliment emerging development within the immediate locality.</p>

2. Residential Flat Design Code

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the publication Residential Flat Design Code (RFDC). An assessment of the application against the RFDC prepared by Council is presented below:

Control	Required	Proposed	Compliance
Building depth	Max. 18 metres	Less than 18 metres	Yes
Building separation	Up to four storeys: 12m between habitable rooms/balconies	7.916 metres (between two sections of the proposed apartment building)	No
	9m between habitable and non-habitable	No instances of this proposed	Yes
	6m between non-habitable	No instances of this proposed	Yes
	Five to eight storeys: 18m between habitable rooms/balconies	7.916 metres	No
	13m between habitable and non-habitable	No instances of this proposed	Yes
	9m between non-habitable	No instances of this proposed	Yes

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Control	Required	Proposed	Compliance
Deep soil zones	25% of open space should be a deep soil zone	68% of the open space would be deep soil zones	Yes
Open space	Communal open space should be 25-30% of site area (or increased private open space)	Communal open space is 10% of site area, however greater private open space than required is to be provided	Yes
	25m ² private open space per ground floor dwelling, 4m width.	All ground floor units have >25m ² POS with >4m width.	Yes
Site access	Vehicular access – Limit driveway width to 6m	Driveway width is 6m	Yes
Apartment layout	Single-aspect apartments limited in depth to 8m from a window	All single-aspect apartments are limited in depth to 8m from a window	Yes
	Width of cross-over/cross-through apartments over 15m deep should be 4m	Width of cross-over apartments greater than 4m	Yes
Apartment mix	Provide diversity of apartment types	Mixture of 1, 2 and 3 bedroom apartments provided	Yes
Suggested Apartment Sizes	1 bedroom – 50m ²	All greater than 50m ²	Yes
	2 bedroom – 70m ²	All greater than 70m ²	Yes
	3 bedroom – 95m ²	All greater than 95m ²	Yes
Balconies	Provide balconies for all units – min. depth of 2m	All units have a balcony with a section of at least 2m wide	Yes
Ceiling heights	2.7m minimum	2.7m	Yes
Ground floor apartments	Optimise number of ground floor apartments with separate entries and access to private open space	All units facing the street have their own entries	Yes
		All ground floor units have their own private open space	
Internal circulation	Entry from corridor to max. eight units	Entry to eight units from corridors	Yes
Storage	1-bed unit – 6m ³	All 6m ³ or greater	Yes
	2-bed unit – 8m ³	All 8m ³ or greater	Yes
	3-bed unit – 10m ³	All 10m ³ or greater	Yes
Solar access	70% of units to receive three hours of solar access to living rooms and POS between 9.00am and 3.00pm on 21 June	65% of units will receive compliant solar access	No

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Control	Required	Proposed	Compliance
	Max. 10% of units to be single-aspect with southerly aspect (SW-SE)	24% of units are single-aspect with southerly aspect	No
Natural ventilation	60% of units to be naturally cross ventilated	60%	Yes
	25% of kitchens to have access to natural ventilation	61% of kitchens would have access to natural ventilation	Yes
Building Form	Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	Satisfactory	Yes
	- Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to:	Satisfactory	Yes
	- defining a base, middle and top related to the overall proportion of the building	Satisfactory	Yes
	- expressing key datum lines in the context using cornices, a change in materials or	Satisfactory	Yes

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Control	Required	Proposed	Compliance
	building set back	Satisfactory	Yes
	- expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions	Satisfactory	Yes
	- expressing the variation in floor to floor height, particularly at the lower levels	Satisfactory	Yes
	- articulating building entries with awnings, porticos, recesses, blade walls and projecting bays	Satisfactory	Yes
	- selecting balcony types which respond to the street context, building orientation and residential amenity: cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles	Satisfactory	Yes
	- detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials	Satisfactory	Yes
	- using a variety of window types to create a rhythm or express the building uses, for example, a living room versus a bathroom	Satisfactory	Yes
	- incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, colonnades, pergolas		

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Control	Required	Proposed	Compliance
	and fences	Satisfactory	Yes
	- using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the facade.	Satisfactory	Yes
	- Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	Satisfactory	Yes
	- Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.	Satisfactory – standard condition for this	Yes
	- Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	Satisfactory	Yes
	- Coordinate security grills / screens, ventilation louvres and carpark entry doors with the overall facade design		
Waste management	Supply waste management plan	Waste management plan submitted and considered by Waste Section to be satisfactory	Yes

The proposed development is generally consistent with the Residential Flat Design Code. However, there are some aspects of the proposed development that do not satisfy some of the numerical guidelines of the Code. These are discussed below:

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Building separation

The Residential Flat Design Code recommends building separation distances between buildings as well as for separation of components within a development, based on the height of the building. With regard to the proposed development, its separation from adjoining buildings is satisfactory. However, the building is “U-shaped” and has several instances of apartments within the building facing each other directly. The RFDC recommends a building separation of 12 metres between habitable rooms and balconies for buildings at a height of up to four storeys and 18 metres at heights between five and eight stories. The proposed building has a minimum separation between habitable rooms and balconies in its north-western and south-eastern components of 7.916 metres, and therefore does not comply with the recommendation of the RFDC. It should be noted however that 7.916 metres is the absolute minimum separation distance between the two components of the building, and the separation distance ranges between 7.916 metres and 19 metres. The proposed configuration would not cause privacy issues, as the application proposes the installation of louvered privacy screening fixed externally to windows that have the potential to overlook other windows or balconies, as well as fixed screening on the edges of balconies that have the potential to overlook other balconies or windows. In addition, the proposed configuration would not prevent the units within the building from receiving a reasonable amount of solar access. Finally, the proposed internal building separation distance would not cause the proposed building to have excessive bulk or massing. In this regard, it is considered that the proposed building separation distance is satisfactory.

Solar access

The Residential Flat Design Code recommends that the living rooms of at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-Winter. In addition, the RFDC recommends that single-aspect units with a southerly aspect be limited to a maximum of 10% of the number of units proposed. In the proposed development, only 65% of units would receive the recommended amount of solar access, while 24% of the proposed units are single-aspect with a southerly aspect. Therefore, the proposed development does not comply with the recommendations of the RFDC in relation to solar access.

It is noted that if an additional four units were to receive the level of solar access recommended by the RFDC, the 70% target would be achieved. Compliance with the 70% numerical target could be achieved by simply deleting apartments from the proposal that do not receive solar access and thereby increasing the percentage of the total of those that do. However, it should be noted that in addition to the 65% of apartments that would receive the recommended minimum amount of solar access, an additional six of the proposed apartments would achieve between two and three hours of solar access between 8.00am and 11.00am in mid-Winter. Including these six apartments, the number of apartments that would receive a substantial amount of solar access is above 70% of the total.

In addition, any apartment building constructed on the subject site would be likely to have a large proportion of apartments that are single-aspect with a southerly aspect, given the site's south-westerly orientation and the site's long frontage in comparison to its depth. Therefore, the proposed development's failure to comply with the numerical target for single-aspect apartments is considered to be largely a result of the characteristics of the site, rather than poor design.

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Given the above, the solar access afforded to the proposed development is considered to be reasonable in the context of the site.

1. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10(a) - Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a residential flat building, and is permissible with Council's development consent within the zone.

The proposal is consistent with several zone objectives, particularly:

- (a) to encourage employment and economic growth, and
- (b) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations which are accessible to public transport, employment, retail, commercial and service facilities.

A further objective of the zone is to encourage a high quality standard of development, which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

Consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone. The proposed development is consistent with all zone objectives listed above, and therefore Council is able to approve the application should it deem appropriate to do so.

2. Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2009, as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2012 came into effect.

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 proposed development will obstruct views of Campbelltown North Public School, Campbelltown Performing Arts High School and native trees from the apartment building located on the opposite side of Chamberlain Street, however these views are not significant, and the proposed development complies with the applicable height limit.

Sustainable Building Design – A BASIX certificate has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met. A 10,000 litre rainwater tank is proposed, which will provide for the irrigation of landscaped areas.

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Landscaping – A landscape plan has been prepared by a landscape architect, incorporating some species from the Campbelltown Native Gardening Guide. The application provides an adequate amount of landscaping.

Flora, Fauna and Weed Management – The subject site contains no significant existing vegetation. The arborist report submitted with the application identifies the need for all of the site's trees to be removed. Trees on adjoining sites will be retained and protected in accordance with the recommendations of the report. A condition requiring compliance with the recommendations of the arborist report will be imposed on the development consent.

Cut, Fill and Floor Levels – Any excavation within the zone of influence of any other structure requires a dilapidation report demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure. A condition requiring this to be done will be imposed on the development consent.

Stormwater – The application was referred to Council's Development Engineer, and conditions of consent were provided. Following the submission of a flood report, Council's Technical Services section advised that the proposal was satisfactory in terms of potential flooding impact.

Fencing and Retaining Walls – Bonded sheet metal fencing shall not be constructed at any location other than alongside and rear boundaries shared with other private property, where such fencing is not highly visible from the street. No sheet metal fencing is proposed facing the street.

In the case of retaining walls constructed to support proposed cut on an allotment, the retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut. The proposed development is compliant with this clause.

Waste Management – A Waste Management Plan for construction and operation of the development has been submitted and is considered to be satisfactory. The application was referred to Council's Waste section, who advised that the proposal is satisfactory.

Part 4 – Residential Apartment Buildings and Mixed-Use Development

Control	Required	Proposed	Compliance
Height	Six storeys	Six storeys	Yes
Building Design	Building design shall consider foremost the qualities (both natural and built) and character of the surrounding area including the significance of any heritage item on land. Building design shall incorporate the following features to	No heritage items on land or surrounding land. No natural environmental qualities to be retained. Built character consistent with other development and desired character	Yes

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Control	Required	Proposed	Compliance
	assist in the achievement of high quality architectural outcomes:		
	i) incorporation of appropriate facade treatments that helps the development to properly address the relevant street frontages, key vistas and to add visual interest to the skyline;	Complies	Yes
	ii) incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc.) into the facade of the building;	Complies	Yes
	iii) variation in the planes of exterior walls in depth and/or direction;	Complies	Yes
	iv) variation in the height of the building so that it appears to be divided into distinct base, middle and top massing elements;	Complies	Yes
	v) articulation of all building's facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used;	All elevations to be articulated	Yes
	vi) utilisation of landscaping and architectural detailing at the ground level; and	Complies	Yes
	vii) avoidance of blank walls at the ground and lower levels.	Complies	Yes

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Control	Required	Proposed	Compliance
	Building design shall demonstrate to Council's satisfaction that the development will:		
	i) facilitate casual surveillance of and active interaction with the street;	Complies	Yes
	ii) be compatible with a higher density character where schedule 1 applies;	Complies	Yes
	iii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building; and	Complies	Yes
	iv) maximise cross flow ventilation, therefore minimising the need for air conditioning.	Complies	Yes
	e) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised.	Complies	Yes
	f) Building materials shall be high quality, durable and low maintenance.	Complies	Yes
Site Services	Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone, broadband and stormwater drainage)	Space for substation reserved. Stormwater plan provided.	Yes
	All roof-mounted air conditioning or heating	No roof mounted services shown	Yes

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Control	Required	Proposed	Compliance
	equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.		
	All communication dishes, antennae and the like shall be located to minimise visual prominence.	No communication dishes shown.	Yes
	An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	Condition of consent to be imposed requiring lighting plan to be prepared	Yes
Site Area/Width	2,500m ² (now 1,200m ² under SCDCP 2012)	2,811m ²	Yes
	30 metre width	60.345 metres	Yes
Setbacks	5.5 metres from street boundary	5.5 metres	Yes
	6.0 metres from any other boundary	6.0 metres from side and rear boundaries for other boundaries	Yes
Design Requirements	A minimum of 5% of the total number of dwellings within a residential apartment building shall be one bedroom apartment(s) or a studio(s).	5% of units are one bedroom apartments.	Yes
	A minimum of 10% of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s)	10% of dwellings will be adaptable dwellings	Yes
	The floor space occupied by each dwelling within a residential apartment building shall no be less than:		
	i) 40sqm in the case of a studio apartment;	None proposed	Yes

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Control	Required	Proposed	Compliance
	ii) 50sqm in the case of a one bedroom apartment;	All larger than 50sqm	Yes
	iii) 70sqm in the case of a two bedroom apartment;	All larger than 70sqm	Yes
	iv) 95sqm in case of a three bedroom apartment or more.	All larger than 95sqm	Yes
	All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space.	Lifts to provide access between basement parking levels and all floors within the building	Yes
	A maximum of 50 dwellings shall be accessible from a single common lift.	44 dwellings accessed by each lift	Yes
	Access to lifts shall be direct and well illuminated.	Direct access provided to lifts from all areas of basements	Yes
	A minimum of 25% of the required open space area, or 15% of the total site area, whichever is the greater, shall be available for deep soil planting.	25% of the total site area (and 68% of the open space areas) would be available for deep soil planting	Yes
Car Parking and Access	All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended)	All car parking and access for vehicles, including disabled access spaces, are in accordance with AS2890 parts 1 and 2 (as amended)	Yes
	The minimum dimensions of any parking space shall be 2.5 x 5.5 metres.	All spaces are 2.5 x 5.5 metres	Yes
	The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.	Satisfactory	Yes

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Control	Required	Proposed	Compliance
	For development incorporating 75 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.	Traffic report provided. Proposal to have some effect on level of service in Chamberlain St however this is to be expected.	Yes
	Where existing, vehicular entry points shall be located at the rear or side streets.	No rear or side streets available	Yes
	Development containing three or more storeys shall provide all required car parking at basement level.	Parking provided at basement level	Yes
	Each dwelling shall be provided with a minimum of one car parking space, and:	80 +	
	i) an additional car parking space for every four dwellings (or part thereof); and	20 +	
	ii) an additional visitor car parking space for every 10 dwellings (or part thereof).	8	
		Total spaces required = 105	
		Total provided = 108	Yes
	No required car parking space shall be in a stacked configuration.	No stacked car parking proposed	Yes
	Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property.	Space for 16 bicycles required. Compliance demonstrated.	Yes
Solar Access	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	Building has been oriented and sited to maximise sunlight during mid-morning to living areas and open space	Yes

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Control	Required	Proposed	Compliance
	A minimum 20sqm area of the required private open space on adjoining land, (having a minimum width of 3.0 metres), shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	The children's play area of the adjoining childcare centre would receive much more than the minimum required solar access	Yes
Balconies and Ground Level Courtyards	Apartments shall be provided with a private courtyard and/or balcony.	All apartments have a courtyard or balcony	Yes
	Courtyards / balconies shall be:		
	i) not less than 8sqm in area and have a minimum depth of 2.0 metres;	All balconies have an area of 8m ² and 2.0 metres wide (plus additional area)	Yes
	ii) clearly defined and screened for private use;	Complies	Yes
	iii) oriented to achieve comfortable year round use; and	Complies	Yes
	iv) accessible from a main living area of the apartment.	Complies	Yes
Privacy	Ground level apartments, incorporating a courtyard shall be provided with a privacy screen.	Ground level apartments courtyards have fences between them	Yes
	No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9.0 metres of the proposed window or balcony.	Setbacks restrict overlooking of adjoining properties. Some minor overlooking of open space may result while area is in transition from single dwellings to apartments, at which point RFDC setbacks would apply for	Satisfactory

3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

Control	Required	Proposed	Compliance
	<p>Notwithstanding 5.4.7(b) a window of a habitable room may be permitted only where it:</p> <p>i) is offset by 2.0 metres to limit views between windows, or</p> <p>ii) has a sill height 1.7 metres above the floor level; or</p> <p>iii) is splayed to avoid direct views between windows; or</p> <p>iv) has a fixed translucent glazing in any part of the window within 1.7 metres of the floor level; or</p> <p>v) is otherwise appropriately screened.</p> <p>Notwithstanding 5.4.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.</p>	<p>adjoining apartment buildings.</p> <p>No views between windows would be apparent, due to proposed privacy screening.</p> <p>Some windows have privacy screening to prevent overlooking between units.</p> <p>Not applicable. Privacy screening proposed.</p> <p>Not applicable. Privacy screening proposed.</p> <p>Not applicable. Privacy screening proposed.</p> <p>Setbacks restrict overlooking of adjoining properties. Some minor overlooking of open space may result while area is in transition from single dwellings to apartments, at which point RFDC setbacks would apply for adjoining apartment buildings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Communal Recreation Facilities	<p>Each residential apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising:</p> <p>i) a recreation room with a minimum area of</p>	<p>Recreation room provided</p> <p>80m² for 80 apartments.</p>	<p>Yes</p> <p>Yes</p>

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Control	Required	Proposed	Compliance
	<p>a 50sqm per 50 dwellings (or part thereof); and</p> <p>ii) a bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).</p> <p>Communal recreation facilities shall not be located within the primary or secondary street boundary setback.</p> <p>All communal recreational facilities shall be provided on the same land as the residential apartment building.</p> <p>Communal open space provided on the roof of a building shall not be included as part of the required communal open space.</p> <p>All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential units within a staged development.</p>	<p>Satisfactory.</p> <p>100m² bbq/outdoor dining area to be provided</p> <p>Complies</p> <p>Complies</p> <p>Not provided</p> <p>This will be required as it is shown on the plans</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Waste Management	<p>All buildings shall be provided with household garbage bins at the following rates:</p> <p>i) a 240 litre bin/three dwellings/week for household garbage; or</p> <p>ii) 1,000 litre bulk bin/12 dwellings or part thereof.</p> <p>All buildings shall be provided with dry recyclable bins at the</p>	<p>Council's Waste Section has no objections to the waste storage capacity proposed.</p>	<p>Yes</p>

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Control	Required	Proposed	Compliance
	rate of a 240 litre bin /three dwellings / fortnight for dry recyclable.		
	All buildings with a rise of four storeys or more shall make provision for a household garbage chute on each level which is accessible for all occupants.	Household garbage chute on each level provided	Yes
	All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level.	Complies	Yes
	Garbage chutes shall not be located adjacent to habitable rooms in each apartment.	Complies	Yes
	Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room.	Complies	Yes
	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.	Condition of consent to comply	Yes
	The development shall make provision for an appropriately sized communal bin storage room(s) that provides convenient access for occupants and	Complies	Yes

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Control	Required	Proposed	Compliance
	collection contractors.		
	The storage room shall:	Complies	Yes
	i) be located behind the primary and secondary building alignment;	Condition of consent to comply	Yes
	ii) have a non slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary);	Condition of consent to comply	Yes
	iii) be graded and drained to a Sydney Water approved drainage fitting;	Condition of consent to comply	Yes
	iv) have coving at all wall and floor intersections;	Condition of consent to comply	Yes
	v) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned;	Condition of consent to comply	Yes
	vi) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and	Condition of consent to comply	Yes
	vii) have a self-closing door openable from within the room.	Condition of consent to comply	Yes
	Bin storage rooms shall be ventilated by:		
	i) a mechanical exhaust ventilation system; or		
	ii) permanent, unobstructed natural ventilation openings having direct access to		

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Control	Required	Proposed	Compliance
	external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room.		
	c) Exterior doors of communal bin storage rooms shall be:		
	i) consistent with the overall design of the building;		
	ii) located away from the frontage of the building; and		
	iii) (if collection service is to be carried out by Council), fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door.	Condition of consent to comply	Yes
	All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.	Condition of consent to comply	Yes
	Waste collection contractors shall have adequate access to bin storage rooms for collection of waste as required.	Condition of consent to comply	Yes
	Signage on the use of the waste management system shall be displayed in all bin storage rooms.	Condition of consent to comply	Yes
	Any mechanical compaction device within the building shall comply with the following requirements:		
	i) maximum compaction rate of 2:1;		

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Control	Required	Proposed	Compliance
	<p>ii) designed to accommodate general household garbage only and</p> <p>iii) not be used to compact recyclables.</p> <p>Any development containing 30 or more dwellings shall be designed to accommodate a 'Wheel-Out Wheel-Back' service or a 1,000 litre bulk bin on-site collection service.</p> <p>A Wheel-Out Wheel-Back service shall meet the following requirements:</p> <p>i) bins shall be no larger than 240 litre capacity;</p> <p>ii) the maximum grade of any path of travel between the collection point and the bin storage area shall be 1V:8H; and</p> <p>iii) the maximum distance between the collection point and the bin storage area shall not exceed 25 metres.</p>	<p>Wheel-Out Wheel-Back' service possible</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p>
Roof Terraces	<p>Consideration will only be given to the provision of a roof top terrace as part of communal open space, subject to appropriate landscaping treatment and recreation facilities provided; and satisfying the respective provisions of the RFDC.</p>	<p>Roof top terrace not proposed</p>	<p>NA</p>

As the above table demonstrates, the application is fully compliant with the relevant provisions of Campbelltown (Sustainable City) DCP 2009. It should be noted that the application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2009, as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2012 came into effect.

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3. Planning Assessment

Isolation of Adjoining Site

The adjoining allotment to the southeast of the site (No. 36 Chamberlain Street) does not satisfy the size and frontage requirements to be developed as a residential apartment building on its own, and has little prospect of being amalgamated with properties on its other side, since these properties contain a residential apartment building under construction. As such, No. 36 Chamberlain Street would become isolated by the proposed development. This allotment contains a childcare centre.

In respect to the isolation of a site, there have been a number of Land and Environment Court appeals which have considered such an issue and as a result a Planning Principle has been established in the Land and Environment Court. This Planning Principle was established as a consequence of the Land and Environment Court matter of "Grech versus Auburn Council".

The Planning Principle established the following three main planning considerations relating to the isolation of land through redevelopment:

"Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application."

The applicant has submitted evidence to demonstrate that an offer to purchase the property in question has been made. A valuation of the property prepared by a registered valuer has been prepared, and the offer to purchase the property was above the amount specified by the valuation report.

"Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property."

A valuation of the property prepared by a registered valuer has been prepared, and the offer to purchase the property was above the amount specified by the valuation report. The owner of the property did not accept the offer.

"Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the EPA Act."

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The applicant has submitted evidence to demonstrate that an offer to purchase the property in question has been made. A valuation of the property prepared by a registered valuer has been prepared, and the offer to purchase the property was above the amount specified by the valuation report.

In addition to the above, detailed concept plans have been provided demonstrating how the isolated site could be developed as a residential apartment building on its own. Accordingly, the owner's unwillingness to accept the developer's offer to purchase the site will result in the isolation of the site, however this isolation is not contrary to the Planning Principle established by the Land and Environment Court.

4. Public Participation

The application was publicly exhibited and notified to surrounding property owners on two occasions. Originally, the application proposed a residential flat building with 92 units and five shops. The application was then substantially modified to incorporate only 88 units and no shops, and was therefore publicly exhibited and notified again. The current proposal, which proposes only 80 units, has a smaller building envelope and a lesser impact upon surrounding properties, and therefore did not need to be renotified or publicly exhibited again. During the first exhibition period, Council received four submissions raising the issues outlined below. During the exhibition of the modified proposal, no submissions were received.

Issue - The proposed development would obscure views of Campbelltown North Public School, Campbelltown Performing Arts High School and native trees from the apartment building to the west across Chamberlain Street.

Comment - Part 2 of Campbelltown Sustainable City DCP 2009 requires development to appropriately respond to Campbelltown's important views and vistas to and from public places. These include views and vistas to and from the Scenic Hills, rural/semi-rural landscape areas, the Georges and Nepean River corridors, heritage items and areas of significant public open space. The grounds of Campbelltown North Public School and Campbelltown Performing Arts High School do not fall into any of these categories and therefore vistas to these places from existing apartment buildings are not required to be maintained. The DCP allows apartment buildings of up to six storeys to be constructed on the subject site. Therefore it would be unreasonable to refuse the development application on this basis or require the applicant to amend the proposal to preserve views that are not identified by the DCP as having retention value.

Issue - The proposed development would result in the loss of winter sun to the apartment building to the west across Chamberlain Street.

Comment - Hourly shadow diagrams (including elevations) have been submitted showing the overshadowing impact of the proposed development upon the apartment building to the west across Chamberlain Street (Nos. 31-35 Chamberlain Street). The diagrams show that some of the apartments in this building would experience overshadowing by the proposed development during mid-Winter up to 10.00am-11.00am. After 11.00am, all of the units within the building would be unaffected by the shadow cast by the proposed building. Any of the units facing the proposed development across Chamberlain Street would receive a compliant amount of solar access (three hours) between 11.00am and 2.00pm.

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Issue - The proposed development would result in the loss of privacy to the apartment building to the west across Chamberlain Street.

Comment - The proposed apartment building would have habitable rooms that are located a minimum of 30 metres from habitable rooms within the apartment building to the west across Chamberlain Street (Nos. 31-35 Chamberlain Street). This is well above the 18 metre building separation distance recommended for six storey buildings under the Residential Flat Design Code. Accordingly, it is not considered that the proposed development would result in the loss of privacy to the apartment building to the west across Chamberlain Street.

Issue - The proposed development will result in increased parking in Chamberlain Street, which will worsen as a result of other residential apartments being developed in the area.

Comment - Under the SCDP 2009, the proposed development is required to provide 105 on-site car parking spaces, based on a rate of 1.25 car parking spaces per dwelling and one visitor parking space per 10 dwellings. The proposed development would provide 108 parking spaces, which exceeds the DCP requirement. It is possible that the proposed development in conjunction with other residential apartments being developed in the area may result in higher utilisation of on-street car parking spaces, however this is not sufficient justification for refusal of the application.

Issue - The developer should use caution when the development is under construction, as the site adjoins a childcare centre, and debris may fall onto the childcare centre site and injure a child.

Comment - A condition of consent will be imposed on the development consent, requiring the developer to put in place precautions to ensure that the adjoining childcare centre is not affected by falling debris from the construction site.

5. Conclusion

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.

The application is fully compliant with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and Campbelltown (Urban Area) Local Environmental Plan 2002. The application is mostly compliant with the recommended standards of the Residential Flat Design Code (RFDC). It should be noted that the RFDC is a set of guidelines and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met. In addition, the application is fully compliant with the relevant standards within the Campbelltown (Sustainable City) Development Control Plan 2009. Accordingly, the application is recommended for approval.

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Officer's Recommendation

That development application 813/2013/DA-RA for the demolition of existing structures and construction of a six storey residential apartment building comprising 80 apartments and two basement car parking levels at Nos. 30-34 Chamberlain Street Campbelltown be approved, subject to the conditions detailed in attachment 1 of this report.

Committee's Recommendation: (Rowell/Matheson)

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 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 62

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Brticevic, Dobson, Glynn and Thompson.

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ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall 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
N000 to N012 (inclusive) Issue N	DesignCorp Architects	25 February 2014
N018 Issue N	DesignCorp Architects	16 January 2014
2013.0402DA1-1 and 2013.0402DA1-2 (Issue A)	TGS Landscape Architects	5 April 2013

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issuing of a Construction Certificate:

- The landscape plans shall be amended to reflect the approved configuration of the development and amendments specified under this consent.
 - The barbeques shall be relocated to the grassed area of the communal open space area so as to enable these facilities to be located in an area of maximum solar access.
 - The front fence of the development shall be set back 1 metre from the front property boundary. The space between the fence and the boundary shall be densely landscaped with trees and shrubs. All species of trees and shrubs shall be selected from the Campbelltown Native Gardening Guide. A minimum of four mature trees shall be planted within this area.
 - The floor plans of units G10 and 114 shall be adjusted so that the back of the kitchen is within 8 metres of a window.
 - The central blade wall on the southwest elevation of the building shall be extended vertically upwards to the same height as the adjacent concrete awnings over the level 6 balconies, as marked on the approved plans.
-

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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.

4. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

5. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

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6. 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. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

7. 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.

8. Garbage Room

The garbage storage room identified on the approved plans shall:

- i) have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)
- ii) be graded and drained to a Sydney Water approved drainage fitting
- iii) have coving at all wall and floor intersections
- iv) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned
- v) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock
- vi) have a self-closing door openable from within the room

The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.

Bin storage rooms shall be ventilated by:

- i) a mechanical exhaust ventilation system; or
- ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room.

Exterior doors of communal bin storage rooms shall be:

- i) consistent with the overall design of the building
- ii) located away from the frontage of the building
- iii) (if collection service is to be carried out by Council), fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door.

All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.

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Waste collection contractors shall have adequate access to bin storage rooms for collection of waste as required.

Signage on the use of the waste management system shall be displayed in all bin storage rooms.

Any mechanical compaction device within the building shall comply with the following requirements:

- i) maximum compaction rate of 2:1
- ii) designed to accommodate general household garbage only and
- iii) not be used to compact recyclables.

9. Fencing

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

10. Switchboards/Utilities

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

11. Driveway and Basement Car Park Layout

The driveway width, gradients, basement car park layout and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, coloured stamped concrete or paving bricks. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

12. 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. Prior to the issue of a Construction Certificate, an external lighting plan that complies with AS4282 shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority.

13. Basement Car Park

The applicant shall ensure that the basement car park complies with the requirements detailed in Section 4.13.8 of the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

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14. 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.

15. Flood Level Controls

This site is located within an area that has been identified as being marginally affected from a 100 year Average Recurrence Interval flood. To prevent overland flows entering the property, the applicant shall ensure that the footpath area and footpath crossings (including any entrances to the building and the basement car park) have a 2.5% cross fall towards the top of kerb.

16. 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 (as amended).

17. 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.

18. 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.

19. 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.
-

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20. Sight Distance

Sight distance for motorists and pedestrians at each entry to and egress from the proposed development, shall comply with the general requirements of AS2890.1 (specifically Clause 3.2.4).

21. Evacuation Routes

Evacuation routes from the basement car park shall be provided, other than the access ramp, to ensure that safe evacuation is possible during extreme storm events in excess of the 100 year Average Recurrence Interval event.

22. Work Zone

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.

The applicant is advised that if a work zone is warranted, an application is to be made to Council's Traffic Unit at least 8 weeks prior to the commencement of works. The application shall detail why a work zone is required and include a suitable 'Traffic/Pedestrian Management/Control Plan'.

All costs incurred in the preparation of the traffic/pedestrian management/control plan, including any associated fees, shall be borne by the applicant.

23. Adjoining Childcare Centre

The developer shall put in place precautions to ensure that the adjoining childcare centre is not affected by falling debris from the construction site.

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.

24. 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.

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

25. 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.

26. 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.

27. Construction Traffic Management Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an appropriately qualified traffic consultant, separate Construction Traffic Management Plans (CTMP's) for the demolition, excavation and construction stages of the development.

The CTMPs shall include, but not be limited to, the following details;

- a) The staging and timing of the construction works
- b) Perimeter fencing and hoarding requirements
- c) Locations of temporary vehicular entry points to the site
- d) Provisions for pedestrian traffic and any diversions that are proposed
- e) Hoisting arrangements for cranes, travel towers or lift operations
- f) The number and type of vehicles to be used during the demolition stage, their proposed routes, turning paths and parking arrangements
- g) Work zone requirements, if proposed
- h) Traffic control associated with road occupancy and standing plant
- i) Waste collection areas.

In preparing the CTMPs, the applicant shall address all relevant NSW road rules and consideration shall be given to public notification (including residents).

Copies of the approved CTMPs shall be kept on site for the duration of the works, in accordance with Work Cover Authority requirements and copies shall also be forwarded to Council for its records.

Council reserves the right to request modification to the CTMPs during the development works, in order to maintain adequate and safe management of vehicular and pedestrian traffic.

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28. 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 nearest drainage system under Council's control. All proposals shall comply with the Campbelltown (Sustainable City) DCP Volumes 1 and 2 (as amended).

29. Existing Drainage

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details and related calculations for the analysis of the existing drainage system in Chamberlain Street where it is proposed to discharge stormwater from the proposed development, to determine whether the existing drainage system has sufficient capacity to adequately convey the increased flows.

A copy of the results, including any computer models used for this assessment and a drainage report shall be forwarded to Council for approval.

30. Water Quality

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall address the water quality aspects of the proposed development and ensure that measures undertaken comply with Section 4.15 of the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

A copy of the results, including any computer models used for this assessment and an associated report shall be forwarded to Council for approval.

The applicant shall note in the Strata Management documentation that the ongoing maintenance of the bio-retention system is the responsibility of the Strata Corporation.

In this regard, an Operation and Maintenance Manual for the bio-retention system shall be submitted to Council for approval, prior to Council or an accredited certifier issuing a construction certificate.

31. On-Site Detention Facility

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit details, calculations and an associated report to show the requirements of the on-site detention facility.

The applicant shall note in the Strata Management documentation that the ongoing maintenance of the on-site detention facility is the responsibility of the Strata Corporation.

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In this regard, an Operation and Maintenance Manual for the detention facility shall be submitted to Council for approval, prior to Council or an accredited certifier issuing a construction certificate.

32. 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.

33. 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.

34. 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.

35. Consolidation of Allotment

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a copy of the plan which consolidates the allotments that are the subject of this development application prior to registration at the Department of Land and Property Information (NSW).

36. 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:

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

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

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

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

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

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. Nuisance Flooding – Basement Car Park

The basement car park shall be provided with a minor stormwater system to cater for nuisance flows from the rainfall on the entry ramp and water from cars entering the basement. A higher capacity system such as an automatically activated electric pump with an appropriate safety backup system is also to be provided to remove any overland flows from larger storm events.

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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.

39. 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.

40. 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.

41. 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.
-

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42. 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.

43. 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.

44. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property 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.

45. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
 - c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW WorkCover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW WorkCover requirements.
 - d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works.
 - e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.
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46. 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.

47. Fencing

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

48. Demolition of Existing Dwelling

Prior to the commencement of any other works, the existing dwelling and all other improvements on the land shall be demolished in accordance with the conditions of this consent.

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 1.00pm
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.

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

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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. 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 have been approved for removal by Council.

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.

Compliance with the recommendations of the Arboricultural Impact Assessment prepared by Redgum Horticultural dated 10 April 2013 shall be maintained at all times.

53. 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.
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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.

54. 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.

55. 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.

56. Certification of Location of Building Upon Completion

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

57. 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.

58. 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.

59. Public Safety

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

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60. 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 (as amended)
- c. Soils and Construction (2004) (Bluebook)
- d. Relevant Australian Standards and State Government publications.

61. Footpath

The footpath on each side of the existing concrete path paving, and adjoining the subject site, shall be graded at a cross fall of 2.5% towards the kerb, topsoiled and turfed. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

62. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Chamberlain Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 Volumes 1 and 2 (as amended).

63. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to and exit from the proposed development. All works shall be in accordance with Council's Medium Density Vehicle Crossing Specification and the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete.

Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority requirements.

64. 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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65. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements of the Campbelltown (Sustainable City) DCP Volumes 1 and 2 (as amended).

66. 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".

67. 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.

68. 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.

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69. Final Inspection – Works as Executed Plans

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

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

Survey Information

- Finished ground and building floor levels together with building outlines
- Spot levels every 5.0m within the site area
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5.0m grid, intermediate levels will be required
- A minimum of 15 site levels
- If the floor level is uniform throughout, a single level is sufficient
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s
- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

AutoCAD Option

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

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

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MapInfo Option

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

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

70. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation certificate, the restoration of the public road pavement 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.

71. 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.

72. BASIX

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

73. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall ensure that all applicable fees and charges associated with the development have been paid in full.

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
-

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- 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.

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. Smoke Alarms

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 5. Filling on Site

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

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Advice 6. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 7. 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 8. 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 9. Salinity

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

Advice 10. 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 WorkCover 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 WorkCover Asbestos and Demolition Team on 8260 5885.

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Advice 11. 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 12. 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

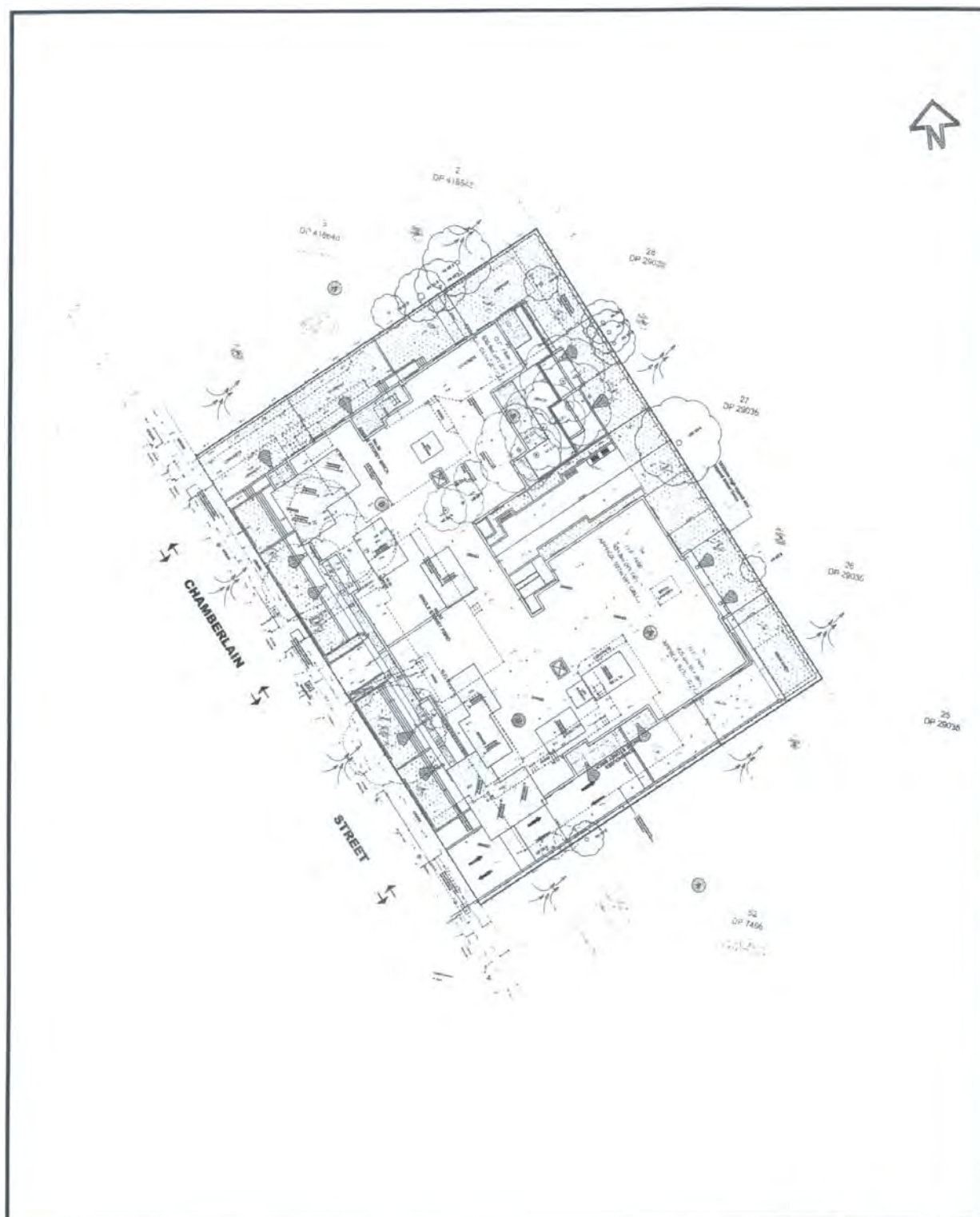
3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

ATTACHMENT 2



3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

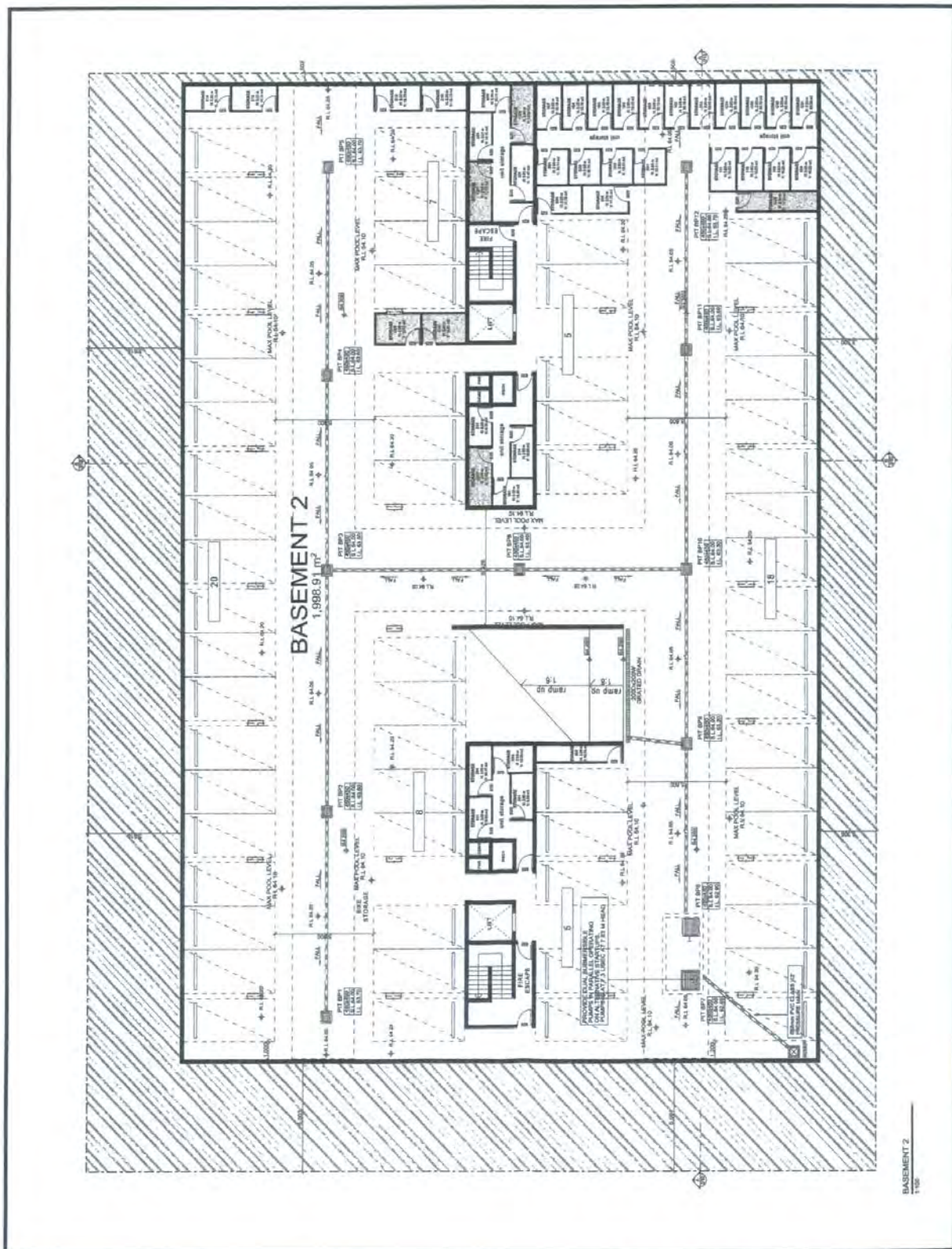
ATTACHMENT 3



SITE PLAN



3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels



BASEMENT 2

3.5 Nos. 30-34 Chamberlain Street Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building Comprising 80 Apartments And Two Basement Car Parking Levels

ATTACHMENT 6



3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

3.6 No. 12 Frost Road, Campbelltown - Construction, of a warehouse type building with associated office areas, showroom, car parking and front fencing

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)
6. Request to vary Section 7.3.2 of the Campbelltown (Sustainable City) Development Control Plan 2012 (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 14 DP 802911 – No. 12 Frost Road, Campbelltown
Application No.	1698/2013/DA-I
Applicant	Artiva Architects
Owner	Maxiland Pty Ltd
Provisions	Campbelltown 2025 Looking Forward Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2012 Campbelltown City Council Section 94A Development Contributions Plan
Date Received	14 August 2013

Report

Development Consent is sought for the construction of a warehouse type building (a gross floor area of approximately 1,470m²), with associated office areas, showroom (an area of approximately 200m²), car parking (33 spaces) and front fencing.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

The site is a vacant, rectangular shaped allotment, with a total site area of 2,999m². The site adjoins a drainage reserve, residential premises in Blair Athol and other industrial lots. The allotment was created in 1990, as part of an 18 lot industrial subdivision and remains as the only undeveloped site.

The proposal seeks to vary the building setback requirements of Section 7.3.2 (b) of the Campbelltown (Sustainable City) Development Control Plan 2012, whereby buildings adjoining residential zones are to be setback a minimum of 10m from the property boundary. The proposal provides a 3m setback to residential properties to the rear. The rear section of the proposed building incorporates a reduced height within the 10m setback. The main factory portion of the proposed building has an overall height of 9.24m. The section of the building within the rear setback incorporates a skillion roof design with a height of approximately 7.7m at the 10m setback, gradually reducing to a height of 5m at a distance of 3m from the rear boundary.

It is noted that all but one of the existing industrial buildings constructed along the south-western side of Frost Road have a rear setback of between 3 metres to zero.

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.

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.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

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 taking account of 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 desired future development within 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 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.

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 building is permissible within the zone and is considered to be consistent with the following zone objectives:

- (a) to encourage activities that will contribute to the economic and employment growth of 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.

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 10m of any other road (i.e. Frost Road). The proposed building is setback 20.6m from Frost Road, thereby complying with the provisions of Sub-clause 37(d) of LEP 2002.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

2.4 Campbelltown (Sustainable City) Development Control Plan 2012

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2012.

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 a 10,000L underground rain water tank.	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
2.15	Waste Management	Provision of a detailed Waste Management Plan.	The proposal has been accompanied by a detailed Waste Management Plan.	Yes
7.3.1 (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 facade contains vertical and horizontal variations.	Yes
7.3.1 (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
7.3.1 (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
7.3.1 (a) (iv)	Building Design	At least 50% of the total surface area of the front elevation to be constructed of masonry material.	Approximately 65%	Yes
7.3.1 (b)	Building Design	Buildings on corner allotments shall be designed to address both street frontages.		NA
7.3.1 (c)	Building Design	Buildings shall be predominantly single storey in height (excluding basements, mezzanines and offices).	The proposal is predominately single storey in height.	Yes

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

Section	Control	Requirement	Proposed	Compliance
7.3.1 (d)	Building Design	Mezzanines and / or offices shall not comprise more than 50% of the gross floor area of the building.	Approximately 32%	Yes
7.3.1 (e)	Building Design	Offices shall not comprise more than 30% of the gross floor area of the building, or each gross floor area of a unit in a complex.	Approximately 15%	
7.3.1 (f)	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
7.3.1 (g)	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
7.3.1 (h)	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
7.3.1 (i)	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
7.3.2 (a) (iii)	Building Setbacks	10m from Frost Road.	20.6m	Yes
7.3.2 (b)	Building Setbacks	Buildings adjoining residential zones shall be setback a minimum of 10m.	3m	No. However, given that the proposed variation does not cause additional overshadowing of adjoining residential properties when compared to a full scale building observing a 10m setback and given the setback of other like surrounding buildings, it is considered that the proposal is satisfactory in this regard.
7.3.3 (a)	Fences	Industrial fencing shall be a maximum 2.4m in height.	The proposal includes 2.1m high front and side return fencing.	Yes

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

Section	Control	Requirement	Proposed	Compliance
7.3.3 (b)	Fences	All 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 proposed fencing is black powder coated, palisade style and is 2.1m high.	Yes
7.3.3 (c)	Fences	The use of sheet metal fencing is not permitted unless required as part of acoustic solution and is appropriately screened with landscaping.	The proposed fencing is palisade style.	Yes
7.3.3 (d)	Fences	All fencing in industrial developments shall be setback a minimum of 3m from property boundaries addressing a primary and / or secondary street.	The proposed fencing is setback 3m from the front boundary.	Yes
7.3.3 (f)	Fences	Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	The proposed fencing does not obstruct power, water, sewer, gas or telephone services, drainage systems or any easements.	Yes
7.4.1 (a)	Car Parking and Access	Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended).	Parking and loading facilities have been designed in accordance with Australian Standard AS 2890.	Yes. Furthermore a condition has been included within the recommendation requiring compliance with such.
7.4.1 (b), (c) & (f)	Car Parking	<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, one space per 35m² for office areas, lunch rooms and any associated office storage areas, and one space per 300m² of outdoor storage space. <p>Note: Mezzanine areas that are exclusively used for storage purposes shall be excluded from the calculation of total gross floor area for the purpose of calculating the required number of car parking spaces, providing</p>	33 spaces	Yes

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

Section	Control	Requirement	Proposed	Compliance
		that the mezzanine areas, are not divided into smaller spaces by internal walls and have no external windows. Equating to 32 car parking spaces.		
7.4.1 (h)	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
7.4.1 (i)	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
7.4.1 (k)	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
7.4.1 (l)	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.
7.4.2 (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
7.4.2 (b)	Loading and Unloading	Provision shall be made for all loading and unloading to take place wholly within the site.	The proposal provides for adequate loading and unloading areas on the site.	Yes
7.4.2 (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
7.4.2 (d) (ii)	Loading and Unloading	Each industrial building having a leasable floor area of between 401m ² and 1,500m ² , shall provide an	Manoeuvring areas are provided for medium rigid vehicles.	Yes

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

Section	Control	Requirement	Proposed	Compliance
		area to allow for a medium rigid vehicle to manoeuvre on site.		
7.4.3 (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.
7.5 (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
7.5 (b) (i)	Landscaping	Landscaping shall be provided to a minimum of 50% of the required setback area, located along the full width of each street frontage (other than vehicle driveways).	Landscaping has been provided to approximately 52% of the required front setback area.	Yes
7.5 (b) (ii)	Landscaping	Landscaping shall be provided to a minimum of 50% of the required setback area, located along the full width of setbacks of sites adjoining open space, residential and / or commercial areas.	30%	No. However the proposal involves the landscaping of the entire rear setback and the non-compliance is as a result of the departure to the requirements of Section 7.3.2.
7.5 (c) (i)	Landscaping	The first 3m of all required street front landscaped area (as measured from the street boundary) shall be planted of advanced canopy trees, which are a minimum of 2m in height, with a minimum pot size of 40L at the time of planting.	The proposed landscaping includes a substantial level of large trees and shrubs, to be planted at a size of up to 100L.	Yes
7.5 (c) (ii)	Landscaping	The first 3m of all required street front landscaped area (as measured from the street	The proposed landscaping includes native trees, to be	Yes

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

Section	Control	Requirement	Proposed	Compliance
		boundary) shall be planted of advanced canopy trees, which are of native species.	planted at a size of up to 100L.	
7.5 (c) (iii)	Landscaping	The first 3m of all required street front landscaped area (as measured from the street boundary) shall be planted of advanced canopy trees, which are planted every 10m.	The landscaping layout provides 100L, spaced 8m apart.	Yes
7.5 (d)	Landscaping	Site boundary landscaping of minimum 1m width shall be provided between the street boundary and the building line.	The landscaping layout provides a 500mm wide strip along the north western side boundary and a 1.5m wide strip along the south eastern side boundary.	No. However a condition has been included within the recommendation requiring the provision of a 1m wide strip along the north western side boundary.
7.7 (a)	Industrial Waste Management	Industrial developments 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.	The proposed layout makes suitable provision for the storage of waste within the building.	Yes
7.9 (a)	Residential Interface	Loading areas, driveways, rubbish and storage areas, and roof top equipment shall not be located adjacent to residential areas.	Loading, driveway, rubbish and storage areas, are located either within or to the front of the building, and the proposal does not include any roof top plant.	Yes
7.9 (b)	Residential Interface	External and security lighting shall be positioned to avoid light spillage to adjacent residential development.	No lighting details have been provided.	NA. However a condition has been included within the recommendation requiring any lighting spillage to be in accordance with the relevant Standards.
7.9 (c)	Residential Interface	An acoustic report shall be prepared as part of a development application where the proposed development is adjacent to residential or other sensitive uses, such as religious establishments, educational establishments and child care centres.	The proposal relates specifically to the construction of a warehouse type building (no use)	NA. Acoustic matters to be dealt with in relation to any application for the use of the premises.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

Section	Control	Requirement	Proposed	Compliance
7.10 (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 leasable floor area of 400m ² .	The building has a leasable floor area of approximately 1.470m ² .	Yes

2.5 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 No. 1.

3. Planning Assessment

As previously outlined the proposal seeks to vary the rear setback requirements of the Campbelltown (Sustainable City) Development Control Plan 2012, by providing a setback of 3m from the rear boundary, where the standard requires 10m.

In relation to adjacent industrial sites, it is noted that the three allotments directly to the south east of the subject site (Nos. 14, 16 & 18 Frost Road) contain full size industrial type buildings that incorporate rear setbacks of less than 3m to 0m. These buildings were the subject of Development Applications that were made prior to the introduction of the associated building setback requirement in 2007, upon the adoption of the Campbelltown (Sustainable City) Development Control Plan 2007.

To enable the site to be developed to its fullest potential, the proponent has proposed a design that incorporates a skillion roof of reduced height within the 10m setback, with a building height of approximately 7.7m at the 10m setback being gradually reduced to a height of 5m at a point 3 metres from the adjoining residential boundary.

The application has provided shadow diagrams which depict the additional overshadowing of the proposed development relative to the overshadowing created by the existing fencing located along the rear property boundary. In this regard it is noted that additional overshadowing of adjoining residential properties is minimal and is limited to the morning. By incorporating a reduced building height within the 10m setback area, the proposal does not cause additional overshadowing of adjoining residential properties, beyond that which would be caused by a building observing a rear setback of 10m. Consequently, it is considered that the proposal is satisfactory in this regard.

Furthermore in relation to the proposed variation, it is noted that the proposal includes dense landscaping of the entire rear 3m setback, which shall provide screening of the proposed building, to a level beyond that provided for adjacent like developments.

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 and is considerate of the objectives of the 10m rear setback control. Moreover, the overall design provides sufficient on-site manoeuvring and car parking facilities for future occupants.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

The landscaping proposed for the street frontage and along the residential interface will result in a softening of the hard edges of the building, and help reduce the visual bulk of the building.

4. Public Participation

In accordance with the requirements of Part 9 of the Campbelltown (Sustainable City) Development Control Plan 2012, the proposal was notified to adjoining (including residential) property owners from 28 August 2013 until 11 September 2013. No submissions were received.

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.

The proposal is not inconsistent with the setbacks provided to other like development in the area and the proposed variation does contribute for additional overshadowing beyond that of the main factory portion of the building.

Officer's Recommendation

That Council approve Development Application No. 1698/2013/DA-I, for the construction, of a warehouse type building with associated office areas, showroom, car parking and front fencing, at No. 12 Frost Road, Campbelltown, subject to the draft conditions within attachment No. 1.

Committee's Recommendation: (Rowell/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 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 63

That the Officer's Recommendation be adopted.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

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

Voting against the Council Resolution: nil

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Drawing No. (Job No. 1340)	Date Received by Council
DA 01 (Issue: D)	14 March 2014
DA 11 (Issue: D)	14 March 2014
DA 21 (Issue: D)	14 March 2014

2. Amended Plans

The development is to incorporate the following amendment and amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issuing of a Construction Certificate:

- The landscape strip along the north western side boundary is to be increased to a width of 1m. Additional ground covers are to be provided to maintain the planting density provided on the approved landscape plan.

3. 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.

4. 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.

5. 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.

6. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 14 March 2014. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

7. Landscaping

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, prepared by John Chetham & Associates, submitted to Council on 14 March 2014, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
- 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 (3) 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.

8. 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 Volume 3 (as amended).

9. 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).

10. Car Parking Spaces

33 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).

11. 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.

12. 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.

13. Use of Building - Separate DA Required

Separate development consent is required for the use of the premises prior to the occupation of the building.

14. 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.

15. 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.

16. 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 to the property, advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

17. 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.

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.

18. 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.

19. 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.

20. 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
-

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

21. 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.

22. 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.

23. 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 capped off stub connection located in the south east corner of the subject lot. In this regard the applicant is to amend the proposed drainage plans (drawing #2013232H1, dated 12/06/2013). All proposals shall comply with the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

24. 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.

25. 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.

26. 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.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

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
- 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.

27. 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.

28. 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.

29. 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
- 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.

30. 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.

31. 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 the public road system. Single sized aggregate, 40mm or larger and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

32. Public Property

Prior to the commencement of any works on the subject site, the applicant shall advise Council of any damage to property which is controlled by Council and 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.

33. 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.

34. 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.

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.

35. 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.

36. 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 sediment control devices shall remain in place until the site has been stabilised and fully revegetated.

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

37. 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.

38. 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.

39. 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.

40. Revegetation

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

41. 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 that are considered to be unsafe, and recover all reasonable costs incurred, from the applicant.

42. 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 Volumes 1 & 3 (as amended)
 - c. 'Soils and Construction (2004) (Bluebook)
 - d. All relevant Australian Standards and State Government publications.
-

43. Footpath

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

44. Industrial Footpath Crossing and Layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's Industrial/Commercial Vehicle Crossing Specification and the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete. Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

45. 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 other civil works directed by Council, to make a smooth junction with existing work.

46. Redundant Laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

47. 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.

48. Certification of Location of Building during Construction

Prior to the positioning of wall panels, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, and that the distances of walls and footings are setback in accordance with the approved plans.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

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".

49. 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.

50. 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).

51. Restoration of Public Roads

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

52. 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.

53. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

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 any tree upon the subject site unless you have obtained prior written consent from Council to do so. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self-supporting stems that are more than 3 metres in length or has a trunk diameter of more than 150mm, measured 1 metre above ground, 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. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 5. 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 6. Tenancy Fit Out

A separate development application is required to be submitted for the fit out of individual tenancies.

Advice 7. 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 & LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 8. 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 9. Adjustment to Public Utilities

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

Advice 10. 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 the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

Advice 11. 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 WorkCover 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 WorkCover Asbestos and Demolition Team on 8260 5885.

Advice 12. 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 13. 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 14. Telecommunications Act 1997 (Commonwealth)

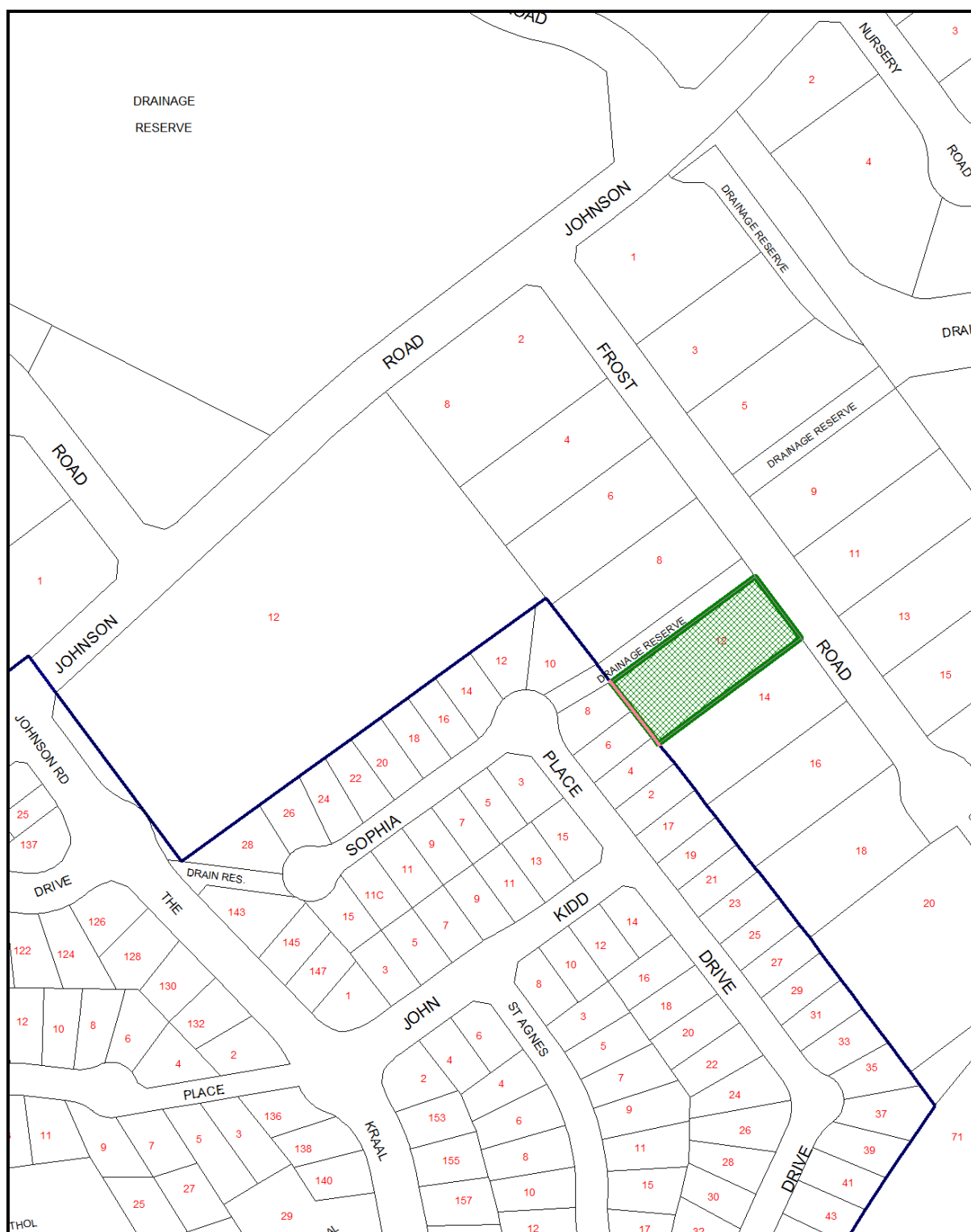
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

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

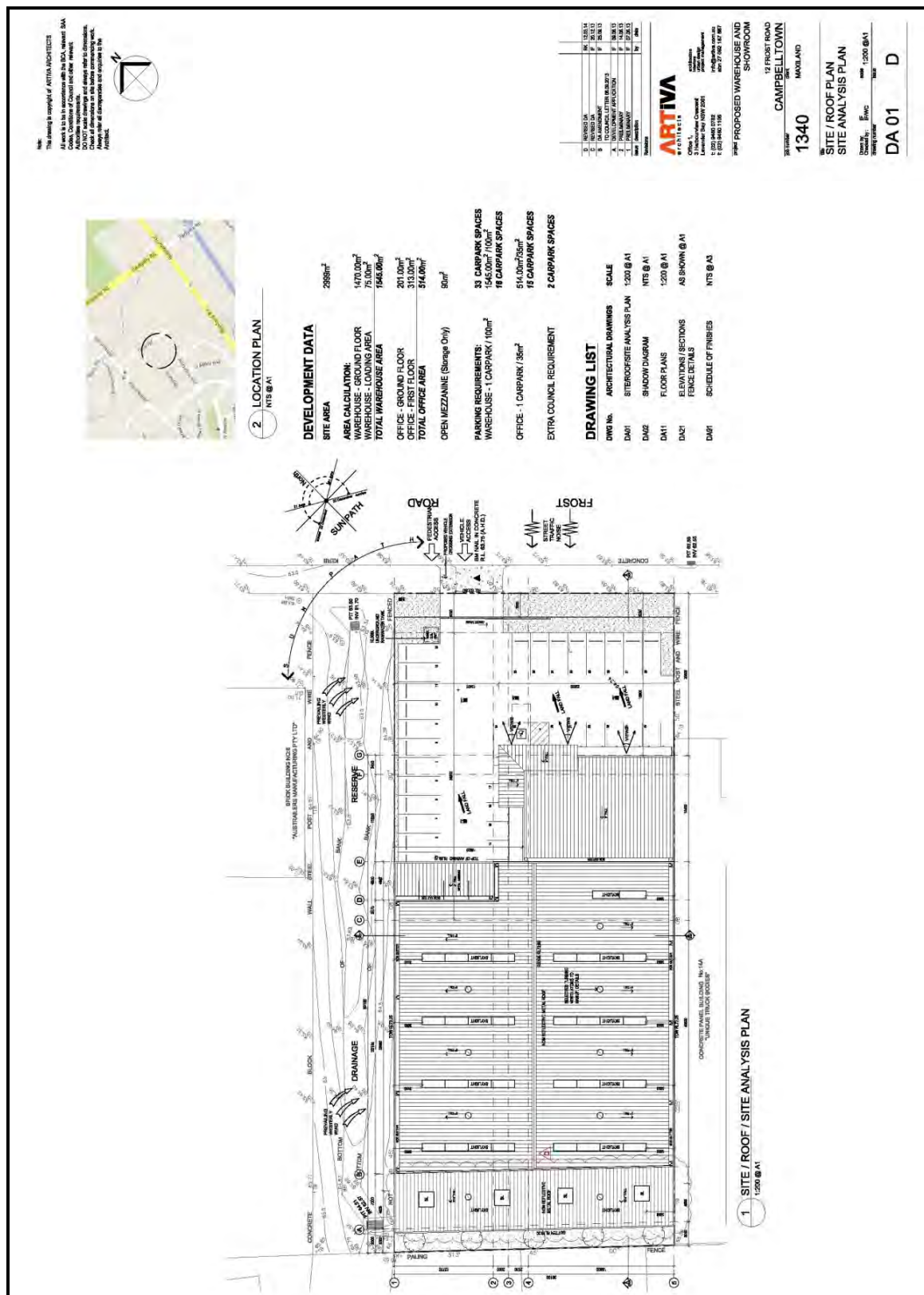
3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

ATTACHMENT 2



Locality plan

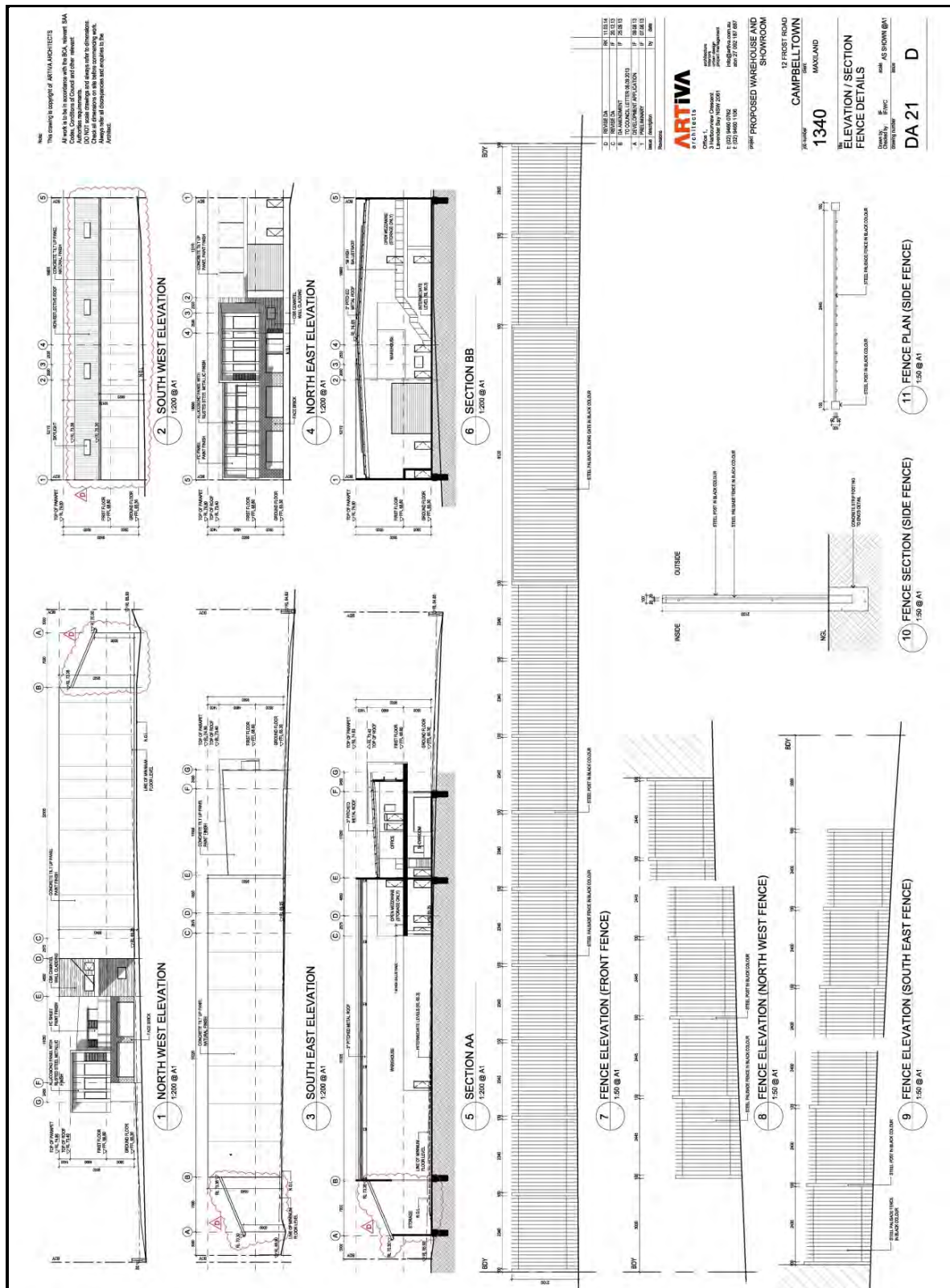
ATTACHMENT 3



Site plan

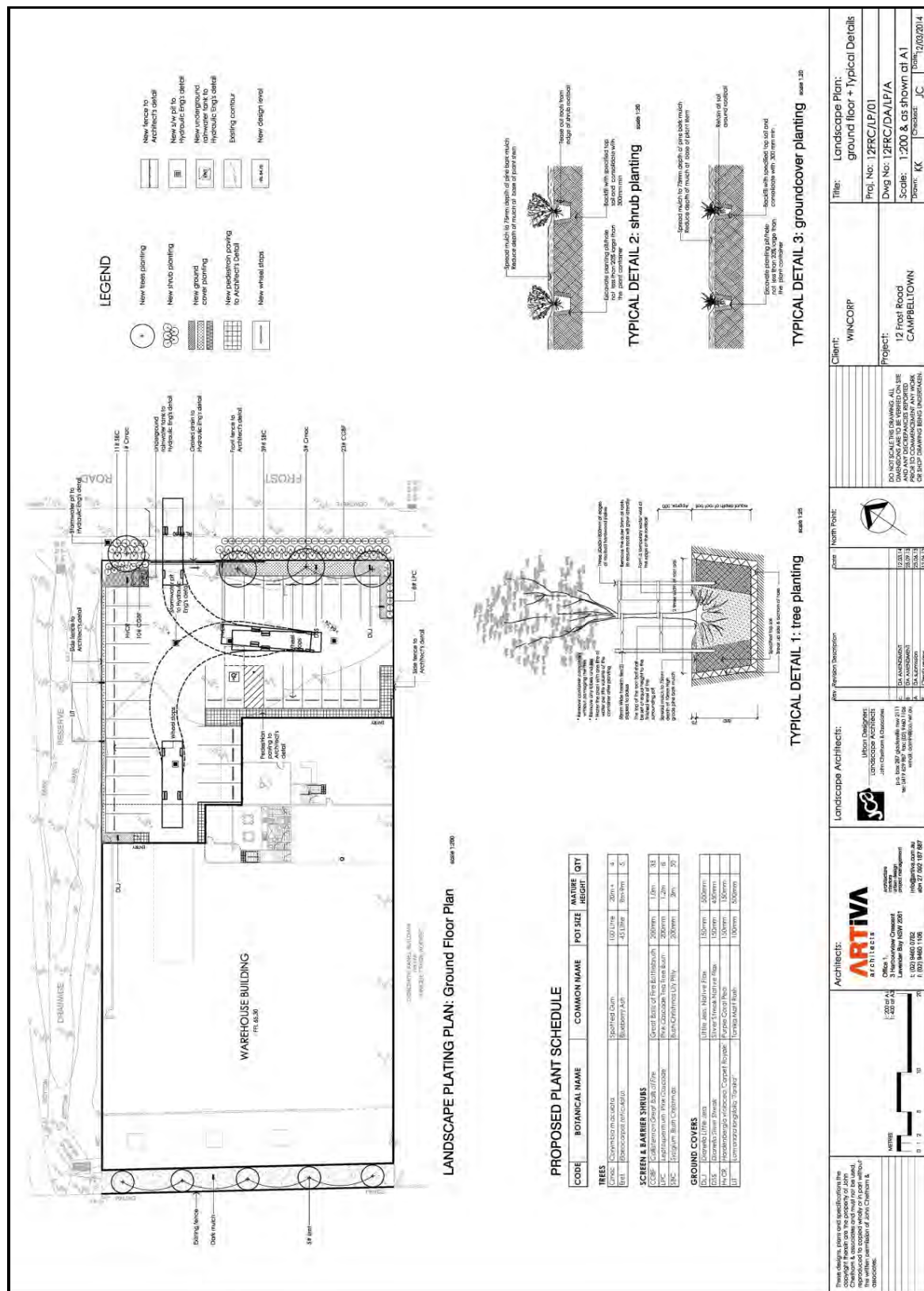
3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing

ATTACHMENT 4



Elevations


ATTACHMENT 5



Landscape plan

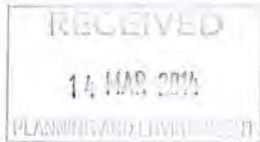
ATTACHMENT 5

Request to vary Section 7.3.2 of the SCDP 2012



office 1, 3 harbourview cres,
lavender bay nsw 2061
abn 27 092 187 687

t 02 9460 0782
f 02 9460 1106
www.artiva.com.au



DCP Variation

Project address: 12 Frost Road, Campbelltown

- The requirement of the Section 7.3.2 (b) of the Sustainable City DCP**
 - Section 7.3.2 b) Except as nominated above, buildings adjoining residential, commercial and/or open space zones shall be setback a minimum of 10 metres.




Image 1: Subject site and neighbour building

- The proposed warehouse development**
 - The subject site has rear boundary adjoining residential property, and the proposed warehouse development has 3m rear setback for the single storey storage portion and 10m rear setback for the warehouse portion.





Image 2: Proposed Warehouse building and neighbour building

architecture / interiors / urban design / project management



3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing



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3. DCP Variation

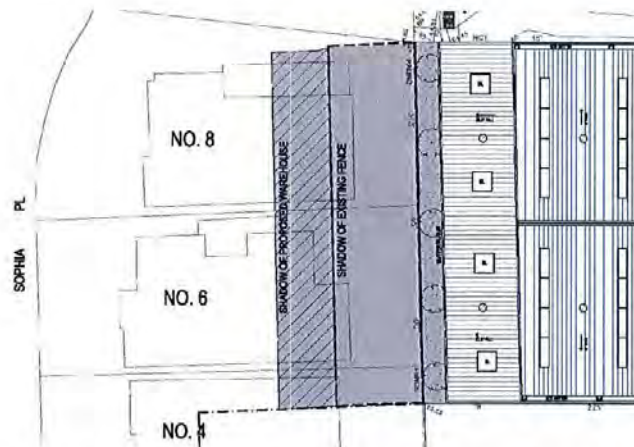


Image 3: Additional shadow casting on neighbour residential property at 9am

- As shown on the image 3(shadow diagram at 9am), the shadow casting from the existing rear fence cover up most of the backyard open space of the neighbour residential property No.6 & 8 of Sophia PL, the additional shadow are generated from the warehouse portion of the proposed development and casting mainly on the roof area of the neighbour residential property, since there are no skylights or opening on the roof of the residential property, the proposed warehouse development will have minor impact to the current condition of the daylight access requirement to the residential property and the backyard open space.

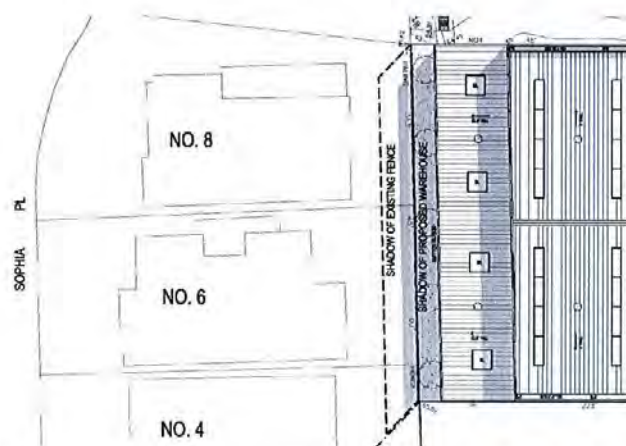


Image 4: Additional shadow casting on neighbour residential property at 12noon

3.6 No. 12 Frost Road, Campbelltown - Construction, Of A Warehouse Type Building With Associated Office Areas, Showroom, Car Parking And Front Fencing



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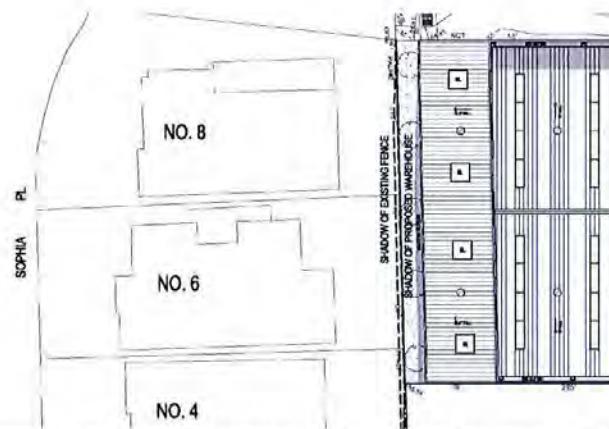


Image 5: Additional shadow casting on neighbour residential property at 3pm

- As shown on Image 4 (shadow diagram at 12noon) & Image 5 (shadow diagram at 3pm), there is no additional shadow casting on the neighbour residential property for the proposed warehouse development, therefore the current daylight access condition for the neighbour residential property remain the same.

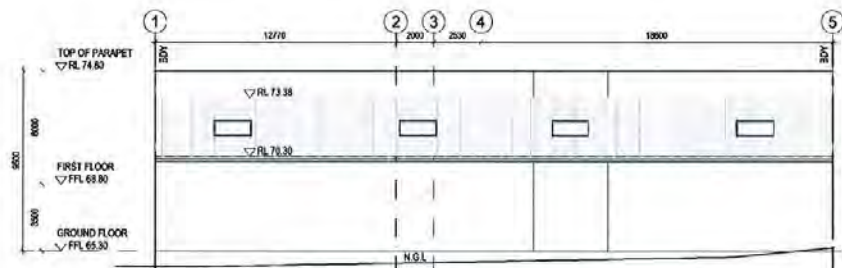


Image 6: Additional shadow casting on neighbour residential property at 3pm

- As shown on Image 6 (rear elevation), the proposed warehouse development will generate minor noise that could possibly be an issue to the adjoining residential property, however the rear façade of both the storage portion and the warehouse portion adjoining the residential property are plain concrete wall with no opening, noise generated from the warehouse will be minimized and there is no privacy issue.
- The roof for the single storey storage is non-reflective metal roof, which will have no light reflection impact to the neighbour properties.

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

3.7 Lots 6 and 7, DP 31977 Nos. 64 and 66 Kent Street, Minto - Demolition of existing structures, tree removal and construction of a 12 unit Seniors Living development with front fencing

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions (contained with this report)
2. Locality Plan (contained within this report)
3. Proposed Site and Floor Plan (confidential - for privacy reasons these are not available to the public)
4. Elevation Plan (contained within this report)
5. Access to Services Map (contained within this report)
6. Landscape Plan (confidential - for privacy reasons these are not available to the public)
7. Seven Part Test of Significance (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* (EPA Act).

Property Description	Lots 6 & 7, DP 31977 – Nos.64 & 66 Kent Street, Minto
Application No.	935/2013/DA-SL
Applicant	Kundari Homes Pty. Ltd.
Owner	Anthony Neville, Andrzej Kaczmarek and Malgorzata Kaczmarek
Provisions	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
	State Environmental Planning Policy (Building Sustainability Index)
	State Environmental Planning Policy No. 44 – Koala Habitat
	Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
	Campbelltown (Urban Area) Local Environmental Plan 2002
	Campbelltown (Sustainable City) Development Control Plan 2009

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

Campbelltown City Council Section 94A Development Contributions Plan

Development Control Plan No. 87 – Public Notification and Public Exhibition Policy

Date Received 1 May 2013

History

The following is a chronology of events in respect to the site and more specifically the subject Development Application:

- 1 May 2013 – Subject application lodged with Council.
- 1 July 2013 – Letter issued by Council to applicant, advising of various non-compliances and issues requiring further attention.
- 28 November 2013 – Part response provided to Council's letter dated 1 July 2013, including amended plans.
- 9 January 2014 – Part response provided to Council's letter dated 1 July 2013, including amended plans.
- 21 January 2014 – Part response provided to Council's letter dated 1 July 2013, including amended plans.
- 4 April 2014 – Letter issued by Council to applicant, advising of further and outstanding, non-compliances and issues with the application.
- 9 April 2014 – Response provided to Council's letter dated 4 April 2014, including amended plans.

Report

Introduction

Council is in receipt of a Development Application, for the demolition of existing structures and construction of a 12 unit Seniors Living development, pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Site

The subject site is located within the suburb of Minto, on the eastern side of Kent Street, between Durham and Warwick Streets. The site consists of two allotments, with a total area of 3,280m². Existing improvements to the site include a dual occupancy development (No. 64 Kent Street) and a single dwelling house (No. 66 Kent Street).

There are 41 trees on the subject land, including remnant Cumberland Plain Woodland. Cumberland Plain Woodland is listed as a Critically Endangered Ecological Community under the *Threatened Species Conservation Act 1995* and as an Endangered Ecological Community under the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999*.

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

Development within the surrounding locality is characterised predominantly by low and medium density single storey housing, although there is also a nursing home located on an adjacent allotment.

The Proposal

The proposal seeks development consent for the demolition of existing structures and construction of a 12 unit Seniors Living development. The proposal contains the following elements:

- Demolition of the existing structures
- Removal of 36 trees
- Construction of a 12 unit, single storey 'in-fill self-care housing' – Seniors Living development consisting of 10 x two bedroom dwellings and 2 x three bedroom dwellings. Each with attached single car garages. Two of the dwellings are accessed directly from the street, while the other 10 units are accessed via a central common driveway
- Front fencing
- External parking for four cars
- Site earth works
- Associated site landscaping works, including paving
- Stormwater management works.

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.

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.

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Some of the relevant desired outcomes of the vision 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 as well as the nature and level of impact on adjoining development and the locality.

Assessment

The development has been assessed having regard to the matters for 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.

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

Clause 2 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP), outlines that the Policy aims to:

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability
- (b) make efficient use of existing infrastructure and services
- (c) be of good design.

These aims are to be achieved by:

- (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy
- (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form
- (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily or urban purposes."

Clause 4 of the Seniors Housing SEPP, outlines that the Policy applies to land that is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, and on which development of any of the following is permitted:-

- dwelling houses
 - residential flat buildings
-

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- hospitals
- development of a kind identified in respect of land zoned for special uses, including (but not limited to) churches, convents, educational establishments, schools
- seminaries
- the land is being used for the purposes of a registered club.

The site is zoned '2(b) – Residential', pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) and dwelling houses are permissible. Hence the Seniors Housing SEPP applies to the subject land.

The proposed development is defined by Clause 13 of the Seniors Housing SEPP, as an 'in-fill, self-care housing' development (see below).

(1) General term: “self-contained dwelling

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

(2) Example: “in-fill self-care housing”

In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

Clause 15 of the Seniors Housing SEPP, allows seniors housing, despite the provisions of any other Environmental Planning Instrument (including a Council's local environmental plan), if the development is carried out in accordance with the Policy:

It is considered that the proposal is permissible with Council's consent pursuant to Clause 15 of the Seniors Housing SEPP.

Clause 18 of the Seniors Housing SEPP outlines that a Consent Authority (Council) must not grant Development Consent to seniors housing, unless:

- (1) Development allowed by this Chapter may be carried out for the accommodation of the following only:
 - (a) seniors or people who have a disability
 - (b) people who live within the same household with seniors or people who have a disability
 - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
-

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- (2) A consent authority must not consent to a development application made pursuant to this Chapter unless:
- (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates
 - (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).

Accordingly, should Council decide to support the proposed development, it is recommended that conditions be imposed in accordance with the above requirements.

Part 2 of the Seniors Housing SEPP outlines various site related requirements. These matters have been considered and the following table details how the proposal responds to each of the relevant requirements of the Seniors Housing SEPP.

Criteria	Proposed	Comment
<p>Clause 26 – Location and Access to Facilities</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. <p>(2) Access complies with this clause if:</p> <ul style="list-style-type: none"> (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development: <ul style="list-style-type: none"> (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), 	<p>The site is located approximately 210m from a bus stop (suitably serviced public transport), providing access to Minto, Ingleburn and Campbelltown business centres.</p>	<p>The proposal satisfies the SEPP requirements concerning "access to facilities".</p>

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<p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <ul style="list-style-type: none"> (i) a gradient of no more than 1:12 for slopes for a maximum of 15m at a time, (ii) a gradient of no more than 1:10 for a maximum length of 5m at a time, (iii) a gradient of no more than 1:8 for distances of no more than 1.5m at a time. <p>(4) For the purposes of subclause (2): (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p>	<p>Given the local area is relatively flat, it is considered that the path of travel satisfies the gradient and surface requirements.</p>	
<p>Clause 28 – Water and Sewer</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	<p>The site is served by a reticulated water system and is sewered.</p>	<p>The proposal satisfies the SEPP requirement. Moreover, a condition has been included within the recommendation requiring the provision of a Section 73 Certificate from Sydney Water.</p>
<p>Clause 30 – Site analysis</p>	<p>A detailed site analysis accompanied the application.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 31 – Design of in-fill self-care housing</p>	<p>The overall design has been reviewed against the relevant SEPP requirements and it considered that the proposal satisfies various design principles.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 32 – Design of residential development</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>	<p>Discussed below (i.e. Clauses 33 to 39)</p>	<p>As detailed the proposal satisfies the principles of Division 2.</p>

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<p>Clause 33 (a) – Neighbourhood amenity and streetscape</p> <p>The proposed development should recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p>	<p>The proposal is consistent with the existing and desired future likely character of the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (c) – Neighbourhood amenity and streetscape</p> <p>The proposed development should maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <ul style="list-style-type: none"> (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development. 	<p>The proposal has provided building setbacks consistent with the residential development provisions of the Sustainable City DCP, which applies to other relevantly similar residential type developments.</p> <p>The overall design and layout has given regard to the existing levels of the site.</p> <p>The single storey development is of a scale which is compatible with existing development in the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (d) – Neighbourhood amenity and streetscape</p> <p>The proposed development should be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.</p>	<p>The proposed front setback of 5.5m, is consistent with the provisions of the Sustainable City DCP, and existing and future likely setbacks in the area.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 33 (e) – Neighbourhood amenity and streetscape</p> <p>The proposed development should embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.</p>	<p>The application has been accompanied by a detailed landscape plan, which provides for landscaping in scale with existing development in the area.</p>	<p>The proposal is considered to be satisfactory in this regard. (As discussed in further detail elsewhere in the report)</p>
<p>Clause 33 (f) – Neighbourhood amenity and streetscape</p> <p>The proposed development should retain, wherever reasonable, major existing trees.</p>	<p>While the proposal involves the removal of 36 trees the proposed layout enables the retention of five (5) large trees on the site.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 34 – Visual and Acoustic Privacy</p>	<p>The proposal maintains privacy levels within the locality and achieves satisfactory levels of privacy performance for future occupants.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>
<p>Clause 35 – Solar access and design for climate</p>	<p>Overshadowing by the proposal of adjacent properties is minimal.</p> <p>Furthermore the northerly orientation of the site has been utilised where possible to maximise amenity levels for future occupants.</p>	<p>The proposal is considered to be satisfactory in this regard.</p>

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Clause 36 – Stormwater	The application has been accompanied by a stormwater concept plan outlining the proposed methods of stormwater disposal.	The proposal is considered to be satisfactory in this regard. Moreover, a condition has been included within the recommendation requiring compliance with the stormwater and engineering requirements of the Sustainable City DCP.
Clause 37 – Crime Prevention	The overall layout provides surveillance opportunities, minimises possible entrapment areas and provides a clear differentiation between private and public spaces.	The proposal is considered to be satisfactory in this regard.
Clause 38 – Accessibility	The local area is relatively flat, and the site is located approximately 210m from a bus stop and approximately 850m from Minto Railway Station.	The proposal is considered to be satisfactory in this regard.
Clause 39 – Waste Management The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed layout provides appropriate bin storage areas.	The proposal is considered to be satisfactory in this regard. Moreover, a condition has been included within the recommendation requiring bins to be stored within the private courtyard areas.
Clause 40 (2) – The size of the site must be at least 1,000m ² .	3,280m ²	Complies
Clause 40 (3) – The site frontage must be at least 20m wide, measured at the building line.	40.23m	Complies
Clause 40(4) (a) – The height of all buildings in the proposed development must be 8m or less.	The proposed buildings are single storey and have a maximum overall height of approximately 5m.	Complies
Clause 40 (4) (c) – a building located in the rear 25% area of the site must not exceed one (1) storey in height. Equating to a rear setback of 12m for the second storey component.	The proposed buildings are single storey and do not exceed a height of 5m.	Complies
Division 3 – Clause 41 – Standards for hostels and self-contained dwellings A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwellings unless the proposed development complies with the standards specified in Schedule 3 for such development.	Consideration of the proposal indicates that the development can satisfy the standards of Schedule 3.	The proposal is considered to be satisfactory in this regard. Moreover, a condition is to be imposed requiring compliance with the construction standards.

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<p>Clause 50 (a) – Building Height</p> <p>All proposed buildings are to be 8m or less in height.</p>	<p>The proposed buildings have a maximum overall height of approximately 5m.</p>	<p>Complies</p>
<p>Clause 50 (b) – Density and Scale</p> <p>The density and scale of the buildings when expressed as a floor space ratio (FSR) are to be 0.5:1 or less.</p>	<p>Approximately 0.31:1</p>	<p>Complies</p>
<p>Clause 50 (c) (ii) – Landscaped Area</p> <p>A minimum of 30% of the site is to be landscaped.</p>	<p>Approximately 38%</p>	<p>Complies</p>
<p>Clause 50 (d) – Deep Soil Zones</p> <p>An area of not less than 15% of the area of the site is to be a deep soil zone, of which two-thirds of the deep soil zone should preferably be located at the rear of the site.</p>	<p>Approximately 34% of the site constitutes a deep soil zone, of which approximately 70% is in the rear portion of the site.</p>	<p>Complies</p>
<p>Clause 50 (e) – Solar Access</p> <p>Living rooms and private open spaces for a minimum of 70% of the dwellings are to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The living and private open space areas of each dwelling receive a minimum of three (3) hours of solar access at the winter solstice.</p>	<p>Complies</p>
<p>Clause 50 (f) (i) – Private Open Space</p> <p>No less than 15m² of private open space per dwelling is to be provided, and of this open space, one area is not to be less than 3m long and is accessible from a living area.</p>	<p>Each dwelling is serviced by a private open space area, with a minimum size of 38m² and a minimum depth of 4m directly accessible from the respective main living rooms.</p>	<p>Complies</p>
<p>Clause 50 (h) – Parking</p> <p>0.5 car parking spaces are to be provided for each bedroom.</p> <p>The overall development includes 26 bedrooms, thereby constituting the need for 13 car parking spaces.</p>	<p>16 car parking spaces are provided.</p>	<p>Complies</p>

Schedule 3 of the Seniors Housing SEPP, outlines the construction standards for self-contained dwellings, in relation to the following elements:

- Siting Standards
- Security
- Letterboxes;
- Private car accommodation
- Accessible entry
- Interior
- Bedroom
- Bathroom
- Toilet
- Surface finishes
- Door hardware
- Ancillary items
- Living room and dining room
- Kitchen

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- Laundry
- Storage for linen
- Garbage.

It is considered that the development can satisfy these standards. Moreover, a condition is to be imposed requiring compliance with such.

2. State Environmental Planning Policy (Building Sustainability Index)

A BASIX Certificate has been provided for the proposal and relevant commitments made on the architectural / development plans. Therefore it is considered that the proposal is acceptable in this regard.

3. State Environmental Planning Policy No. 44 – Koala Habitat

The subject site is identified by the draft Campbelltown Comprehensive Koala Plan of Management as containing 'Marginal Habitat'. Notwithstanding this, given that the site consists of an area less than 1 hectare and is not co-located together with any adjoining land in the same ownership of an area of more than 1 hectare, Part 2 of State Environmental Planning Policy No. 44 does not apply to the proposal.

Accordingly, it is considered that the proposal does not conflict with the requirements of State Environmental Planning Policy No. 44.

4. 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.

5. Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned '2(b) – Residential' under the provisions of LEP 2002. The proposed 'multi dwelling housing' development is permissible, within the '2(b) – Residential' zone, as well as being consistent with the following objectives for the zone:

- (b) to permit the development of a range of housing types
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002 and Council may grant consent to the application should it deem appropriate to do so.

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6. Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP 2009)

Council is advised that SCDCP 2009 is the relevant Development Control Plan for the purposes of assessing this development application.

Although the current version of the Campbelltown (Sustainable City) DCP is the 2012 version (SCDCP 2012), the subject development application has been assessed under the provisions of SCDCP 2009 as the development application was made prior to 3 July 2013 (effective date of SCDCP 2012).

Notwithstanding the above, a brief assessment of the proposal against SCDCP 2012 was undertaken and found there to be no provisions under SCDCP 2012 that would result in a significantly different outcome to that recommended in this report.

The following compliance table, details the assessment of the proposed development pursuant to the relevant requirements of the SCDCP 2009.

Section	Control	Requirement	Proposed	Compliance
2.4.1	Rain Water Tanks	A 3,000L rain water tank shall be provided for all new buildings containing a roof area of between 101m ² to 200m ² .	Each dwelling is serviced by a 3,000L above ground rain water tank.	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 trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	The proposed design follows the existing ground levels and involves minimal earthworks.	NA
2.9	Demolition		A detailed demolition work plan accompanied the application.	Yes. Moreover, a condition has been included within the recommendation requiring compliance with AS 2601 – 2001 – The Demolition of Structures.
2.12.1 (d)	Fencing	Front residential fencing shall be a maximum of 1.2m in height and complement the design of the development.	The proposed front fencing is 1.2m in height and is complementary in design to the overall development.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application and is satisfactory.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.3.1 (a)	Streetscape	Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.	The overall building design is in keeping with the existing and future likely character of the area and is considered satisfactory.	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The proposed design relates to the existing ground levels of the site.	Yes
3.3.1 (d)	Streetscape	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	The siting of the car parking areas are integrated into the overall design, as to not dominate the visual appearance of the development.	Yes
3.3.1 (e)	Streetscape	Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting facade).	No garage is located within the main street frontage of the development.	Yes
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two (2) storeys.	The proposed development is single storey.	Yes
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	The proposed buildings have a maximum ceiling height of approximately 3m.	Yes
3.3.2 (a) (iii)	Building Height	Residential development shall have a height not exceeding 9.5m at the upper most roof height measured vertically from ground level (existing).	Approximately 5m	Yes
3.3.2 (b)	Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The overall height of the development is single storey and in keeping with the height of surrounding development and given the siting of the proposed development, amenity impacts to adjacent dwellings have been minimised.	Yes
3.4 (a)	Car Parking and Access	The minimum external dimensions of any required parking space shall be 2.5m x 5.5m.	The external parking spaces have dimensions of 2.5m x 5.5m.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	Each garage has dimensions of 3.2m x 6m.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Transitional grades to the garages comply with the relevant standard.	Yes. Furthermore, a condition has been included within the recommendation requiring compliance with such.
3.4 (e)	Car Parking and Access	Driveways greater than 30m in length as viewed from the street shall be avoided.	Approximately 75m	No. However, the proposal has integrated significant landscaping adjacent to and within the driveway area and a condition has been included within the recommendation requiring the driveway being finished with a recessive colour, so as to minimise the visual prominence of the driveway area and the visual impact on the streetscape.
3.4 (g) (ii)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 5m where the driveway provides access for three (3) or more dwellings.	The driveway is 5m wide at the street boundary.	Yes
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	The driveway is perpendicular to the road.	Yes
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	The driveway is of a patterned coloured concrete finish.	Yes
3.5.2 (a)	Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6m of the proposed window or balcony unless appropriately screened.	Side facing living room windows are setback a minimum of 3.4m from the property boundary. The overall layout does not involve habitable rooms facing other habitable rooms.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	Each dwellings includes a living area with a north facing window.	Yes
3.6 (b)	Solar Access	A minimum of 20m ² of the required private open space area shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	In excess of 20m ² of the private open space area of each dwelling shall receive more than three (3) hours of solar access at the winter solstice.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.6 (c)	Solar Access	Development shall have appropriate regard to the impact on solar access to useable private open space, solar collectors and clothes drying areas of adjoining residential development.	The layout and design of the development results in amenity impacts to adjacent dwellings being minimised.	Yes
3.9.1 (a)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments shall not be erected on land with an area of less than 700m ² .	3,280m ²	Yes
3.9.1 (c)	Site and Density Requirements for Multi Dwellings	The number of dwellings permitted within a multi dwelling development shall not exceed two (2) dwellings for the first 700m ² of land area and 1 dwelling for each 300m ² of land area thereafter. Equates to 3,700m ² , for 12 dwellings.	3,280m ²	No. Although the proposal satisfies the density requirements of Clause 40 (2) and Clause 50 (b) of the Seniors Housing SEPP, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.1 (f) (i)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating three (3) or more dwellings shall only be permitted on an allotment having a minimum width of 22.5m measured along the side boundaries at a distance of 5.5m from the primary street boundary.	40.23m	Yes
3.9.1 (f) (ii)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating 3 or more dwellings shall only be permitted on an allotment having a minimum width of 10m measured between the extended property side boundaries.	40.23m	Yes
3.9.1 (f) (iii)	Site and Density Requirements for Multi Dwellings	Multi dwellings development incorporating 3 or more dwellings shall only be permitted on an allotment where no part of the allotment is within 50m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	The site is not within 50m of a cul-de-sac.	Yes
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	Approximately 0.31:1	Yes

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Section	Control	Requirement	Proposed	Compliance
3.9.1 (h) (i)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5.5m from the primary street boundary.	The development has a minimum front setback of 5.5m.	Yes
3.9.1 (h) (iii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 900mm from any side boundary for the ground level.	The development has a minimum setback of 3.5m from the northern side boundary and a minimum setback of 3.43m from the southern side boundary.	Yes
3.9.1 (h) (v)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5m from the rear boundary for the ground level.	The development has a minimum rear setback of 6m.	Yes
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one (1) single garage.	Each dwelling includes an attached single garage.	Yes
3.9.2 (c)	General Requirements for Multi Dwellings	One (1) external additional visitor car parking space shall be provided for every two (2) units (or part thereof), unless all dwellings within the development have direct frontage to a public street.	The overall development is serviced by three (3) visitor car parking spaces.	No. Although the proposal satisfies the car parking requirements of Clause 50 (h) (i) of the Seniors Housing SEPP, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.2 (d)	General Requirements for Multi Dwellings	No visitor car parking space shall be located forward of the primary or secondary street boundary.	The visitor car parking spaces are recessed beyond the front facade.	Yes
3.9.2 (e)	General Requirements for Multi Dwellings	No visitor car parking space shall be in a 'stacked' configuration.	None of the proposed car parking spaces are of a 'stacked' configuration.	Yes
3.9.2 (g)	General Requirements for Multi Dwellings	The total floor area occupied by all bedrooms (and / or rooms capable of being used as a bedroom) within each dwelling shall not exceed 35% of the total floor space of that dwelling.	Approximately 26% for the two (2) bedroom dwellings and approximately 31% for the three (3) bedroom dwellings.	Yes
3.9.2 (h) (i)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that are not located within the primary street setback.	The private open space areas for each dwelling are located beyond the two (2) street facing dwellings.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.9.2 (h) (ii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum area of 60m ² .	Each dwelling is serviced by a private open space area, with a minimum size of 38m ² .	No. Although the proposal satisfies the private open space requirements of Clause 50 (f) (i) of the Seniors Housing SEPP, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.2 (h) (iii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum width of 3m.	Each private open space area has a minimum width of 3.4m.	Yes
3.9.2 (h) (iv)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that include a minimum levelled area of 5m x 5m.	Each private open space area has minimum dimensions of 3.4m x 10.3m.	No. Although given that the proposal satisfies the private open space requirements of Clause 50 (f) (i) of the SD SEPP being to provide a minimum private open space area of 3m x3m, pursuant to Clause 50 of the SEPP. Council cannot refuse a development application on the grounds of not satisfying this DCP control.
3.9.2 (h) (v)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have an internal living room directly accessible to outdoor private open space areas.	Each private open space area is directly accessible from the respective main living areas.	Yes
3.9.2 (h) (vi)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area of private open space that satisfies the solar access requirements contained in Section 3.6.	In excess of 20m ² of the private open space area of each dwelling receives more than three (3) hours of solar access at the winter solstice.	Yes
3.9.2 (i)	General Requirements for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The private open space areas for each dwelling are located beyond the two (2) street facing dwellings.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.9.2 (k)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: <ul style="list-style-type: none"> architectural features (such as balconies, openings, columns, porches, colours, materials etc.) and articulation in walls are to be incorporated into the front facade of each dwelling; no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials. 	The front facade of each dwelling is articulated and consists of architectural features that are of a similar form to adjoining and future like developments. Approximately 29% of the area forward of the building alignment, is of an impervious finish.	Yes
3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: <ul style="list-style-type: none"> a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and a minimum of 20% of the total site area shall be available for deep soil planting. 	The application was accompanied by a detailed landscape design plan. Approximately 34% of the site has been made available for deep soil planting.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings development shall satisfy the following architectural requirements: <ul style="list-style-type: none"> a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development; incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines; incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and provision of windows and active spaces in the building ends, to provide additional security and visual interest. 	<p>The overall design of the proposed development is similar in terms of its finish, and bulk and scale, compared to existing and likely future developments in the locality.</p> <p>The front facades and roof forms are articulated, providing depth to the overall design.</p>	Yes
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwelling development shall make provision for individual waste storage, allocated behind the primary and secondary building alignment out of public view, for the following: <ul style="list-style-type: none"> a 140 litre bin; and two (2) 240 litre bins. 	Suitable provision is made within each private open space area for bin storage in positions behind the primary building line and out of public view.	Yes Furthermore, a condition has been included within the recommendation requiring bins to be stored within the private court yard areas.

7. Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan and accordingly a condition has been included within the recommendation, requiring payment of such.

8. Planning Assessment

The following is a summary of the areas of consideration regarding the likely environmental impacts and the suitability of the site, in respect to the proposed development:

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Built Form

The overall building design consists of articulated facades and is in keeping with the existing and future likely character of the area. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing and articulation.

Natural Environment

As previously outlined, the site contains remnant Cumberland Plain Woodland, which is listed as a Critically Endangered Ecological Community under the Threatened Species Conservation Act 1995 and as an Endangered Ecological Community under the Commonwealth's Environmental Protection and Biodiversity Conservation Act 1999. Moreover, the proposal involves removal of 36 trees from the site. Accordingly, the application has been accompanied by a Flora and Fauna Assessment, prepared by a practising Ecological Consultant.

Moreover, a Seven Part Test of Significance (attached) was also undertaken by the same practising Ecological Consultant, pursuant to Section 5A of the *Environmental Planning and Assessment Act 1979*.

The Ecological Consultant's Report outlines that of the 41 trees located on the site, 22 are indigenous to the area and representative of Cumberland Plain (Shale Plain) Woodland, and that the 22 indigenous trees on the site combine with approximately 114 others, on surrounding properties to form a remnant stand of 136 Cumberland Plain Woodland trees. The Seven Part Test of Significance, outlines that as the proposal involves the removal of only 11% of the trees within the stand of 136 (15 trees of 136), it is unlikely to place the local occurrence of the Cumberland Plain (Shale Plain) Woodland at risk.

The Ecological Consultant recommends that 'Tree Protection Zones' be established around the perimeter of the five trees that are to be retained. Accordingly, conditions have been included within the recommendation, requiring the establishment of such.

Furthermore, the Ecological Consultant recommended that specific landscaping be utilised, in close proximity to the five existing trees around the site. The application was accompanied by a landscape plan which adopts the approach.

Amenity Impacts

The overall design of the proposed development has given satisfactory regard to existing adjoining residential premises, in terms of privacy, separation, overshadowing and the protection of trees and other vegetation within adjoining properties. Accordingly it is considered that the proposal is acceptable in this regard.

Security and Safety

The overall design of the proposed development is considered to be consistent with the 'principles for minimising crime risk' (Crime Prevention through Environmental Design) and it is therefore deemed to be satisfactory in this regard.

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Public Participation

In accordance with the requirements of Campbelltown Development Control Plan No. 87, the proposal was notified to adjoining property owners from 14 May 2013 until 28 May 2013. As a consequence of the notification, Council received 71 submissions, 69 of the submissions objected to the proposal, while the other two submissions raised concerns with the application. Following is a summary and comments relating to such:

Concern was raised suggesting that the design of the buildings are out of character with existing surrounding development.

Comment – The general architectural style is considered acceptable for the locality and whilst the redevelopment of the site gives rise to a different built form compared to that of more established residential development, it is considered to be not incompatible with the emerging streetscape and built form in the locality.

Concern was raised regarding the proposed front setback and its incompatibility with adjoining dwellings.

Comment – While it is acknowledged that the proposed front setback is less than the setback of the existing dwellings on the site and that of the dwellings to either side of the site, there are a number of more recently completed dwellings that are setback in the vicinity of 5.5m. Furthermore, the proposal is consistent with the setback requirements of the Sustainable City DCP, and is considered to be compatible with the emerging streetscape and built form in the locality.

Concern was raised regarding the density of the proposal being incompatible with that of the locality.

Comment – While the proposal includes 12 dwellings on a site that would only provide for 10 under the Sustainable City DCP, the Seniors Housing SEPP permits higher density housing, subject to additional criteria to which the proposal satisfies, as previously outlined.

Concern was raised regarding the location of the proposed driveway.

Comment – The central common driveway satisfies the relevant requirements of the Sustainable City DCP, while the application was referred to Council's Senior Development Engineer who was satisfied with the location of such.

Concern was raised regarding the removal of structures containing asbestos.

Comment – Conditions have been included within the recommendation requiring demolition works being undertaken in accordance with the relevant Australian Standards and that any asbestos be removed by an appropriately licensed contractor.

Concern was raised regarding the proliferation of 'Seniors Living' type developments in the locality.

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Comment – Whilst it is acknowledged that there is an existing Seniors Living type development in close proximity to the site, there are no such controls restricting the number of facilities in a given area

Concern was raised regarding the management of the facility and the potential occupancy of the development by 'non-seniors'.

Comment – As previously outlined, in accordance with the Seniors Housing SEPP a condition is to be imposed upon any such development, requiring the registration of a restriction as to user on the title of the property, limiting the use and occupancy of the facility.

Concern was raised regarding the removal of Cumberland Plain Woodland and other existing trees.

Comment – As previously outlined, the application was accompanied by an Ecological Consultant's Report (containing a Flora and Fauna Assessment, and a Seven Part Test of Significance) which concludes that the proposal satisfies the relevant provisions, subject to the inclusion of conditions which have been included within the recommendation. Council's Environmental Planning staff have not raised an objection to the proposed development.

Concern was raised regarding the loss of animal habitat.

Comment – As previously outlined, the application was accompanied by an Ecological Consultant's Report (containing a Flora and Fauna Assessment, and a Seven Part Test of Significance) which concludes that the proposal satisfies the relevant provisions, subject to the inclusion of conditions which have been included within the recommendation.

Concern was raised regarding the proposal being inconsistent with publications of the NSW Office of Environment and Heritage.

Comment – As previously outlined, the application was accompanied by an Ecological Consultant's Report (containing a Flora and Fauna Assessment, and a Seven Part Test of Significance) which concludes that the proposal satisfies the relevant provisions, subject to the inclusion of conditions which have been included within the recommendation.

Concern was raised regarding potential amenity impacts during demolition and construction works.

Comment – Conditions have been included within the recommendation limiting the hours of works, in relation to dust management and requiring demolition works being undertaken in accordance with the relevant Australian Standards. Furthermore, any works are subject to the requirements of the Protection of the Environment and Operations Act, which has limitations on noise emissions.

Concern was raised regarding potential privacy issues.

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Comment – Whilst it is acknowledged that the proposal seeks to provide for nine additional dwellings over the site, it is limited to single storey dwellings and apart from highlight windows within one of the dwellings, all other side windows are located in excess of 3m from any property boundary. Furthermore, the overall design generally follows the existing ground levels. Accordingly, it is considered that the proposal is acceptable in his regard.

Concern was raised regarding potential overshadowing of adjoining properties.

Comment – The proposal is limited to single storey buildings. The layout includes six dwellings along the southern portion of the site, which apart from one of the dwellings are setback in excess of 3m. Given this, it is unlikely that the proposal would generate any overshadowing beyond that of a 1.8m high dividing fence and it is considered that the proposal is acceptable in this regard.

Concern was raised regarding potential additional noise generated by additional residents.

Comment – Whilst it is acknowledged that the proposal seeks to provide for nine additional dwellings and that common noise levels are likely to increase in the vicinity of the site, the Seniors Housing SEPP permits higher density housing and it is considered that the proposal is acceptable in his regard. Furthermore, it is noted that the provisions of the *Protection of the Environment Operations Act 1997*, limit noise emissions from sources such as air conditioning systems and the like.

Concern was raised regarding potential impacts from additional lighting.

Comment – Whilst it is acknowledged that the proposal seeks to provide for nine additional dwellings and that overall light levels are likely to increase in the vicinity of the site, the Seniors Housing SEPP permits higher density housing and it is considered that the proposal is acceptable in his regard. A condition has been included within the recommendation requiring that any lighting satisfies the relevant Australian Standards.

Concern was raised regarding the lack of car parking provided on site.

Comment – While the proposal does not provide visitor car parking to the standard required by the Sustainable City DCP, the Seniors Housing SEPP allows for such developments with a lower number of spaces.

Concern was raised regarding pedestrian safety and traffic issues in the vicinity of the site, of a result of nine additional dwellings

Comment – Whilst it is acknowledged that the proposal would generate additional traffic movements, it is considered that local road network is capable of meeting the associated demand. Furthermore, the application was referred to Council's Development Engineer for consideration, who has not objected to the proposal.

Concern was raised suggesting that the site has poor drainage and that the proposal will further impact upon such.

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Comment – The application was accompanied by a stormwater concept plan and a Stormwater Assessment Study, which was prepared by a Consultant Chartered Engineer. The application was referred to Council's Development Engineer and Council's Technical Services Section for consideration, who found the proposal to be acceptable. Furthermore, conditions have been included within the recommendation requiring the implementation of various drainage measures in accordance with the requirements of the Sustainable City DCP.

Concern was raised suggesting that the proposal will be detrimental to Sydney Water and telecommunication facilities in the locality.

Comment – Any such development requires the developer to liaise with the appropriate service authority prior to the commencement of works, to ascertain if any associated upgrade will be required to service the needs of the proposed development.

Concern was raised regarding the development not being built in accordance with the approved plan.

Comment – A condition has been included within the recommendation requiring the completion of the development in accordance with the approved plans.

Concern was raised regarding the potential detrimental impact of a seniors living type development upon property values in the area.

Comment – No evidence has been provided in support of this claim. Furthermore, the relevant provisions provide for seniors living type development within the '2(b) – Residential' zone.

Concern was raised regarding the history and character of the applicant.

Comment – This is not a matter for consideration pursuant to the *EPA Act*. Notwithstanding this, as previously outlined, conditions have been included within the recommendation, requiring the completion of the development in accordance with the approved plans, limiting the hours of works, implementation of dust management measures and requiring demolition works being undertaken in accordance with the relevant Australian Standards.

Concern was raised that one of the property owners does not wish to proceed with the development.

Comment – The application was made in accordance with the relevant provisions of the *EPA Act* and included the consent of all property owners. Accordingly, Council is required to assess and ultimately make a determination based upon the application at hand.

Concern was raised regarding the offensive nature of comments made within the accompanying Statement of Environmental Effects, in relation to the appearance of surrounding dwellings.

Comment – Noted, however this is not a matter for consideration pursuant to the provisions of the *EPA Act*.

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Concern was raised regarding the general concept of seniors living type housing, and the health and social effects of residing in such type housing.

Comment – No justification has been provided in support of this claim. Furthermore, this type of housing provides an additional and popular housing option.

Concern was raised regarding the quality of documentation accompanying the application and inconsistencies within.

Comment – It is noted that the documentation accompanying the application (as originally made) included out dated and inconsistent details, however following such concerns being raised with the applicant by Council revised details have been provided which generally address such concerns. Furthermore, various conditions have been included within the recommendation requiring the implementation of the development in the intended sequence and manner.

Concern was raised regarding the suitability of the site to accommodate seniors living type housing given the access available to various services.

Comment – As previously outlined the site satisfies the relevant provisions of the Seniors Housing SEPP in relation to access to services.

Concern was raised regarding potential fire safety issues.

Comment – Building works are subject to the requirements of the Building Code of Australia and accordingly conditions have been included within the recommendation requiring compliance with such.

Concern was raised regarding the additional community stress associated with additional building works being undertaken in the locality.

Comment – Whilst it is acknowledged that several other developments have been undertaken over the past decade in close proximity to the site, there are no such controls restricting the number of sites able to be developed in a given area. Conditions have been included within the recommendation limiting the hours of building works and in relation to dust management. Furthermore, any such building works are subject to the requirements of the Building Code of Australia and the Protection of the Environment and Operations Act.

Concern was raised regarding the stress associated with Development Applications continuously being made for the subject site and other properties in the area.

Comment – Whilst it is acknowledged that two other like applications have previously been made for the subject site and that a variety of applications have been made for other properties in the locality, this is not a matter for consideration pursuant to the *EPA Act* and can be quite common in an area that is in transition.

Concern was raised regarding the notification of the application, in relation to the extent of notification and lack of information being available on the internet.

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Comment – The application was notified in accordance with the requirements of the Campbelltown Development Control Plan No. 87 – Public Notification and Public Exhibition Policy.

Conclusion

The proposal has been assessed pursuant to the relevant provisions of the Seniors Housing SEPP, LEP 2002 and the Sustainable City DCP. In this regard, while it is noted that the proposal does not comply with several of the requirements within Council's Sustainable City DCP, that pursuant to Clause 50 of the Seniors Housing SEPP, Council cannot refuse a development application which satisfies the associated requirements of the SEPP. The proposed development is permissible and assessment of such has not identified any significant environmental impacts. It is also considered that the site is suitable for the development. Accordingly, it is recommended that Council approve the application subject to appropriate conditions.

Officer's Recommendation

That Development Application No. 935/2013, for the demolition of existing structures, tree removal and construction of a 12 unit Seniors Living development, with front fencing at Nos. 64 & 66 Kent Street, Minto, be approved, subject to the attached conditions.

Committee's Recommendation: (Lound/Oates)

That a decision in this matter be deferred and the item be listed for an inspection.

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 6 May 2014 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 64

That the Committee's Recommendation be adopted.

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

Voting against the Council Resolution: nil

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ATTACHMENT 1

935/2013/DA-SL

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 Number	Date Received by Council
DA01 (Revision: D)	9 April 2014
DA03 (Revision: D)	9 April 2014
DA04 (Revision: A)	9 April 2014
DA05 (Revision: D)	9 April 2014
DA06 (Revision: B)	9 April 2014
DA07 (Revision: D)	9 April 2014
DA/08 (Sheet 1 of 1)	9 April 2014

2. Construction Certificate

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

- The applicant shall obtain a construction certificate for the particular works;
- The applicant shall appoint a principal certifying authority; and
- 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. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

5. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

6. 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:

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

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

7. External Finishes

- a. 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.
- b. The driveway is to be finished either 'French Grey', 'Gunmetal' 'Bluestone', 'Charcoal', or another similar colour.

8. Driveway

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

The driveway is to be bounded with a 150mm high kerb / dwarf wall.

9. Car Parking Spaces

Car parking shall be provided in accordance with the approved plans and Australian Standards 2890.1 and 2, and made available to all users of the site at all times.

10. Landscaping

- (1) The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, prepared by Ray Fuggle & Associates, submitted to Council on 21 January 2014, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
 - (2) 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.
 - (3) All trees are to be staked and tied with a minimum of three (3) 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.
 - (4) Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
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- (5) Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of trees. 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.

11. Ground Levels

The existing ground levels shall only be altered in accordance with the levels shown on the approved plans. Under no circumstances shall levels elsewhere on the site (i.e. within the side or rear setback areas) be altered in any way.

12. Fencing

- a. 1.8m high fencing is to be erected to cordon off the private open areas, in accordance with the approved plans, prior to the issuing of an Occupation Certificate.
- b. Attention is directed to the provisions of the Dividing Fences Act 1991, in relation to the fencing of the boundaries of the overall site.

13. 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.

14. 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.

15. 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*.

16. Flood Level Controls

This site is located within an area that has been identified as at the risk of being affected by the 100 year ARI flood. The fill and floor level control, which affects this land shall be in accordance with the recommendations of the flood study report approved by Council and the requirements set out in the *Campbelltown (Sustainable City) DCP Volume 3*.

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17. Rain Water Tanks

Rain water tanks 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.

18. Rubbish / Recycling Bin Storage

Rubbish and recycling bins shall be stored within the private courtyard areas, not within vehicle parking, vehicle manoeuvring areas or landscaped areas.

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.

19. Compliance Certificate – Compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The development shall comply with the relevant standards, objectives and controls contained within the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall obtain a Compliance Certificate from the Principal Certifying Authority in relation to the provision of satisfactory detailing of the following items, pursuant to Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

- a. Siting Standards
 - b. Security
 - c. Letterboxes
 - d. Private car accommodation
 - e. Accessible entry
 - f. Interior
 - g. Bedroom
 - h. Bathroom
 - i. Toilet
 - j. Surface finishes
 - k. Door hardware
 - l. Ancillary items
 - m. Living room and dining room
 - n. Kitchen
 - o. Laundry
 - p. Storage for linen
 - q. Garbage
-

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

Prior to Council or an accredited certifier issuing any Construction Certificate under this consent, the applicant shall provide written evidence and architectural plans demonstrating how every development standard listed above shall be achieved.

Prior to the principal certifying authority issuing an occupation certificate or an interim occupation certificate, the applicant shall demonstrate to the principal certifying authority's satisfaction that each development standard listed above has been achieved.

20. 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.

21. 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.

22. 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.
-

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

23. 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.

24. 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.

25. 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.

26. Stormwater Management Plan

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 a piped drainage system under Council's control. In this regard the applicant shall construct a Council's standard kerb inlet pit in Kent Street and connect the site drainage to the pit.

The applicant shall obtain written approval from Council for the drainage works in public land prior to the accredited certifier issuing a construction certificate.

All proposals shall comply with the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

27. Inundation by Flood Waters

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans addressing recommendations of the flood study report No: 12066CB Revision B, prepared by G J McDonald and approved by Council. In this regard the design levels including finished ground and floor levels shall be in accordance with the above mentioned flood study report.

- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for *Construction of Subdivision Road and Drainage Works*' (as amended), AS3789 'guidelines for *Earthworks for Commercial and Residential Development*' (as amended), and the approved construction drawings.
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3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

28. 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.

29. 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.

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

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

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

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

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

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.

31. 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.

32. Erection of Construction Sign

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

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

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

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33. 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
- 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.

34. 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.

35. 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.

36. 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.

37. 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.

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38. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW WorkCover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

39. Fencing

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

40. Geotechnical Reference

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the PCA. The designing structural engineer shall also nominate a site classification in accordance with *AS2870 – Residential Slabs and Footings*.

41. Structural Engineer Details

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

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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.

42. 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.

43. 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.

44. Waste Management Plan

The applicant shall undertake all works in accordance with the Waste Management Plan submitted to Council and the relevant provisions of Council's Waste Management Plan.

45. 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.

46. Protection of Existing Trees

- a. Compliance at all times with the requirements and recommendations contained within the Ecological Consultant's Report, prepared by Accord Tree, submitted to Council on 9 January 2014.
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- b. 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.

47. 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.

48. Termite Control

The building shall be protected from subterranean termites in accordance with *Australian Standard 3660.1*. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

49. 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.

50. 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.

51. Footpath

The unpaved area of the footpath verge 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.

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52. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Medium Density Vehicle Crossing Specification*.

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.

53. 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.

54. Redundant Laybacks and Kerb outlets

All redundant kerb outlet/s and layback/s shall be removed and the kerb shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

55. 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".

56. 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.

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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.

57. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

58. 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.

59. 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.

60. Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council the following documents:

- a. Two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 3*.

61. Registration of Levels

Prior to the principal certifying authority issuing an occupation certificate, a qualified practicing surveyor shall certify that the finished floor and finished surface levels of the development comply with the relevant condition in the development consent. An electronic copy of this work as executed information shall also be submitted to Council, complying with the following provisions:

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1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System.
2. DXF and/or MID/MIF file format(s), and
3. Datum to be AHD (Australian Height Datum)

62. 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.

63. Service Authorities

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

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

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

64. BASIX

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

65. Restriction On The Use Of Land

Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall create a restriction as to user, registered against the title of the property of land under Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to, either.

- a. seniors or people who have a disability
 - b. people who live within the same household with seniors or people who have a disability
 - c. staff employed to assist in the administration of and provision of services to housing provided under this Policy.
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The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

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) and 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. Smoke Alarms

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 5. 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 6. 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.
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c VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.

d FINAL INSPECTION – All outstanding work.

Advice 7. 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 8. Adjustment to Public Utilities

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

Advice 9. Salinity

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

Advice 10. 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 WorkCover Asbestos and Demolition Team on 8260 5885.

Advice 11. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

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Advice 12. 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 13. Telecommunications Act 1997 (Commonwealth)

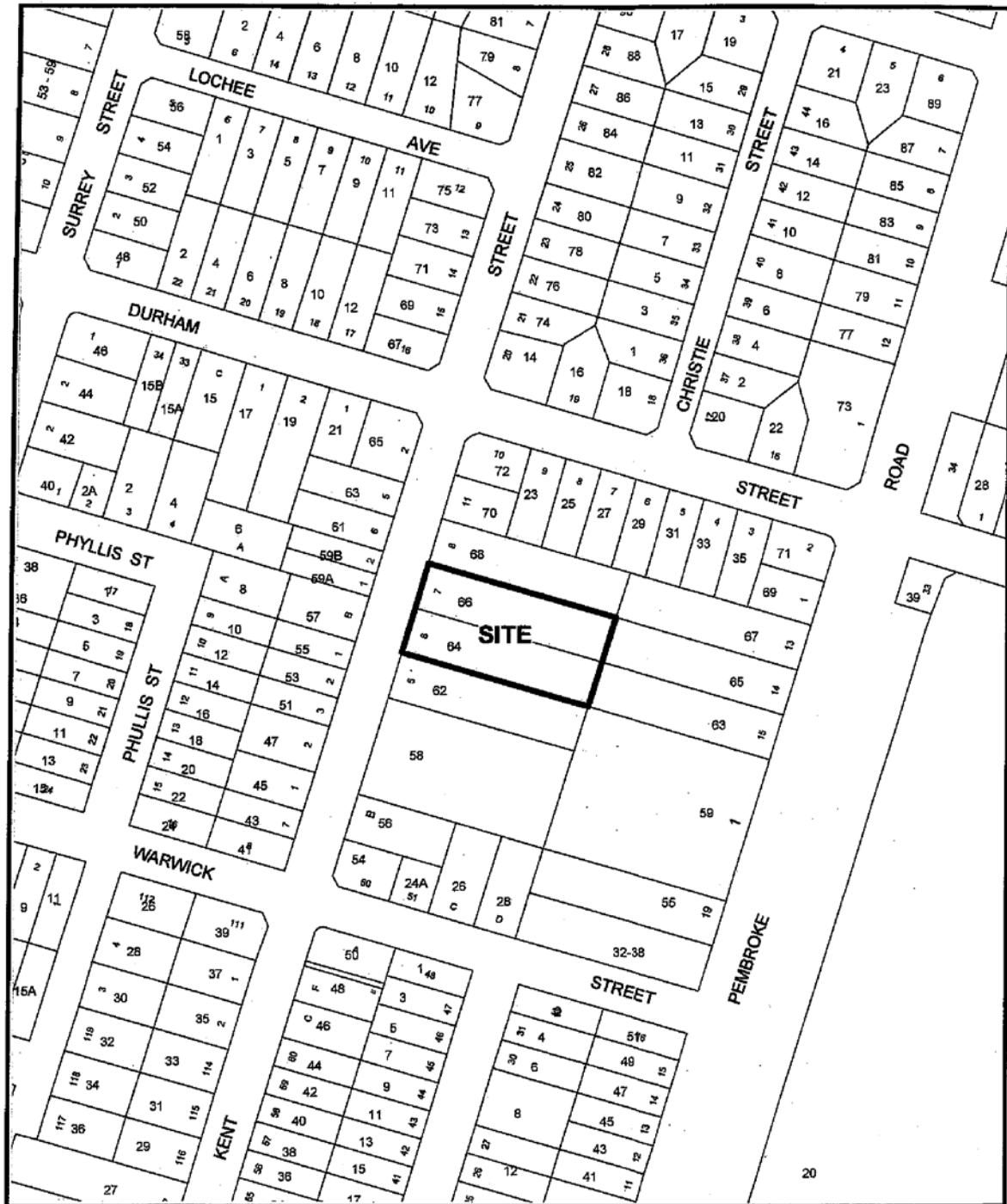
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

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

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

ATTACHMENT 2



LOCALITY PLAN



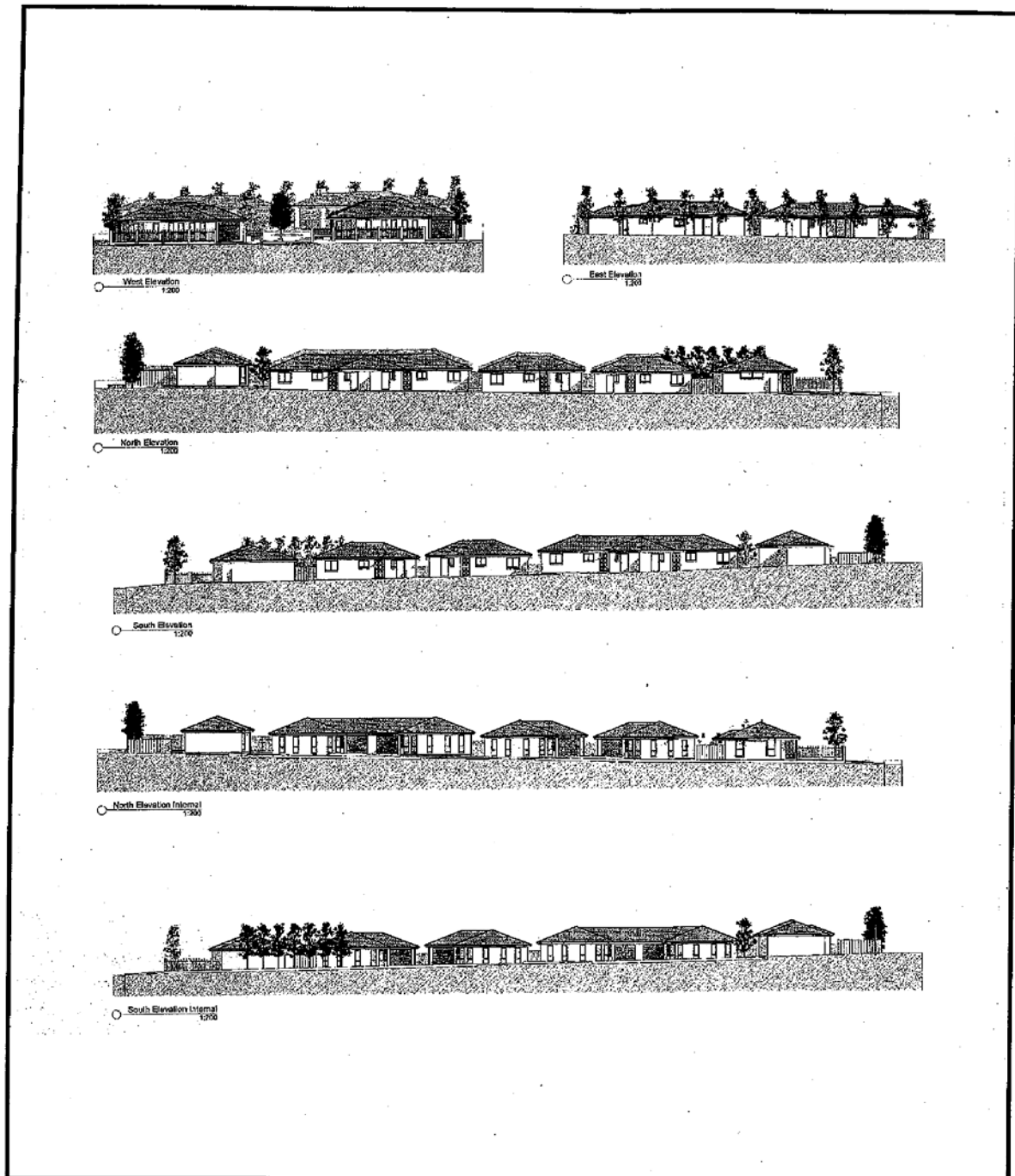
SUBJECT:

SENIOR LIVING DEVELOPMENT.

LOTS 6 & 7 DP 31977 - Nos. 64 & 66 KENT STREET, MINTO.

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

ATTACHMENT 4



ELEVATIONS

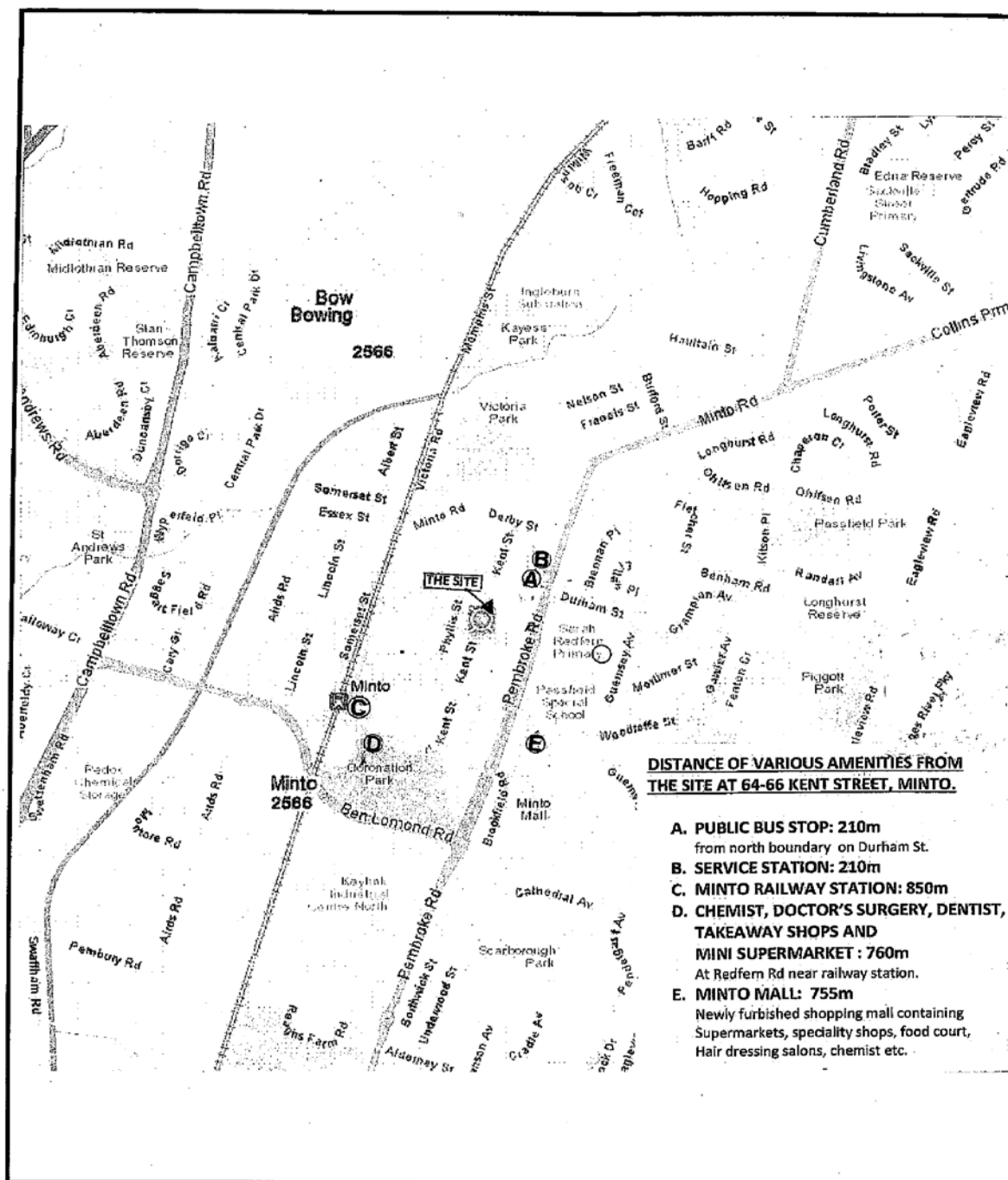
SUBJECT:

SENIOR LIVING DEVELOPMENT.

LOTS 6 & 7 DP 31977 - Nos. 64 & 66 KENT STREET, MINTO.

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

ATTACHMENT 5



ACCESS TO SERVICES

SUBJECT:

SENIOR LIVING DEVELOPMENT.

LOTS 6 & 7 DP 31977 - Nos. 64 & 66 KENT STREET, MINTO.

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

ATTACHMENT 7

Flora & Fauna Assessment & Seven Part Test @ 64 – 66 Kent Street, Minto

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5.1.2 Seven Part Test on the Shale Plains Woodland Ecological Community

- a. **In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population is likely to be placed at risk of extinction.**

Response – This question is not relevant to a threatened Ecological Community

- b. **In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population is likely to be placed at risk of extinction.**

Response – This question is not relevant to a threatened Ecological Community

- c. **In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

- (i) **Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk**

Response – The study area has been mapped by NPWS (2002) as containing Shale Plains Woodland with a conservation significance of Other Remnant Vegetation, as it consists of remnant trees over urban residential development. It was previously cleared and subdivided in 1950 for residential development. Since that time approximately 136 trees have become established from seedling recruitment. These have developed into an equal aged stand of trees which are competing heavily for light and nutrients. The shrub and ground stratum are dominated by introduced species.

The subject site contains 41 trees; 22 indigenous and 21 introduced. While the proposed activity will require the removal of 75% of the indigenous trees on the site, this represents only 11% of the stand in the study area. This is unlikely to place the local occurrence of the SPW at risk.

- (ii) **Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.**

Response – The removal 15 trees out of a stand of 136 is unlikely to substantially modify the community (represented by remnant trees over urban development) and is unlikely to place the local occurrence of the community at risk of extinction.

- d. **In relation to the habitat of a threatened species, population or ecological community:**

- (i) **The extent to which habitat is likely to be modified as a result of the action proposed**

Response – Fifteen of 136 trees in the remnant stand of SPW are proposed for removal in order to create the footprint of the proposed building. The action proposed will remove 11% of the stand. No significant habitat is provided by the shrub and ground stratum

Quality of the Site Habitat: The quality of the habitat in the study area is very poor and is represented by remnant trees over existing urban development. The surrounding areas have also been cleared for urban development.

- (ii) **Whether an area of is to become fragmented or isolated from other areas of habitat as a result of the proposed action**

Response – No, the study area is already isolated from other areas of habitat by residential development and associated infrastructure. The activity will not further fragment the study area

3.7 Lots 6 And 7, DP 31977 Nos. 64 And 66 Kent Street, Minto - Demolition Of Existing Structures, Tree Removal And Construction Of A 12 Unit Seniors Living Development With Front Fencing

(iii) The importance of the habitat to be removed, modified, fragmented or isolated to the long term survival of the species, population or ecological community in the locality.

Response – The conservation significance of the site has been assessed as Other Remnant Vegetation and does not provide important habitat for SPW.

Ecological Integrity: Its structure has been significantly altered by land clearing associated with the existing residential development. The stand of trees could be retained in the medium to long term (15 - >40 years) assuming reasonable maintenance. The shrub and ground stratum are dominated by introduced species and do not provide important habitat features for threatened species. It is highly unlikely that this EEC will become re-established under the current land tenure.

e. Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)

Response – No areas of critical habitat have been declared for Shale Plains Woodland.

f. Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.

Response – A number of objective and strategies for this community have been detailed in DEC (2006) 'Introducing the threatened species priority action statement'. Of relevance to this proposal are the following objectives.

1. Surveying and mapping
2. Habitat protection

The 1st objective is served by undertaking the survey for this assessment and the provision of data to the relevant authorities.

The 2nd objective is served by this assessment process with the survey conducted of the ecological community to identify the presence of any important habitat features.

g. Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Response – The proposed action relates to 'Clearing on Native Vegetation' which is listed as a key threatening process on Schedule 3 of NSW TSC Act (1995). However, it is unlikely to increase the impacts of this threatening process at a local, regional or national level.

Conclusion

This Seven Part Test indicates that the proposed development is unlikely to have a significant impact upon the remnant Shale Plains Woodland ecological community in the study area, and it is unlikely to place its local occurrence at risk

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Acting 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 8/04/2014)	2
Total completed Class 1 DA appeal matters (as at 8/04/2014)	3
Costs from 1 July 2013 for Class 1 DA appeal matters:	\$39,141.29

1 (a)

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:	\$1641.81
Status:	Ongoing – listed for conciliation conference and hearing respectively on 14 and 15 April 2014
Progress:	<p>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.</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>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.</p> <p>The appeal was before the court on 21 February 2014, where orders were made adjourning the proceedings for section 34 conciliation conference and section 34AA hearing respectively on 14 and 15 April 2014.</p>

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 the determination 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: \$1,641.81

Status: Ongoing – listed for conciliation conference and hearing respectively on 14 and 15 April 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 the determination 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.

The appeal was again before the court on 21 February 2014, where orders were made adjourning the proceedings for section 34 conciliation conference and section 34AA hearing respectively on 14 and 15 April 2014.

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 8/04/2014)	1
Total completed Class 1 Order/Notice appeal matters (as at 8/04/2014)	0
Costs from 1 July 2013 for Class 1 Order/Notices appeal matters:	\$1,450.00

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: \$1,450.00

Status: Ongoing – listed for hearing on 16 and 17 June 2014

Progress: 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.

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.

On 14 February 2014 the Court, by consent, adjourned the proceedings to 4 April for directions hearing.

On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.

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 8/04/2014)	2
Total completed Class 4 matters (as at 8/04/2014)	1
Costs from 1 July 2013 for Class 4 matters	\$44,099.25

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: \$6,960.36

Status: Ongoing – listed for further hearing on 16 and 17 June 2014.

Progress: 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.

At the first mention on 7 February 2014 the proceedings were adjourned to 14 February for directions hearing.

On 14 February 2014, the Court, by consent, adjourned the proceedings to 4 April 2014 for directions hearing.

On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.

3 (b)

John Frank GALLUZZO

Issue: The Land and Environment Court NSW granted conditional development consent No. 610/2004/DA-C on 25 September 2005 for a childcare centre at 1 Blomfield Road, Denham Court. Conditions 15 and 19 of the consent required the respondent to construct a Type B intersection at the intersection of Campbelltown Road with Blomfield Road, Denham Court. To date the respondent has failed to fully comply with the consent.

Property: Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.

Property Owner: Mr. John Frank Galluzzo

Council File: Development Application No: 610/2004/DA-C

Court Application: Filed on 25 March 2014 - File No. 40179 of 2014

Respondent: John Frank Galluzzo

Costs Estimate: \$15,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$850.00

Status: New matter – listed for first mention on 24 April 2014.

Progress: On 25 March 2014 Council issued a summons seeking declarations and orders of the Court that the respondent comply with conditions 15 and 19 of Court issued development consent No. 610/2004/DA-C relating to the construction of a Type B intersection at the intersection of Campbelltown Road and Blomfield Road, Denham Court.

The proceedings are listed for first mention on 24 April 2014.

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 8/04/2014)	0
Total completed Class 5 matters (as at 8/04/2014)	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 8/04/2014)	0
Total completed Class 6 matters (as at 8/04/2014)	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 8/04/2014)	0
Total completed Appeal matters (as at 8/04/2014)	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 8/04/2014)	2
Total completed Local Court Matters (as at 8/04/2014)	24
Costs from 1 July 2013 for Local Court Matters	\$2,200.00

File No:	LP02/14 – Penalty Notice Court Election
Offence:	Disobey No Parking sign – School Zone
Act:	<i>Road Rules 2008</i>
Final costs:	\$0.00
Status:	Completed.
Progress:	The matter was before the Court on 2 April 2014 for hearing where the Court granted Council's application to have the proceedings withdrawn for reason that representation made by the defendant prior to the hearing indicated some confusion with the no parking signage time restrictions applying to the zone (parking was permitted at certain times for the purpose of a drop off and pick up zone). On the basis of the representation it was evident that the matter would likely be dismissed if it proceeded to hearing.

File No:	LP03/14 – Penalty Notice Court Election
Offence:	Disobey No Parking sign – School Zone
Act:	<i>Road Rules 2008</i>
Costs to date:	\$0.00
Status:	Ongoing.
Progress:	The matter was before the Court for first mention on 11 March 2014 where the defendant did not enter a plea. The proceeding was adjourned to 28 April 2014 for further mention.

File No:	LP04/14 – Penalty Notice Court Election
Offence:	Stand vehicle longer than allowed
Act:	<i>Local Government Act 1993</i>
Final costs:	\$0.00
Status:	Completed
Progress:	Matter was before the Court for first mention on 25 March 2014 where the defendant Cassandra Keller did not appear. The Magistrate granted Council's application to proceed in the defendant's absence and after considering the evidence and submissions, the Magistrate convicted the defendant, imposing a \$500 fine and \$85 Court Costs.

File No:	LP05/14 – Penalty Notice Court Election
Offence:	Stop in bus zone – School Zone
Act:	<i>Road Rules 2008</i>
Costs to date:	\$0.00
Status:	New matter.
Progress:	Listed for first mention on 15 April 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 8/04/2014)	11
Costs from 1 July 2013 for advice matters	\$17,240.40

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	\$39,141.29	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$1,450.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$44,099.25	\$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	\$17,240.40	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$104,925.94	\$0.00
Overall Net Costs Total (GST exclusive)	\$104,925.94	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 58

That the Officer's Recommendation be adopted.

4.2 Compliance Services Quarterly Statistics October to December 2013

Reporting Officer

Acting Manager Compliance Services

Attachments

Compliance Services quarterly activity summary table (contained within this report)

Purpose

To provide Council with a quarterly report of activities for the Compliance Services Section.

Report

This report summarises key section activities and operational results for the reporting period October to December 2013.

1. Regulated premises inspections

Regulated premises inspection statistics presented in the Activity Summary Statistics Table are divided into food, public health and wastewater management system inspections.

All regulated premises are placed in a risk category. The frequency of inspections varies according to the risk classification. Additional inspections (ie reinspections) are sometimes undertaken when premises are found to be unsatisfactory and there is an identified need to follow up on outstanding matters.

a. Food premises

Within Campbelltown, there are approximately 795 regulated food premises separated into three categories requiring 1177 scheduled inspections per annum as follows:

Low Risk Premises 1 (inspections of market and events throughout the year) ie Festival of Fisher's Ghost, Ingleburn Alive, Riverfest, New Year's Eve and Australia Day.

Low Risk Premises 2 (inspected as required for food recalls or customer complaint) - includes food businesses such as pre-packaged food outlets, variety stores, confectionary shops, chemists, video stores, newsagents, teaching kitchens and tobacconists.

Medium Risk Premises (inspected once per year) - includes fruit and vegetable stores, service stations and convenience stores (serving unpackaged food), general grocery stores and minimal food preparation stores.

High Risk Premises (inspected twice per year) - includes restaurants, takeaway shops, cafes, clubs, childcare centres, supermarkets, unprepared fish shops, delicatessens, school canteens, mobile food vendors, boarding houses and charcoal chicken outlets.

Food premises category	No. of premises	No. of annual inspections
Low Risk 1	26	26
Low Risk 2	146	when required
Medium Risk	95	95
High Risk	528	1056
TOTAL	795	1177

Amendments to the *Food Act 2003* and the establishment of the Food Regulations Partnership between the NSW Food Authority and NSW councils in 2008, resulted in a mandated and more consistent role for local government in food regulation.

As a result, Council reviewed its food premises categories and inspection frequency in order to be consistent with other NSW councils.

A total of 258 food premise inspections were conducted for the reporting period, which was marginally higher than the quarterly average inspection numbers (245) for 2012-2013. Of the 258 inspections undertaken, 54 (21%) food premises inspections were recorded as unsatisfactory. Follow up reinspections are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Improvement Notices or Penalty Notices are issued under the *Food Act 2003* when necessary to encourage compliance.

b. Public health

Within Campbelltown, there are approximately 283 regulated premises separated into three risk categories requiring 334 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) - beauty salons (low risk), boarding houses, funeral parlours, skin penetration (low risk procedure, ie waxing), hairdressers, nail artists
- **Category 2 Premises** (inspected twice per year) - brothels, skin penetration (high risk procedure - body piercing)
- **Category 3 Premises** (inspected once per year) - *Legionella* microbial control (air-conditioning towers)
- **Category 4 Premises** (inspected via complaints) - public and private swimming pools.

Health premises category	No. of premises	No. of annual inspections
Category 1 - Medium	152	152
Category 2 - High	37	74
Category 3 - Low	71	71
Category 4 - Swimming Pools	23	via complaints only
TOTAL	283	334

A total of 105 health premises inspections were conducted for the reporting period which was higher than the quarterly averages (38) for 2012 - 2013.

Of the 105 regulated health premises inspections conducted during the reporting period, 15 (14%) of the premises inspected were recorded as unsatisfactory.

Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure the premises reach a satisfactory standard.

c. Wastewater management systems

The effective regulation and management of on-site wastewater management systems is necessary to ensure these systems operate properly and as a consequence, do not cause a threat to the environment or human health.

As part of its effort to more effectively manage and regulate wastewater management systems, Council revised its Wastewater Management Strategy which was formally adopted by Council on 7 July 2009.

The implementation of the revised strategy has continued and is staged, with various unsewered locations throughout the city being addressed progressively.

A total of 100 system inspections were conducted during the reporting period.

In addition, three new installations were approved and 94 existing systems were issued with an approval to operate during the reporting period.

2. Notices/Orders issued

Food Act 2003 Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of five *Food Act 2003* Notices were issued during the reporting period, being relatively consistent with quarterly average Food Act notice numbers (7) for 2012-2013.

Local Government Act 1993 Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of *Local Government Act 1993* Notices and Orders issued during the reporting period was 54, which was lower than the corresponding quarter (72) in 2012 - 2013.

The number of *Swimming Pools Act 1992* Directions issued (23) requiring the erection of pool fencing or fencing repairs was lower than the corresponding quarter (31) in 2012 - 2013.

Environmental Planning and Assessment Act 1979 Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 49 Notices and Orders were served during the reporting period which was higher than quarterly averages (33) for 2012-2013.

Protection of the Environment Operations Act 1997 (POEO) Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (6) was marginally lower than quarterly averages (8) for 2012-2013.

3. Customer service requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in attachment 1. A total of 878 customer service requests were received for the reporting period. Significant complaint categories were:

Category	October to December 2013
Parking (includes heavy vehicles)	130
Barking dogs	88
Abandoned motor vehicles	67
Illegal construction/development	92
Pollution	60
Rubbish dumping/litter	47
Health (non-regulated premises)	76
Dogs straying	48
Overgrown land	71

4. Applications

Building Certificate Applications relate to certificates issued under Section 149A of the *Environmental Planning and Assessment Act 1979* and provide assurance to applicants on issue that Council will not take action to require the demolition or upgrade of the respective structure for a period of seven years after the date of issue of the certificate. These certificates are generally sought on sale of property.

The number of Building Certificate Applications (18) received during the reporting period was higher than the quarterly average (13) experienced in 2012-2013 period.

Staff have continued to seek applications for an approval to operate a system of waste water management from system owners, on a risk category basis. 222 applications for approval to operate a wastewater management system were received during the reporting period, higher than the average number of applications (35) received per quarter for 2012-2013. This variation is not unusual as application numbers fluctuate in response to bulk mail outs that are conducted from time to time to seek applications from different areas within the Local Government Area.

Five section 68 (*Local Government Act 1993*) event applications were received. These were for Fishers Ghost Festival, Aussie Christmas at Atlantic Boulevard, Glenfield, Hollylea Road Festival, Leumeah, Carols in the Park at Koshigaya Park and the EF Host Family Community Event at Koshigaya Park.

5. Impounding

The number of dogs impounded during this reporting period was 355, which was relatively consistent with the 354 dogs impounded for the corresponding quarter in 2012 - 2013. The percentage of dogs microchipped at the time of impounding was 82%.

A total of 261 cats were impounded throughout the reporting period which was higher than the number of cats impounded (163) in the corresponding quarter in 2012 - 2013. The number of cats microchipped at the time they were impounded is typically lower than the dogs and for this reporting period, 9% were microchipped.

The number of abandoned vehicles impounded for this quarter was seven. One of these vehicles was released back to their owner, six were disposed of by Council, and Council is not currently holding any abandoned vehicles.

25 shopping trolleys were impounded during the quarter.

6. Penalty notices

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent. Please refer to the table at attachment 1 for the number of penalty notices issued under the various offence categories.

The number of penalty notices issued for parking offences in Council car parks (467) was below the number of penalty notices issued in the previous quarter (491). The number issued for on-street offences (730) was lower than the previous quarter (758).

7. Compliance/education programs

Compliance programs are an integral component of the section's activities and represent a coordinated proactive approach to targeting specific community concerns. Resources are deployed strategically on a local or citywide basis as an alternative to addressing complaints on an individual basis.

A summary of compliance programs undertaken during the reporting period follows:

a. Illegal parking in school zones

During the reporting period, 79 school locations were patrolled, resulting in the issue of 142 penalty notices.

b. Illegal sign statistics

A summary of sign statistics for the quarter can be located in attachment 1.

c. Illegal trail bike riding

Rangers continue to undertake a number of single agency patrols of known trail bike riding hot spots in response to community complaints.

d. Litter from vehicles

Monitoring of littering from vehicles was undertaken during the reporting period with three penalty notices issued.

e. Shopping trolleys

Monitoring of areas in proximity of shopping centres was undertaken as part of daily patrols during the reporting round which resulted in 25 trolleys being tagged and impounded.

f. Truck parking

Three truck parking patrols were undertaken during the reporting period, resulting in 25 penalty notices being issued.

8. ACF operational issues

At Council's Ordinary Meeting of 18 June, 2013 Council adopted an Operational Change Plan for the ACF. Listed below is a summary of actions undertaken in response to plan implementation during the reporting period:-

- The ACF continues to work actively with 23 approved Rescue Groups.
- The cattery upgrade was completed with the installation of cat cages to the facility.
- The euthanasia procedure document has been amended to require a list of all euthanased animals to be recorded together with the reasons for euthanasia.
- Consultation has occurred with Rescue Groups to finalise the Procedure document for Rescue Organisations.
- The website update process has been streamlined to facilitate more rapid updating to show "lost" animals and "animals for sale".
- A Tender evaluation committee was formed to progress arrangements to tender out the operation of the ACF and tender documentation finalised.

9. Other activities

A summary of other activities or initiatives implemented within the reporting period are listed below:

- Council continues to conduct surveillance of construction sites for sediment and erosion control compliance.
 - active participation in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation.
 - continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance.
 - patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall and Macarthur Square continued through the reporting period.
 - periodic (three yearly) review of risk identification documents for various environmental health, building, land use, animal care/control and ranger activities.
 - ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs.
 - continuation of participation in the CAWS subsidised desexing program for cats and dogs jointly with the RSPCA and Sydney University Veterinary Training Hospital Camden Campus. This program provides subsidised desexing in identified hot spots locations within the city for low income earners.
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- Appointment of three Pool Safety Offices and mapping of known/approved swimming pools completed in preparation for implementation of swimming pools inspection program.
- Draft policy documents prepared for Infant and Feral Companion Animals and Street Trading.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Mead/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 May 2014 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 58

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Compliance Quarterly Activity Summary Statistics

Activity	2013-2014 Quarter Results				YTD
	1	2	3	4	
Regulated Premises Inspections					
Food	438	258			696
Public Health	37	105			142
Wastewater Management System	62	100			162
Total	537	463			1000
Notices/Orders Issued					
<i>Food Act 2003</i>	4	5			9
<i>Local Government Act 1993</i>	60	54			114
<i>Swimming Pools Act 1992</i>	22	23			45
<i>Protection of Environment Operations Act 1979</i>	9	6			15
<i>Environmental Planning and Assessment Act</i>	38	49			87
<i>Companion Animals Act 1998</i>	2	8			10
Total	135	145			280
Customer Requests					
Abandoned Motor Vehicles	94	67			161
Animals (other)	29	25			54
Barking Dogs	124	88			212
Dog Attacks	24	18			42
Dog Straying	49	48			97
Food/Health (regulated)	18	18			36
Footpath Obstruction	10	20			30
Health (other)	61	76			137
Heavy Vehicle Parking	44	34			78
Illegal Constructions/Development	93	92			185
Misuse of Council Park	7	1			8
Overgrown Land	36	71			107
Parking (General)	90	96			186
Pollution	80	60			140
Rubbish Dumping/Litter	63	47			110
Shopping Trolley	22	19			41
Signs	8	6			14
Swimming Pool Fence	5	19			24
Trail Bikes	12	18			30
Tree Removal/Dangerous	9	11			20
Total	878	834			1712
Applications					
Building Certificates	7	18			25
Approval to Operate Effluent Disposal System Section 68 (<i>Local Government Act 1993</i>)	4	222			226
Event Approvals Section 68 (<i>Local Government Act 1993</i>)	6	5			11
Total	17	245			262

Activity	2013-2014 Quarter Results				YTD
	1	2	3	4	
Impounding					
Abandoned Vehicles	8	7			15
Shopping Trolleys	0	25			25
Dogs (Incoming)					
Impounded	362	355			717
Surrendered	121	101			226
Dogs (Outgoing)					
Released to Owner	225	127			352
Sold	111	48			159
Released to rescue organisation	35	75			110
Euthanased – Surrendered by Owner	56	52			108
Euthanased – Restricted Dog	1	1			2
Euthanased – Health/temperament	35	32			67
Euthanased – Unable to re-home	15	16			31
Total	478	807			1672
Cats (Incoming)					
Impounded	140	261			401
Surrendered	25	71			96
Cats (Outgoing)					
Released to Owner	5	7			12
Sold	28	34			62
Released to rescue organisation	3	77			80
Euthanased – Surrendered by Owner	13	35			48
Euthanased – Health/temperament	101	142			243
Euthanased – Unable to re-home	15	13			28
Total	165	640			805
Penalty Notices					
Companion Animals	256	117			373
Environmental - includes litter and waste dumping	47	43			90
General - Includes Public Health and Food Safety	18	6			24
Land Use	1	2			3
Parking (car parks)	491	467			958
Parking (on street)	758	730			1488
Total	1571	1365			2936
Compliance Programs					
Illegal Parking in School Zones					
Patrols	55	79			134
Warnings	1	0			1
Penalty Notices	123	142			265

Activity	2013-2014 Quarter Results				YTD
	1	2	3	4	
Illegal Signs					
Complaints – Council property	8	5			13
Complaints – Private property	0	0			0
Letters sent	0	0			0
Cautions issued	0	0			0
Fines issued	0	0			0
Removed (posters from poles)	226	180			406
Illegal Trail Bike Riding					
Joint Patrols	1	0			1
Bikes Seized	0	0			0
Penalty Notices (Police)	0	0			0
Penalty Notices (Council)	0	0			0
Charges	0	0			0
Juvenile Cautions	0	0			0
Litter from Vehicles	2	1			3
Patrols	2	3			5
Penalty Notices					
Shopping Trolleys					
Patrols	1	0			1
Trolley's Tagged	13	25			38
Trolleys Impounded	0	25			25
Contractor Notified	0	25			25
Truck Parking					
Patrols	5	3			8
Penalty Notices	32	25			57

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Kolkman/Thompson)

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

There being no further business the meeting closed at 8.31pm.

G Greiss
CHAIRPERSON
