

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 10 March 2015.

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 10 March 2015

Present

Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
Acting General Manager - Mrs L Deitz
Acting Director Planning and Environment - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Manager Waste and Recycling Services - Mr P Macdonald
Acting Manager Development Services - Mr B Leo
Manager Sustainable City and Environment - Mr A Spooner
Manager Governance and Risk - Mrs M Dunlop
Senior Strategic Environmental Planner - Ms R Haddad
Executive Assistant - Mrs K Peters

Apology

nil

Also in Attendance

At the conclusion of the City Works Committee Meeting the following Councillors attended the Planning and Environment Committee Meeting during discussion of the following item:

Councillor Hawker - item 3.4 for the remainder of the meeting
Councillor Mead - item 3.4 for the remainder of the meeting

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

1. WASTE AND RECYCLING SERVICES

No reports this round

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Outcome of Public Exhibition - Planning Proposal for No. 194 Campbelltown Road Denham Court

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Copy of the Gateway Determination dated 17 September 2014 (contained within this report)
2. Copy of Councillor's Weekly Memos dated 19 September and 21 November 2014 (contained within this report)
3. An aerial photo of the site (contained within this report)
4. Copy of the submissions received from public authorities (contained within this report)
5. Planning Proposal (contained within this report)
6. Proponent's submission (contained within this report)
7. Anticipated route for heavy vehicles movements to and from the site (contained within this report)

Purpose

- advise Council of the outcome of the public exhibition of a planning proposal to enable the site known as No. 194 Campbelltown Road), Denham Court to be used as a service station
- seek Council's endorsement to amend the planning proposal to allow trucks less than 7.5 metres in length to refuel at the subject site.

History

Council at its meeting held on 1 July 2014 considered a report on a planning proposal to allow the site known as No. 194 Campbelltown Road, Denham Court to be used for a service station and resolved:

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

1. That Council support the draft Planning Proposal shown as attachment 1 to this report for referral to the Department Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*
2. That subject to the conditions of the Gateway Determination, Council place the draft Planning Proposal and associated studies on public exhibition for 28 days
3. That Council undertake any required consultation with public authorities while the draft Planning Proposal is on public exhibition
4. That at the conclusion of the public exhibition, a report be submitted to Council on the submissions received.

In September 2014, Council received a Gateway Determination (dated 19 September 2014 (attachment 1) from the Department of Planning and Environment (the Department) and subsequently placed the planning proposal and associated studies on public exhibition for over 10 weeks (from 26 November 2014 until 6 February 2015). Councillors were informed of the conditions of the Gateway Determination and of the details of the public exhibition of the planning proposal by way of two separate weekly memos dated 19 September and 21 November 2014 (attachment 2).

Report

Property Description: Lot 100 DP 1176622 (known as No. 194 Campbelltown Rd, Denham Court)

Owner: Press Australia PTY LTD

Applicant: Smyth Planning

The Subject site

The subject site is located within the suburb of Denham Court and known as No 194 Campbelltown Road. The site is bounded by major roads on all sides. Campbelltown Road lies to the west, the South Western Freeway (F5) to the east and south and the Ingleburn F5 exit off-ramp to the north. An aerial photo of the site is shown as attachment 3 to this report.

The site has an area of 1.241 hectares and part of the site was previously used by the former Roads and Traffic Authority (RTA) as a storage area for road works material and equipment associated with the F5 Freeway upgrade.

Existing zoning of the site

The site is currently zoned Zone 7 (d5) - Environmental Protection 1 hectare Minimum Zone (7(d5) Zone) under Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002) and is proposed to be zoned E4 Environmental Living (E4 Zone) under draft Campbelltown Local Environmental Plan 2014 (draft CLEP 2014).

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Under the provisions of LEP 2002, service stations are not permissible on land zoned 7 (d5) Zone. The same provision applies under draft CLEP 2014, as service stations type developments are not proposed to be a permissible land use under the E4 Zone.

The Planning Proposal

The draft Planning Proposal seeks to amend both LEP 2002 and the draft CELP 2014 by creating a 'scheduled use' for the subject site to allow it to be used for a service station. An additional clause under both planning instruments is also proposed to be included to prohibit the refuelling, servicing and parking of heavy vehicles on site. The current zoning of the site of 7(d5) Zone under LEP 2002 will remain the same. There is no proposal to amend the proposed zoning of the site under the draft CLEP 2014 either.

Gateway Determination

The Gateway Determination (attachment 1) issued by the Department supported the proposed amendment to LEP 2002 subject to a number of matters being addressed including:

- Consultation with a number of public authorities
- Public consultation for a period of 14 days
- Delegation to Council to exercise the Minister's plan making powers
- A nine month time frame for the completion of the amendment to LEP 2002
- A number of minor amendments to the draft Planning Proposal prior to the public exhibition

Prior to the commencement of the public exhibition the planning proposal was revised in line with the amendments required by the Gateway conditions. The following sections of this report address the conditions that were required by the Gateway Determination.

Consultation with Public Authorities

The Department, as part of the Gateway Determination required Council to specifically consult with the following public authorities:

- Office of Environment and Heritage (OEH)
- Transport for NSW - Roads and Maritime Services (RMS)
- Liverpool City Council (LCC)
- Sydney Water

Council consulted with the above public authorities and received written comments from all of them, a copy of which is shown as attachment 4. Notably, no objections were raised to the planning proposal.

OEH recommended that a flora and fauna study be prepared at the development application stage. RMS indicated that it will provide additional detailed comments on the access arrangement at the development application stage.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

LCC supported the planning proposal pending the inclusion of the prohibition clause proposed by Council to restrict the refuelling, parking and servicing of heavy vehicles on site. LCC submission stated that "while acknowledges that fuel and other supplies may be delivered to the site via an appropriate heavy vehicle, the use of the site for any other purpose by heavy vehicles should not be permitted in order to limit heavy vehicle traffic on Council's local road network". In addition, LCC suggested some minor amendments to the traffic study to ensure consistency with the planning proposal. These amendments were undertaken by the consultant acting on behalf of the landowner, prior to the commencement of the public exhibition.

Public Exhibition

The revised Planning Proposal (attachment 5), Gateway Determination and other supporting documentation were placed on public exhibition for over two months (from Wednesday 26 November 2014 until Friday 6 February 2015) at the following locations:

- Council's Civic Centre
- HJ Daily Library
- Greg Percival Library
- Council's website

An advertisement was also placed in the two circulated local newspaper advising of the public exhibition of the planning proposal.

Individual letters were sent to property owners within the vicinity of the subject site advising of the public exhibition and inviting them to provide comments on the planning proposal.

Extended period of public exhibition

The Gateway Determination required the planning proposal to be placed on public exhibition for 14 days, which was inconsistent with Council's resolution of 1 July 2014, where Council resolved to place the planning proposal on public exhibition for 28 days. In addition, the timing of the public exhibition coincided with last year's Christmas and school holiday period, and for this reason the 28 day public exhibition period was extended until after the commencement of schools to provide sufficient time for residents and nearby landowners to comment on the planning proposal. This is in accordance with Council's common practice for public exhibitions and notifications around this time of year.

Submissions received from the general public

Council received one comprehensive and detailed submission, prepared by Smyth Planning on behalf of the landowner/proponent of the site that is subject to this planning proposal. A copy of this submission is shown as attachment 6 to this report.

The submission requests Council to reconsider its position on restricting the proposed service station from providing refuelling services to heavy vehicles on site. Notably, the submission did not object to Council's decision to prohibit heavy vehicles from parking and undertaking mechanical servicing on site.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

In support of this request, the applicant submitted to Council a revised layout/site plan of the service station, an acoustic assessment and a traffic study.

The acoustic assessment concluded that where certain specific measures are implemented, the noise from the proposed development (including refuelling of heavy vehicles/trucks) is predicted to comply with acoustic requirements of the Environment Protection Authority (EPA) noise limits and the relevant Australian standards.

The submission also argues that refuelling of heavy vehicles on site would result in minimal impacts on the aesthetic and scenic values of the locality due to the extent of existing vegetation on site along Campbelltown Road and the vegetated mound along the F5.

The traffic report concluded that the proposed service station including the refuelling of vehicles /trucks on site would not generate an unreasonable amount of additional traffic on the road network within the locality.

Comments

The matter of refuelling, parking and servicing of heavy vehicles on site was considered in the previous report to Council, as it was previously proposed by the applicant. Council did not assent to the applicant's proposal and sought advice from Marsdens Law Group (Marsdens) on a legal mechanism to ensure that a service station at this location would not be utilised by heavy vehicles. Marsdens suggested the inclusion of a prohibition clause under LEP 2002 and the draft CLEP 2014 to this effect.

Allowing a service station on the site to provide specialised refuelling services to heavy vehicles is not recommended for the following reasons:

- It would have the potential to unnecessarily increase the volume of 'passing by' heavy vehicle traffic on the surrounding local roads, thus resulting in adverse environmental impacts including increased noise and air pollution.

Theoretically, trucks travelling on the F5 would access the service station for refuelling services directly from the F5 exit ramp that is adjacent to the site. In order for those trucks to continue their journey on the F5 after refuelling, they need to travel through Campbelltown Road to Williamson Road (at the roundabout), to Brooks Road and then back to the F5 (refer to Attachment 7 that shows a map of this route). The trucks' movement (exiting and entering the F5) would potentially and unnecessarily generate additional volumes of heavy traffic on local roads, thus adversely impacting upon the road network within the locality.

Another matter for consideration is the potential additional impacts on local roads (Williamson Road and Brooks Road) pavements and the need to undertake more frequent maintenance on those roads.

- Given the close proximity of the proposed entrance to the service station to the traffic lights at the intersection of Campbelltown Road and the F5 exit ramp, there is a legitimate concern that trucks queuing for refuelling at the service station may potentially cause traffic congestion on both Campbelltown Road and the F5.
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

- Increased noise and air pollution, particularly where heavy vehicles had to make a complete stop at the refuelling point and restart of the engine to leave the site.
- It is considered that refuelling or servicing of heavy vehicles on site would undermine the objective of this zone and create a land use conflict with adjoining rural-residential development.

The planning proposal (attachment 1) has been updated to include information on the outcome of the public exhibition.

Marsdens Legal Advice

The original planning proposal submitted to Council by the applicant (in July 2013), specifically sought to allow the site to be used for a service station that would provide services such as parking and refuelling of heavy vehicles (including semi-trailers and B-doubles). Council supported the use of the site for a service station subject to an additional requirement that a service station at this location would not provide any services for heavy vehicles.

Council sought advice from Marsdens Law Group on a legal mechanism to ensure that a service station at this location would not be utilised by heavy vehicles. To achieve this, Marsdens recommended that Council add a clause under Schedule 2 Additional Development of the LEP 2002 that reads:

'Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*).'

Notably, a GVM is the maximum weight that a vehicle can carry, including its own weight, as measured where the tyres contact the road.

The intention of including the above clause, as part of the amendment to LEP 2002, is to prohibit heavy vehicles from using the site. It is not intended to prohibit smaller type trucks that would normally refuel at typical/car service stations from using the service station.

Research on this matter showed that for small type trucks there is no defined relationship between the GVM and the overall size of the vehicle. Some smaller trucks with lengths similar to, or slightly larger than cars, have a GVM of 6 tonnes, which exceeds the 4.5 tonne limit referred to in the Marsdens' clause above.

Heavy vehicle operators/drivers (such as B-doubles and the like) refuel their trucks at specialised service stations designed for trucks, or at certain service stations that provide additional services for trucks, usually at a designated diesel/gas refuelling point located away from the car refuelling points. Another criterion that truck operators take into account prior to entering a service station is the size of the truck compared to the design of the service station in terms of the canopy height and ease of manoeuvring (turning circles) in and out of the refuelling point.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

From the above discussion, it is concluded that:

- the 'GVM' of a vehicle does not necessarily correlates to its size.
- the use of the '4.5' GVM limit ,as recommended by Marsden's clause would potentially exclude smaller type trucks that would normally use typical/car service stations for refuelling; and
- the design features of the service station rather than the "GVM" dictates the size of vehicles that it would service.

The relevant design features of a service station relating to heavy vehicles include:

- **Vehicle's turning paths at refuelling points**

Longer/larger vehicles would require greater turning paths as they enter and leave the refuelling point.

Notably, under the provisions of the NSW Road Rules 2014, a long vehicle means a vehicle that, together with any load or projection, is 7.5 metres long, or longer.

As such, designing a service station at this location for vehicles less than 7.5 metres in length would eliminate the heavy long trucks (i.e. B-doubles, heavy combinations or multi combinations) from using the site for refuelling, while still allowing for smaller trucks to refuel at this location.

- **Designated diesel/gas refuelling point for heavy vehicles**

To ensure that a service station at this location is not designed to accommodate heavy vehicles, a designated diesel/gas refuelling point for heavy vehicles should not be allowed on site.

Notably the mechanical servicing of any vehicle larger than 4.5 GVM on site should still be prohibited as per Marsdens advice.

Given the above, it is now proposed that the Clause originally provided by Marsden's be reworded to read:

Development for the purpose of a service station that:

- is not to be designed or capable of being adapted as to be capable of being occupied or used for, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*)
 - is not to be designed or capable of being adapted as to be capable of being used for refuelling long vehicles as defined by NSW Road Rule 2014
 - is not to provide a designated diesel or gas refuelling point for long vehicles.
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Proposed amendment to LEP 2002 (Amendment No 28) and draft CLEP 2014

It is proposed that LEP 2002 be amended in the following manner (Amendment No 28):

- Amend Schedule 2 Additional Development of LEP 2002 to include the following:
12 Development for the purpose of a service station
Lot 100 DP 1176622, 194 Campbelltown Road, Denham Court
- Add a clause under Schedule 2 Additional Development of the LEP 2002 that reads:

Development for the purpose of a service station that:

- is not to be designed or capable of being adapted as to be capable of being occupied or used for, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the *Transport Administration Act 1988*)
- is not to be designed or capable of being adapted as to be capable of being used for refuelling long vehicles as defined by NSW Road Rule 2014
- is not to provide a designated diesel or gas refuelling point for long vehicles as defined by NSW Road Rule 2014

The draft CLEP 2014 is proposed to be concurrently amended in the following manner:

- Amend Schedule 1 Additional Permitted Uses of draft CLEP 2014 to include the following:
14 Development for the purpose of a service station (Service Station):
Lot 100 DP 1176622, 194 Campbelltown Road, Denham Court
- Add a clause under Schedule 1 Additional Permitted Uses of the draft CLEP 2014 (immediately under point 14 above) similar to the proposed clause under LEP 2002.

The exact wording of the amending draft LEP will need to be approved by the Parliamentary Counsel Office prior to the making of the amending plan.

The proposed amendment to the draft CLEP 2014 as part of this planning proposal is considered necessary at this time so as to avoid the need to undertake an additional amendment to the forthcoming CLEP 2014 after its gazettal.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Would a revised Gateway from the Department be required?

Normally, a revised Gateway would be required where:

- the proposed changes were of substantial nature or
- the revised planning proposal was considered inconsistent with the original Gateway Determination issued by the Department

In this regard, the proposed changes to the planning proposal are not considered substantial, given that a large number of smaller type trucks with a GVM of 4.5 tonnes would have been able to refuel at the service station under Marsdens' prohibition clause that was publicly exhibited as part of the planning proposal.

The proposed rewording of the prohibition clause would clarify Council's intention to not exclude smaller size trucks (with GVMs slightly greater than 4.5 tonne) from utilising the refuelling services at the service station. In line with the planning proposal that was publicly exhibited, B-doubles, semi-trailers and long large heavy vehicles would still not be able to refuel at the service station.

The proposed changes to the planning proposal are also considered to be consistent with the Department's Gateway Determination. Written advice received from the Department has confirmed that a revised Gateway would not be required.

The proposed changes are not considered inconsistent with Liverpool Council submission, as long large vehicle would still not be allowed to refuel on site.

Delegation to Make the Plan - Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002

As part of the Gateway Determination and pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*, the Department delegated the Minister's powers to Council to make this plan.

Council on 26 February 2013, under Section 377 and Section 381 of the Local Government Act 1993, delegated its functions to the General Manager, subject to a number of specified limitations.

Accordingly, should Council endorse the planning proposal as publicly exhibited, the General Manager will be able to make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation.

Where to from here

Should Council decide to adopt the amendment to LEP 2002 as publicly exhibited or as proposed to be amended (as discussed in this report), the next step would be to work directly with the Parliamentary Counsel Office (PCO) to legally draft the instrument. The instrument would then be formally signed by Council's delegate, in this Council's General Manager and sent to the Department to enable publishing in the Government gazette.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

If Council was to decide to vary the planning proposal and allow the site to provide refuelling services for long and heavy vehicles (as per the proponent's request), then it would be recommended that Council re-exhibit the planning proposal to provide the community with the opportunity to comment on the planning proposal. Notably, a revised Gateway determination would not be required.

Conclusion

The site known as No. 194 Campbelltown Road Denham Court is considered suitable to be developed for a service station, providing that refuelling, parking and servicing of long and heavy vehicles such as B-doubles and semi-trailers is not allowed.

It is considered appropriate to allow the site to provide refuelling services for smaller type trucks that are less than 7.5 metres in length that normally utilise car service stations to refuel.

As a result of the public exhibition, only one submission (attachment 2) was received from the proponent. The submission requested Council to allow the refuelling of heavy vehicles on site. It is recommended that Council do not support the applicant's request for the reasons outlined in this report.

Public authorities who were consulted did not object to the planning proposal. However LCC submission indicated that the use of the site by heavy vehicles should not be permitted in order to limit heavy vehicle traffic on Council's local road network. The proposed amendment to allow smaller type vehicles to refuel on site is not considered inconsistent with LCC submission, as large long vehicles (7.5 metres or longer) would still not be allowed to refuel onsite.

It is therefore recommended that Council endorse a variation to the prohibition clause by allowing vehicles less than 7.5 metres in length to refuel on site, and proceed to make the plan under delegation.

Officer's Recommendation

1. That Council adopt Amendment No 28 to LEP 2002 as proposed by this report to allow the site known as 194 Campbelltown Road, Denham Court to be used for a service station with additional restrictions as outlined in this report.
 2. That Council's delegate, the General Manager, make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment-
 3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002.
 4. That Council advise the applicant of its decision on this matter.
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Committee Note: Mr James addressed the Committee.

Committee's Recommendation: (Oates/Kolkman)

1. That Council adopt Amendment No 28 to LEP 2002 as proposed by this report to allow the site known as 194 Campbelltown Road, Denham Court to be used for a service station with additional restrictions as outlined in this report.
2. That Council's delegate, the General Manager, make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment.
3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002.
4. That Council advise the applicant of its decision on this matter.
5. That there will be no direct access between the site and the M5 in the future.

CARRIED

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

Voting against the Committee's Recommendation were Councillors: Greiss and Rowell.

Council Meeting 17 March 2015 (Greiss/Kolkman)

1. That Council adopt Amendment No 28 to LEP 2002 as proposed by this report to allow the site known as 194 Campbelltown Road, Denham Court to be used for a service station with additional restrictions as outlined in this report.
 2. That Council's delegate, the General Manager, make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment.
 3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002.
 4. That Council advise the applicant of its decision on this matter.
 5. That there will be no direct access between the site and the M5 in the future.
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Amendment: (Greiss/Mead)

1. That Council adopt Amendment No 28 to LEP 2002 as proposed by this report to allow the site known as 194 Campbelltown Road, Denham Court to be used for a service station.
2. That Council's delegate, the General Manager, make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment.
3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002.
4. That Council advise the applicant of its decision on this matter.

LOST

Council Minute Resolution Number 30

1. That Council adopt Amendment No 28 to LEP 2002 as proposed by this report to allow the site known as 194 Campbelltown Road, Denham Court to be used for a service station with additional restrictions as outlined in this report.
2. That Council's delegate, the General Manager, make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment.
3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 28 to Campbelltown (Urban Areas) Local Environmental Plan 2002.
4. That Council advise the applicant of its decision on this matter.
5. That there will be no direct access between the site and the M5 in the future.

Voting for the Amendment were Councillors: Greiss, Hawker, Mead and Rowell.

Voting against the Amendment were Councillors: Borg, Brticevic, Chanthivong, Dobson, Glynn, Kolkman, Lake, Lound and Oates.

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

Voting against the Council Resolution: nil

Note: Councillor Matheson was not in attendance during debate or discussion at the time of voting on this matter.

ATTACHMENT 1



Planning & Environment

Gateway Determination

Planning proposal (Department ref: PP_2014_CAMPB_002_00): to allow the site, 194 Campbelltown Road, Denham Court, to be used for the purpose of a service station.

I, the Director, Metropolitan Delivery (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act, that an amendment to the Campbelltown (Urban Areas) Local Environmental Plan (LEP) 2002 to facilitate the above proposal, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979, for a period of 14 days.

This should include an explanation on the relationship between the planning proposal, the draft Principal Local Environmental Plan and Campbelltown (Urban Areas) Local Environmental Plan 2002;

2. Consultation is required with the following public authorities under section 56(2) (d) of the Environmental Planning and assessment Act:

- Office of Environment and Heritage
- Transport for NSW - Roads and Maritime Services
- Liverpool City Council
- Sydney Water

3. Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Delegation is to be given to Council to exercise the Minister's plan making power's.

5. The Secretary's delegate approves the inconsistency with section 117 direction 6.3 on the basis that it is of minor significance.

6. Prior to undertaking community consultation, Council is to amend the planning proposal to :

- remove reference to section 117 direction 1.1 - Business Zones, as the Direction does not apply,
 - amend the reference contained within the description for State Environmental Planning Policy 44 - Koala Habitat. It is noted that Tree 103 - eucalyptus tereticomis - Forest Red Gum - is a species listed in Schedule 2 of the SEPP. The statement 'study did not find any of the native vegetation listed in schedule 2' is incorrect,
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court



Planning & Environment

- allow the proposal to be an amendment to either the current LEP, or the Principal LEP,
 - ensure justification for the use of schedule 1 Additional Permitted Uses as opposed to zoning the land for the purpose, and
 - amend Part 6 to accord to the time frame specified in Condition 7, below, and ensure that correct reference is made to the issue of delegation referred to in Condition 3.
7. A public hearing is not required to be held into the matter by any person or body under the section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The time frame for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Dated 17th day of September 2014.

A handwritten signature in black ink, appearing to read "R Cumming".

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Housing, Growth and Economics

Delegate of the Minister for Planning

ATTACHMENT 2

Campbelltown City Council

Ref: 34cwm19Sep2014

19 September 2014

Memo to: All Councillors

**Copy to: General Manager, Directors, Manager Communications and Marketing
and P&E Section Managers**

From: Director Planning and Environment

Subject: Matters of Interest – Planning and Environment Division

ENVIRONMENTAL PLANNING

- **Gateway Determination - No 194 Campbelltown Road, Denham Court**

Council at its meeting held on 1 July 2014 resolved to proceed with a draft planning proposal to Gateway Determination to allow the site known as No. 194 Campbelltown Road Denham Court to be used for the purpose of a service station.

Council at the same meeting resolved to proceed to public exhibition upon the receipt of the Gateway Determination.

Council has now received the Gateway Determination from the Department of Planning and Environment.

The Gateway Determination supported the proposed amendment to Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP) subject to a number of matters being addressed including:

- Public consultation for a period of 14 days
- Consultation with the Office of Environment and Heritage, Transport for NSW – Roads and Maritime Services, Sydney Water and Liverpool City Council
- Delegation to Council to exercise the Minister's plan making powers
- A 9 month time frame for the completion of the amendment to the LEP
- A number of minor amendments to the draft Planning Proposal.

Notably, no additional studies were required, prior to the commencement of the public exhibition.

Given the above, the community consultation is likely to be undertaken in October this year. Council will be further advised of the dates of the public exhibition.

Should you require any further information regarding the above matters, please contact Andrew Spooner, Manager Sustainable City and Environment on 4645 4833 or mobile 0419 469 030.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Campbelltown City Council

Ref: 43cwm21Nov2014

21 November 2014

Memo to: All Councillors

**Copy to: General Manager, Directors, Manager Communications and Marketing
and P&E Section Managers**

From: A/Director Planning and Environment

Subject: Matters of Interest – Planning and Environment Division

ENVIRONMENTAL PLANNING

- **Public Exhibition - No 194 Campbelltown Road, Denham Court**

Further to the Councillor's Weekly Memo dated 19 September 2014, please note that Council will be publicly exhibiting the Planning Proposal for 194 Campbelltown Road, Denham Court (Lot 100 DP 1176622), in line with the Gateway Determination, issued to Council from Department of Planning and Environment on 17 September 2014.

The primary objective of the Planning Proposal is to allow the subject site to be used for the purpose of a service station, with additional proposed restrictions to prohibit the parking, refuelling or servicing of heavy vehicles on site.

A copy of the Planning Proposal, gateway determination and other supporting documentation will be on public exhibition from Wednesday 26 November 2014 until Friday 6 February 2015 at the following locations:

- Council's Civic Centre;
- HJ Daily Library,
- Greg Percival Library and
- Council's website

A report on the outcomes of the public exhibition will be presented to Council for consideration early next year.

- **Draft Campbelltown Local Environmental Plan 2014 (Draft CLEP 2014) - Submission Presentation Forums**

The next Forums, at which persons who made submissions to the Draft CLEP 2014 can present those submissions to Councillors, are scheduled for Monday 24 November and Thursday 27 November 2014. On each evening, a number of site and/or issue specific submissions are being discussed, covering a wide range of issues and locations.

Attached is a summary spreadsheet which details the person/party responsible for the submissions being considered on those evenings and provides a brief summary of each submission and the preliminary staff position.

ATTACHMENT 3



2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

ATTACHMENT 4



Liverpoolcitycouncil
creating our future together

Our Ref: 242836.2014
Contact: Graham Matthews 9821 9156

5 November 2014

Mr Andrew Spooner
Manager Sustainable City and Environment
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

NOV06'14 08:20:32 RCVD

Dear Mr Spooner

Re: Planning Proposal for 194 Campbelltown Road, Denham Court

I write in response to your letter dated 15 October 2014 advising that you were formally consulting with Liverpool City Council under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 in relation to a draft planning proposal intended to permit the development of a service station on land known as 194 Campbelltown Road, Denham Court in the Campbelltown local government area (the subject site).

Council has considered the information that you have provided and raises no objection to the proposed development of the subject site, pending the inclusion of the proposed qualification to be added to Schedule 1 Additional Permitted Uses of Draft CLEP 2014 which is to read:

Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).

Council is concerned that, were the above-stated qualification not included in the amendment to Draft CLEP 2014, that the site could be developed as a service station that catered for large vehicles, which may encourage increased traffic by large vehicles (including b-double transports) on Council's local road network.

Council is therefore concerned with the following comments made in the document *Traffic Report for Planning Proposal for proposed service station, Denham Court*, which was included as Annexure 2 to the planning proposal, which would suggest that the site may be used for the servicing or refuelling of heavy vehicles:

2.9 The site would provide for cars and trucks to enter, circulate and exit in a forward direction. Separate fill points would be designated for cars and heavy vehicles. A loading bay will be provided at the rear of the convenience store.

2.10 The layout will be designed to provide appropriate circulation by semi trailers and b-doubles in accordance with the Australian Standard for Parking Facilities (Part 2: Off-street commercial vehicle facilities), AS 2890.2 – 2002 (emphasis added).

Customer Service Centre Level 2, 33 Moore Street, Liverpool NSW 2170, DX 5030 Liverpool
All correspondence to The Chief Executive Officer, Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170
Fax 9821 9333 Email lcc@liverpool.nsw.gov.au Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471



2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Council recommends that the Traffic Report be appropriately amended prior to public exhibition of the planning proposal, to make clear that the site will not be designed for the refuelling of heavy vehicles, nor the parking of semi-trailers or b-doubles. While Council acknowledges that fuel and other supplies may be delivered to the site via an appropriate heavy vehicle, the use of the site for any other purpose by heavy vehicles should not be permitted in order to limit heavy vehicle traffic on Council's local road network.

Should you require any further information on this matter, please do not hesitate to contact Graham Matthews, Strategic Planner, on 9821 9156.

Yours sincerely



Simon Porter
A/Manager Strategic Planning

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court



14 November 2014

Roads and Maritime Reference: SYD14/01334

Manager Sustainable City and Environment
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Attention: Rana Haddad

Dear Mr Spooner

**DRAFT PLANNING PROPOSAL TO PERMIT A SERVICE STATION
194 CAMPBELLTOWN ROAD, DENHAM COURT**

I refer to your letter of 15 October 2014 inviting the Roads and Maritime Services (Roads and Maritime) to comment on the abovementioned planning proposal. Roads and Maritime appreciates the opportunity to provide comment on the proposal.

Roads and Maritime has reviewed the planning proposal and raises no objection to the rezoning. In addition, Roads and Maritime provides 'in principle' support to the proposed access arrangements comprising left and right turn entry movements and left turn exit movements only. The proposed Channelised Right Turn treatment on Campbelltown Road shall be designed and constructed in accordance with Austroads and Roads and Maritime requirements and shall be at full cost to the developer.

Roads and Maritime will provide more detailed comment on the proposed development upon gazettal of the rezoning and submission and referral of a development application.

If you wish to discuss this matter further, please contact James Hall – Senior Transport Planner on (02) 8849-2047.

Yours sincerely


Greg Flynn
Manager, Strategic Land Use
Network and Safety

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Rana Haddad

Subject: FW: 194 Campbelltown Road, Denham Court

From: GILVEAR, HANNAH [mailto:HANNAH.GILVEAR@sydneywater.com.au]

Sent: Tuesday, 20 January 2015 8:07 AM

To: Rana Haddad

Subject: RE: 194 Campbelltown Road, Denham Court

Hi Rana,

Sydney Water does not have any concerns with the site being used as a petrol station.

Kind Regards

Sydney
WATER

Hannah Gilvear | Student Town Planner

Urban Growth Strategy | Sydney Water

Level 7, 1 Smith Street Parramatta NSW 2150

PO Box 399 Parramatta NSW 2124

T 8849 5296

hannah.gilvear@sydneywater.com.au | sydneywater.com.au

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court



Mr Andrew Spooner
Manager Sustainable City and Environment
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Dear Mr Spooner

Planning Proposal for 194 Campbelltown Road, Denham Court

Thank you for your letter dated 15 October 2014 requesting Transport for NSW (TfNSW) review and comment on the above planning proposal.

TfNSW has reviewed the submitted information and has no comments on the subject planning proposal.

Roads and Maritime Services will provide a separate response.

Should you have any questions regarding this matter, please contact me on 8202 2198.

Yours sincerely

 22/10/14
Mark Ozinga
Manager Land Use Development and Planning
Planning and Programs

CD14/19530

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Rana Haddad

From: Rachel Hannan <Rachel.Hannan@environment.nsw.gov.au>
Sent: Tuesday, 18 November 2014 10:32 AM
To: Rana Haddad
Cc: Andrew Spooner
Subject: 194 Campbelltown Road, Denham Court

Hi Rana,

Thanks for the email.

As discussed, I have made notes in OEH's record system of our conversation and that OEH is not requesting any additional assessments for the planning proposal to amend the LEP to permit an additional use at 194 Campbelltown Road, Denham Court.

Regards,
Rachel.

Rachel Hannan
Conservation Planning Officer
Regional Operations
Office of Environment and Heritage
Level 6, 10 Valentine Avenue, Parramatta NSW 2150
PO Box 644, Parramatta NSW 2124
T: 02 8837 6088
W: www.environment.nsw.gov.au

Please note my position is part time - my work days are Tues, Wed and Thurs

Please consider the environment before printing this e-mail

ATTACHMENT 5

PLANNING PROPOSAL

To include a (Service Station) as a Scheduled Use in the
Campbelltown (Urban Area) LEP 2002

At

194 Campbelltown Road, Denham Court NSW, 2565
Lot 100 in DP 1176622



Prepared by:

Smyth Planning

Amended by Campbelltown City Council

June – 2014

Revised by Council – November 2014

Updated - February 2015

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station– 194 Campbelltown Road, Denham Court

CONTENTS

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Annexures

INDEX	PLANS AND DOCUMENTATION	PREPARED BY	DATED
Annexure 1	Traffic Report	Colston Budd Hunt & Kafes Pty Ltd	March 2014
Annexure 2	Landscape Plan	RFA Landscape Architects	March 2014
Annexure 3	Visual Impact Statement	Mosca Pserras Architects	February 2013
Annexure 4	Acoustic Assessment	Mott MacDonald	March 2014
Annexure 5	Preliminary Contamination Assessment	SMEC Testing Services Pty Ltd	March 2014
Annexure 6	Arboricultural Impact Assessment	Urban Tree Management Australia Pty Ltd	July 2013
Annexure 7	Vehicle Turning Paths	J.Wyndham Prince	December 2013
Annexure 8	A copy of letters/emails received from the relevant public authorities who provided written comments	Various public authorities	October/November 2014
Annexure 9	Copy of Gateway Determination	Issues by the Department of Planning and Environment	17 September 2014
Annexure 10	Written Authorisation to Exercise Delegation	Issues by the Department of Planning and Environment	17 September 2014

Important Note: The plans under Annexures 1-10, in some instances, include a proposed layout of the service station showing parking and refuelling of heavy vehicles on site. These proposed plans are indicative only, and new plans will need to be prepared and lodged with Council at the development assessment stage, as the parking, refuelling and servicing of heavy vehicles will not be allowed on this site.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station- 194 Campbelltown Road, Denham Court

1. INTRODUCTION

- 1.1 Smyth Planning has been engaged by Mr. Mark Bassal of Xpress Group Pty Ltd to prepare a Planning Proposal for Lot 100 in DP 1176622, (No. 194 Campbelltown Road, Denham Court).
- 1.2 The Planning Proposal provides a description and justification for the proposed amendment to both the Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002) and draft Campbelltown Local Environmental Plan 2014 (draft CLEP 2014), to permit the development of a 'service station' as a scheduled use on the subject site and provides an additional clause to ensure that the service station will not be utilised for the parking, refuelling and servicing of heavy vehicles.
- 1.3 The Planning Proposal has been prepared in accordance with the requirements of Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Infrastructure Guidelines including 'A Guide to Preparing Planning Proposals 2012', and 'A Guide to preparing Local Environment Plans'.
- 1.4 It is considered that the proposed development has local strategic merit without causing any unreasonable environmental, social and economic impacts and would service the needs of the surrounding community and visitors to the area.
- 1.5 The Planning Proposal has been revised in line with the required conditions included under the Gateway Determination (dated 17 September 2014).
- 1.6 The Planning Proposal has been updated to include information on the outcome of the public exhibition. The Planning Proposal and associated documents were placed on public exhibition from 26 November 2014 until 6 February 2015.

2. SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The site is located on the eastern side of Campbelltown Road at Denham Court within the Campbelltown City Council Local Government Area. It is situated between McCormack Place to the north and Williamson Road to the south. The M5 Motorway is east of the site. There is a northbound off-ramp from the M5 adjacent to the site's eastern and northern boundaries. The off-ramp intersects Campbelltown Road at a signalised intersection adjacent to the site (Refer to **Figure 1**)

Adjacent to the site, Campbelltown Road provides for one traffic lane in each direction, with sealed shoulders. It has a 70 kilometre per hour speed limit and carries moderate traffic volumes. Campbelltown Road passes over the M5, south of the site. Further south it intersects Williamson Road, which provides access to the Ingleburn Industrial Estate. There is a roundabout at the Campbelltown Road/Williamson Road intersection. The fourth leg of the roundabout provides a southbound on-ramp to the M5.

There is a right turn bay for southbound traffic on Campbelltown Road, near the southern end of the site. It provides access to a horse riding ranch. Campbelltown Road is a classified Road and as such, requires the concurrence of Roads and Maritime Services (RMS) for access.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station– 194 Campbelltown Road, Denham Court



Figure 1: Site Location Map showing subject site and surrounding land. Source - <http://www.street-directory.com.au/>

2.2 Site Description and current zoning

The site is legally described as Lot 100 DP 1176622 and is known as 194 Campbelltown Road, Denham Court. The site is currently zoned **7(d5) Environmental Protection 1ha Minimum**. The site is irregular in shape and has a frontage of approximately 240 metres to Campbelltown Road, 192 metres to the Hume Highway freeway and 116 metres to the off ramp from the north bound freeway lane to Campbelltown Road (Refer to **Figure 2**). The site has an approximate area of 1.241 hectares and is relatively flat. The site includes a brick cottage and associated metal garage and shed and swimming pool. There are a number of trees on the site. Currently on the site is a dwelling which appears to be occupied. Vehicular access to the site is via a crossover from Campbelltown Road.



Figure 2: Aerial photo showing subject site and surrounding land. Source - <http://maps.six.nsw.gov.au/>

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station– 194 Campbelltown Road, Denham Court

3. BACKGROUND

3.1 In accordance with the recommendations of the Department of Planning and Environment (the Department) outlined in 'A Guide to Preparing Planning Proposals 2012', a planning proposal request was submitted to Council on 9 July 2013 to enable the subject site to be used as a service station with a small convenience store and a small food area, with a cafeteria on the subject site. Council believed there was merit in a 'typical service station' that did not provide any on-site heavy vehicle refuelling, parking nor servicing. Amended plans (Refer to **Figure 3**) were submitted to Council and were considered at a Council meeting on 10 December 2013 and resolved as follows:

1. *That Council support in principle a proposed amendment to Campbelltown (Urban Areas) Local Environmental Plan 2002 for Lot 100 DP1176622 (No. 194 Campbelltown Road) Denham Court, to include an additional use (service station) to Schedule 2 – Additional Development subject to its consideration of the outcomes of further required investigations as detailed in the above report.*
2. *That additional requirements, as recommended by the legal advice sought by Council be included as part of any proposed amendment to Campbelltown (Urban Area) Local Environmental Plan 2002 to ensure that the service station would not be allowed to provide onsite heavy vehicle (truck) parking and servicing.*
3. *That the applicant be requested to prepare additional studies, as identified by this report, in support of a possible amendment to Campbelltown (Urban Area) Local Environmental Plan 2002.*
4. *That this matter be reported back to Council following an assessment of the additional required investigations.*

3.2 The requested studies have been prepared by the respective consultants and support the Planning Proposal at **Annexure 1 – 6**.

3.3 The findings of the studies were reported to Council on 1 July 2014 where Council resolved:

1. *That Council support the draft Planning Proposal shown as attachment 1 to his report for referral to the Department Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979.*
2. *That subject to the conditions of the Gateway Determination, Council place the draft Planning Proposal and associated studies on public exhibition for 28 days.*
3. *That Council undertaken any required consultation with public authorities while the draft Planning Proposal is on public exhibition.*
4. *That at the conclusion of the public exhibition, a report be submitted to Council on the submissions received.*

3.4 In September 2014 Council received the Gateway Determination (dated 17 September 2014) and the Planning Proposal has been revised in line with the required conditions included under the Gateway Determination.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station– 194 Campbelltown Road, Denham Court

4. Part 1 – Objectives or Intended Outcomes

4.1 The objectives and intended outcomes for this planning proposal are as follows:

- To enable the development of Lot 100 DP 1176622, (No. 194 Campbelltown Road, Denham Court) for the purpose of a service station.
- To ensure that the service station will not be utilised for the parking, refuelling and servicing of vehicles larger than 4.5 tonnes in GVM.

5. Part 2 – Explanation of Provisions

5.1 Council is currently preparing a principle local environmental plan that will consolidate all existing Local Environmental Plans (LEPs) and Interim Development Orders (IDOs) into one document, entitled draft Campbelltown Local Environmental Plan 2014. The draft CLEP 2014 was placed on public exhibition from 12 June 2014 until 8 August 2014. Council is currently considering the outcome of the public exhibition of the draft CLEP 2014.

The draft CLEP 2014, upon its gazettal, will replace a number of LEPs and IDOs including LEP 2002. Given the timing of the draft CLEP 2014, and to avoid the need to undertake an additional amendment to the forthcoming CLEP 2014 (to enable the use of the site for a service station), it is considered necessary that this planning proposal include an amendment to both LEP 2002 and the draft CLEP 2014.

The proposed amendment to LEP 2002 and the draft CELP 2014 are as follows:

1. Proposed Amendment to LEP 2002

- Amend *Schedule 2 Additional Development* of LEP 2002 to include the following:

12 *Development for the purpose of a service station*

Lot 100 DP 1176622, 194 Campbelltown Road, Denham Court

- Add a clause under *Schedule 2 Additional Development of the LEP 2002* that reads:

Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).'

2. Proposed Amendment to draft CLEP 2014

- Amend *Schedule 1 Additional Permitted Uses of draft CLEP 2014* to include the following:

14 *Development for the purpose of a service station (Service Station):*

Lot 100 DP 1176622, 194 Campbelltown Road, Denham Court

- Add a clause under *Schedule 1 Additional Permitted Uses of Draft CLEP 2014* (immediately under point 14 above) that reads:

Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station- 194 Campbelltown Road, Denham Court

the manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).

6. Part 3 – Justification

6.1 Section A – Need for planning proposal

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

The planning proposal is not the result of any strategic planning study or report undertaken by the Council. The proposal to create a scheduled use to allow for a 'service station' is a result of an owner initiated Press Australia PTY LTD application in response to research that shows that the site is suitable for use as a service station. It is noted that Council has provided in principle support in response to the submission of a planning proposal request to Council on 9 July 2013.

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

Yes. The planning proposal represents the best means of achieving the objectives and intended outcomes, as the current zoning of the site under LEP 2002 of 7(d5) Environmental Protection 1ha Minimum, prohibits the use of the land for a service station with a small convenience store, a car wash and a small food area, with a cafeteria.

Justification for the use of Schedule 1 Additional Permitted Uses as Opposed to rezoning

The planning proposal is a site specific application which proposes to amend Schedule 2 Additional Development of LEP 2002 and/or Schedule 1 – Additional Permitted Uses of draft CLEP 2014 to generally allow the site to be used for a service station, with restrictions on servicing heavy vehicles.

Alternatively to this, the applicant could have applied to rezone the particular parcel of land to a zone under LEP 2002 or draft CLEP 2014 where a service station type development is permissible. However this would not have been considered appropriate by Council for the following reasons:

- Zoning the site to an industrial zone (where a service station type development is permissible), would be disruptive to the zoning of the surrounding rural areas. Currently, the M5 (Free Way) provides a physical buffer between industrial zones (to the west, and rural/environmental protection zones to the east.
- A rezoning of the site to an industrial zone would not provide Council with certainty in terms of the type of future land uses that may be proposed/occur on this site, as a range of other inappropriate land uses would also become permissible under an industrial zone.

Given the above, the use of Schedule 1 Additional Permitted Uses as opposed to rezoning is considered the best means of achieving the intended outcome.

6.2 Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within applicable Regional and sub-regional strategies?

The planning proposal is generally consistent with the relative objectives and actions contained within the following Strategic Plans:

NSW 2021 State Plan

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station– 194 Campbelltown Road, Denham Court

The planning proposal is consistent with Goal 1 of the NSW 2021 State plan "Improve the performance of the NSW economy" as it will encourage employment growth. Employment will be created during the construction phase and throughout the on-going operation of the future development.

Metropolitan Plan for Sydney 2036

The planning proposal is consistent with the following strategic directions of the Metropolitan Plan for Sydney 2036 including the following:

- Strategic Direction C- Transport for a Connected City, as the development will provide fuel and services related to efficient and effective road based transportation.
- Strategic Direction E- Growing Sydney's Economy, as the development will encourage employment growth throughout the construction and continued operation.

Draft Metropolitan Strategy for Sydney to 2031

The planning proposal is not inconsistent with the following key outcomes within the Draft Metropolitan Plan for Sydney 2036 including the following:

- A liveable City;
- Productivity and Prosperity; and
- Accessibility and connectivity

Draft South West Sub-Regional Strategy 2007

The planning proposal is consistent with the following key directions within the Draft South West Sub – regional including the following:

- Key Direction 2 - Plan for Major Employment Growth;

The proposed development will contribute to future employment growth and provide services for residents and visitors to the area in an accessible location.

Is the planning proposal consistent with the local council's community plan or other strategic Plan?

The planning proposal is generally consistent with the long term town planning strategy plan 'Campbelltown 2025, looking forward'. In particular, the proposal is consistent with the following strategic directions:

- Strategic Direction 6.2 – Growing the Regional city;
- Strategic Direction 6.4 – Getting around the city; and
- Strategic Direction 6.6 – Creating Education, employment and entrepreneurial opportunities.

Furthermore, the subject site is considered suitable to be developed for a service station type development as it is an isolated parcel of land that is bounded by major roads on all sides, and it is located within close proximity to Ingleburn Industrial Precinct. In addition, the small convenience store would provide services for nearby rural areas and reduce the number of trips to major centres.

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

Consideration has been given to the State Environmental Planning Policies that are relevant to this planning proposal.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station– 194 Campbelltown Road, Denham Court

The following table provides an assessment of the planning proposal against the State Planning Environment Planning Policies that may be relevant to the proposed development on the site:

State Environment Planning Policy	Consistency
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	Any development lodged for a 'service station' would include fuel storage and therefore require an assessment against the criteria under Clause 13 of SEPP 33 – Hazardous and Offensive Development. The proposal is considered consistent subject to the assessment of any development application.
State Environmental Planning Policy No. 44 – Koala Habitat Protection	There is no Koala habitat or 'potential koala habitat' on the subject site. <i>"potential koala habitat means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component."</i> Notably, the arboricultural study found only one tree (Tree No 103 Forest Red Gum (<i>Eucalyptus tereticornis</i>) which is a species listed under Schedule 2 of this SEPP (Refer to Annexure 6).
State Environmental Planning Policy No. 55 – Remediation of Land	SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. A preliminary contamination assessment has been prepared in support of the application (Refer to Annexure 5). The report concluded that concentrations of chemical contaminants measured in the soils across the site are generally low and below criteria that are protective of human health for a commercial/ industrial land use setting. Some asbestos fibres were identified a soil sample which would require appropriate remediation including removal by a licenced operator prior to development. In summary, the results of the contamination study determined the site to be suitable for the redevelopment into a commercial/ industrial use provided the asbestos contaminated soil is appropriately remediated. The planning proposal is considered consistent with this SEPP subject to the appropriate recommendations occurring.
State Environmental Planning Policy No. 64 – Advertising and Signage	Any development application for signage is subject to the provisions of this SEPP. The aim of this policy is to ensure that signage erected is compatible with the desired amenity and visual character of the area it is located in. Any signage would be assessed against this SEPP and regulated by way of conditions of development consent. It is considered that the planning proposal is consistent in this regard.
State Environmental Planning Policy (Infrastructure 2007)	Pursuant to Clause 104 – Traffic generating development, of the Infrastructure SEPP, an application for a service station (including ones which have retail outlets) must be referred to the Roads and Maritime Services (RMS) if the site has direct vehicular access or pedestrian access to a classified road or to a road that connect to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection. The subject site has direct access to a classified road, therefore any development application for a service station would be referred to the RMS in accordance with the provisions of SEPP Infrastructure 2007.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Planning Proposal
Service Station– 194 Campbelltown Road, Denham Court

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

The following table provides an assessment of the planning proposal against the relevant Section 117(2) Ministerial Directions:

Section 117 Direction No. and title	Consistency
1. Employment and Resources	
Direction 2.1 - Environment Protection Zones	<p>This direction applies to the subject site as the land is currently zoned 7(d5) Environmental Protection 1ha Minimum. The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>This Direction states what a relevant planning authority must do if this direction applies: :</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p> <p>It is considered that the planning proposal is consistent with the terms of this direction as it is not proposing to reduce or change the environmental protection standards that currently apply to the land.</p>
Direction 6.3 - Site Specific Provisions	<p>This direction applies to the planning proposal as it amends an Environmental Planning Instrument (LEP 2002 and draft CLEP 2014) to create a scheduled use to permit a service station.</p> <p>The main objective of this Direction states:</p> <p><i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i></p> <p>The proposal is considered consistent with the above objective as it is necessary for this particular site to include additional provisions to ensure that the service station would not be utilised for the refuelling and servicing of heavy vehicles /trucks.</p> <p>A service station that would provide services and refuelling for heavy vehicles is not considered suitable for this site for the following reasons:</p> <ol style="list-style-type: none"> 1. It would adversely impact on the residential amenity of nearby rural residential properties in terms of noise. 2. It would adversely impact on the aesthetic and scenic values of the locality. 3. It would generate large volumes of heavy traffic which would adversely impact on the road network within the locality. <p>To ensure that a service station on this site would not be designed and used for providing refuelling and services to heavy vehicles/trucks, an additional clause under LEP 2002 and draft CLEP 2014 is proposed to that effect.</p> <p>Given that the proposed clause is not inconsistent with the objective of this Direction, the inconsistency is considered of minor nature.</p>
Direction 7.1 – Implementation of the Metropolitan Strategy	<p>This proposal is consistent with this direction as it achieved the overall intent of the Metropolitan Plan for Sydney 2036 and will encourage employment growth throughout the construction and ongoing operation of the development and provide fuel and services related to efficient and effective road based transportation.</p>

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

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6.3 Section C – Environmental, social and economic impact

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?

The subject site is identified as containing some trees which form part of an area identified as Cumberland Plain Woodland which is listed as a critically endangered ecological community (CEEC) under the Threatened Species Conservation Act 1995 (TSC Act) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). An arboricultural assessment was prepared by Urban Tree Management on behalf of the applicant (refer to **Annexure 6**) and found that the majority of trees are highly fragmented and modified bushland which have been impacted by previous land uses (Refer to Figure 3A). The main observations of the study are as follows:

- *The trees were determined to be of self-sown (remnant) & planted origin, locally indigenous, indigenous & exotic, evergreen specimens which all form part of the local canopy.*
- *The planted specimens were mostly located around the perimeters of the site which provide visual screening to and from the surrounding arterial roads. These are all considered common taxa and determined to be approximately between 5-10 years of age. Collectively only do they provide prominence and significant visual amenity.*
- *The remnant trees were considered prominent when viewed from various directions within the landscape. These formed various stands within the site which formed part of the Cumberland Plain Woodland which is listed as a critically endangered ecological community under the Threatened Species Conservation Act 1995.*
- *The CEEC was highly modified with predominantly only trees remaining of the Cumberland Plain Woodland. These also were fragmented in parts subjecting some trees to recent and past impacts affecting condition and vigour. The floristic diversity for the community was very poor.*
- *Only one tree was observed to support hollows for wildlife habitat (to be retained).*
- *Current land use surrounding the trees of this community currently incorporates grazing animals which are likely to have been present for several years.*

The study determined that of the 136 trees assessed, 91 are proposed to be retained and protected with potential development. A total of 45 trees are proposed to be removed, of which 18 are of high retention value, 7 of medium and 20 of low retention value.

Forty one (41) trees formed part of the Cumberland Plain Woodland with 14 proposed for removal and 27 retained. Trees of the CEEC within the centre of the site only are proposed for removal, with all trees of the CEEC towards the perimeters retained and protected by tree sensitive construction methods. In summary the arboricultural assessment study made the following conclusions:

“Plant selection should be based on taxa of the Cumberland Plain Woodland with trees obtained of local provenance.

If all the recommendations and procedures detailed herein are adhered to, the subject tree/s to be retained will continue to grow and develop as important landscape component/s providing element/s of long term amenity for the property and its owners or occupants, and the local community”

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The arboricultural assessment has identified that the trees within the site are highly fragmented and have been severely impacted and disturbed by previous land uses as shown on Figure 3A.

As recommended in the study, the future development of the site presents an opportunity to provide additional landscaping of Cumberland Plain Woodland species which will improve the floral diversity and have positive amenity impacts for both the property and surrounding community.



Figure 3A: Aerial photo illustrating the extent of site disturbance while the site was used by RMS

Although the site has been largely disturbed by previous land use activity (Figure 3A) above, the applicant at the development application stage will be required to undertake a Flora and Fauna Assessment Report prepared in accordance with the Office of Environment and Heritage's Threatened Species Survey and Assessment Guidelines and Field Survey. This is in line with a verbal advice obtained from the Office of Environment and Heritage (OEH) in November 2014.

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

The key environmental impacts of the proposal are addressed below:

Traffic

A detailed traffic report has been prepared by Colston Budd Hunt & Kafes Pty Ltd on behalf of the applicant (Refer to **Annexure 1**) to investigate the extent of traffic generated by the proposed service station.

Vehicular access to the site is proposed from Campbelltown Road, with driveways near the northern and southern ends of the site with a right hand turn bay proposed in Campbelltown Road for access to the site (Refer to **Figure 4**). The key findings of the report are as follows:

- The proposed access arrangements will have appropriate capacity, and should operate with no unusual safety issues;

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- The internal circulation and layout will be appropriate for cars and trucks providing refilling services to the service station and should be designed in accordance with Australian Standards at the detailed stage (development application);
- The proposed right hand turn bay into the site is considered appropriate as Campbelltown Road is straight in the vicinity of the site and there are good site lines for northbound traffic turning into the site, as well for traffic in both directions turning from the site. Vehicles will be able to readily turn into the site in gaps due to the modest southbound through traffic volumes on Campbelltown Road, and in gaps created by the upstream traffic signals. The report found that given the anticipated number of vehicles, it would be appropriate to facilitate right runs to and from the site.
- There is no access proposed from the M5 Motorway or the exit ramp to or from the site. It is therefore anticipated that most traffic arriving at the site will be passing traffic on Campbelltown Road or traffic already exiting the M5. It is not anticipated that a significant volume of through traffic on the M5 will exit the freeway to visit the site before re-joining the freeway.
- The majority of traffic to and from the site is expected to be passing trade, i.e. traffic already using, Campbelltown Road and the M5 Motorway exit ramp. It is predicted that the additional traffic on Campbelltown Road north and south of the site would be small at some 40 vehicles per hour two –way. Such a low volume would not have noticeable effects on the signalised intersection adjacent to the site. Further from the site, traffic volumes would dissipate further and would not generally be noticeable.

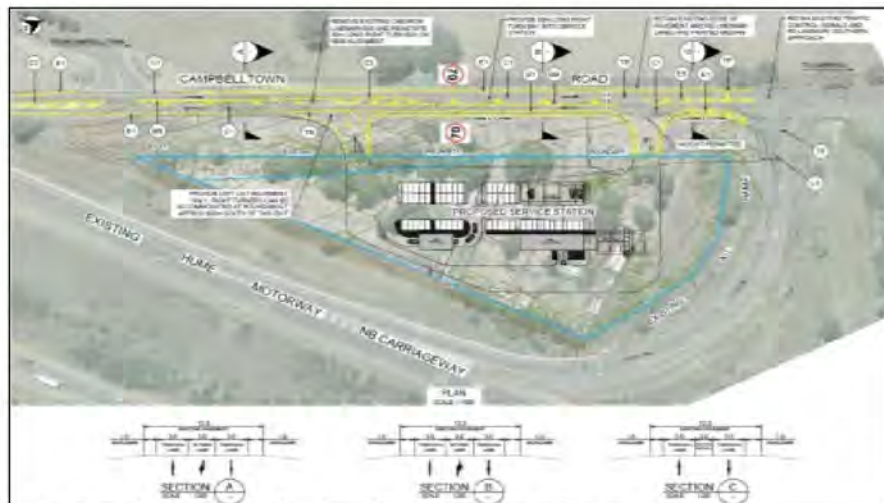


Figure 4 – Concept Layout Site Plan. Source - J. Wyndham Prince

Landscaping and Visual Impact

A Visual Impact Assessment has been prepared by Mosca Pserras Architects (Refer to **Annexure 3**) to illustrate the anticipated visual impact of the service station from Campbelltown Road and the M5 Motorway. The visual impact assessment made the following findings:

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- The visual impact of the proposed building from the south bound direction of Campbelltown Road is minimal as it is hidden behind a series of existing trees (Refer to **Figure 5**).
- The visual impact of the proposed building from the north bound direction of Campbelltown Road is minimal as the existing trees along Campbelltown Road create a visual buffer zone (Refer to **Figure 6**).
- The visual impact of the proposed building from the north bound direction of M5 Motorway is minimal as it is hidden behind a large embankment with existing mature trees and proposed screen planting (Refer to **Figure 7**).
- The visual impact of the proposed building from the south bound direction of M5 Motorway is minimal as the existing trees along the M5 boundary create a visual buffer zone (Refer to **Figure 8**).



Figure 5 – View southbound along Campbelltown Road



Figure 6 – View northbound along Campbelltown Road



Figure 7 – View northbound along M5 Motorway



Figure 8 – View southbound along M5 Motorway

A preliminary landscape Plan has been prepared by RFA Landscape Architects (Refer to **Figure 9**) to demonstrate how the visual presentation of the site can be enhanced whilst minimising providing additional vegetative screening from Campbelltown Road and the M5 Motorway to help prevent light spillage. The landscape plan proposes the planting of Cumberland Plain Woodland species on the boundary of the site to compensate for the removal of the existing native species and provide additional screening to the site. Internal garden beds are also proposed within the site between the parking bays and the around the buildings to provide visual relief and break up the expanse of hard paved areas.

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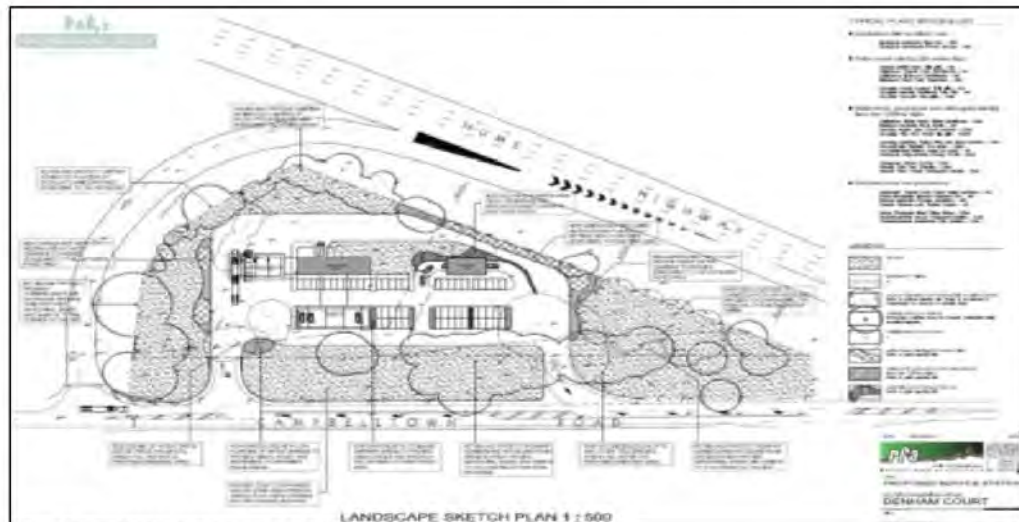


Figure 9 – Landscape sketch plan. Source- by RFA Landscape Architects

Acoustic

Acouras Consultancy on behalf of the applicant has prepared an acoustic assessment to support the planning proposal (Refer to **Annexure 4**). The report made the following recommendations on the following components of any future service station development at the site:

- Operational assessment;
- Vehicle Activity;
- Automatic Carwash;
- Mechanical Plant and Equipment;
- Façade glazing Requirements;
- Building Façade Construction; and
- Assessment of Traffic Noise Generation.

The key findings of the assessment determined that noise emitted from the proposed development and ancillary activities is predicted to comply with the acoustic requirements of the EPA noise limits and relevant Australian Standards, provided the recommendations from the report are implemented.

Preliminary Contamination Assessment

A preliminary contamination assessment has been prepared by SMEC Testing Services Pty Ltd (Refer to **Annexure 5**) to establish if any remediation is required for the future use of the land as a service station. The assessment included soil sampling from seven locations across the site. The results of the sampling show that the concentrations of chemical contaminants measured in the soils across the site are generally low and below criteria that are protective of human-health for a commercial/ industrial land use setting. During the testing, asbestos fibres were identified in one soil sample which would require remediation in order to make the site suitable for redevelopment into commercial/ industrial land use.

In summary, the report found that the site is suitable for use as a service centre provided that the asbestos contaminated soil is appropriately remediated including removal by a licenced contractor.

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Stormwater and Flooding

No investigation has been undertaken in relation to stormwater and flooding as part of this Planning Proposal. This matter should be further investigated as part of the development application stage as the subject property is a Flood Control Lot with respect to flooding from a 1% Annual Exceedance Probability (AEP) flood from local overland flow adjacent to the M31 Hume Motorway and the local catchment.

In this regard additional work as part of a development application will be needed to determine the minimum fill and floor level controls for any further development on this site.

Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is unlikely to give rise to any adverse social or economic effects. The proposal will have a positive social and economic benefit through the following:

- Creation of employment opportunities during construction and on-going operation of the future use.
- Improving the availability of fuel, convenience goods and food available to the surrounding residential community, the Ingleburn industrial precinct – which lacks these services, and visitors to the area.
- Effective use of an isolated parcel of land that is bounded by major roads on all sides.

6.4 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

As discussed in section 6.3 of this report it is likely that there will be the need for some minor modification to Campbelltown Road to facilitate a right turn bay into the site. The findings from the traffic report concluded that the existing road network would be able to cater for the additional traffic from the proposed development.

What are the views of state and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Under the Gateway Determination (17 September 2014), Council is required to consult with a number of public authorities. Prior to the Public Exhibition, Council has undertaken consultation with the relevant public authorities as per the Gateway Determination. Copies of comments received from public authorities are shown in Annexure 8.

Comments provided by public authorities are summarised in the Table below:

Outcome of Consultation with Public Authorities		
Public Authority	Comments received	Officer's comment
Office of Environment and Heritage (Environment Branch) (OEH);	An email was received from OEH indicated that no flora and fauna study is required at this stage and the planning proposal can proceed to public exhibition.	Comments noted.
Road and Maritime Services (RMS)	RMS raised no objection to the planning proposal. MRS provided 'in principle' support to the proposed access arrangements comprising left and right turn entry movements and left turn exit movements only.	RMS will be consulted at the development application stage.

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	Roads and Maritime will provide more detailed comment on the proposed development upon gazettal of the rezoning and submission and referral of a development application.	
Transport for NSW	No concerns were raised.	Noted
Liverpool City Council	Amend the traffic report to remove reference to heavy vehicle parking and refuelling on site.	Traffic report amended
Sydney Water	Comments provided by Sydney Water are relevant to the development assessment stage. No objection to the proposed Planning Proposal was raised. An additional email was received from Sydney water indicating that they have no objection to the planning proposal.	Sydney Water will be consulted at the development application stage.

All public authorities supported "in principle" the planning proposal. No major issues were raised by any of the relevant public authorities that would halt the progression of the planning proposal to public exhibition.

7. Part 4 – Mapping

- 7.1 Given the planning proposal is to include a service station as a scheduled use there are no proposed changes to the current zoning map.

8. Part 5 – Community Consultation

- 8.1 The Gateway determination has stipulated the following in relation to Community Consultation:

- Community Consultation is required under section 56(2) and 57 of the EP&A Act 1979, for a period of 14 days.
- A public hearing is not required to be held into the matter by any person or body under section 56(2) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying the land).

Refer to Annexure 9 for a copy of the Gateway Determination, dated 17 September 2014.

- 8.2 The planning Proposal, Gateway Determination and other supporting documentation were placed on public exhibition for over 2 months (from Wednesday 26 November 2014 until Friday 6 February 2015) at the following locations:

- Council's Civic Centre;
- HJ Daily Library,
- Greg Percival Library and
- Council's website

An advertisement was also placed in the two circulated local newspaper advising of the public exhibition of the planning proposal.

Individual letters were sent to property landowners within the vicinity of the subject site advising of the public exhibition and inviting them to provide comments on the planning proposal.

Extended period of public exhibition

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

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The Gateway Determination required the planning proposal to be placed on public exhibition for 14 days, which was inconsistent with Council's resolution of 1 July 2014, where Council resolved to place the planning proposal on public exhibition for 28 days. In addition, the timing of the public exhibition coincided with last year Christmas and school holidays, and for this reason the 28 day public exhibition period was extended until after the commencement of schools to provide sufficient time for residents and nearby landowners to comment on the planning proposal. This is in accordance with Council's common practice for public exhibitions and notifications around this time of year.

Information on submissions received from the public is included in the report to Council which will be considered by Council at its meeting of 10 March 2015.

9. Part 6 – Project Timeline

The anticipated draft project timeline has been included in the Table below. The anticipated timeframes and dates have been assigned to each milestone.

This is a proposed amendment to:

- LEP 2002; and
- draft CLEP 2014 prior to its gazettal so as to avoid the need to undertake an amendment to the forthcoming CLEP 2014. Notably, the draft CELP 2014 has been placed on public exhibition from 12 June 2014 until 8 August 2014 and Council is currently considering the outcome of the public exhibition.

Plan Making Delegation to Council

On 17 September, as part of the Gateway Determination, delegation was provided to Council to exercise the Minister's plan making powers. Director Planning and Environment will be making the Plan under delegation.

Refer to Annexure 10 for a copy of the 'Written Authorisation to Exercise Delegation' provided by the Department.

Projected Timeline Table

Milestone	Date
– Gateway determination	17 September 2014
– Delegation provided to Council to exercise the Minister's plan making powers (Annexure 10)	17 September 2014
– Consultation with Public Authorities (finalised)	Concluded 17 November 2014
– commencement and completion dates for public exhibition period	26 November 2014- 6 February 2015
– timeframe for the consideration of a proposal post exhibition-report to Council	March 2015
– Consult with the Parliamentary Counsel Office to legally draft the Plan	April 2015
– Council's delegate to make the draft Plan	May 2015

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10. Conclusion

This report has addressed the requirements set out in the NSW Department of Planning and Infrastructure 'A Guide to Preparing Planning Proposals'.

It has addressed issues such as the intended effect of, and justification for, the proposed amendment to the Campbelltown (Urban Area) Local Environment Plan 2002 and draft CELP 2014, to permit the development of a service station with a small convenience store and a small food area, with a cafeteria on the subject site. The planning proposal is considered appropriate for the following reasons:

- The planning proposal is generally consistent or justifiably inconsistent with all of the relevant Regional and sub-regional strategies, State Environmental Planning Policies and Ministerial Directions (s.117 directions) that are relevant to the site. The Department has indicated in their letter to Council (dated 17 September 2014) that no further approvals are required in relation to section 117 Directions.
- The future development of the site presents an opportunity to provide additional landscaping of Cumberland Plain Woodland species which will improve the floral diversity and entail positive amenity impacts for both the property and surrounding community.
- The planning proposal to allow for a 'typical service station' has sufficient merit and is considered to be an appropriate land use having regard to the isolation of the site and that it is bound by major roads on all sides.
- It is necessary, as part of this proposed amendment to LEP 2002 and to draft CLEP 2014, to ensure that the service station would not be designed to cater for the refuelling and servicing of heavy vehicles, as a service station that is specialised for the refuelling and servicing of heavy vehicles is not considered suitable for this location. Subject to this Planning Proposal, it is Council's intention to amend Schedule 2 of LEP 2002 and Schedule 1 Permitted Land Uses of draft CLEP 2014 to permit an additional use as a service station with the following provision:

'Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).'
- The proposal will unlikely result in any adverse impacts to the adjoining residential properties in terms of noise levels, excessive traffic generation and visual impact if the recommendations of the respective studies are implemented.
- A preliminary contamination assessment considered the site suitable for redevelopment into a commercial/ industrial use provided the asbestos contaminated soil is appropriately remediated including removal by a licenced contractor.
- A preliminary landscape plan has been prepared which demonstrates how the landscaping of the site can be undertaken to enhance the visual presentation of the site, reflect the sites environmental setting and values and provide additional vegetative screening to prevent light spillage.
- There is need to undertake stormwater assessment work at the development stage. To inform a suitable floor level for the proposed service station.

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- The planning proposal is unlikely to give rise to any adverse social or economic effects and will have a positive social and economic benefit through the creation of employment opportunities during construction and the on-going operation and improving the availability of fuel, convenience goods and food available to the surrounding residential community, the Ingleburn industrial precinct.
- No major concerns on the planning proposal were raised by the relevant public authorities that were consulted.

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

ATTACHMENT 6

Smyth Planning

Suite 67, Level 4, 330 Wattle Street ULTIMO NSW 2007
Telephone (02) 9211 3366 Facsimile (02) 9211 8081 E-mail: rm@smythplan.com

2 December 2014

General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Dear Sir

**Submission in response to Planning Proposal
194 Campbelltown Road, Denham Court.**

This submission has been prepared on the basis that the proposed Planning Proposal to amend the Campbelltown Local Environment Plan 2002 (CLEP 2002) to permit the development of a 'service station' as a scheduled use should be supported with no restriction on the refuelling of heavy vehicles/ trucks.

Introduction

This submission has been prepared by Smyth Planning on behalf of Xpress Group Pty Ltd who owns 194 Campbelltown Road, Denham Court, in response to the above matter. The purpose of this submission is to draw attention to the proposed restriction of the planning proposal that would prohibit the refuelling of heavy vehicles/ trucks on the site and seek agreement from Council to amend the proposed Clause under Schedule 2 of CLEP 2002 to permit the refuelling of heavy vehicles/ trucks. It is considered that this restriction is unreasonable given the findings of the Traffic Report and Acoustic Assessment originally submitted with the planning proposal, the limited impact on the aesthetic and scenic qualities of the locality, the sites position adjacent to the northbound off-ramp from the M5 Motorway, proximity to Ingleburn Industrial Precinct and separation from surrounding rural residential properties.

It is considered that there should be no restriction on the refuelling of heavy vehicles/ trucks as it will not result in any adverse environmental impacts to the adjoining rural residential properties in terms of noise, scenic values or increased traffic impacts or the surrounding road network.

Background

On 9 July 2013, a planning proposal request was submitted to Council in accordance with the recommendations of the Department of Planning and Infrastructure outlined in 'A Guide to Preparing Planning Proposals 2012', to enable the subject site to be used as a service station catering for small to large vehicles with a small convenience store, cafeteria, car wash and parking for heavy vehicles/ trucks on the subject site. Council believed there was merit in a 'typical service station' that did not provide any on-site heavy vehicle parking nor servicing.

On 3 September 2013, amended plans were submitted to Council which removed all references to the parking of trucks on site.

On 10 December, Council considered the amended plans at their meeting and resolved as follows:

1. *That Council support in principle a proposed amendment to Campbelltown (Urban Areas) Local Environmental Plan 2002 for Lot 100 DP1176622 (No. 194 Campbelltown Road) Denham Court,*
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

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Service Station- 194 Campbelltown Road, Denham Court

to include an additional use (service station) to Schedule 2 – Additional Development subject to its consideration of the outcomes of further required investigations as detailed in the above report.

2. *That additional requirements, as recommended by the legal advice sought by Council be included as part of any proposed amendment to Campbelltown (Urban Area) Local Environmental Plan 2002 to ensure that the service station would not be allowed to provide onsite truck parking and servicing.*
3. *That the applicant be requested to prepare additional studies, as identified by this report, in support of a possible amendment to Campbelltown (Urban Area) Local Environmental Plan 2002.*
4. *That this matter be reported back to Council following an assessment of the additional required investigations.*

On 19 December 2013, the applicant was advised of Council's resolution.

On 19 May 2014, A formal draft Planning Proposal including associated preliminary studies was lodged with Council.

On 24 June 2014, Council voted to support the draft planning proposal for a request to create a 'scheduled use' to allow the site to be used as a 'typical service station' and to include an additional clause to ensure that the service station would not accommodate the refuelling or other associated facilities relating to the servicing of heavy vehicles/ trucks.

On 17 September 2014, The Department of Planning and Environment issued a Gateway Determination stating that an amendment to the Campbelltown LEP 2002 to allow the site to be used for the purpose of a service station should proceed subject to conditions. It was also determined that delegation is to be given to Council to exercise the Ministers plan making powers.

Council recommendation

As previously noted, Council has raised concern over the appropriateness of a service station in this location being permitted to provide additional services for heavy vehicles/ trucks including parking, washing, greasing, storing, repairing, installing accessories, mechanically servicing as well as refuelling. Council considered that a specialised service station for heavy vehicles/ trucks is not suitable for the site for the following reasons:

1. *It would adversely impact on the residential amenity of nearby rural residential properties in terms of noise.*
2. *It would adversely impact on the aesthetic and scenic values of the locality*
3. *It would generate large volumes of heavy traffic which would adversely impact on the road network within the locality.*

Council's intention is to amend Schedule 2 of LEP 2002 to permit an additional use as a service station with the following provision:

'Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for refuelling, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).'

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Submission

This submission seeks agreement from Council to amend the proposed Clause under Schedule 2 of CLEP 2002 to permit the refuelling of heavy vehicles/ trucks. It is considered that the subject site is suitable for the refuelling of heavy vehicles/ trucks and there should be no restriction placed on any future development applications to prohibit the refuelling of heavy vehicles/trucks. The proposed Clause under Schedule 2 of CLEP 2002 should be amended as follow:

*'Development for the purpose of a service station that is not used and is not so constructed or adapted as to be capable of being occupied or used for **refuelling**, parking, washing, greasing, storing, repairing, installing accessories or servicing of motor vehicles or trailers that have a maximum loaded mass of more than 4.5 tonnes (as specified by the manufacturer or by the Roads and Maritime Services constituted under the Transport Administration Act 1988).'*

It is submitted that the refuelling of heavy vehicles/ trucks will not cause any adverse impacts on the nearby rural residential neighbours in terms of noise, will not impact on the aesthetic and scenic values of the locality and will not adversely impact on the road network in the locality.

As illustrated on the site plan provided with the planning proposal lodged with Council on 19 May 2014, it is not proposed to have a specialised service station that will only cater for heavy vehicles and there will not be any on-site parking for heavy vehicles/ trucks and there will be no facilities available for the washing, greasing, storing, repairing, installing accessories or servicing of heavy vehicles/ trucks. It is considered that the subject site is suitable for a typical style service station with facilities for the refuelling of regular cars and heavy vehicles/ trucks for the following reasons:

Noise impacts

It is suggested that enabling heavy vehicles/ trucks to refuel at the site would adversely impact on the residential amenity of the nearby rural residential properties in terms of noise. An acoustic assessment was undertaken by Acouras Consultancy and provided with the planning proposal (refer to **Annexure 1**). Acouras acknowledged that that as site is bounded by Campbelltown Road to the west and the M5 Motorway (Hume Highway) to the east, stating that "traffic noise from the motorway dominates the ambient noise levels in the area". Notwithstanding, as part of their assessment, the following activities were taken into consideration:

- *Activities associated with patron vehicles entering/ exiting the service station.*
- **Activities from truck refuelling.**
- *Operation of external mechanical plant associated with the convenience store. This includes exhaust ventilation fans and outdoor condensers.*
- *The service station and convenience store will operate between 05:00 and 21:00 seven days a week.*

The assessment concluded that providing the recommendations in the report are implemented, the noise from the proposed development (including refuelling of heavy vehicles/ trucks) is predicted to comply with acoustic requirements of the EPA noise limits and relevant Australian Standards. It is clear from the findings of the acoustic assessment that the noise impacts associated with the refuelling of trucks would not adversely impact on the adjoining rural residential properties in terms of noise.

Notwithstanding the findings from the Acoustic assessment, a concept site plan has been prepared by Mosca Pserras Architects to demonstrate that the heavy vehicle/ truck parking area could potentially be located in the south western side of the site, much further from the residential rural properties to the north and north east of the site (refer to **Figure 1 overleaf**). The relocated heavy vehicle/ truck refuelling area is approximately 100 metres south of the original position illustrated on the site plan submitted with the planning proposal on 19 May 2014. The repositioning of the heavy vehicle/ truck refuelling area would

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

Submission
Service Station– 194 Campbelltown Road, Denham Court

significantly increase the separation from the residential rural properties and further reduce the possibility of any adverse noise impacts.

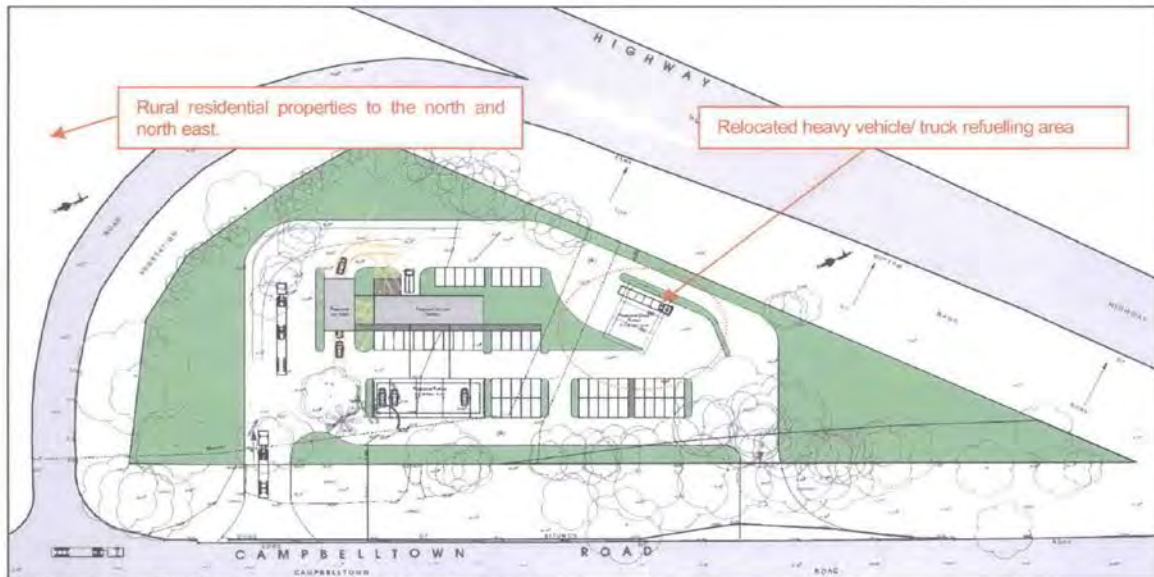


Figure 1: Concept Site Plan prepared by Mosca Pserras architects

The relocated heavy vehicle/ truck refuelling area would be separated from the nearby residential rural properties by the following distances as illustrated in **Figure 2**:

- 202 Campbelltown Road – approximately 219 metres from heavy vehicle/ truck refuelling area
- 4 McCormack Place – approximately 340 metres from heavy vehicle/ truck refuelling area
- 2 McCormack Place – approximately 283 metres from heavy vehicle/ truck refuelling area
- Scenic NSW Equine Centre - approximately 414 metres from heavy vehicle/ truck refuelling area



Figure 2: Map illustrating distances of nearby rural residential properties to relocated heavy vehicle/ truck refuelling area. Source – <http://maps.six.nsw.gov.au/>

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It can be clearly seen from **Figure 2** that there is considerable separation between the proposed heavy vehicle/ truck refuelling area and the closest residential rural properties. It is also important to acknowledge that the three (3) closest residential properties to the north and north east are separated from the subject site by the northbound off-ramp from the M5 Motorway (Hume Highway) which is frequently used by heavy vehicles/ trucks exiting the M5 in order to get to Ingleburn industrial precinct.

It is considered that allowing heavy vehicles/ trucks to refuel at the service station will not adversely impact on the residential amenity of the nearby residential rural properties beyond what is already experienced.

Aesthetic and Scenic Values of Locality

It has been suggested that the inclusion of a heavy vehicle/ truck refuelling area would result in adverse impacts on the aesthetic and scenic value of the locality. A visual impact assessment was submitted with the planning proposal to Council on 19 May 2014 (refer to **Figures 3-5**), which clearly illustrated the visual impact of the building (including the heavy vehicle/ truck refuelling area) is minimal from both Campbelltown Road and the M5 Motorway. This is due to the extent of the existing vegetation and trees along the Campbelltown Road boundary as shown in photos 1 and 2 in **Figure 3** and the vegetated mound along the M5 Motorway as shown in photos 3 and 4 in **Figure 4**. These trees will screen and create a visual buffer to any future buildings and structures associated with the service station. It is also acknowledged that any buildings or structures on the subject site could be further screened with additional planting to reduce any perceived adverse impacts on the aesthetic and scenic values of the locality. It is considered that there would be an indiscernible difference between a service station that provided refuelling for heavy vehicles/ trucks and one that did not.

It is important to note that in order to receive fuel deliveries, the service centre will have to be designed to allow large trucks to enter and exit the site in a forward motion. This would potentially require the canopy above the fuel pumps to be high enough so a large truck could pass through. Considering access to the site by large trucks will be unavoidable for the purposes of delivering fuel, what further impacts will there be on the aesthetic and scenic values of the locality if there was a heavy vehicles/ trucks refuelling area?



Figure 3: Visual Impact Assessment prepared by Mosca Pserras architects



Figure 4: Visual Impact Assessment prepared by Mosca Pserras architects

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Figure 5: Visual Impact Assessment prepared by Mosca Pserras architects

It is also important to point out that along the western side of the site along Campbelltown Road is an informal pull in bay/ unrestricted parking area that is frequently used by heavy vehicles/ trucks as a temporary parking bay (refer to **Figure 6**). This practice has been ongoing for an extensive period of time and occurs at all times of the day and night as illustrated in the attached photos at **Annexure 4**. It is obvious from the attached photos that there is already an existing presence of heavy vehicles/ trucks in the immediate area and there have been little or no attempts to discontinue or prevent the practice of heavy vehicles/ trucks parking in this area by means of parking restrictions, enforcement action etc.

It is considered that any assumed adverse impacts of a truck refuelling area associated with the service station on the aesthetic and scenic values of the locality would be significantly less than the existing practice which involves heavy vehicles and trucks parking for extended periods of time in the informal pull in bay.



Figure 6: Aerial image illustrating informal pull in bay Source -<http://maps.six.nsw.gov.au/>

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Traffic Impacts

It has been suggested that enabling heavy vehicles/ trucks to refuel at the site would generate large volumes of heavy traffic which would adversely impact on the road network within the locality. A traffic report was prepared by Colston Budd Hunt & Kafes and provided with the planning proposal to investigate the extent of traffic generated by the proposed service station (refer to **Annexure 5**). The traffic report took the following into consideration for their assessment:

"The site would provide for cars and trucks to enter, circulate and exit in a forward motion. Separate fill points would be designed for cars and heavy vehicles. A loading bay will be provided at the rear of the convenience store"

The report concluded that the proposed service station including the refuelling of heavy vehicles/ trucks, would not generate an unreasonable amount of additional traffic on the road network within the locality. Of particular relevance are the following points from the traffic assessment:

"no access is proposed from the M5 or the exit ramp to or from the site. It is therefore anticipated that most traffic arriving at the site will be passing traffic on Campbelltown Road or traffic already exiting the M5. It is not anticipated that a significant volume of through traffic on the M5 will exit the freeway to visit the site before re-joining the freeway (as a significant diversion would be required)."

"as previously noted, the majority of traffic to and from the site is expected to be passing trade, i.e. traffic already using, Campbelltown Road and the M5 exit ramp. As previously discussed in paragraph 2.24, the additional traffic on Campbelltown Road north and south of the site would be small at some 40 vehicles per hour two-way. Such a low volume would not have noticeable effects on the signalised intersection adjacent to the site. Further from the site, traffic volumes would dissipate further and would not generally be noticeable."

It is considered that the existing road network would be able to cater for the additional traffic created from a service station which included the refuelling of heavy vehicles/ trucks without adversely impacting on the road network within the locality.

It is also important to note that the northbound off-ramp from the M5 Motorway is presently used by a significant number of heavy vehicles/ trucks on route to the Ingleburn Industrial Precinct. If there was no restriction on the proposed service station to have a refuelling area for heavy vehicles/ trucks it would provide a positive social benefit through improving the availability of fuel for these vehicles in the area. There is presently a shortage of service stations in the immediate area that have safe refuelling facilities to accommodate heavy vehicles/ trucks as illustrated on the plan of surrounding service stations provided at **Annexure 6**.

Conclusion

This submission asks Council to amend the proposed Clause under Schedule 2 of CLEP 2002 to permit the refuelling of heavy vehicles/ trucks. It is considered that the subject site is suitable for the refuelling of heavy vehicles/ trucks and there should be no restriction in that regard, placed on any future development applications. It is unlikely that the refuelling of heavy vehicles/ trucks will result in any adverse impacts to the adjoining residential rural properties in terms of noise as supported by the findings from the acoustic report. It is also submitted that a service station with facilities for the refuelling of heavy vehicles/ trucks would not adversely impact on the aesthetic and scenic quality of the locality any more than the status quo or a service station that did not provide these facilities. Furthermore, as reported in the original traffic assessment report, the proposed service station (including the refuelling for heavy vehicles/ trucks) would not generate an unreasonable amount of additional traffic on the road network within the locality.

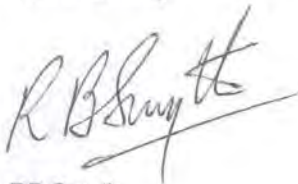
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For these reasons and those outlined above, it is considered that the subject site is suitable for the refuelling of heavy vehicles/ trucks and there should be no constraint within the proposed Clause under Schedule 2 of CLEP 2002 to restrict the refuelling of heavy vehicles/ trucks.

If you wish to discuss any of the above points please contact our office.

Yours faithfully



RB Smyth
DIRECTOR
SMYTH PLANNING

Annexure 1 – Acoustic Assessment - prepared by Acouras
Annexure 2 – Concept Site Plan – prepared by Mosca Psearras Architects
Annexure 3 – Map illustrating distance from rural residential properties to relocated truck refuelling area
Annexure 4 – Photos of heavy vehicles/ trucks parking in informal parking bay
Annexure 5 – Traffic Report – prepared by Colston Budd Hunt & Kafes
Annexure 6 – Map illustrating location of service stations in close proximity to subject site

The logo for Acouras Consultancy features the word "acouras" in a stylized, lowercase serif font, with "CONSULTANCY" in a smaller, uppercase sans-serif font below it. The text is set against a light blue background with a large, abstract, darker blue circular graphic element.

Mosca Pserras Architects

194 Campbelltown Road, Denham Court

Acoustic DA Assessment

Author	Fu Siong Hie, B.Eng, MAAS Principal Consultant
Document Reference:	SYD2013-1047-R001D
Date	28/03/2014
Comments:	Amendments.

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1 Introduction

The following report has been prepared by Acouras Consultancy on behalf of Mosca Pserras Architects to assess the potential for noise impact associated with the proposed new service station at 194 Campbelltown Road, Denham Court. The site location is shown in Figure 1.



Figure 1 – Site Location, Nearest Residents and Noise Logger Position

2 Noise Criteria

The following standards and guidelines are applicable to this project:

- NSW EPA "Industrial Noise Policy" (INP).
- NSW EPA "Road Noise Policy" (RNP).
- Australian standard AS/NZS 2107-2000: Acoustics – Recommended design sound levels and reverberation times for building interiors.
- Australian standard AS 1055.1-1997: Acoustics – Description and measurement of environmental noise - General procedures.

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2.1 Internal Noise Levels

For the commercial developments, the AS/NZS 2107–2000 outlines the acceptable internal noise levels such that a satisfactory acoustic environment within occupied spaces in new and existing buildings can be achieved. Table 1 presents the recommended internal design noise levels for retail buildings.

Table 1— Recommended Internal Design Noise Levels (AS/NZS 2107)

Type of occupancy/activity	Recommended design sound level, Leq in dB(A)	
	Satisfactory	Maximum
Small retail store (small)	45	50

2.2 Noise Survey and Project Specific Limits

An unattended noise survey was carried out at the site to measure the background and ambient noise levels. Noise monitoring was conducted between Friday 17th to 23rd January 2014. The monitor was positioned in on the boundary at the northern end of the site. Location is shown in Figure 1. Measurements were conducted using the following equipment:

- SVAN 977 Type 1 Real time Analyser/Noise Logger. Serial No. 34135.
- SVAN SV30A Type 1 Sound Level Calibrator. Serial No. 31830.

Noise monitoring was conducted in general accordance with Australian standard AS 1055.1-1997: Acoustics-Description and measurement of environmental noise-General procedures.

The noise analyser was calibrated immediately before and after measurements were taken with no discernible differences between these two recorded levels. The sound analyser is Type 1 and comply with Australian standard AS1259.2: 1990.

Table 2 presents a summary of the measured ambient noise level and traffic noise impacting the development.

Table 2 – Measured Ambient and Traffic Noise and Levels, dBA

Location	Period	Average Leq	Highest Leq 1hr
194 Campbelltown Rd	Day (07:00-22:00)	62	65
	Night (22:00-07:00)	58	64

Table 3 presents a summary of the measured background noise level and the allowable intrusive noise limit for this project in accordance with the NSW Industrial Noise Policy guidelines.

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Table 3—Noise Survey Summary and Project Limits, dBA

Location	Time Period	Existing Noise Levels		NSW Industrial Noise Policy	
		L _{eq} (period)	RBL	Amenity Criteria Recommended Noise Level (acceptable), L _{eq}	Project Specific Limit L _{eq}
1	Day	63	55	50	53
	Evening	60	51	45	50
	Night	58	43	40	48

During detailed design stage, the design and selection of the mechanical equipment required to service the proposed development will be required to achieve the NSW INP noise limits as presented in the table above.

During the monitoring period any adverse weather condition have been excluded. The noise logger results are presented in Appendix C.

2.3 Sleep Disturbance

The NSW INP does not specifically address sleep disturbance from high noise level events. The EPA, although not ideal continues to use the sleep criterion of an L_{A1}, (1 minute) not exceeding the L_{A90}, (15 minute) by more than 15 dB(A) as a guide to identify the likelihood of sleep disturbance.

The maximum noise level or L_{A1}, (1 minute), is the extent to which the maximum noise level exceeds the background level and the number of times this happens during the night-time period. Other factors that may be important in assessing the extent of impacts on sleep include:

- how often high noise events will occur.
- time of day (normally between 10pm and 7am).
- whether there are times of day when there is a clear change in the noise environment (such as during early morning shoulder periods).

The L_{A1}, (1 minute) descriptor is meant to represent a maximum noise level measured under 'fast' time response. The EPA will accept analysis based on either L_{A1}, (1 minute) or L_A, (Max). Table 4 presents the limits for sleep disturbance.

Table 4 – Sleep Disturbance Limits, dBA

Period	Background Level, RBL	Sleep Disturbance Limits L _{A1} , (1min)
22:00 to 07:00	43	58

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2.4 Traffic Noise Generation

The development of the service station facilities has the potential to generate increased traffic noise along Campbelltown Road will be assessed in accordance with the NSW EPA Road Noise Policy (RNP). Table 5 sets out the assessment criteria for residences to be applied to particular types of project, road category and land use.

Table 5— Road traffic noise assessment criteria for residential land uses

Road Category	Type of project/land use	Assessment Criteria - dBA	
		Day (7am-10pm)	Night (10pm-7am)
Freeway/ arterial/ sub-arterial road	Existing residences affected by additional traffic on existing freeways/arterial/sub-arterial roads generated by land use developments	L _{Aeq} , (15 hour) 60 (external)	L _{Aeq} , (9 hour) 55 (external)

For existing residences and other sensitive land uses affected by additional traffic on existing roads generated by land use developments, any increase in the total traffic noise level should be limited to 2 dB above that of the corresponding 'no build option'.

3 Assessment and Recommendations

3.1 Operational Assessment

The proposed service station, is to be located in a rural environment with nearby commercial/industrial areas. The facility is bounded by the Campbelltown Road to the west and the M5 Motorway (Hume Highway) to the east. Traffic noise from the motorway dominates the ambient noise levels in the area.

The nearest noise sensitive receiver that may potentially be affected by the operation of the site is located to the north (refer to Figure 1).

As part of our assessment we have taken the following activities into consideration:

- Activities associated with patron vehicles entering/exiting the service station.
- Activates from truck refuelling.
- Operation of external mechanical plant associated with the convenience store. This includes exhaust ventilation fans and outdoor condensers.
- The service station and convenience store will operate between 05:00 to 21:00 seven days a week.

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3.2 Vehicle Activity

The proposed service station and convenience store is expected to operate between 05:00 to 21:00 seven days a week. From our understanding of the proposed operation:

- The facility is expected to cater for at least 200 passenger cars during the peak hour. This would be considered the worst case scenario and any other periods outside the peak hour would have a less impact.
- The facility is expected to cater for at least 15-20 trucks per day. Estimated rigid trucks and semi-trailers are at least 2 movements per hour.
- Cars and trucks using the facilities will be able to enter and exit the site in a forward direction without reversing.

Table 3 below provide sound pressure levels of typical vehicle noise that have been used for the calculations.

Table 6 – Typical Noise Level of Vehicles, L_{max} dBA

Type	Sound Pressure Level Range @ 0.5m, L_{max} dBA ¹
General passenger vehicle	67-88
3 to 6 tonne Truck (rigid)	84-90
Semi-trailer (eg, Western Star or Kenworth)	80-101

Based on the operation and above sound pressure levels, Table 3 details the predicted noise level at the nearest residential receiver to the north of the development site.

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Table 7 – Predicted Noise Level of Vehicles Activity, dBA

Type	Sound Pressure Level at Nearest Residential Receiver			
	Leq(15min) dBA	INP Noise Limit D/E/N	L _{max} dBA	Sleep Disturbance Limit
General passenger vehicle	43	53/50/48	40	58
Truck (rigid)	27	53/50/48	42	58
Semi-trailer	37	53/50/48	53	58
Cumulative	45	53/50/48	-	-

From the calculation above, the predicted noise level from operational activities is estimated to comply with the NSW INP for operational noise and for sleep disturbance noise limits.

Refuelling vehicles access the site generally can take approximately 40minutes to complete the operation. Refuelling operations not expected to cause an impact provided that all operations are conducted only during the day between 07:00 and 18:00.

3.3 Automatic Carwash

The automatic carwash and vacuum cleaner bays are located on southern end of the site which is over 200m from the residents. The use of the facilities is not expected to cause an impact provided that operation is restricted to day use only, ie between 07:00 and 18:00.

3.4 Mechanical Plant and Equipment

At this stage, the design and selection of the mechanical equipment required to service the proposed development has not been finalised therefore the possible to conduct a detailed assessment of the mechanical plant noise. However, the mechanical services consultant should consider the relevant requirements when designing and selecting such equipment.

- Selection of low noise equipment.
- Location of rooftop plant equipment, such as exhaust fans, condensers etc such that it is shielded from the noise sensitive.
- Consider the construction of acoustic enclosures for plant equipment, acoustic attenuators on exhaust systems and acoustic louvers at ventilation openings.

Following the approval of the proposed DA, at Construction Certificate stage, detailed assessment of mechanical plant and equipment noise and their ameliorative measures should be conducted to ensure compliance with the EPA INP requirements as given in Section 2.2.

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3.5 Façade Glazing Requirements

Acoustic glazing for the convenience store given in Table 8 is required to reduce noise impact on the internal occupants and should result in noise levels within such units in accordance with the AS/NZS 2107:2000.

Table 8 – Schedule of Window and Glazing (R_w)

Façade	Space	Glazing Thickness	Minimum R_w (Glazing+Frame)
All	Retail	6mm monolithic	28

3.6 Building Façade Construction

To provide sufficient acoustic attention of noise, the general external construction of the proposed building would need to be constructed as detailed in Table 9.

Table 9 – External Façade Construction (R_w)

Building Element	Proposed Construction	Minimum R_w
External Wall	TBA	TBA
Roof and ceiling	TBA	TBA

3.7 Assessment of Traffic Noise Generation

This section details a review of the expected increase in traffic noise generation from this development. Based on the report prepared by Colston Budd Hunt & Kafes Pty Ltd (ref: 8792) dated February 2014, Table 2.2 indicates the following expected net increase in traffic during the morning (AM) peak and afternoon (PM) peak.

Based on the current traffic flows along Campbelltown Road, the following Table 10 summaries the predicted change in traffic noise level.

Table 10: Predicted Change Traffic Noise Levels during Peak Periods

Period	Direction	Existing Peak Traffic Flow	Net Increase Peak Traffic Flow	Change in Traffic Noise, dBA
AM Peak	North of M5 Ramp	1,035	1,075	0.2
	South of M5 Ramp	1,365	1,405	0.1
PM Peak	North of M5 Ramp	865	905	0.2
	South of M5 Ramp	1,010	1,050	0.2

Based on the above calculations, increases in traffic noise levels are predicted to be less than 1dB and therefore comply with the EPA RNP guidelines.

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4 Conclusion

An acoustic assessment of the proposed development has been carried out in accordance with the Industrial Noise Policy and Road Noise Policy of the EPA.

An environmental noise survey of the site has been conducted and the noise limiting criteria for mechanical plant/equipment noise emission has been determined based on the NSW INP. The limits are presented in Table 3.

The review the potential noise impact from the operational activities, mechanical noise a patron vehicle movements is detailed in Section 3 . Based on our predictions, the cumulative noise is expected to be less than $L_{eq(15min)}$ 48dBA (at nighttime) noise limit at the nearest residential.

Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria and are detailed in Section 3.1 and Section 3.6 .

Providing the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the EPA noise limits and relevant Australian standards.

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Appendix A – Acoustic Terminology

Decibel, dB: A dimensionless unit which denotes the ratio between two quantities that are proportional to power, energy or intensity. One of these quantities is a designated reference by which all other quantities of identical units are divided. The sound pressure level in decibels is equal to 10 times the logarithm (to the base 10) of the ratio between the pressure squared divided by the reference pressure squared. The reference pressure used in acoustics is 20 micro Pascals.

A-WEIGHTING: A measure of sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. To describe sound in a manner representative of the human ear's response it is necessary to reduce the effects of the low and high frequencies with respect to medium frequencies. The resultant sound level is said to be A-weighted, and the units are in decibels (dBA). The A-weighted sound level is also called the noise level.

Sound Pressure Level, L_p (dB), of a sound: 20 times the logarithm to the base 10 of the ratio of the r.m.s. sound pressure to the reference sound pressure of 20 micro Pascals. Sound pressure level is measured using a microphone and a sound level meter, and varies with distance from the source and the environment.

Ambient Noise/Sound: All noise level present in a given environment, usually being a composite of sounds from many sources far and near. Traffic, HVAC, masking sound or even low-level background music can contribute to ambient level of noise or sound.

Percentile Level - L_{90} , L_{10} , etc: A statistical measurement giving the sound pressure level which is exceeded for the given percentile of an observation period, e.g. L_{90} is the level which is exceeded for 90% of a measurement period. L_{90} is commonly referred to as the "background" sound level.

Background Noise (L_{90}): The sum total of all unwanted residual noise generated from all direct and reflected sound sources in a space that can represent an interface to, or interfere with good listening and speech intelligibility.

Rating Background Level – RBL: Method for determining the existing background noise level which involves calculating the tenth percentile from the L_{A90} measurements. This value gives the Assessment Background Noise Level (ABL). Rating Background Level is the median of the overall ABL.

$L_{AEQ,T}$: Equivalent continuous A-weighted sound pressure level. The value of the A-weighted sound pressure level of a continuous steady sound that, within a measurement time interval T, has the same A-weighted sound energy as the actual time-varying sound.

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Appendix B – Architectural Drawings

This assessment was based on the following architectural drawings provided by Mosca Pserras Architects.

Drawing	Issue	Date	Description
AP01	D	03.09.13	Site Plan

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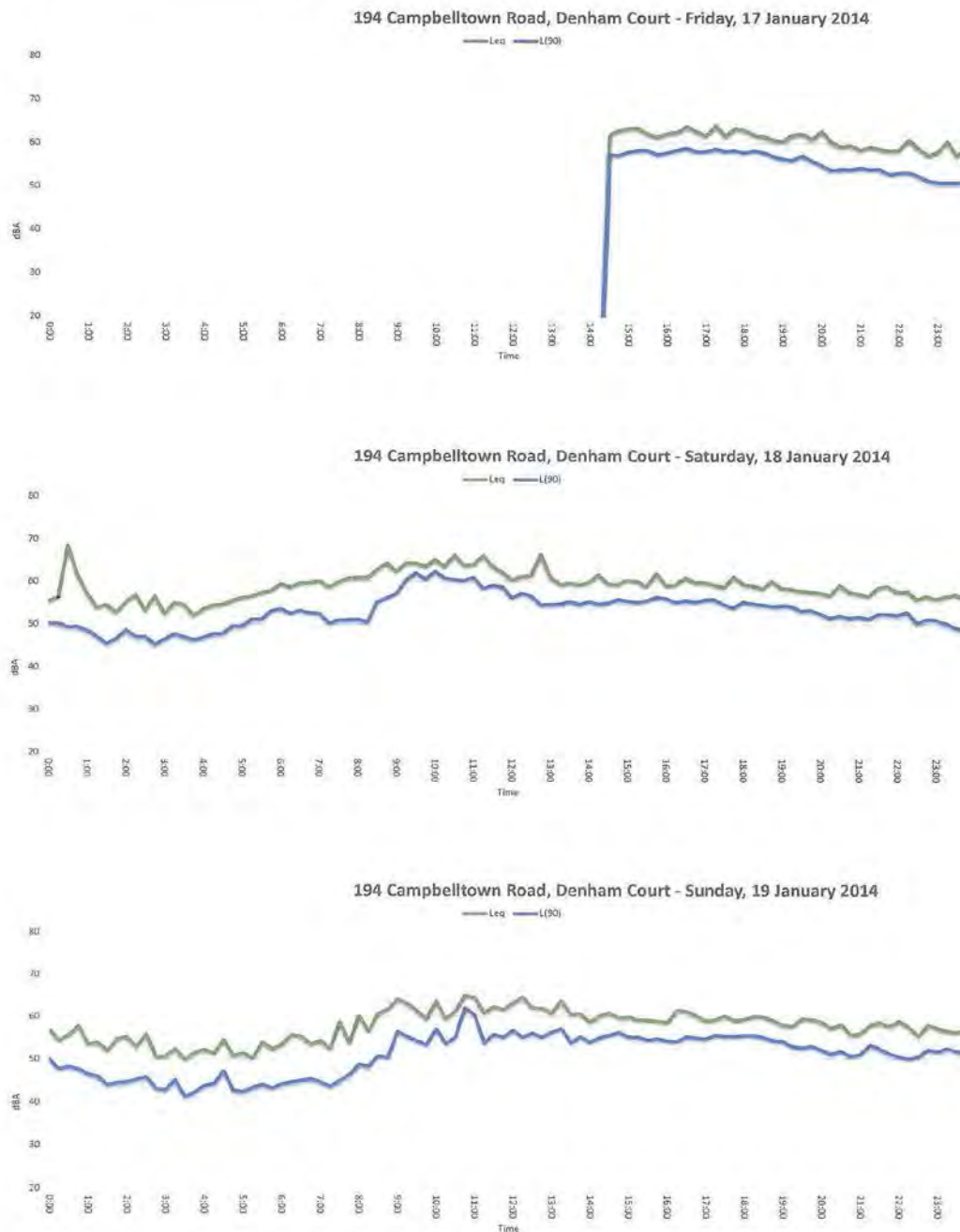
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Appendix C – Noise Logger Results



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194 Campbelltown Road, Denham Court - Monday, 20 January 2014



194 Campbelltown Road, Denham Court - Tuesday, 21 January 2014



194 Campbelltown Road, Denham Court - Wednesday, 22 January 2014



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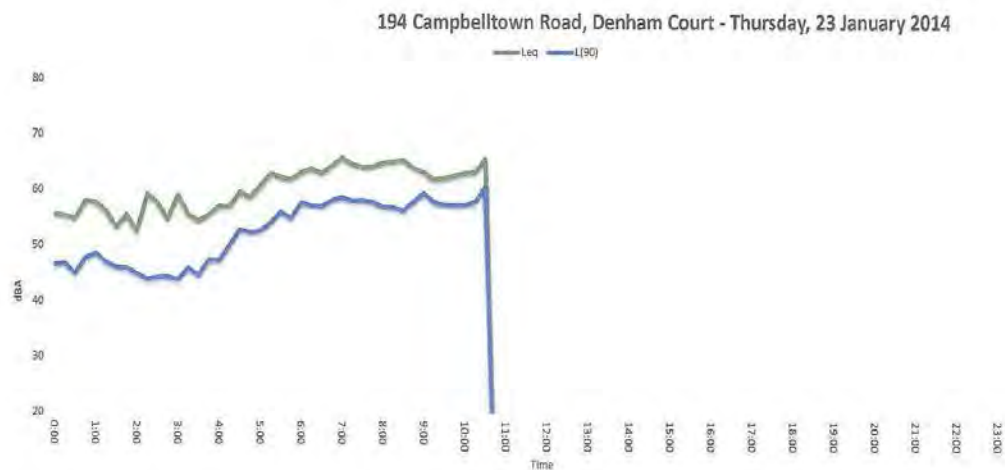
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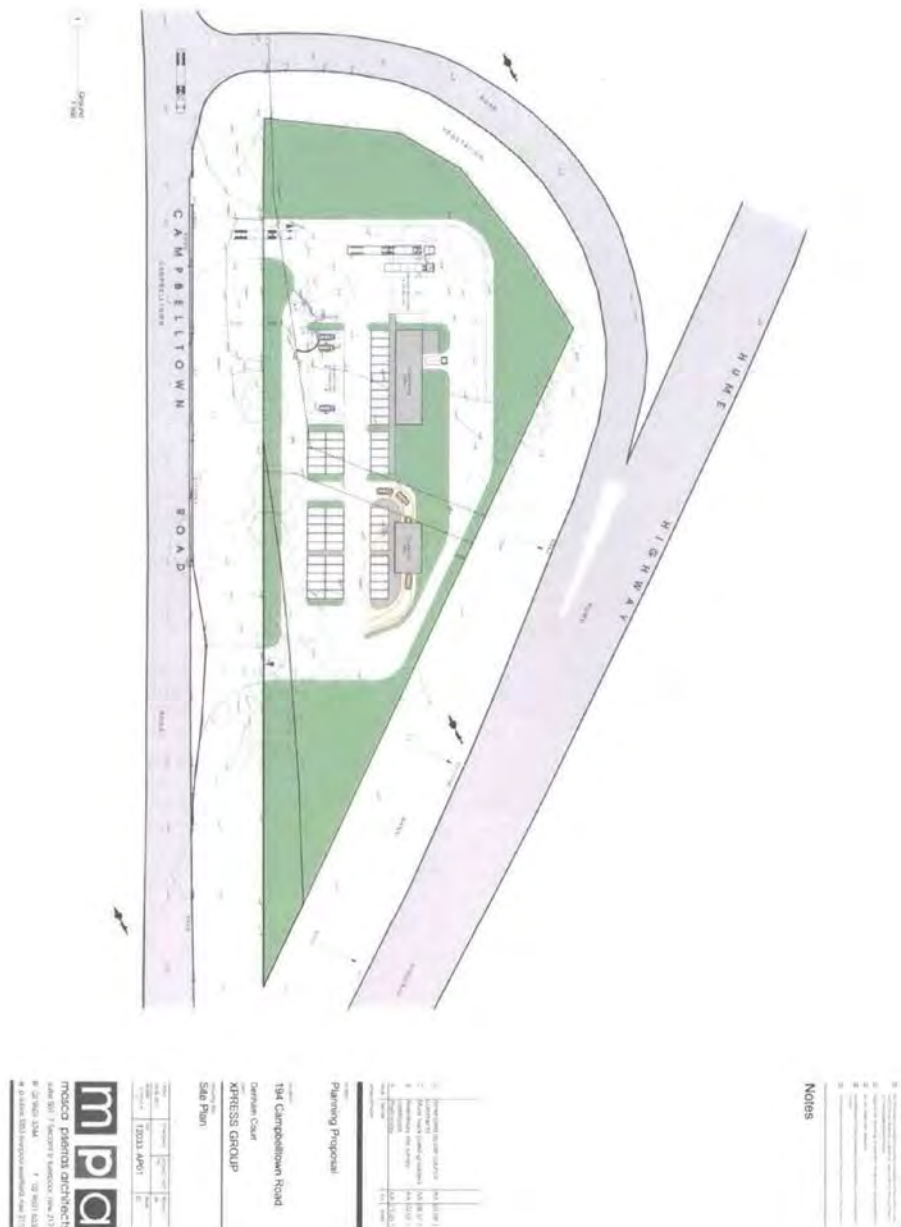
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Appendix D – Site Plan



2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court



194 Campbelltown Road – Planning
Distances to closest residential pro

- 202 Campbelltown Road – app from heavy vehicle truck refuelling
- 4 McCormack Place – approx heavy vehicle truck refuelling area
- 2 McCormack Place – approx heavy vehicle truck refuelling area
- Scenic NSW Equine Centre - app from heavy vehicle truck refuelling

Proposal
Properties from relocated truck refuelling area

- Approximately 219 metres from area
- Approximately 340 metres from area
- Approximately 283 metres from area
- Approximately 414 metres from area

Truck refuelling area approximately 414 metres from closest building at Scenic NSW Equine Centre.

M5 Motorway exit ramp

Campbelltown Road

Truck refuelling area approximately 283 metres from 3 McCormack Place

Truck refuelling area approximately 219 metres from 202 Campbelltown Road

Location of relocated truck refuelling area as illustrated on the amended site plan.

M5 Motorway (Pike Highway)

Truck refuelling area approximately 219 metres from

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Service Station— 194 Campbelltown Road, Denham Court

Photos of heavy vehicles/ trucks parking in informal pull in bay on Campbelltown Road adjacent to subject site between June and September 2014.



Figure 1: Aerial image showing informal pull in bay Source —<http://maps.sbx.nsw.gov.au>

All of the following photos were taken either heading north and south bound down Campbelltown Road and show heavy vehicles/ trucks using this informal pull in bay for short term and extended stays. The purpose of these images is to highlight the frequency of heavy vehicles/ trucks already in this location.



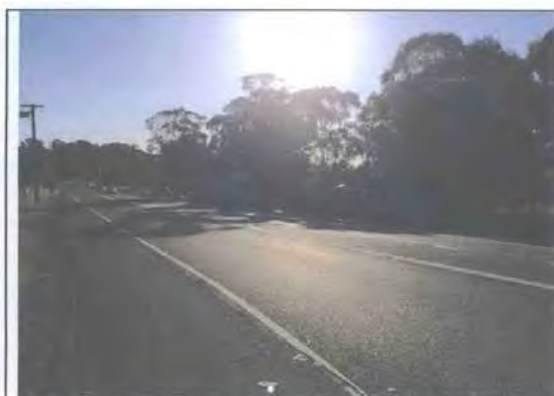
24.6.14 @ 3:33pm



24.6.14 @ 8:24am

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Service Station– 194 Campbelltown Road, Denham Court



26.6.14 @ 8:31am



27.6.14 @ 6:48am



29.6.14 @ 9:48pm



29.6.14 @ 1.02pm



30.6.14 @ 3.00pm



30.6.14 @ 3:02pm



1.7.14 @ 4:15pm



2.7.14 @ 3:48

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Service Station- 194 Campbelltown Road, Denham Court



4.7.2014 @ 4:45pm



9.7.14 @9:54pm



10.7.14 @ 10:00pm



14.7.14 @4:40pm



15.7.14 @4:55pm



17.7.14 @11:17am

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Service Station– 194 Campbelltown Road, Denham Court



18.7.14 @ 4:25



21.7.14 @10:03am



23.7.14 @4:52pm



23.7.14 @10:14am



27.7.14 @9:10am



28.7.14 @9:23pm



29.7.14 @1.02pm



30.7.14 @9.29am

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Service Station– 194 Campbelltown Road, Denham Court



5.8.14 @ 4:58pm



11.8.14 @ 4:27am



11.8.14 @ 4:58pm



11.8.14 @ 10:46am



14.8.14 @ 11:34am



25.8.2014 @ 9:31am



28.8.14 @ 4:17pm



2.9.14 @ 9:17am

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

Service Station– 194 Campbelltown Road, Denham Court



4.9.14 @ 4:30am



9.9.14 @ 9.28am



11.9.14 @ 11.59am



18.9.2014@1.57pm



19.9.14 @ 7.41am



26.9.14 @ 5:30pm

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

EXPRESS GROUP PTY LTD

TRAFFIC REPORT FOR
PLANNING PROPOSAL FOR
PROPOSED SERVICE STATION,
DENHAM COURT

MARCH 2014

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REF: 8792

Colston Budd Hunt & Kafes Pty Ltd

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2. IMPLICATIONS OF PROPOSED DEVELOPMENT	2

Colston Budd Hunt & Kafes Pty Ltd

CHAPTER I

I. INTRODUCTION

I.1 Colston Budd Hunt and Kafes Pty Ltd has been commissioned by Express Group Pty Ltd to prepare a traffic report for the planning proposal to allow a service station on Campbelltown Road at Denham Court.

I.2 The site is occupied by a dwelling with vehicular access from Campbelltown Road. The proposed development is a service station with convenience store and car wash, with vehicular access from Campbelltown Road.

I.3 Council has requested the following in relation to the planning proposal:

"A detailed traffic study is required to be prepared as part of this proposal. The traffic study should as a minimum investigate the extent of traffic generated by the proposed service station as well as the following:

- o The appropriateness of the proposed right turn to and from Campbelltown Road, including road design;*
- o The impacts of vehicle movements to and from the site, including access to and from the F5;*
- o Impacts on traffic movements in the wider locality as a result of the proposed development."*

I.4 The traffic implications of the proposed development, including the above matters raised by Council, are addressed in the following chapter.

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CHAPTER 2

2. IMPLICATIONS OF PROPOSED DEVELOPMENT

2.1 The traffic implications of the proposed development are set down through the following sections:

- site location and road network;
- proposed development;
- access, servicing and internal layout;
- traffic generation and effects;
- matters raised by Council; and
- summary.

Site Location and Road Network

2.2 The site is located on the eastern side of Campbelltown Road at Denham Court, between McCormack Place to the north and Williamson Road to the south. The M5 Motorway is east of the site. There is a northbound off-ramp from the M5 adjacent to the site's eastern and northern boundaries. The off-ramp intersects Campbelltown Road at a signalised intersection adjacent to the site.

2.3 The site is occupied by a dwelling with vehicular access from Campbelltown Road. Adjacent to the site, Campbelltown Road provides for one traffic lane in each direction with sealed shoulders and a 70 kilometre per hour speed limit. It passes over the M5, south of the site. Further south it intersects Williamson Road, which provides access to the Ingleburn Industrial Estate. There is a roundabout at the Campbelltown Road/Williamson Road intersection. The fourth leg of the roundabout provides a southbound on-ramp to the M5.

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CHAPTER 2

- 2.4 There is a right turn bay for southbound traffic on Campbelltown Road, near the southern end of the site. It provides access to a horse riding ranch.

Proposed Development

- 2.5 The proposed development is a service station with convenience store and car wash, with vehicular access from Campbelltown Road.
- 2.6 On-site parking would be provided in accordance with appropriate Council and/or RMS controls in association with a future development application.

Access, Servicing and Internal Layout

- 2.7 Vehicular access to the site is proposed from Campbelltown Road. Driveways are proposed near the northern and southern ends of the site.
- 2.8 The northern driveway would provide for entering vehicles, including right turns into the site. A right turn bay would be provided in Campbelltown Road to facilitate this movement, as shown in drawings prepared by J. Wyndham Prince. The southern driveway would provide for exiting vehicles.
- 2.9 The site would provide for cars and trucks to enter, circulate and exit in a forward direction. Separate fill points would be designated for cars and heavy vehicles. A loading bay will be provided at the rear of the convenience store.
- 2.10 The layout will be designed to provide for appropriate circulation by semi trailers and b-doubles, in accordance with the Australian Standard for Parking Facilities (Part 2: Off-street commercial vehicle facilities), AS 2890.2 – 2002.
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

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CHAPTER 2

- 2.11 The car wash would provide a 'drive-through' arrangement, with vehicles entering at the northern end of the car wash building and exiting at the southern end. Separate vacuum bays would be provided adjacent to the car wash.
- 2.12 Overall, subject to detailed design, the proposed access, servicing, internal circulation and layout arrangements are considered appropriate.

Traffic Generation and Effects

- 2.13 Traffic generated by the proposed development would have its greatest effects during weekday morning and afternoon peak hours when it combines with commuter traffic on the surrounding road network. In order to gauge traffic conditions, counts were undertaken at these times at the intersection of Campbelltown Road with the M5 off-ramp.
- 2.14 The results of the surveys are shown in Figures 2 and 3, and summarized in Table 2.1.

Table 2.1: Existing two-way (sum of both directions) peak hour traffic flows			
Road	Location	AM peak hour	PM peak hour
Campbelltown Road	North of M5 ramp	1,035	865
	South of M5 ramp	1,365	1,010
M5 ramp	East of Campbelltown Road	770	315

- 2.15 Table 2.1 shows that Campbelltown Road carried some 850 to 1,400 vehicles per hour two-way during the surveyed peak hours. Flows on the M5 off-ramp were lower at some 300 to 800 vehicles per hour two-way.

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CHAPTER 2

2.16 The capacity of the road network is largely determined by the capacity of its intersections to cater for peak period traffic flows. The intersections shown in Figures 2 and 3 have been analysed using the SIDRA program.

2.17 SIDRA provides a number of performance measures. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle. Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):

ρ For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity
29 to 42	=	"C"	Satisfactory with spare capacity
43 to 56	=	"D"	Satisfactory but operating near capacity
57 to 70	=	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode
>70	=	"F"	Unsatisfactory and requires additional capacity

ρ For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity
29 to 42	=	"C"	Satisfactory but accident study required

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

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CHAPTER 2

43 to 56	=	"D"	Near capacity and accident study required
57 to 70	=	"E"	At capacity and requires other control mode
>70	=	"F"	Unsatisfactory and requires other control mode

- 2.18 It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.
- 2.19 The SIDRA analysis found that the signalised intersection of Campbelltown Road with the M5 off-ramp operates with average delays of less than 25 seconds per vehicle during weekday morning and afternoon peak periods. This represents level of service B, a good level of service.
- 2.20 The RMS "Guide to Traffic Generating Developments" indicates that service stations with convenience stores generate 0.66 A(F), where A(F) is area of the convenience store.
- 2.21 Based on a convenience store of 300m², the proposed service station would generate some 200 vehicles per hour two-way during peak times.
- 2.22 The majority of traffic would be passing trade, which is traffic driving past the development regardless of its visit to the development. Our assessment is based on 70 per cent passing trade.
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road Denham Court

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- 2.23 The additional traffic has been assigned to the road network. Existing traffic flows plus the additional traffic from the proposed development are shown in Figures 2 and 3, and summarised in Table 2.2.

Table 2.2: Existing two-way (sum of both directions) peak hour traffic flows					
Road	Location	AM peak hour		PM peak hour	
		Existing	Plus development	Existing	Plus development
Campbelltown Road	North of M5 ramp	1,035	+40	865	+40
	South of M5 ramp	1,365	+40	1,010	+40
M5 ramp	East of Campbelltown Road	770	-	315	-

- 2.24 Table 2.2 shows that traffic increases on Campbelltown Road would be some 40 vehicles per hour two-way at peak times.
- 2.25 The intersection of Campbelltown Road with the M5 ramp has been re-analysed with SIDRA for the additional development traffic flows shown in Figures 2 and 3. The analysis found that the intersection would continue to operate with average delays of less than 25 seconds per vehicle during weekday morning and afternoon peak periods. This represents level of service B, a good level of service.
- 2.26 Therefore, the road network will be able to cater for the additional traffic from the proposed development.

Matters Raised by Council

"A detailed traffic study is required to be prepared as part of this proposal. The traffic study should as a minimum investigate the extent of traffic generated by the proposed service station as well as the following:

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CHAPTER 2

- *The appropriateness of the proposed right turn to and from Campbelltown Road, including road design;*
- *The impacts of vehicle movements to and from the site, including access to and from the F5;*
- *Impacts on traffic movements in the wider locality as a result of the proposed development."*

2.27 With regards to the first bullet point, the proposed right turn bay into the site is shown in drawings prepared by J. Wyndham Prince. Campbelltown Road is straight in the vicinity of the site and there are good sight lines for northbound traffic turning into the site, as well as for traffic in both directions turning from the site. Vehicles will be able to readily turn into the site in gaps due to the modest southbound through traffic volumes on Campbelltown Road, and in gaps created by the upstream traffic signals. Analysis with SIDRA indicates that the site access will operate with average delays of less than 15 seconds per vehicle at peak times. This represents level of service A/B, a good level of service.

2.28 Therefore, with appropriate capacity to facilitate right turns to and from the site, and no unusual safety issues at the proposed site access location, right turns to and from the site are considered to be appropriate.

2.29 In relation to the second bullet point, no access is proposed from the M5 or the exit ramp to or from the site. It is therefore anticipated that most traffic arriving at the site will be passing traffic on Campbelltown Road or traffic already exiting the M5. It is not anticipated that a significant volume of through traffic on the M5 will exit the freeway to visit the site before re-joining the freeway (as a significant diversion would be required).

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- 2.30 With regards to the third bullet point, as previously noted, the majority of traffic to and from the site is expected to be passing trade, i.e. traffic already using, Campbelltown Road and the M5 exit ramp. As previously discussed in paragraph 2.24, the additional traffic on Campbelltown Road north and south of the site would be small at some 40 vehicles per hour two-way. Such a low volume would not have noticeable effects on the signalised intersection adjacent to the site. Further from the site, traffic volumes would dissipate further and would not generally be noticeable.

Summary

- 2.31 In summary, the main points relating to the traffic implications of the planning proposal are as follows:
- i) the planning proposal would provide for a service station with convenience store and car wash;
 - ii) vehicular access is proposed from Campbelltown Road, with driveways near the northern and southern ends of the site;
 - iii) a right turn bay is proposed in Campbelltown Road for access to the site;
 - iv) the proposed access arrangements will have appropriate capacity, and should operate with no unusual safety issues;
 - v) the internal circulation and layout will be appropriate for cars and trucks and should be designed in accordance with Australian Standards at the detailed design stage;
-

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- vi) the road network will be able to cater for the additional traffic from the proposed development; and
 - vii) matters raised by Council are discussed in paragraphs 2.27 to 2.30.
-

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court



Location Plan

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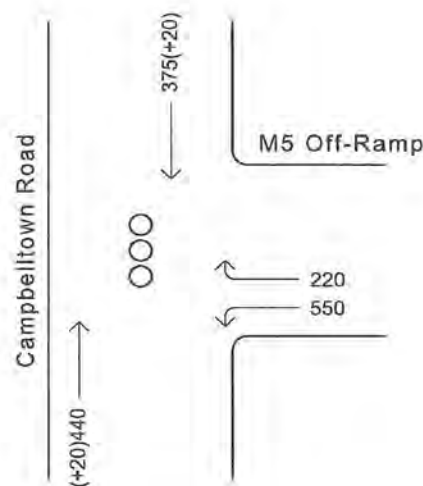
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10 February 2014

Figure 1

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

8792 - Denham Court Service Station



LEGEND

- 100 - Existing Peak Hour Traffic Flows
- (+10) - Additional Development Traffic
- ⊘ - Traffic Signals

**Existing weekday morning peak hour
traffic flows plus development traffic**

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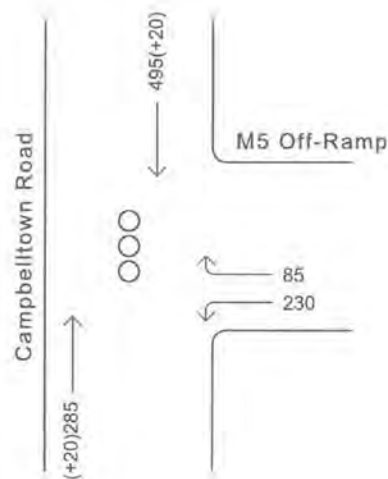
Ref: 8792

10 February 2014

Figure 2

2.1 Outcome Of Public Exhibition - Planning Proposal For No. 194 Campbelltown Road
Denham Court

8792 - Denham Court Service Station



LEGEND

- 100 - Existing Peak Hour Traffic Flows
- (+10) - Additional Development Traffic
- ⊗ - Traffic Signals

**Existing weekday afternoon peak hour
traffic flows plus development traffic**

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10 February 2014

Figure 3

Service Stations

1. BP Denham Court
BP Denham Court is located on the western side of Campbelltown Road, approximately 4.9 kilometers south of Denham Court. The site is located opposite the Denham Court Caravan Park and is a popular refueling station for a number of regular vehicles as well as larger vehicles and trucks. There are frequent southbound Denham Court Road, there are no other service stations on the eastern side of Campbelltown Road that provide refueling facilities.

2. Caltex Diesel Stop
The Caltex Diesel Stop is located approximately 4.9 kilometers south of Denham Court, on the eastern side of Campbelltown Road. It caters to regular sized vehicles but also provides a small convenience store and a cafe.

3. Caltex Service Station
The Caltex Service Station is located approximately 4.9 kilometers south of Denham Court, on the eastern side of Campbelltown Road. It caters to regular sized vehicles but also provides a small convenience store and a cafe.

4. Felix Express
The Felix Express service station is located approximately 4.9 kilometers south of Denham Court, on the eastern side of Campbelltown Road. It caters to regular sized vehicles but also provides a small convenience store and a cafe.

5. Denham Court
Denham Court is located approximately 4.9 kilometers south of Denham Court, on the eastern side of Campbelltown Road. It caters to regular sized vehicles but also provides a small convenience store and a cafe.

ATTACHMENT 7



2.2 Joint Regional Planning Panel Application - Development Application 3122/2014/DA-I - No. 8 Williamson Road, Ingleburn

Reporting Officer

Director Planning and Environment

Attachments

1. Location plan (contained within this report)
2. Site plan (contained within this report)
3. Elevation plans (contained within this report)

Purpose

To advise Council of the lodgement of Development Application 3122/2014/DA-I for the construction and operation of a food processing and packaging facility at Ingleburn and provide Council the opportunity of making a submission to the Sydney West Joint Planning Panel (JRPP) should it be deemed appropriate to do so, prior to its determination of the application.

Property Description	Lot 301 DP 808825 and Lot 2 1002378 No. 8 Williamson Road Ingleburn
Application No	DA3122/2014/DA-I
Applicant	Pactum Pty Ltd
Owner	CSR Viridian Properties Pty Ltd
Relevant Policies	State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 1 – Development Standards Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	22 December 2014

Report

Council has previously received a briefing about this site from representatives of the previous owners – CSIZ Pty Ltd.

Development Application 3122/2014/DA-I was lodged with Council on 22 December 2014 for an industrial development including the construction of a new building and associated site works as well as the fit out and use of the building for the processing and packaging of food products. The proposed development has a total capital investment value of \$24.874m.

The JRPP has assumed Council's usual role as consent authority for the determination of the subject application in accordance with *Part 4* of State Environmental Planning Policy (State and Regional Development) 2011. This Policy applies to development that has a capital investment values of more than \$20m.

A detailed assessment addressing all prescribed considerations under the *Environmental Planning and Assessment Act 1979* is being separately prepared for the consideration of the JRPP. This process is being administered by JRPP appointed staff and is to include an assessment of comments received from government agencies and Council.

The following report provides a general summary of the proposed development, with the focus on identifying any potential issues and concerns that Council may wish address as part of a possible submission to the JRPP, prior its determination of the application.

The Site

The subject site is legally described as Lot 301 DP 808825 and Lot 2 DP 1002378, and is located within the southern portion of the Ingleburn Industrial Estate. The land is bound by the Bunbury Curran Creek channel to the north, Williamson Road to the west and existing industrial development to the south and east.

The site formerly contained the CSR glass manufacturing plant, which has ceased operation and was partially demolished during 2014. The proposed development is located within the northern part of the site, being the area previously occupied by buildings and structures associated with the manufacturing component of the CSR plant.

In addition, development consent has also recently been granted by Council for the overall site to be subdivided into two allotments. The proposed development would occupy the proposed Lot 2 under the subdivision development consent, which when registered would have an area of approximately 66,355 square metres.

Proposed Development

The Development Application seeks approval for the construction of a processing and packaging factory for food products and associated works including car parking, landscaping and civil works.

The applicant has indicated their intention to incrementally construct the factory building in two stages, with each stage subject to a separate construction certificate. In this respect, stage 1 incorporates the erection of a warehousing component at the rear of the site, with the balance of the proposed development following as stage 2.

The development would ultimately incorporate the following components:

- Stage 1 warehouse building and associated services
- Ultimate factory and warehousing building (inclusive of first level warehouse office) of approximately 35,500 square metres floor area
- Administration office and staff areas of approximately 1150 square metres
- Car parking for up to 151 vehicles
- Construction/erection of associated tanks and storage facilities
- Construction of associated required services.

The submitted site and elevation plans are included as attachments to this report.

Issues for Consideration

Given the assumed role of the JRPP as consent authority in this instance, there is a clear mandate for the JRPP to separately administer the assignment process in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979*. In this respect, the detailed assessment by JRPP appointed staff will need to include an examination of the full suite of environmental and technical reports submitted by the applicant, including the following matters:

- Stormwater and drainage management
- Traffic impact assessment
- Landscape works
- Construction and waste management
- Chemical and dangerous goods storage and associated risk analysis.

Approximately 300 full time jobs will be generated by the proposed development.

Whilst it is beyond the scope of this report to duplicate the detailed assessment being separately administered by the JRPP, the proposal is considered to be permissible with consent and generally compliant with Council's applicable planning policies and instruments.

The proposed development is consistent with the objectives of the industrial zone given that it would promote economic and employment activity on the under-utilised land within the Ingleburn Industrial area. In this respect, subject to the appropriate technical and planning considerations being adequately addressed by the JRPP, the application is considered to be worthy of support by Council.

Notwithstanding, the following issues are identified for specific consideration:

1. Compliance with industrial area setbacks pursuant to Clause 37 of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP) – the development proposed some utility infrastructure (including chilling equipment, boilers and an electrical substation) within the minimum setback area required by the LEP. As such, an application pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) has been submitted, where the applicant requests a variation to Council's setback standard on the basis that the plant is essential to the factory's operation and it would be well-obsured by an existing and embellished earthen mound along Williamson Road as well as screen tree plantings.

Accordingly, if the JRPP considers that the SEPP 1 objection is supportable, then an appropriate condition of consent should be imposed to require all landscape areas of the site to be mass planted with sufficiently sized trees and shrubs to achieve a suitable landscaped outcome.

Such a condition could read as follows:

Landscaping

The applicant shall undertake mass planting of locally endemic tree and shrub species along the development's Williamson Road frontage to assist screening of the plant and equipment located in the front setback.

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, containing Council's approved development stamp and as amended by the notation above, 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.

2. The applicant has indicated that it is their intention to partially build and occupy the factory building prior to the full suite of ancillary works under the proposal being completed.

It is considered that any consent issued by the JRPP should as a condition require all associated works under the proposal, including landscaping, carparking, driveways and civil works, to be satisfactorily completed prior to the occupation of the building in part or whole.

Such a condition could read as follows:

Staging of Works

The applicant shall provide all required car parking, site landscaping, driveways and associated civil works at the site prior to occupation/use of any building on the land.

2.2 Joint Regional Planning Panel Application - Development Application 3122/2014/Da-I -
No. 8 Williamson Road, Ingleburn

It considered that any consent issued by the JRPP should as a condition require all associated works under the proposal, including landscaping, carparking, driveways and civil works, to be satisfactorily completed prior to the occupation of the building in part of whole.

3. The application is subject to the review of the Roads and Maritime Services (RMS) in accordance with the relevant provisions of State Environmental Policy (Infrastructure) 2007.

It is considered that any consent issued by the JRPP should be consistent with the requirements of the RMS, including where necessary, appropriate conditions of consent to adequately manage any impacts of traffic generation resulting from the proposal.

Such conditions could read as follows:

Roads and Maritime Service Requirements

- The swept path of the longest vehicle entering and exiting the subject site, as well and manoeuvrability throughout the site, shall be in accordance with the AUSTROADS.
 - The layout of the proposed car parking areas, associated with the subject development (including driveways, grades, turn paths, sight distance requirements and aisle widths and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.
4. There is some ambiguity in the application with respect to the use of external areas on the site for the storage of materials.

For the purpose of clarity, it is considered that any consent issued by the JRPP should include a condition to ensure that the storage of materials outside the subject building is not visible from public view.

Such a condition could read as follows:

Storage and Display of Goods

All approved works, storage and display of goods, material and any other item associated with the approved development must only be undertaken in accordance with the approved plans and documentation referred to in condition 1. Any external works or storage/display of goods, materials or any other item associated with the development undertaken in accordance with the approved plans, must be adequately screened from the public view at all times and not occupy any parking, vehicle manoeuvring, delivery areas, landscaped areas or the like.

Conclusion

Development Application 3122/2014/DA-I proposes the construction and operation of an industrial building at Ingleburn where food products would be processed and repackaged and is being determined by the JRPP given the relatively high capital value of the proposed works. The application has been reported so as to provide the opportunity for Council to endorse a submission to the JRPP prior to determination of the proposal, should Council deem appropriate to do so.

Whilst it is beyond the scope of this report to duplicate the assessment process being undertaken by the JRPP, it is considered that the development is permissible with consent and is generally compliant with the requirements of relevant State and local planning legislation.

The proposed development would have a significant employment yield when fully completed and make welcome use of an industrial site previously abandoned. The proposal is considered to be worthy of Council's support, subject to a small number of items being attended to as part of the JRPP's determination of the application, and the issue of any subsequent development consent subject to appropriate conditions.

It is recommended that Council make a submission to the JRPP on this matter indicating support for the proposed development subject to the appropriate resolution of assessment related issues raised in this report, by means of the inclusion of conditions not unlike those mentioned in this report.

Officer's Recommendation

1. That the information be noted relating to Development Application 3122/2014/DA-I for the construction and operation of a food processing and packaging plant at No. 8 Williamson Road, Ingleburn.
2. That Council delegate authority to the Director Planning and Environment to make a submission to the South West Sydney Joint Regional Planning Panel indicating its general support for the proposed development subject to a request that the suggested conditions raised in the above report are included in any development consent issued by the Panel.

Committee's Recommendation: (Oates/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 March 2015

Having declared an interest in regard to Item 2.2, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 17 March 2015 (Borg/Kolkman)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 31

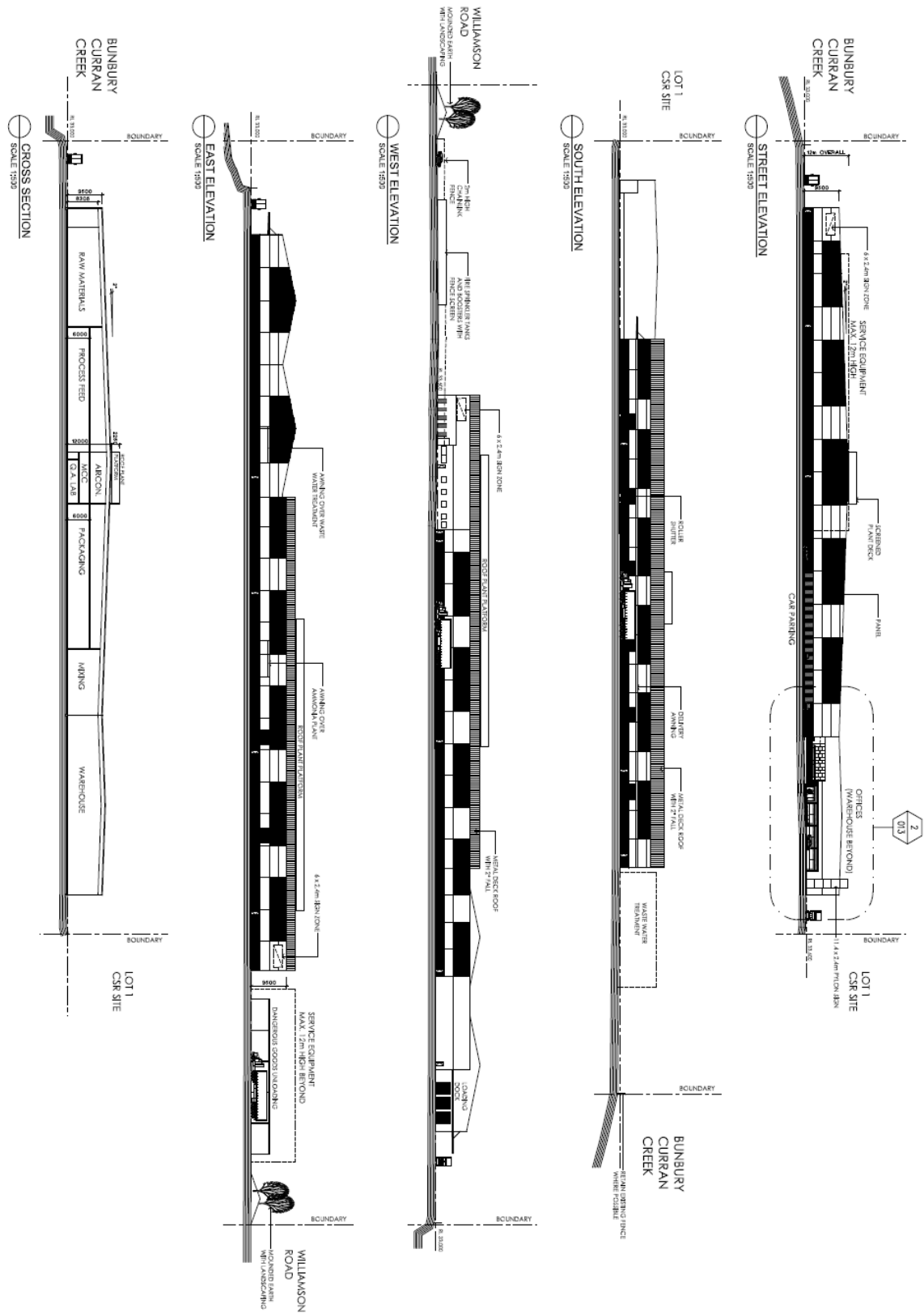
That the Officer's Recommendation be adopted.

At the conclusion of the discussion regarding Item 2.2, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.

ATTACHMENT 1



ATTACHMENT 3



3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics January 2015

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for January 2015 (contained within this report)

Purpose

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

Report

In accordance with Council's resolution of 23 August 2005, that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for January 2015 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 March 2015 (Greiss/Rowell)

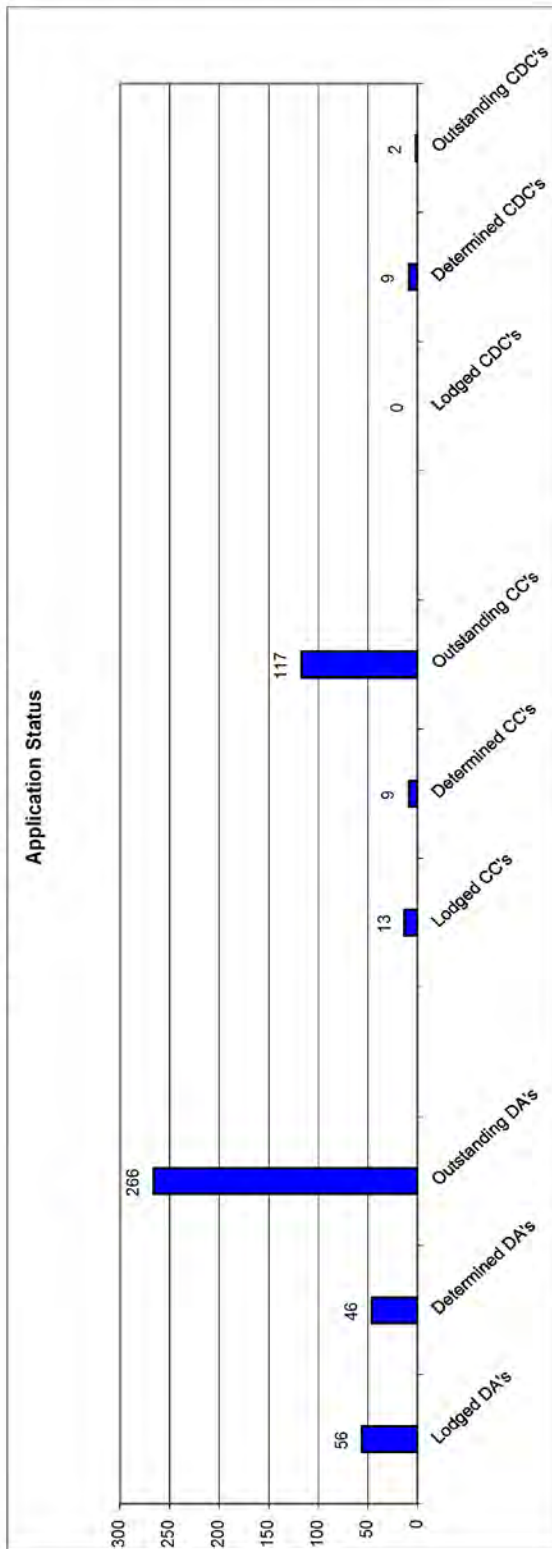
That the Officer's Recommendation be adopted.

Council Minute Resolution Number 29

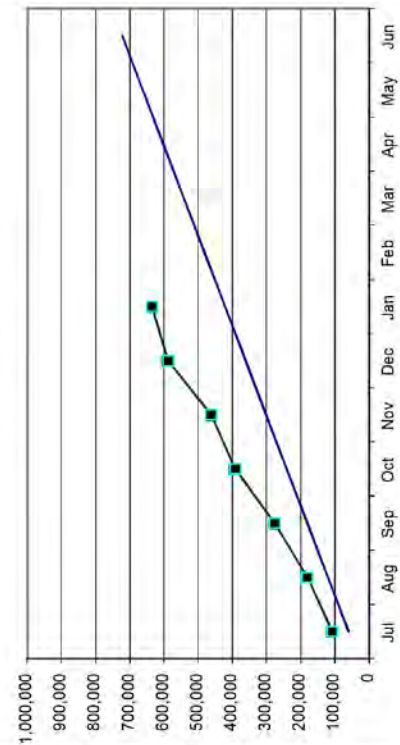
That the Officer's Recommendation be adopted.

ATTACHMENT 1

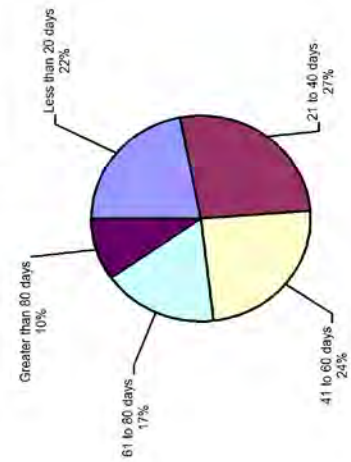
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – January 2015



Development Application Income



Development Application Monthly Processing Times



3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

3.2 Proposal to increase student population from 419 to 630 students, including ancillary building and car park work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

Reporting Officer

Acting 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. Floor and Elevation Plans (contained within this report)
5. Floor Plans (contained within this report)
6. Elevations (contained within this report)
7. Landscaping Plans (contained within this report)

Purpose

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

Property Description	Lot 493 DP 709741, No.61 Emerald Drive, Eagle Vale
Application No	760/2014/DA-C
Applicant	Thomas Adsett Architects
Owner	Trustees of Roman Catholic Church – Wollongong Diocese
Statutory Provisions	Campbelltown 2025 - Looking Forward State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 - Zone 2(b) Residential B Campbelltown (Sustainable City) Development Control Plan 2012
Date Received	3 April 2014

Report

Council has received a development application seeking an increase in student numbers and associated building works at Mary Immaculate Catholic Primary School which caters for students between Kindergarten and year 6.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

The proposed works will provide additional classroom area and increase the number of car parking spaces in response to the current and projected expansion of the school. The facilities proposed have been designed to cater for a maximum student population of 630 students, an increase of 211 students. The staff numbers will also increase from 28 to 34.

The school is located on land within a 5(a) Special Uses School/Church Zone and is accessible from Emerald Drive, Eagle Vale. The school is located on land to the west of the intersection of Emerald Drive and Aquamarine Drive.

All construction works are within the footprint of the existing school buildings. Proposed works include demolition works, new school buildings, new car parking area and additional storage shed. There will be no changes to the existing building height.

The proposal also seeks the expansion of the existing 'kiss and ride' area adjacent to Emerald Drive.

The Site

The subject land has an area of 30,000 square metres (3 hectares) and is of irregular shape. The site currently contains various buildings including classrooms, staff buildings, administration building, church, covered outdoor learning area (COLA) and other ancillary structures such as car parking and playground areas.

The school buildings, church and car parking areas are located centrally within the site. The upper playground is located at the western boundary of the school. A vegetated open space area is located at the southern boundary of the school.

The school is surrounded by residential land uses to the north, west and south of the site. Eagle Farm Reserve abuts the school on its eastern boundary.

The land is located approximately 575 metres from Eagle Vale Shopping Centre in a straight line to the north or 650 metres by public road. Claymore Shopping Centre is located 600 metres to the south, or 1200 metres by public road.

The Proposal

The proposed development seeks to:

- Increase the number of students from 419 to 630
 - Increase the number of staff from 28 to 34
 - Demolition of 5 existing buildings and associated structures (Blocks A, C, D, E and O)
 - Construction of 2 new classrooms (Blocks L and M), new administration building (Block K) and canteen block (Block N)
 - Alterations to 1 building (Block B)
-

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

- Additions of storage sheds (Block F)
- Increase in car parking for staff and visitors from 52 to 76
- Erection of business Identification signage that is considered exempt development pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002.

The subject development application is seeking to formalise an increase as well as allow capacity for future growth in student numbers. The school expects to reach a total of 630 students in the short term future.

The proposed development does not require the removal of any significant vegetation. The proposal, however, does include the removal of 14 trees and shrubs throughout the development's footprint. Compensatory planting is proposed throughout the school as detailed in the site landscape plan.

The stormwater from the proposed additions is proposed to be captured and discharged into the existing stormwater system.

Assessment

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

1. 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. 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 (Local Environmental Plan) for the city. A desired outcome and a list of relevant focus areas are described for each strategic direction.

The subject application has been considered in accordance with Campbelltown 2025 – Looking Forward, and specifically against the strategic directions. In this respect, the following strategic directions are considered relevant for the subject application:

- Growing the regional city
- Creating education, employment and entrepreneurial opportunities.

The application is generally compatible with the above strategic directions. An increased level of local education and community services within the City is considered to be beneficial in facilitating its orderly development and operation, particularly with respect to satisfying the demands of the existing and future populations.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

The proposed development is consistent with the relevant subsidiary desired outcomes contained in 'Campbelltown 2025 - Looking Forward'. It is considered that the application presents a development that integrates into the surrounding locality and contributes to achieving Council's goal of 50% of residents employed locally. The proposal is also consistent with the stated focus areas "Growing the regional population" and "Identify and provide opportunities for employment generating enterprises to locate within the Regional City Centre precinct and business centres".

It is anticipated that the development would have a positive economic impact upon the Campbelltown local government area, which is also a stated desired outcome of the Vision statement. Expanding education facilities within the local government area has the potential to provide lifestyle benefits for families by reducing commuter travel times and distances.

Having regard to the above strategic directions, It is considered that the social benefits arising from an increased level of employment, education and community facilities will be positive overall and will not erode the environment and the quality of life of people nearby.

2. State Environmental Planning Policy (Infrastructure) 2007

The proposal is defined as a "Schedule 1" development pursuant to State Environmental Planning Policy (Infrastructure) 2007, as the proposed school would accommodate more than 50 children. This requires Council to refer the application to the Roads and Maritime Services (RMS) and not determine the application until it has received and considered advice from the Authority.

Council has referred the application to the RMS, pursuant to Section 104 of SEPP (Infrastructure) 2007 for comment.

The RMS considered the traffic impact of the proposal in the locality and broader network. The Network and Safety Management department within the RMS has written to Council advising that they have no objection to the proposed development.

3. Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP)

The land is located within the 5(a) Special Uses A Zone (School/Church). The proposal is defined as an "*educational establishment*" and is permissible with Council's development consent within the zone.

The 5(a) zone objectives are:

- (a) to provide land for special uses which would otherwise be prohibited by the zoning of the surrounding area
- (b) to identify land used or required for railway purposes.

Except as otherwise provided by this plan, 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 achieve the objective of this zone stated in paragraph (a).

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

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

The proposed development is considered to be consistent with the objective (a) as well as the as the ongoing use and expansion of the site as an educational establishment.

Clause 15 of CLEP requires Council to only grant development consent where the proposal is considered to be consistent with one or more objectives of the zone. In that regard, Council may approve the application if it is deemed appropriate because as stated above it is considered to be consistent with the discussed objectives.

4. Campbelltown (Sustainable City) Development Control Plan 2012 (SCDCP)

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

- Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan
- Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development
- Facilitate innovative development of high quality design and construction in the City of Campbelltown
- Ensure that new development maintains or enhances the character and quality of the natural and built environment
- 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 proposed development is consistent with many of these aims of the SCDCP.

The assessment against the relevant components of Part 2 Requirements Applying to all Types of Development of the SCDCP is provided below:

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

4.1 Views and Vistas

The proposed works to the existing school will be confined within the existing building footprint and the height of the proposed new buildings are consistent with the maximum height of existing buildings.

Given the location the existing school building and proposed work, it is considered that the proposed development will not have a detrimental impact on views and vistas nor have a negative impact on the amenity of residents in the locality.

4.2 Sustainable Building Design

The proposed development has not included the use of any measures to encourage the use of water recycling. Should Council approve the development application, a condition of consent would be included for the installation of a water tank/s of a suitable size to encourage the re-use of captured stormwater on the land.

4.3 Landscaping

The land is currently landscaped with mature trees along the southern boundary and a mix of trees and shrubs within the school grounds. Fourteen trees and shrubs are proposed to be removed as part of this development. The proposal is accompanied by a detailed landscape plan that includes additional landscaping to compensate the loss of vegetation, complement the proposed development and embellish landscaping in the school grounds.

4.4 Erosion and Sediment Control

An erosion and sediment control plan shall be provided to the principal certifying authority prior to the commencement of any construction activity on the land.

4.5 Heritage Conservation

The land does not contain any an items of heritage significance and is not located within a heritage conservation area.

4.6 Waste Management

The applicant has provided a satisfactory Waste Management Plan to accompany the development application.

5. Environmental Impacts

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

The assessment has considered noise, stormwater impacts, traffic, parking and access as well as the site's suitability for the proposed development. The assessment of the environmental impacts are detailed below.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

5.1 Noise

Council has considered the proposed development's potential for noise generated impacts on the local area. Adjoining the subject site is low density housing to the north, west and south, and Eagle Farm Reserve to the east.

Given the school's hours of operation, locality, and proximity to residences as well as location of outdoor play areas, it is considered that the increase in student numbers will not have a significantly adverse impact on the amenity of the locality. No submissions objecting to the proposal on noise grounds were received following notification and public exhibition.

5.2 Stormwater

A condition of consent will require the installation of rainwater tanks for site reuse with surplus storm water being connected to the existing internal drainage infrastructure and piped into Council's existing stormwater system. It is considered that the additional stormwater created by the development will not have an unreasonable impact on the existing drainage system.

5.3 Traffic, Parking and Access

The applicant has submitted a Traffic and Parking Impact Assessment Report prepared by Varga Traffic Planning Pty Ltd in consideration of projected traffic movement, carparking and pedestrian safety with the expansion of student numbers to the proposed maximum of 630.

The traffic and parking impact assessment report assessed the proposal and considered the following:

- Existing road network conditions within the vicinity of the school site including traffic and pedestrian volumes and general traffic safety
- Estimates of the traffic generation potential of the development proposal, and assigns that traffic generation to the road network serving the site
- The ability of the adjoining road network to accommodate any alterations to the existing traffic distributions projected to be generated by the proposed development
- Assess the adequacy and suitability of the quantum of off-street car parking provided on the site
- Assess the adequacy and suitability of the quantum of the 'kiss and ride' area provided in the kerbside area.

Having regard to the parking arrangement for the school, the development has sought the following:

- 76 car parking spaces
 - Continuation of kerbside 'kiss and ride' area
-

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

- “Kiss and ride’ area being extended for a further 12 metres
- A second 48 metre ‘kiss and ride’ zone on Aquamarine Drive
- Proposed car parking is separated from play areas
- Proposed car park can be accessed during school hours as well as for weekend church services

The proposed development also includes the relocation of the existing bus zones on Emerald Drive to accommodate the additional ‘kiss and ride’ areas.

Based on the projected additional traffic flows and projected increase in traffic activity, it is anticipated that the development will not have unacceptable traffic implications in terms of road network capacity. Vehicle delays at intersections within close proximity to the school whilst increasing slightly will continue to be within an acceptable service level.

In addition, based on a maximum student population of 630, it is considered that 76 car parking spaces is ample to meet the school's requirements in the future. Taking into consideration the ultimate staffing level of 34 employees, 76 car parking spaces is considered acceptable in this instance to cater for visitors and students vehicles.

The Traffic Impact Assessment Report concludes that the proposed on-site parking is ample to cater for the additional number of students. It also states that the movement of vehicles at the intersection of Emerald Drive and Aquamarine Drive is capable of accommodating the additional traffic generated. It goes further to say that the additional demand associated with the increased school population can be managed with the proposed site access, internal circulation, additional ‘kiss and ride’ area and additional parking areas. On this basis it is considered that the proposed expansion of the school will not have an undue negative impact within the locality due to traffic and parking.

5.4 Suitability of the Site

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the suitability of the site to accommodate the development.

The subject site is currently operating as an educational establishment.

Having regard to the absence of any significant environmental impacts that would likely result from expansion of the school, it is considered that the site is suitable for the proposed development.

6 External Referrals

6.1 Rural Fire Service

The development application was referred to NSW Rural Fire Service pursuant to the *Rural Fires Act 1997* and section 91A of the *Environmental Planning and Assessment Act 1979* as the development is on land being a school, and as such is identified as bush fire prone land and being a school it is classed as a special fire protection purpose.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

The NSW Rural Service has written to Council and provided a 'bush fire safety authority' under Section 100B of the *Rural Fires Act 1997*. The authority provided will be attached to the conditions of consent and form part of the development consent should Council approve the proposed development.

6.2 Office of Water

The development application was referred to NSW Office of Water pursuant to the *Water Management Act 2000* and Section 91A of the *Environmental Planning and Assessment Act 1979* due to the development's proximity to a water course.

The NSW Office of Water has written to Council and provided General Terms of Approval for works requiring a controlled activity approval under the *Water Management Act 2000*. The General Terms of Approval will be attached to the conditions of consent and form part of the development consent should Council approve the proposed development.

Public Exhibition and Notification

The proposed development was notified to adjoining and nearby landowners between 8 July 2014 and 8 August 2014 in accordance with the requirement of the SCDGP. In addition, the proposed as advertised in the local newspapers during the same period.

During this period Council received one submission objecting to the proposed development.

The submission can be summarised as follows:

Concerns are raised over the strategy for dealing with the impact of the development on parking and traffic flow in the local streets especially during the afternoon peak. The submission is concerned about the impact of the increase in traffic within close proximity to the school.

Comment – The development application is accompanied by a Traffic and Parking Impact Assessment Report. This report concluded that the local road network will not be unduly impeded both in terms of increased traffic and carparking. This report has been referred to the RMS for comment and assessed by Council's Traffic Section both of whom have no objection to the proposed development, although the comments mainly related to signage and the operation management plan. Whilst there will be an increase in vehicle movements and an increase in parking demand as a result of the increase in student numbers, the traffic and parking implications are considered to not be unacceptable having regard to the existing road network.

Conclusion

The subject development application is seeking an increase in student numbers, expansion of associated buildings and additional car parking works. The proposed increase to student numbers will be from the current approved number of 419 students up to a maximum 630 students. The building works will provide additional learning and ancillary areas as well as increase the number of on-site car parking spaces from 52 to 76 parking spaces. The proposal will increase employment by 6 full time positions once operating at full capacity.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

The building works are considered acceptable having regard to the site and scale of the existing school. The proposal is readily able to discharge stormwater and has included an acceptable landscaping plan to embellish the site compensate the loss of existing trees and shrubs.

The application has been referred to the RMS for comment and have raised no objection to the increase in student numbers, and consider the traffic increase would have a negligible impact on the surrounding road network.

The development is a permissible land use under CLEP 2002 and is generally consistent with the aims and zone objectives. Furthermore the proposal is consistent with the aim and specific requirements of SCDP 2012. Therefore having regard to the matters for consideration under Section 79C of the Act, it is considered the development can be readily supported by Council.

Officer's Recommendation

That development application 760/2014/DA-C for the increase in student numbers at the school from 419 to 630 and associated building and car park works be approved subject to conditions contained in attachment 1.

Committee Note: Mr Winnal addressed the Committee.

Committee's Recommendation: (Rowell/Greiss)

1. That a decision in this matter be deferred and the item be listed for an inspection and if feasible the inspection take place at a suitable time (school hours).
2. That the matter be referred to the Local Traffic Committee for investigation.

CARRIED

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

Voting against the Committee's Recommendation: nil.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

Council Meeting 17 March 2015 (Greiss/Rowell)

1. That a decision in this matter be deferred and the item be listed for an inspection and if feasible the inspection take place at a suitable time (school hours).
2. That the matter be referred to the Local Traffic Committee for investigation.

Amendment: (Lake/Mead)

1. That development application 760/2014/DA-C for the increase in student numbers at the school from 419 to 630 and associated building and car park works be approved subject to conditions contained in attachment 1.
2. That Council request NSW Police to patrol the school zones in the area of Emerald Drive and Aquamarine Drive, Eagle Vale.
3. That the resident be advised that his concerns are to be referred to the Local Traffic Committee.

Council Minute Resolution Number 32

1. That development application 760/2014/DA-C for the increase in student numbers at the school from 419 to 630 and associated building and car park works be approved subject to conditions contained in attachment 1.
2. That Council request NSW Police to patrol the school zones in the area of Emerald Drive and Aquamarine Drive, Eagle Vale.
3. That the resident be advised that his concerns are to be referred to the Local Traffic Committee.

Voting for the Amendment were Councillors: Borg, Brticevic, Chanthivong, Dobson, Glynn, Hawker, Lake, Lound and Mead.

Voting against the Amendment were Councillors: Greiss, Kolkman, Oates, Matheson and Rowell.

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

Voting against the Council Resolution were Councillors: Oates and Rowell.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

ATTACHMENT 1

760/2014/DA-C

Recommended Conditions of ConsentGENERAL 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 Thomson Adsett architects (and others), listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plans prepared by Thomson Adsett architects (architectural) project number 13.0011:

Drawing No. 001, Issue B, dated 29.09.2014
Drawing No. 002, Issue A, dated 03.04.2014
Drawing No. 003, Issue A, dated 03.04.2014
Drawing No. 004, Issue A, dated 03.04.2014
Drawing No. 005, Issue A, dated 03.04.2014
Drawing No. 006, Issue A, dated 03.04.2014
Drawing No. 007, Issue B, dated 29.09.2014
Drawing No. 101, Issue A, dated 03.04.2014
Drawing No. 102, Issue A, dated 03.04.2014
Drawing No. 103, Issue A, dated 03.04.2014
Drawing No. 104, Issue A, dated 03.04.2014
Drawing No. 105, Issue A, dated 03.04.2014
Drawing No. 201, Issue A, dated 03.04.2014
Drawing No. 202, Issue A, dated 03.04.2014
Drawing No. 203, Issue A, dated 03.04.2014
Drawing No. 204, Issue A, dated 03.04.2014
Drawing No. 301, Issue A, dated 03.04.2014
Drawing No. 302, Issue A, dated 03.04.2014
Drawing No. 303, Issue A, dated 03.04.2014
Drawing No. 304, Issue A, dated 03.04.2014
Drawing No. 401, Issue A, dated 03.04.2014
Drawing No. 402, Issue A, dated 03.04.2014
Drawing No. 403, Issue A, dated 03.04.2014
Drawing No. 404, Issue A, dated 03.04.2014
Drawing No. 501, Issue A, dated 03.04.2014
Drawing No. 601, Issue A, dated 03.04.2014

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

Plans prepared by AJ Whipps Consulting Group (concept stormwater design) project number 2014-0202:

Drawing No. HDA01, Issue 1, dated 02.04.2014
Drawing No. HDA02, Issue 1, dated 02.04.2014
Drawing No. HDA03, Issue 1, dated 02.04.2014
Drawing No. HDA04, Issue 1, dated 02.04.2014
Drawing No. HDA05, Issue 1, dated 02.04.2014

Plans prepared by Groundink (landscape architecture)

Drawing No. LDA001, Revision B, dated 23.09.2014
Drawing No. LDA002, Revision B, dated 23.09.2014
Drawing No. LDA003, Revision B, dated 23.09.2014
Drawing No. LDA004, Revision B, dated 23.09.2014
Drawing No. LDA005, Revision B, dated 23.09.2014
Drawing No. LDA006, Revision B, dated 23.09.2014
Drawing No. LDA007, Revision B, dated 23.09.2014
Drawing No. LDA008, Revision B, dated 23.09.2014
Drawing No. LDA009, Revision B, dated 23.09.2014

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. 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.

4. External Finishes

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

5. Switchboards/Utilities/Air Conditioning Units

Switchboards, air conditioning units, 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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

6. 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)*.

7. 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.

8. 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.

9. 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)*.

10. Car Parking Spaces

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

11. Rubbish/Recycling Bin Storage

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

The bin(s) shall only be stored in accordance with the approved plans showing the location of the waste bin storage area.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

12. Rain Water Tank(s)

A minimum 5000L 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) collected from the roof of the approved development.

13. 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; and
- c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works

14. General Terms of Approval – NSW Office of Water

The General Terms of Approval issued by the NSW Office of Water for the subject application, Reference 10 ERM2014/0573, attached this development consent shall be read in conjunction with the conditions contained herein.

15. NSW Rural Fire Service – Bush Fire Safety Authority

The Bush Fire Safety Authority issued by the NSW Rural Fire Service, Reference Number DA14/1361 and DA14051992173GB, attached to this development consent and shall be read in conjunction with the conditions contained herein.

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.

16. 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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

17. 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.

18. 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.

19. 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.

20. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

21. Traffic Control Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the State Roads Authority manual "Traffic Control at Work Sites" and *Australian Standard AS 1742.3* (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with WorkCover Authority requirements. A copy shall be submitted to Council for its records.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

22. 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. Stormwater shall be conveyed from the site to nearest drainage system under Council's control. All proposals shall comply with the *Campbelltown (Sustainable City) DCP Volume 3 (as amended)*.

23. Inundation by Flood Waters

The subject property is a Flood Control Lot with respect to a 1% Annual Exceedance Probability (AEP) flood in the natural watercourses traversing the property.

The minimum fill and floor levels that the subject development shall comply with are as shown on plan DA 001 issue A (dated 3 April 2014, prepared by Thomson Adsett).

The floor level of all buildings must also comply with the requirements of Clause 3.1.2.3 of Volume 2 of the Building Code of Australia and Section 4.5 of the Campbelltown (Sustainable City) Development Control Plan 2014 (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. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction 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
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3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

- 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.

26. 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.

27. 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
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

28. 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.

29. 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.

30. 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.

31. 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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

32. 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.

33. 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.

34. 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.
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3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

35. Fencing

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

36. Sydney Water

Prior to the commencement of any works on the land, 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.

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.

37. 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.

38. 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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

39. 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.

40. 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-salvageable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

41. 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.

42. 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.

43. 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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

44. 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.

45. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Emerald Drive and Aquamarine Drive. 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 Volumes 1 and 3 (as amended).

46. Commercial 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.

47. 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.

48. 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).

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

49. 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".

50. 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.

51. Final Inspection – Works as Executed Plans

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

52. 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.

53. 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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

54. Line Marking/Sign Posting Documentation (development)

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

55. 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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

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. 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.
-

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

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 the Campbelltown (Sustainable City) DCP Volume 3 (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.

Advice 11. *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.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

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)

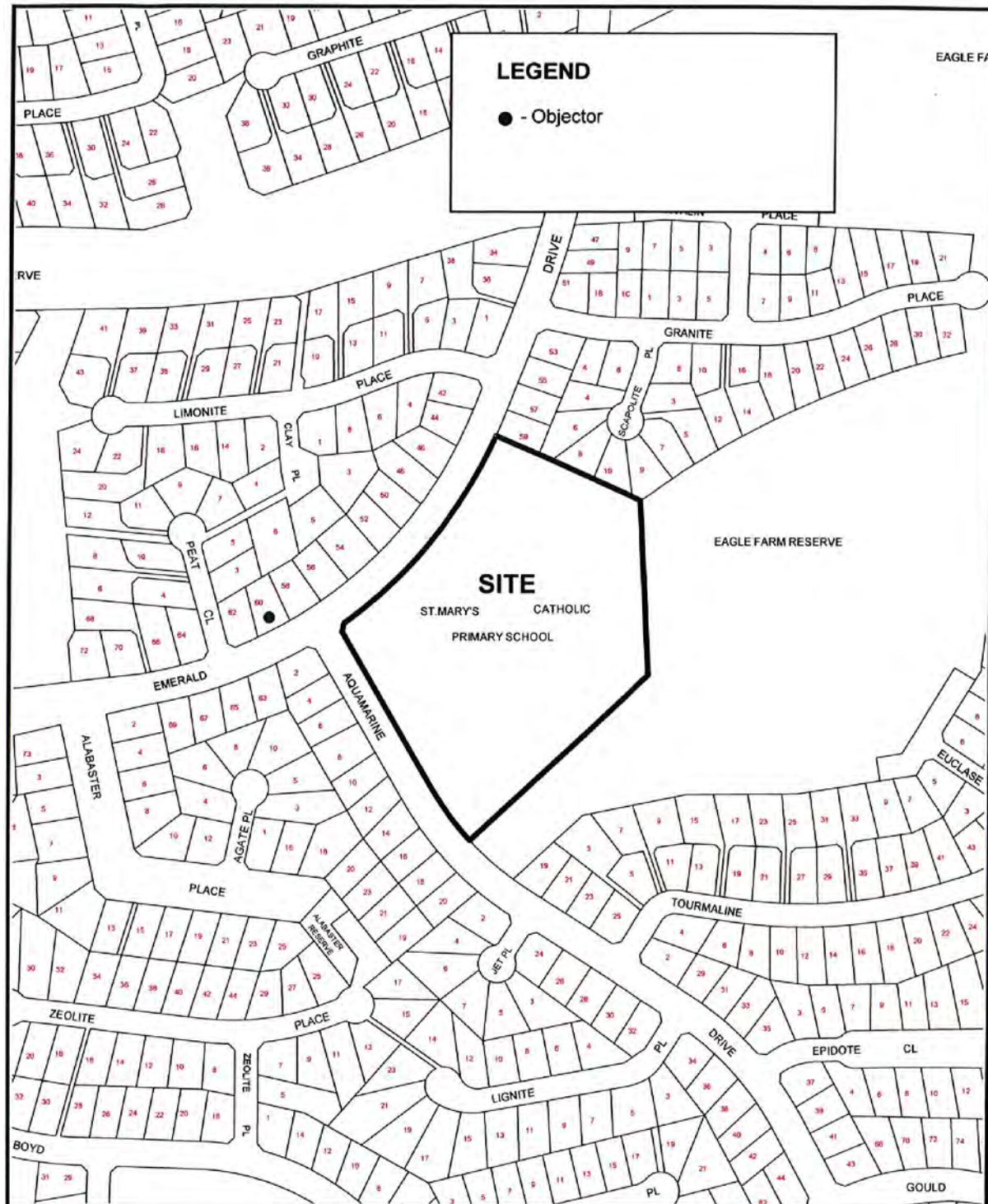
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

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

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

ATTACHMENT 2



LOCALITY PLAN

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

ATTACHMENT 3

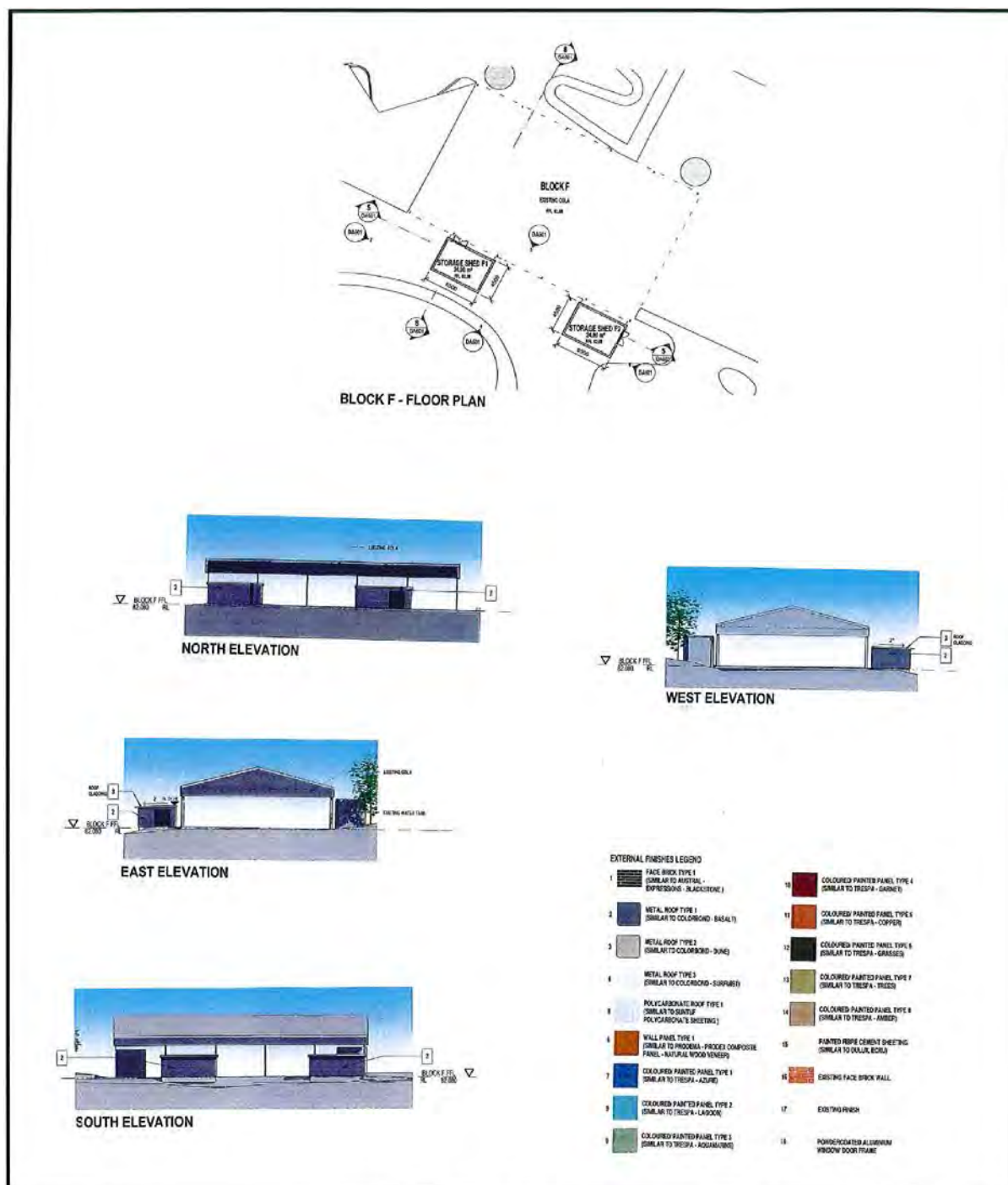


SITE PLAN

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630. LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

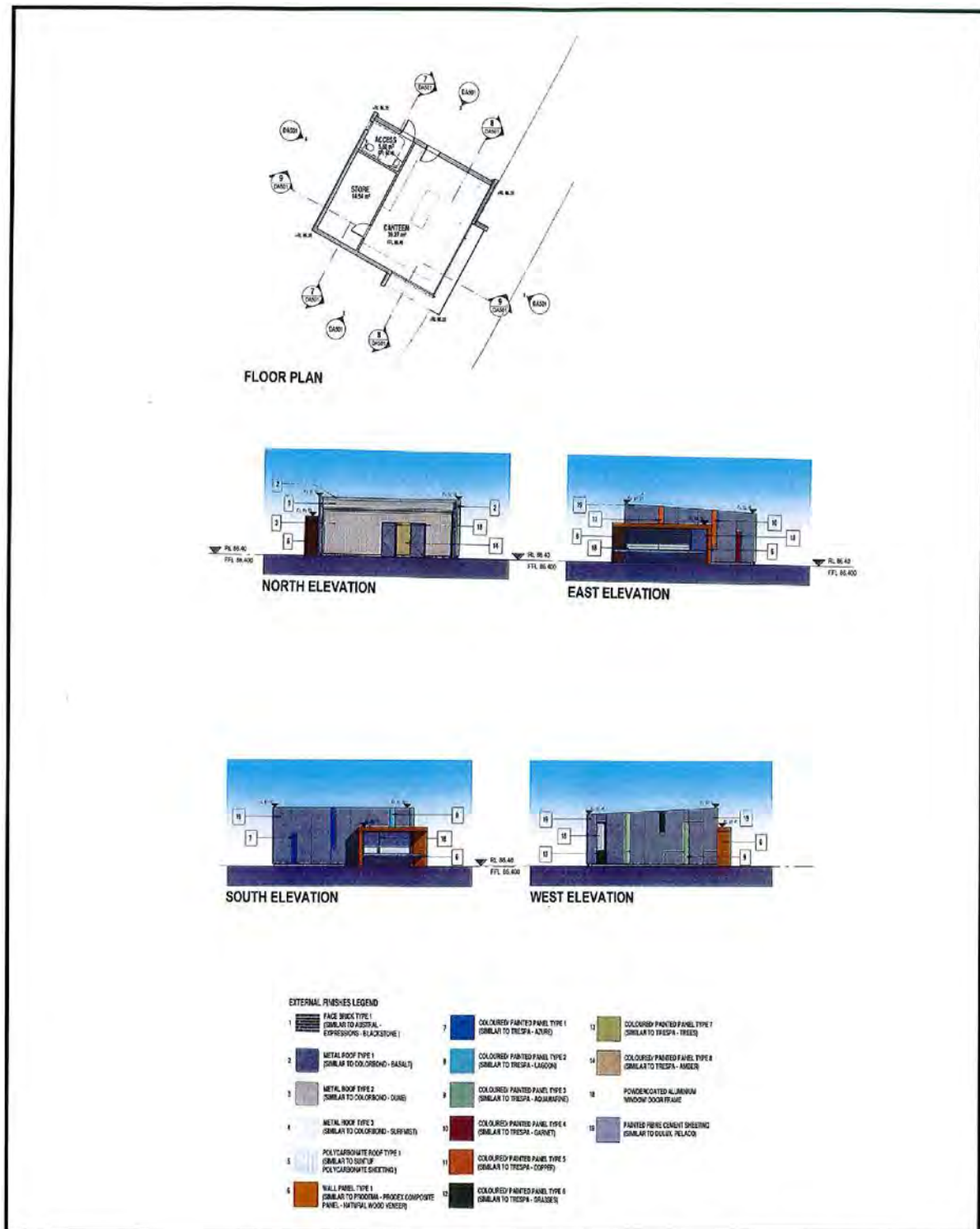
ATTACHMENT 4



Block F - FLOOR/ELEVATIONS

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

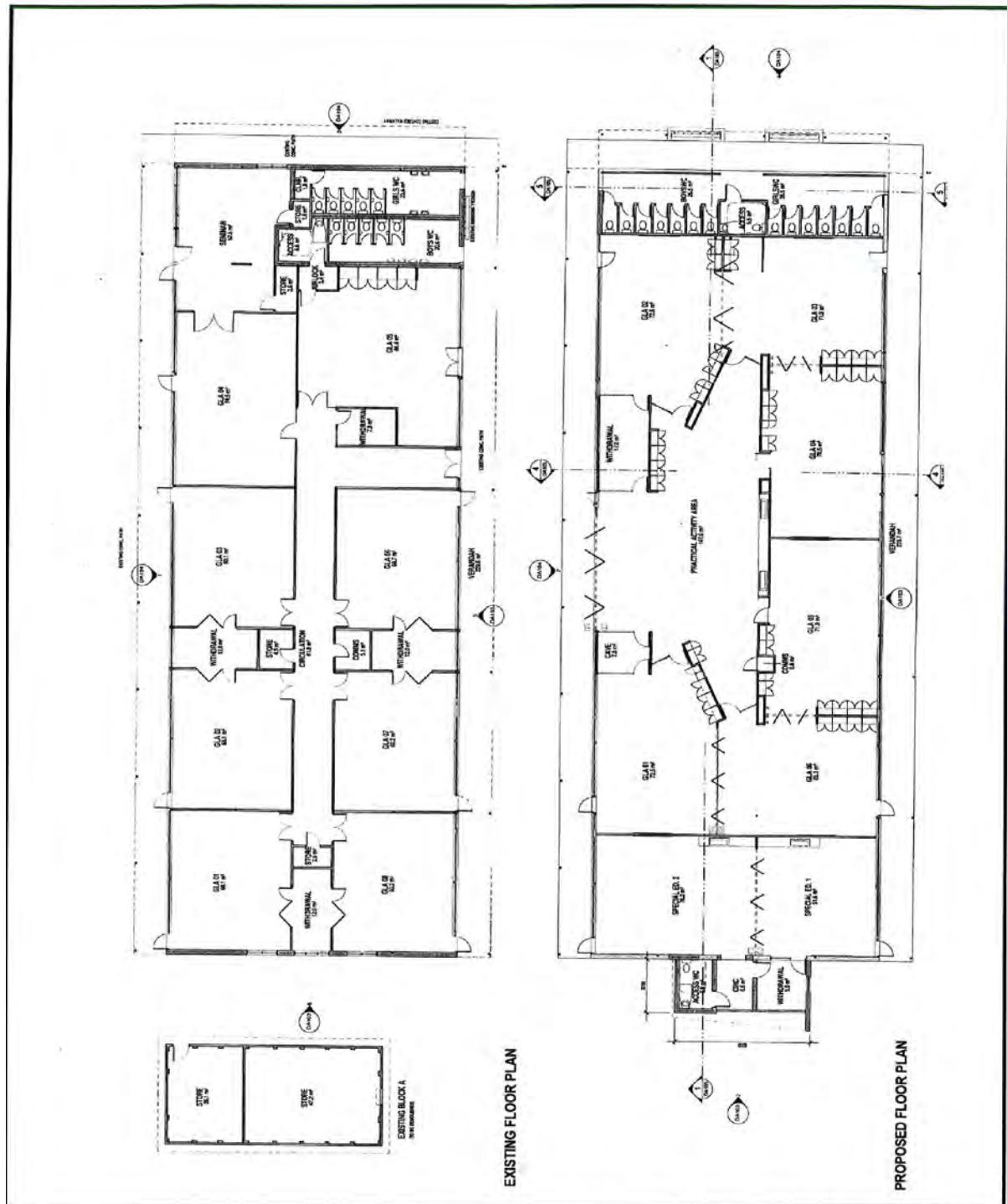


Block N - FLOOR/ELEVATIONS

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

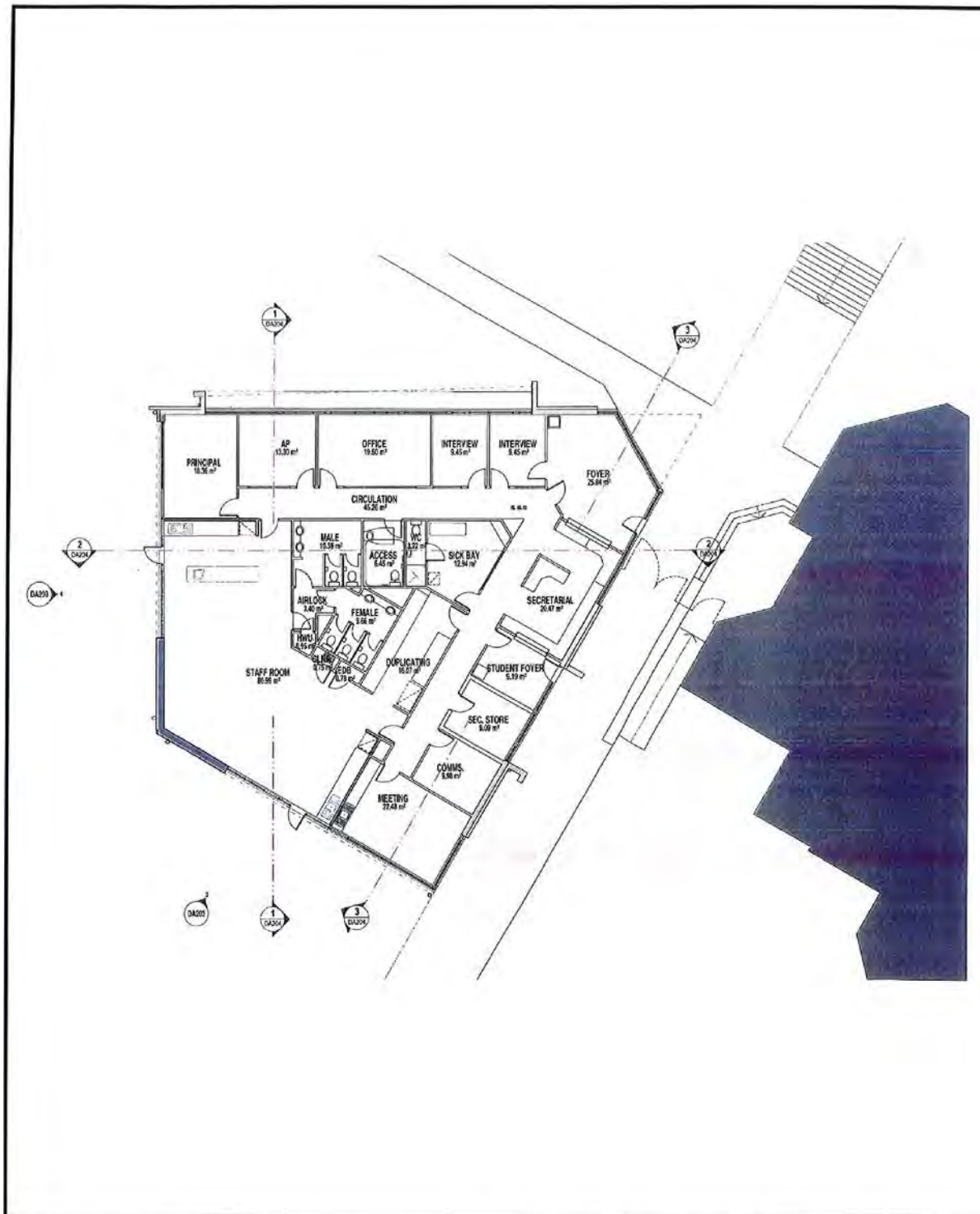
ATTACHMENT 5



Block B - FLOOR PLAN

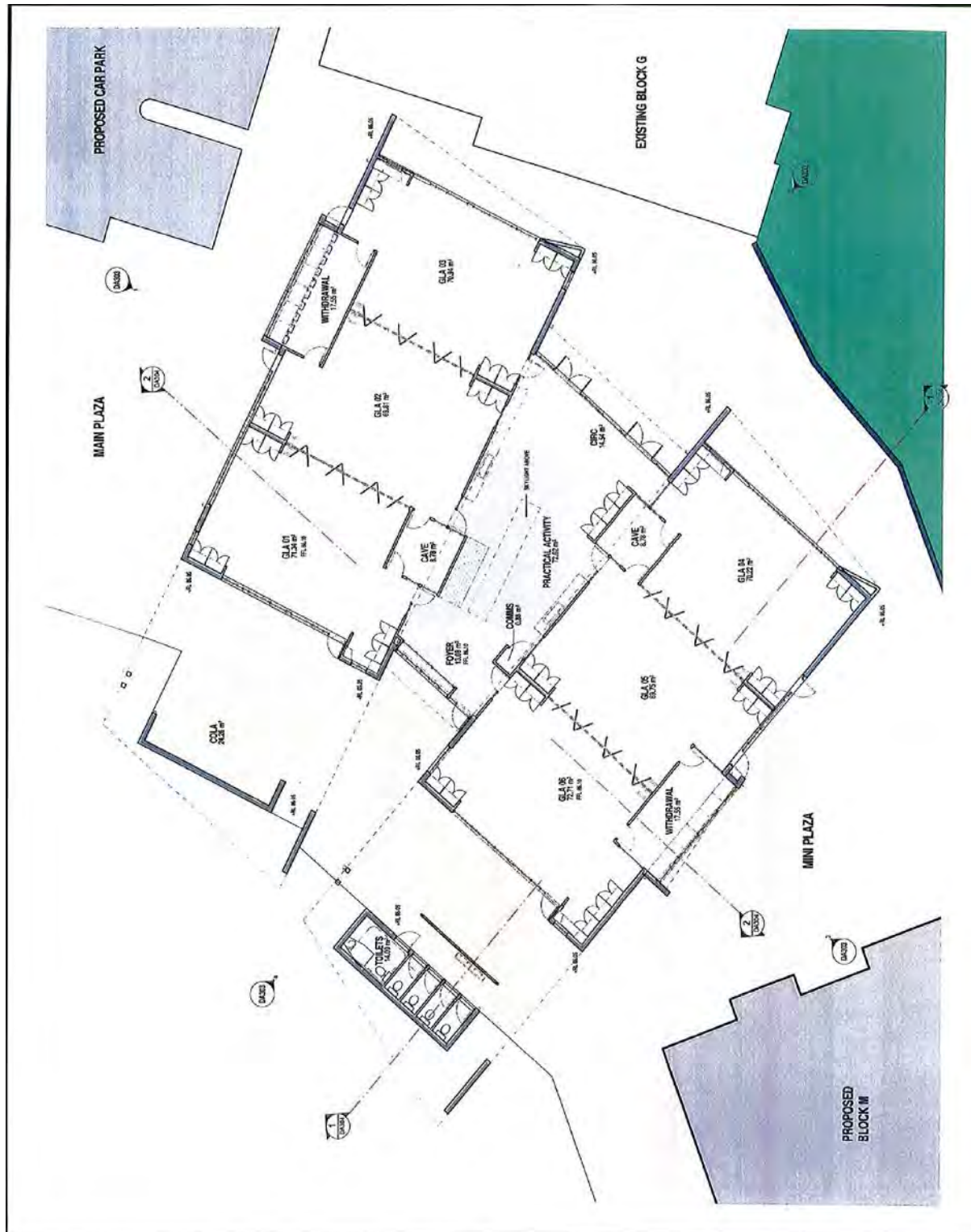
SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale



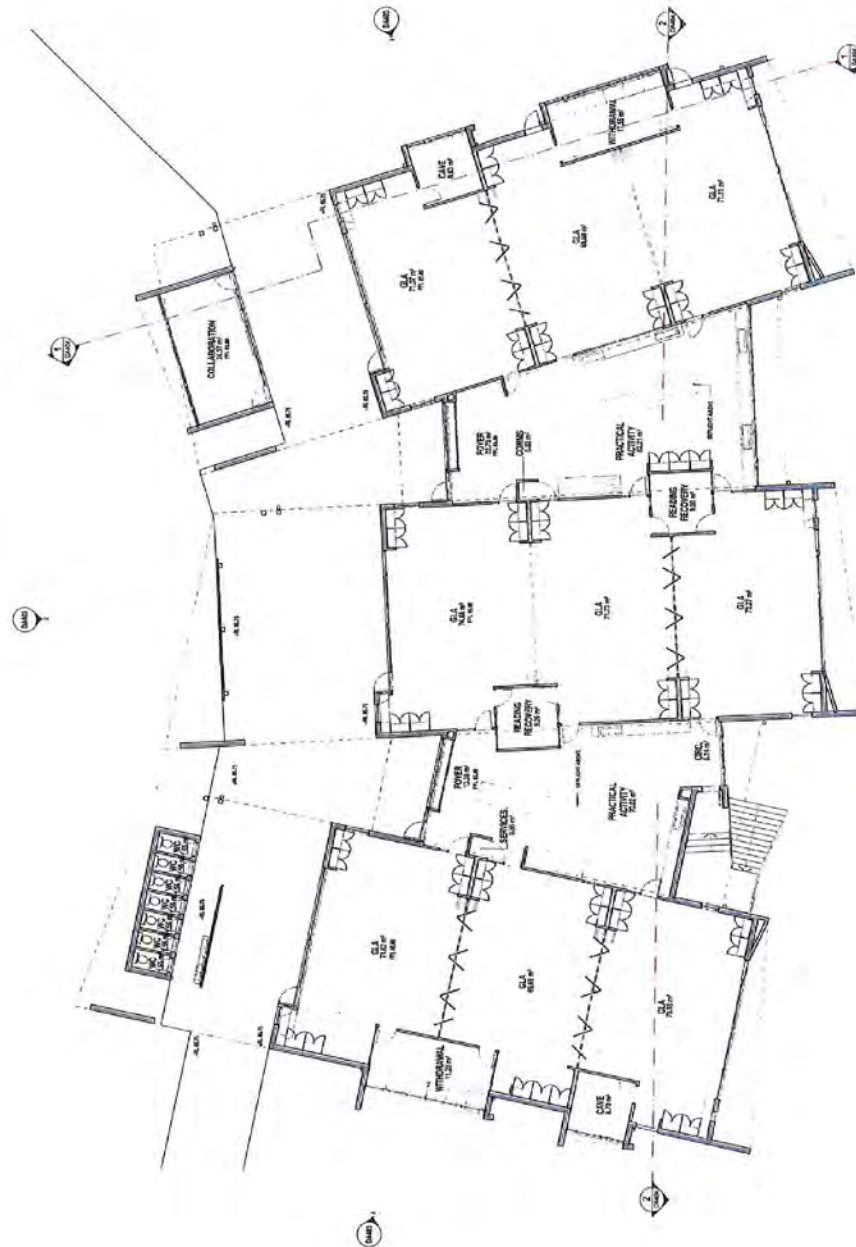
Block K - FLOOR PLAN

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630, LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.



Block L - FLOOR PLAN

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

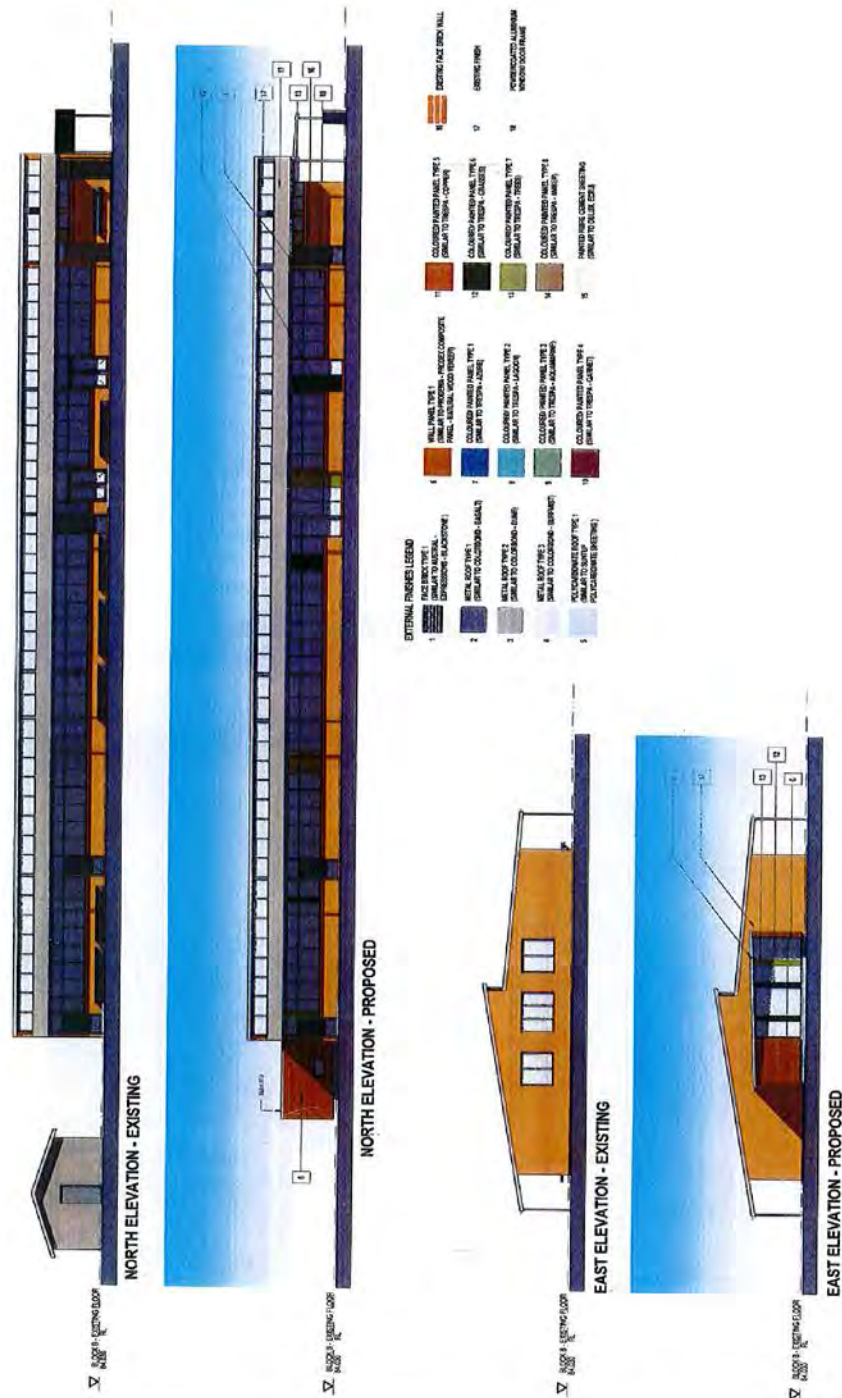


Block M - FLOOR PLAN

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale

ATTACHMENT 6



Block B - ELEVATIONS

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630. LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

Block B - ELEVATIONS

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale



EXTERNAL FINISHES LEGEND

- | | | |
|---|--|---|
| 1 FACE BRICK TYPE 1
(SIMILAR TO AUSTRALIAN - EXPRESSIONS - BLACKSTONE) | 6 WALL PANEL TYPE 1
(SIMILAR TO PROCESS - PROCEX COMPOSITE PANEL - NATURAL WOOD VENEER) | 11 COLOURED PAINTED PANEL TYPE 5
(SIMILAR TO TRESPA - COPPER) |
| 2 METAL ROOF TYPE 1
(SIMILAR TO COLOREXO - BASALT) | 7 COLOURED PAINTED PANEL TYPE 1
(SIMILAR TO TRESPA - AZURE) | 12 COLOURED PAINTED PANEL TYPE 6
(SIMILAR TO TRESPA - GRASSER) |
| 3 METAL ROOF TYPE 2
(SIMILAR TO COLOREXO - DUNE) | 8 COLOURED PAINTED PANEL TYPE 2
(SIMILAR TO TRESPA - LAGOON) | 13 COLOURED PAINTED PANEL TYPE 7
(SIMILAR TO TRESPA - TREES) |
| 4 METAL ROOF TYPE 3
(SIMILAR TO COLOREXO - SUNFAST) | 9 COLOURED PAINTED PANEL TYPE 3
(SIMILAR TO TRESPA - AQUARIUM) | 14 COLOURED PAINTED PANEL TYPE 8
(SIMILAR TO TRESPA - AMBER) |
| 5 POLYCARBONATE ROOF TYPE 1
(SIMILAR TO SUNTUF POLYCARBONATE SHEETING) | 10 COLOURED PAINTED PANEL TYPE 4
(SIMILAR TO TRESPA - GARNET) | 15 POWDERCOATED ALUMINUM WINDOW DOOR FRAME |

Block K - ELEVATIONS

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale



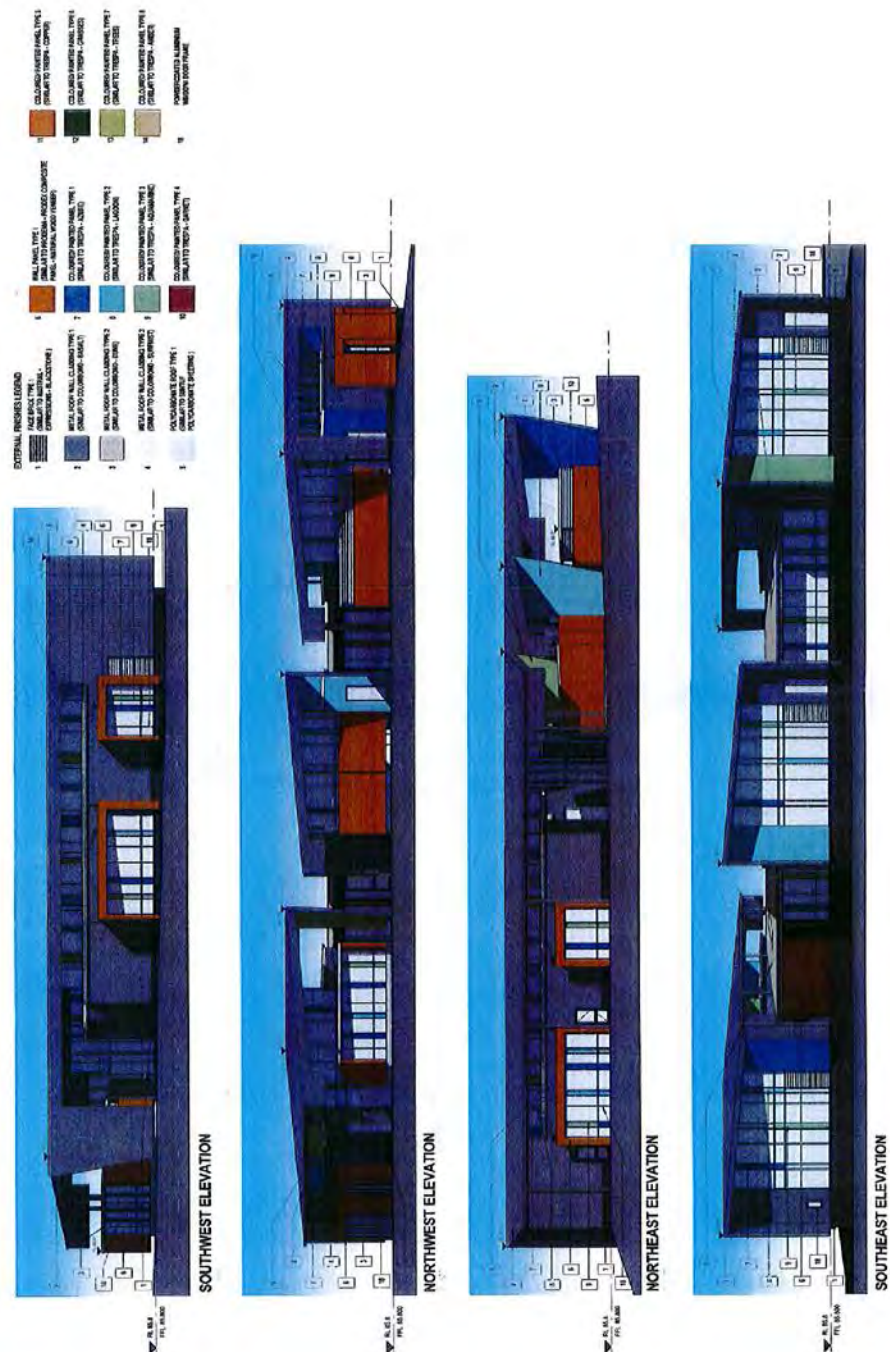
EXTERNAL FINISHES LEGEND

- | | | |
|--|---|---|
| 1 FACE BRICK TYPE 1
(SIMILAR TO AUSTRAL -
EXPRESSIONS - BLACKSTONE) | 6 WALL PANEL TYPE 1
(SIMILAR TO PROCEMA - PROCEX COMPOSITE
PANEL - NATURAL WOOD VENEER) | 11 COLOURED PAINTED PANEL TYPE 5
(SIMILAR TO TRESPA - COPPER) |
| 2 METAL ROOF WALL CLADDING TYPE 1
(SIMILAR TO COLORBOND - BASALT) | 7 COLOURED PAINTED PANEL TYPE 1
(SIMILAR TO TRESPA - AZURE) | 12 COLOURED PAINTED PANEL TYPE 6
(SIMILAR TO TRESPA - GLASSER) |
| 3 METAL ROOF WALL CLADDING TYPE 2
(SIMILAR TO COLORBOND - DUNE) | 8 COLOURED PAINTED PANEL TYPE 2
(SIMILAR TO TRESPA - LAGOON) | 13 COLOURED PAINTED PANEL TYPE 7
(SIMILAR TO TRESPA - TREES) |
| 4 METAL ROOF WALL CLADDING TYPE 3
(SIMILAR TO COLORBOND - SILVERMET) | 9 COLOURED PAINTED PANEL TYPE 3
(SIMILAR TO TRESPA - AQUAMARINE) | 14 COLOURED PAINTED PANEL TYPE 8
(SIMILAR TO TRESPA - AMBER) |
| 5 POLYCARBONATE ROOF TYPE 1
(SIMILAR TO SUNTUF
POLYCARBONATE SHEETING) | 10 COLOURED PAINTED PANEL TYPE 4
(SIMILAR TO TRESPA - GARNET) | 15 POWDERCOATED ALUMINIUM
WINDOW DOOR FRAME |

Block L - ELEVATIONS

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630.
LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.2 Proposal To Increase Student Population From 419 To 630 Students, Including Ancillary Building And Car Park Work - Mary Immaculate Catholic Primary School, No. 61 Emerald Drive, Eagle Vale



Block M - ELEVATIONS

SUBJECT: DEMOLITION OF EXISTING SCHOOL BUILDINGS AND ASSOCIATED STRUCTURES AND CONSTRUCTION OF NEW CLASSROOM BLOCKS INCLUDING THE RELOCATION OF PARKING AREA, AND INCREASE IN STUDENT NUMBERS FROM 419 TO 630. LOT 493 DP 709741 - No. 61 EMERALD DRIVE, EAGLE VALE.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

3.3 Construction of an industrial building with associated office, landscaping and car parking - No. 2 Nursery Road, Campbelltown

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained within this report)
4. Elevations (contained within this report)
5. Floor Plans (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).

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

In addition, the application also seeks Council's endorsement to vary Restrictions As To User that are registered on the title of the property, which at present, prevent the development from taking place in the form currently proposed.

Property Description	Lot 16 DP 1126785, No. 2 Nursery Road, Campbelltown
Application No	1020/2014/DA-I
Applicant	Spino Investments Pty Ltd
Owner	Spino Investments Pty Ltd
Provisions	State Environmental Planning Policy 1 – Development Standards Campbelltown (Urban Area) Local Environmental Plan 2002
Other Provisions	Campbelltown (Sustainable City) Development Control Plan 2012 Campbelltown 2025 - Looking Forward
Date Received	29 April 2014

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

Report

This application proposes the construction of an industrial building with associated office, landscaping and carparking at No. 2 Nursery Road, Campbelltown.

The subject site is currently vacant. It is irregular in shape, relatively flat, and is located on the corner of Nursery and Johnson Roads. The site has an area of 2,000m², and frontages of 30.195 to Nursery Road, 57 metres to Johnson Road, and a splayed corner of 10.155 metres. The site is surrounded by existing industrial development, and is adjoined to the southwest by a Council-owned drainage reserve, which contains a large mature Bunya Pine tree, which is listed on Council's Significant Tree Register.

The proposed development is described below:

- Construction of an industrial building with 890m² of factory/warehouse space.
- Construction of a small attached two-storey office component.
- Provision of a loading bay and manoeuvring space for a heavy rigid vehicle.
- Provision of 14 car parking spaces including one accessible car parking space.
- Provision of a 5 metre wide landscaping strip along the full length of the site's two street frontages.

1. Vision

'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 would operate from the building once it is constructed.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

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

- Development and land use that matches environmental capacity and capability

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

Planning Provisions

2. State Environmental Planning Policy 1 – Development Standards (SEPP 1)

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

SEPP 1 applies to this application, as the applicant seeks to vary Clause 37 – Setbacks within Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP), which states that consent must not be granted to development, (other than the use of land for landscaping, for access roads and for off street parking), on any land within Zone 4(a) or 4(b) which is within 10 metres of a public road. The subject site is zoned 4(a) and the application proposes building works within 10 metres of the site's property boundary with Johnson Road (part of the industrial building and its associated office component), and therefore fails to comply with Clause 37 of the CLEP.

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

The applicant has submitted a written objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the 10 metre setback control in question would be unreasonable and unnecessary. The arguments made by the applicant in this regard are the following:

- The proposed development would produce outcomes consistent with the objectives of the 4(a) industry zone.
 - The proposed development is consistent with the relevant underpinning aims and objectives of the CLEP, which among other objectives, seeks, to maintain and improve the opportunities for appropriate commercial and industrial development in those parts of the urban area of the City of Campbelltown identified as suitable for those purposes.
 - The proposed development will not unduly affect the adjoining industries, the general amenity of the locality or the streetscape and character.
-

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

- The subject site can be more efficiently and effectively developed with the relaxing of the 10 metre setback requirement to a public road.
- Additional landscaping could be provided if required by Council to ameliorate any impact of the reduced setback to Johnson Road.

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

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

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

In regard to point (a), the non-compliance does not raise any matters of state or regional planning significance. In regard to point (b), the public benefit of maintaining the 10 metre setback control outlined by CLEP 2002 would be minimal, considering that if the 10 metre setback control was to be strictly enforced in relation to the proposed building, an additional 250m² (or 12.5% of the area of the site) would be unable to be built upon. Such a configuration is not considered to be necessary nor reasonable, considering that the proposed dense landscaping along the Johnson Road frontage of the site would mitigate any visual impacts that the reduced setback would have.

Further, strict enforcement of the 10 metre building setback control would be unreasonable in this situation, considering that the building envelope registered on the title of the land as part of the subdivision of the land that created the subject site allows for a 5 metre setback to the Johnson Road property boundary of the site.

It is therefore considered that there would be no public detriment arising from varying the 10 metre setback control in this instance.

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

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

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

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

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

It is considered that this objective is satisfied despite the proposed setback non-compliance, as the reduced setback does not prevent the overall development from having a high quality design that addresses the streetscape and its surroundings well, and in particular addresses and responds to the site's corner position by locating the office component of the development at the northern corner of the site where it would be seen from both streets.

The functionality of the development would be greatest if the setback standard were to be varied, and in fact the optimal functionality of the proposed development is dependent on the setback standard being varied, given that a compliant setback would result in a significant amount of the site being underutilised and the internal area of the factory reduced significantly, which would reduce the range of viable uses of the site. Therefore, the objective most relevant to the standard being varied is considered to be satisfied notwithstanding non-compliance with the standard.

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

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

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

It is considered that the underlying object or purpose of the 10 metre setback development standard is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development. If the 10 metre setback control was to be strictly enforced, a significant amount of the site would be underutilised and the internal area of the factory would have to be reduced significantly, which would reduce the flexibility of potential uses of the site. This significant reduction in functionality would be contrary to one of the main purposes of the standard (site functionality). In addition, enforcing the setback standard would reduce the visibility of the high quality office component of the development in the northern corner of the site, which would reduce the aesthetic appeal of the development.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

It is considered that the proposed non-compliant setback would achieve a better aesthetic and functional outcome for the development than if the setback was increased to 10 metres. Therefore, the objective most relevant to the standard, being to encourage high quality and functional development, would be thwarted if compliance was strictly enforced, and as such, given the circumstances of the case, compliance with this standard may be reasonably argued to be unreasonable.

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

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

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

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

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

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

3. Campbelltown (Urban Area) Local Environmental Plan 2002

- 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 an "industry" or "warehouse" (depending on the future use of the building) and both land uses are permissible with Council's development consent within the zone.
 - The proposal is consistent with several zone objectives, particularly:
 - (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown
-

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown
 - (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development
 - (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development
 - (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.
- Clause 37 of the LEP states that consent must not be granted to development, other than the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4(a) or 4(b) which is within 10 metres of a public road. The subject site is zoned 4(a) and the application proposes building works (a portion of the proposed building) within 10 metres of the site's property boundary with Johnson Road, and therefore fails to comply with Clause 37 of the CLEP.

The applicant has submitted an objection pursuant to State Environmental Planning Policy 1 – Development Standards, arguing that compliance with the 10 metre setback control in question would be unreasonable and unnecessary. This aspect of the application has been discussed in detail above as part of this report, and is briefly discussed below. The arguments outlined within the applicant's SEPP 1 objection are the following:

- The proposed development would produce outcomes consistent with the objectives of the 4(a) industry zone.
- The proposed development is consistent with the relevant underpinning aims and objectives of the CLEP, which among other objectives, seeks, to maintain and improve the opportunities for appropriate commercial and industrial development in those parts of the urban area of the City of Campbelltown identified as suitable for those purposes
- The proposed development will not unduly affect the adjoining industries, the general amenity of the locality or the streetscape and character.
- The subject site can be more efficiently and effectively developed with the relaxing of the 10 metre setback requirement to a public road.
- Additional landscaping could be provided if required by Council to ameliorate any impact of the reduced setback to Johnson Road.

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

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

- Council can assume the Secretary of NSW Department of Planning and Environment's concurrence in respect of the SEPP 1 objection in this instance.
- The non-compliance does not raise any matters of state or regional planning significance.
- The public benefit of maintaining the 10 metre setback control outlined by CLEP 2002 would be minimal, and there would be no significant detriment to the public benefit arising from varying the control.
- In consideration of the five part test for evaluation of the objection to the setback development standard in question, it is considered that the circumstances of the case warrant the variation of the standard, and that the reduced setback should be accepted.

4. Campbelltown (Sustainable City) Development Control Plan 2012

Part 2 - Requirements Applying to All Types of Development

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

Views and vistas – The proposed development does not affect any important views or vistas.

Sustainable building design – The application proposes to provide a 10,000 litre rainwater tank in accordance with Council's SCDCP 2012 requirements. In addition, translucent sheeting is to be provided as part of the surface of the roof of the building to provide some natural lighting during daylight hours.

Landscaping – A landscape plan prepared by a landscape designer has been submitted with the application. The landscape plan shows that dense native landscaping including a mixture of plants and trees will be planted along the full length of the required 5 metre landscaping strips along the site's two street boundaries. The landscaping proposed is considered acceptable.

Stormwater – The proposed development would drain to the kerb in Nursery Road. The application was referred to Council's Development Engineer, and appropriate conditions of consent have been recommended.

Waste Management – A Waste Management Plan has been submitted and is considered to be satisfactory to manage the waste stream during all phases of the proposal.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

Part 7 – Industrial development

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

Standard	Required	Proposed	Compliance
Height	Predominantly single storey, excluding offices and mezzanines	Single storey with mezzanine level	Yes
Building design	Vertical/horizontal offsets in wall surfaces	Vertical/ horizontal offsets in wall surfaces provided	Yes
	Articulate windows/ doors/roof /entrances	Windows/ doors/ roof /entrances articulated	Yes
	Buildings on corner lots to address both frontages	Proposed building addresses both frontages	Yes
	Articulate walls using change of texture, colour, materials every 15 metres	Walls articulated – different materials and colours	Yes
	Min. 50% of total surface area of front elevation to be constructed of masonry material	Greater than 50% of total surface area of both front elevations to be constructed of masonry material	Yes
	Mezzanines/offices to be less than 50% of gross floor area of the ground floor of the building	Mezzanines/offices 11% of gross floor area of the ground floor of the building	Yes
	Offices shall not comprise more than 30% of the gross floor area of the building	9% of gross floor area of building	Yes
Setbacks	Main entry identifiable from street	Main entry identifiable from street	Yes
	10 metres to Nursery Road	13.6 metres	Yes
	10 metres to Johnson Road	5 metres	No

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

Car parking	One space for every 100sqm of LFA up to 2000sqm (8 based on 801m ²), plus		
	One space per 35sqm for any office area, lunch rooms, storage areas and the like (5 based on 104m ²)		
	Total = 13	14 spaces provided (one of the spaces is a stacked space so it does not contribute towards the total)	Yes
	Vehicles must be able to enter and leave in a forward direction with max. 3 point turn	All vehicles are able to enter and leave in a forward direction with max. 3 point turn	Yes
	Car spaces / manoeuvring not to occupy more than 50% of required front setback	Car spaces / manoeuvring would occupy less than 50% of required front setback	Yes
	10% of required car spaces, including disabled spaces, located close to main pedestrian entry	Greater than 10% of car spaces (including disabled space) are to be located close to main pedestrian entry	Yes
	Loading bay to be provided for a Medium Rigid Vehicle. Loading/unloading wholly within the site.	Sufficient loading space for Heavy Rigid Vehicle provided	Yes
	Each site shall have a: - maximum of one ingress and one egress for heavy vehicles (combined or separated); and	One ingress/egress point for heavy vehicles and cars	Yes
	- each site may have an additional ingress/egress for cars (and other light vehicles).	One ingress/egress point for heavy vehicles and cars	Yes

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

Landscaping	Landscaping must be provided to min. 50% of required setback area to street frontage	Landscaping will be provided to 50% of required setback area	Yes
	The first 3 metres of all required street front landscaped area shall be planted of advanced canopy trees that are:	Complies	Yes
	i) a minimum of two (2) metres in height with a minimum pot size of 400 litres at the time of planting;	Complies	Yes
	ii) of native species; and	Complies	Yes
	iii) planted /placed every 10 metres.	Complies	Yes
	Site boundary landscaping of minimum 1 metre width shall be provided between the street boundary and the building line	Not provided	Driveway location fixed by restriction. Side boundary landscaping would cause parking spaces to protrude and conflict with manoeuvring
Fencing	Max. 2.4m height	2.4 metres high	Yes
	Palisade design (or plastic coated and framed chain wire)	Palisade design proposed	Yes
	Recessive colours	To be conditioned	Yes
	Fencing to be setback 3 metres from street property boundaries	To be conditioned	Yes

Setback

Consistent with the relevant provisions of CLEP 2002, Part 5 of the CSCDCP specifies that a building must be set back a minimum of 10 metres from a public road. The non-compliance with the setback standard has been discussed earlier in this report, and is considered to be satisfactory for the following reasons:

- The building envelope registered on the title of the land as part of the subdivision of the land that created the subject site allows for a 5 metre setback to the Johnson Road property boundary of the site.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

- The proposed development would produce outcomes consistent with the objectives of the 4(a) industry zone
- The proposed development is consistent with the relevant underpinning aims and objectives of the CLEP, which among other objectives, seeks, to maintain and improve the opportunities for appropriate commercial and industrial development in those parts of the urban area of the City of Campbelltown identified as suitable for those purposes
- The proposed development will not unduly affect the adjoining industries, the general amenity of the locality or the streetscape and character
- The subject site can be more efficiently and effectively developed with the relaxing of the 10 metre setback requirement to a public road
- If the 10 metre setback control was to be strictly enforced in relation to the proposed building, an additional 250m² (or 12.5% of the area of the site) would be unable to be built upon. Such a configuration is not considered to be necessary nor reasonable, considering that the proposed dense landscaping along the Johnson Road frontage of the site would mitigate any visual impacts that the reduced setback would have
- It is considered that the underlying object or purpose of the 10 metre setback development standard is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development. If the 10 metre setback control was to be strictly enforced, a significant amount of the site would be unutilised and the internal area of the factory would have to be reduced significantly, which would reduce the flexibility of potential uses of the site. This significant reduction in functionality would be contrary to one of the main purposes of the standard (site functionality). In addition, enforcing the setback standard would reduce the visibility of the high quality office component of the development in the northern corner of the site, which would reduce the aesthetic appeal of the development.

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

5. Other Issues

Bunya pine tree on adjoining Council land

The site is adjoined to the south-west by a Council-owned drainage reserve. Located within the drainage reserve, directly adjacent to the boundary with the subject development site, is a large mature Bunya Pine tree. The tree is listed on Council's Significant Tree Register.

The application originally proposed to remove the tree as part of the proposed development, however this was not supported by Council. Accordingly, the applicant revised the proposal so that the existing tree would be retained and protected. Whilst the wall of the proposed building would be constructed very close to the tree, all footing construction within a 9.4 metre radius of the tree is proposed to be supported by individual piers with the slab set at ground level (i.e. no excavation), so as to avoid the potential for root severance, or ground compaction.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

An arborist report was submitted with the application in respect of the tree. The report provided the following assessment of the tree:

“The subject tree is mature in age and poor in condition supporting an atypical crown of predominately epicormic lower growth and thinning upper crown. The tree does have the potential for future growth but appears declining and under stress evident through the production of a secondary crown comprising a lower crown of reduced dimensions appearing to be epicormic in origin. It is proposed to develop the land and at Council's request retain the tree. Root mapping has been undertaken at setbacks of three metres as a precautionary measure and no roots were encountered. Based on this and subject to tree protection measures being implemented as part of the development it is considered that the tree could be retained.”

The arborist report provided the following recommendations:

- a. That the tree be retained and protected with no construction to occur within the current lower crown projection of the tree being approximately 3 metres at the location of root mapping undertaken.
 - b. Protection for the tree is to be achieved by wrapping 2 layers of hessian or carpet underfelt around the trunk and branches for a minimum of 2 metres or as lower branches permit, then wire or rope secures 75x50x2000mm hardwood battens together around the trunk for the duration of site works.
 - c. All footing construction for the new building within a 9.4 metre radius setback from the tree is to be supported by individual piers with slab set at ground level (no excavation) so as to avoid the potential of root severance of roots that still may be present. The final engineering design is to be flexible so as to enable the final location of piers 100mm clear of any roots encountered 50mm or larger that may be present.
 - d. Any roots encountered 50mm or less that require severance to accommodate pier locations are to be cut cleanly with a final cut to undamaged woody tissue. This will prevent tearing damage to the roots from excavation equipment which can extend beyond the point of excavation back towards the tree. All initial excavation works for piercing within the 9.4 metre radius setback is to be undertaken by hand and use of light machinery.
 - e. All excavation for piercing identified within recommendation C is to be supervised to ensure compliance with recommendations, with a report to be forwarded to the principal certifying authority within 48 hours of works being undertaken indicating compliance with the recommendation.
 - f. That crown cleaning be undertaken upon trees to be retained prior to commencement of any site works to remove any dead or diseased wood. All pruning works are to be undertaken in accordance with AS 4373- 2007- Pruning of Amenity Trees.
 - g. Any proposed new ground re-surfacing within the 3 metre setback from the centre of the trunk should be of a porous nature to provide beneficial growing conditions and the transfer of air between tree roots, the soil and the atmosphere.
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3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

- h. All services where possible are to be located outside the area of the dripline from the tree to be retained. Any services to be located within the area of the dripline of the tree or within or within a 9.4 metres radius are to be installed by the use of lateral or thrust boring equipment or some other type of Trenchless Technology considered appropriate by the consulting Arboriculturalist. Tunneling for such services should not occur less than 600mm in depth below existing ground level.

Council's Horticulturist reviewed the proposal (in particular the arborist report provided), and Council's Specialist Support Tree Manager met with the applicant on-site to discuss the tree. Advice was subsequently received from the Council Officers that the revised proposal is considered to be an acceptable solution to protect the tree. The advice in this regard stated the following:

- "1. The assessment report submitted by the Arborist in the report prepared by Tree and Landscape Consultants dated 14 October 2014 is acceptable to Council.
- 2. The application is to be conditioned to comply with the recommendations in this report."

Accordingly, a condition has been included within the recommended conditions of consent in Attachment 1 that requires the development to be carried out in accordance with the recommendations of the arborist report.

Restrictions on the title of the property

When the subdivision of original property that created the subject allotment was registered, several restrictions were registered over both of the titles of certain allotments within the subdivision. These restrictions pertained to building location, driveway location, floor levels and the like. Two such restrictions apply to the subject allotment, both of which this application seeks to vary. These are discussed below:

- 1. Building envelope – The building envelope outline that is registered upon the title of the subject allotment requires a building to have a 16 metre setback from the south-western boundary of the site. The purpose of the building envelope is to protect the existing Bunya pine tree on the adjoining Council-owned drainage reserve from construction impacts. However, as the application has demonstrated to the satisfaction of Council's Technical Services and Operational Services Sections that the tree would be protected despite construction being proposed outside of the registered building envelope, it is considered reasonable to allow the restriction in question to be varied, in accordance with the applicant's request.
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3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

2. Driveway location – A restriction registered upon the title of the subject allotment requires any vehicular access to the allotment to be located in a certain location. The outline of the required driveway configuration requires a wholly linear driveway proceeding from the property boundary to the approved building envelope. However the driveway that has been proposed under this application contains a bend that would fall outside of the approved area. It is considered however that the proposed driveway configuration is acceptable, as it allows additional manoeuvring space into and out of the site for trucks, without significantly reducing the amount of landscaping that the development would have within its front setback. It is therefore considered reasonable to allow the restriction in question to be varied, in accordance with the applicant's request.

Should Council resolve to approve the application, a recommended condition of consent requires the restrictions outlined above to be varied (at full cost to the applicant) prior to the issue of an occupation certificate for the development.

6. External Referrals

Office of Water - The application is classified as Integrated Development under the *Water Management Act*, as the works proposed are within 40 metres of a watercourse (the creek to the southwest of the site). Accordingly, the application was referred to the NSW Office of Water for concurrence. The NSW Office of Water issued its General Terms of Approval, which have been included in the recommended conditions of consent in attachment 1.

7. Public Participation

The application was required to be publicly exhibited and notified, pursuant to the requirements of the Environmental Planning and Assessment Regulation 2000 applying to 'nominated integrated development'. No submissions were received in response to the exhibition and notification of the application.

8. 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 generally compliant with the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 and Campbelltown Sustainable City Development Control Plan 2014, with the exception of the required setback to Johnson Road. However, as discussed within the report, variation of the required setback is considered to be justified in the circumstances, and was envisaged (having regard to the registered building envelope) at the time of the subdivision of the land that created the subject allotment. Accordingly, the application is recommended for approval.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

Officer's Recommendation

1. That Council allow the applicant's objection pursuant to State Environmental Planning Policy 1 – Development Standards, in relation to the non-compliant setback from the Johnson Road property boundary (5 metres as opposed to 10 metres required under CLEP 2002).
2. That subject to recommendation one, Development Application No. 1020/2014/DA-C, proposing construction of an industrial building with associated office, landscaping and car parking, be approved subject to the recommended conditions contained in attachment 1.
3. That Council grant its approval for the restrictions known as 'AC' and 'BE' registered on Lot 16 DP 1126785 (being the restrictions numbered 9 and 11 in the instrument setting out the terms of easements and restrictions registered on the land known as DP 1126785) to be varied in accordance with the configuration of the development proposed under this application.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: nil

Council Meeting 17 March 2015 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 33

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: nil.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

ATTACHMENT 1

ATTACHMENT 1

1020/2014/DA-I

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
1105-14 A01 Issue D	Algorry Zappia & Associates Pty Ltd	27 October 2014
1105-14 A02 Issue B	Algorry Zappia & Associates Pty Ltd	30 June 2014
1105-14 D01 Issue A	Algorry Zappia & Associates Pty Ltd	3 April 2014
1105-14 A00 Issue A	Algorry Zappia & Associates Pty Ltd	Lodged April 2014
15-14.00 and 15-14.02	Distinctive Living Design	7 April 2014
Arboricultural Assessment Report	TALC Tree and Landscape Consultants	14 October 2014

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:

- Front fencing along both of the site's street frontages shall be set back 3 metres from the property boundaries and shall be of recessive colour.
- The landscape plan, stormwater plan and schedule of finishes shall be amended to reflect the approved layout of the development as shown on the approved site plan and elevations.

3. Protection of Tree on Council Land

The existing Bunya Pine tree on the adjoining Council land shall be protected at all times during construction in accordance with the recommendations of the arborist report prepared by TALC Tree and Landscape Consultants dated 14 October 2014. Failure to comply with these recommendations will be deemed a breach of this development consent and may lead to fines and prosecution.

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.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

5. 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.

6. 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.

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. 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)*.

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.

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

9. Deliveries

Vehicles servicing the site shall comply with the following requirements:

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

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

10. 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.

11. Security Fencing

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

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

12. Graffiti Removal

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

13. Unreasonable Noise, Dust and Vibration

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

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

14. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

15. Car Parking Spaces

13 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 6 (as amended).

16. Rubbish/Recycling Bin Storage

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

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

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, 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.

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.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

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; and
- 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.

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. 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 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 pit provided within the front boundary. All proposals shall comply with the requirements detailed in the *Campbelltown (Sustainable City) DCP - Volume 3 (as amended)*.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

24. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings in the vicinity of the subject works and for any other infrastructure that may be affected by the works on the subject site.

25. 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.

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*.

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

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

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

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

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

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

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

27. 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.

28. Controlled Activity Approval

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the NSW Office of Water has been provided to Council, or a letter from NSW Office of Water stating that a Controlled Activity Approval is not required for the development, has been provided to Council.

29. 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.

30. 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.

31. 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.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

32. 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.

33. 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.

34. 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.

35. 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, walkways, reserves 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.

36. 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.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

37. 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.

38. Erosion and Sediment Control

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

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

39. 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.

40. 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; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

41. 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.

42. 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.

43. 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.

44. 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.

45. Public Safety

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

46. Compliance with Council Specification

All design and construction work shall be in accordance with:

- a. Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*;
- b. Council's *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*;
- c. *Soils and Construction (2004) (Bluebook)*; and
- d. Relevant Australian Standards and State Government publications.

47. Footpath

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

48. Industrial / Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing at the entrance to the property in accordance with Council's *Industrial/Commercial Vehicle Crossing Specification* and the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

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.

49. 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.

50. 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".

51. 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.

52. Completion of External Works Onsite

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

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

53. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two copies of a work as executed plan certified by a qualified surveyor, that 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)*.

54. 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.

55. 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.

56. Variation of Restrictions

Prior to the issue of an occupation certificate, the restrictions registered on the title of Lot 16 DP 1126785 numbered 9 and 11 shall be varied to reflect the configuration of the approved and constructed development. All associated costs shall be borne by the applicant.

57. 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.

GENERAL TERMS OF APPROVAL - NSW OFFICE OF WATER

For works requiring a controlled activity approval under Section 91 of the Water Management Act 2000.

58. Plans, Standards and Guidelines

These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/1010 and provided by Council:

- (i) Site plan, map and/or surveys
- (ii) Structural design and specifications
- (iii) Works Schedule
- (iv) Stormwater Drainage Concept & Sediment Control Plan
- (v) Statement of Environmental Effects

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

The consent holder must prepare or commission the preparation of:

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

(i) Soil and Water Management Plan.

All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx

- (i) Vegetation Management Plans
- (ii) Riparian Corridors
- (iii) Outlet structures

The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

59. Rehabilitation and Maintenance

The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

60. Disposal

The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

61. Drainage and Stormwater

The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

62. Erosion Control

The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

63. Excavation

The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

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.
-

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

- 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. 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 3. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 4. Tenancy Fit Out

A separate development application is required to be submitted for the fit out of individual tenancies.

Advice 5. Inspections – Civil Works

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

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

Advice 6. 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. Salinity

Please note that Campbelltown is an area of known salinity potential and 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 - Volumes 1 and 3 (as amended)*.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

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 Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Advice 9. Smoke Free Environment Act

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

Advice 10. 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 11. Telecommunications Act 1997 (Commonwealth)

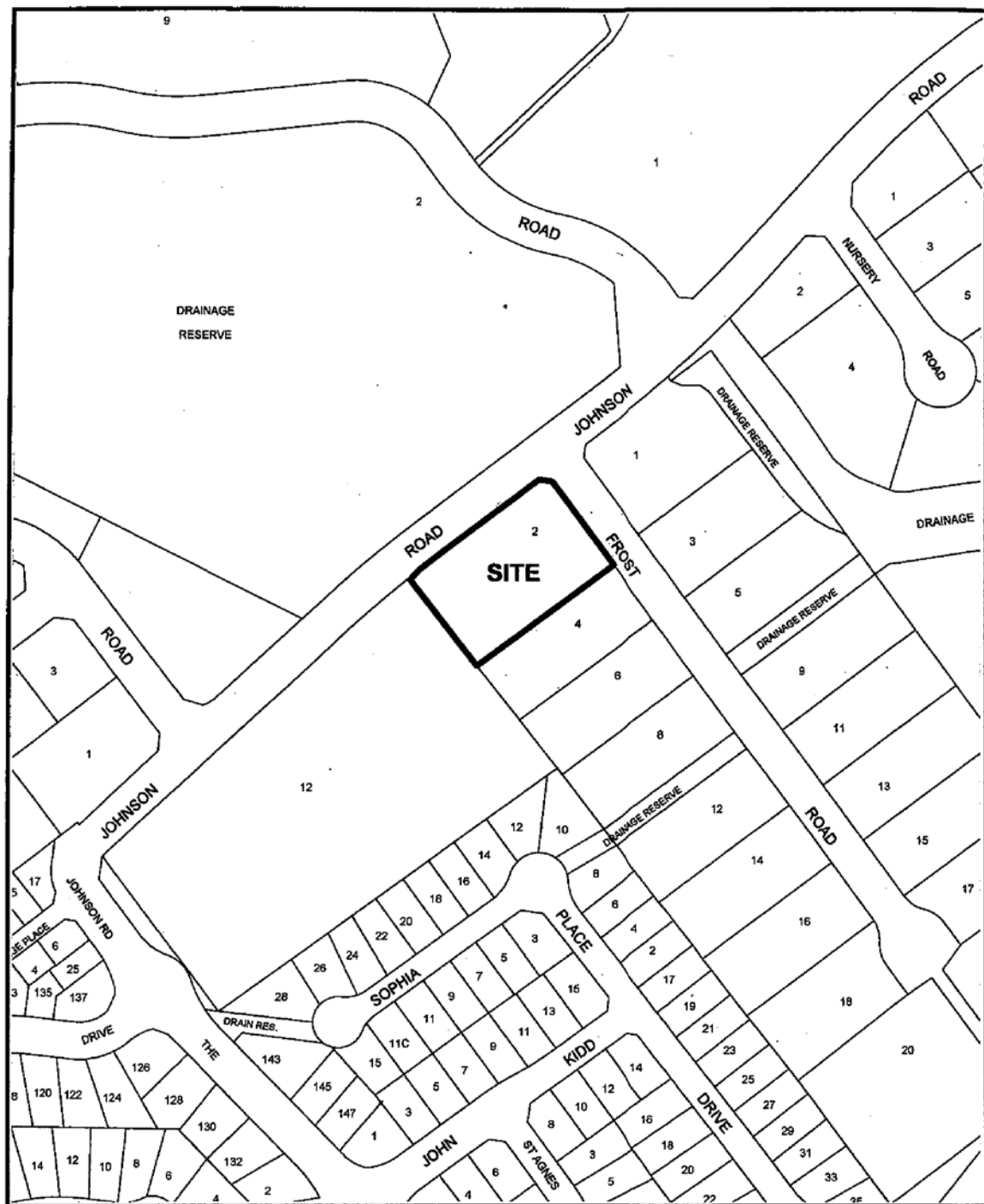
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

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

END OF CONDITIONS

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

ATTACHMENT 2



LOCALITY PLAN

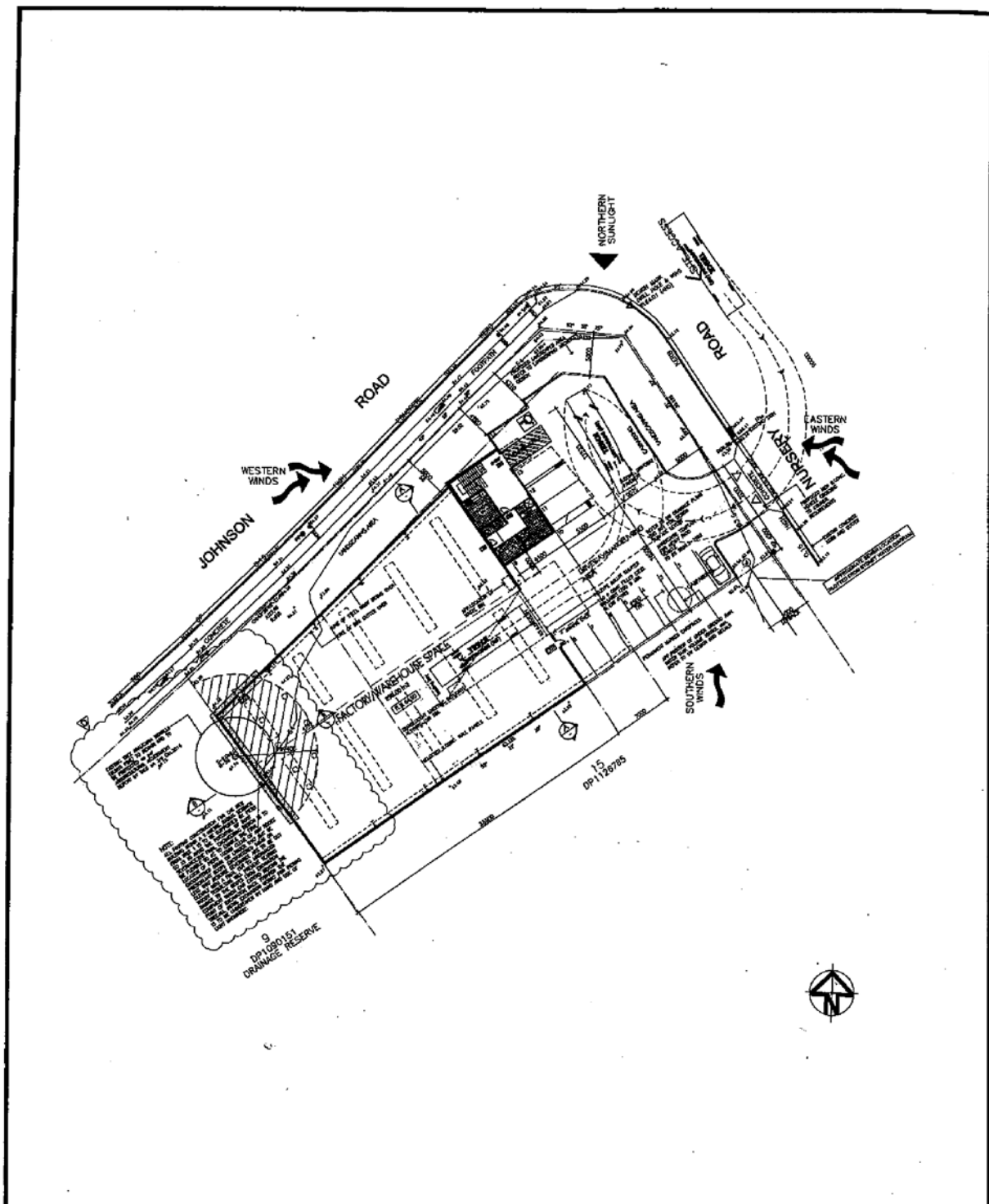


SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING WITH
ASSOCIATED OFFICE, LANDSCAPING AND CAR PARKING.
LOT 16 DP 1126785 - No. 2 NURSERY ROAD, CAMPBELLTOWN.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

ATTACHMENT 3



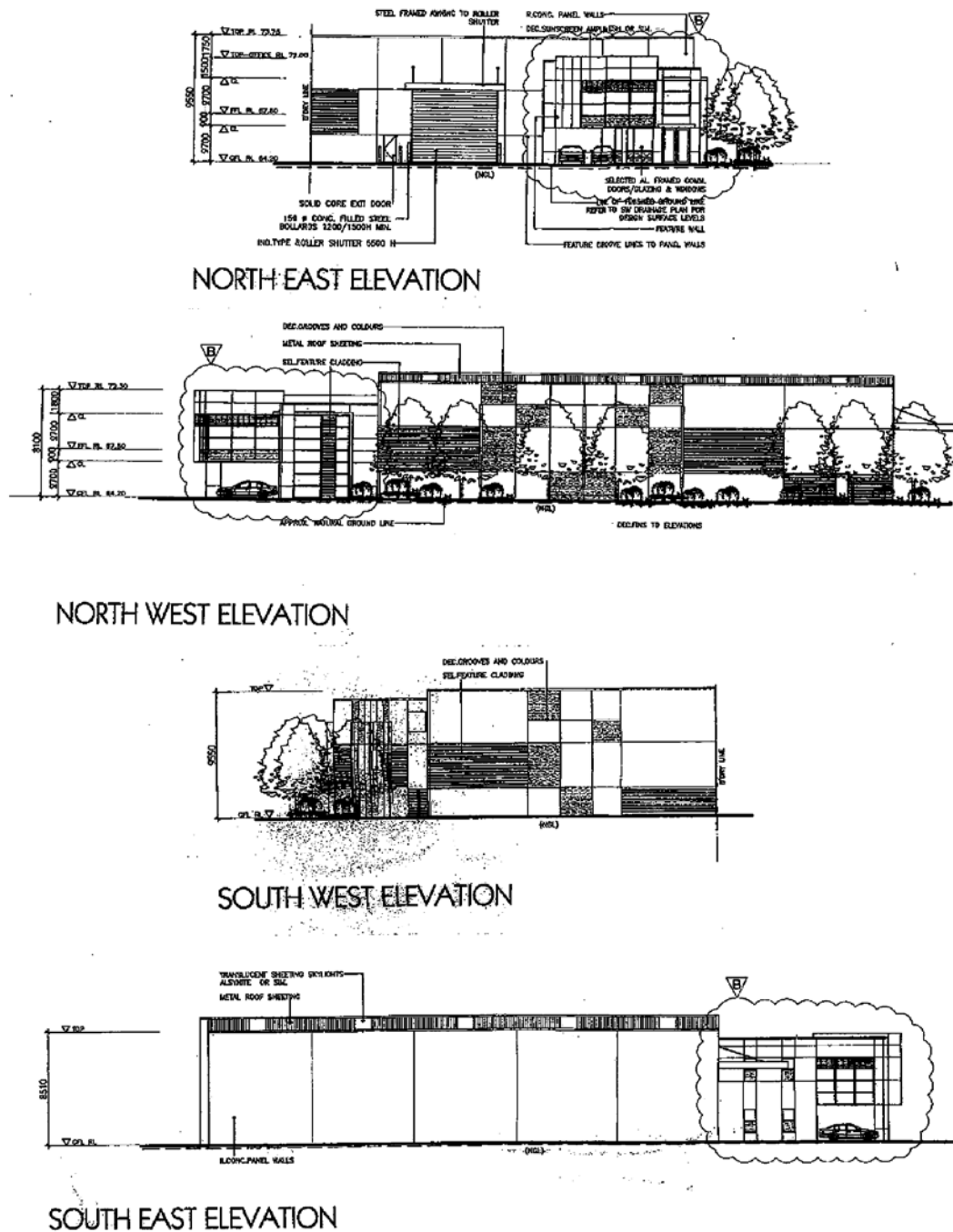
SITE PLAN

SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING WITH
ASSOCIATED OFFICE, LANDSCAPING AND CAR PARKING.
LOT 16 DP 1126785 - No. 2 NURSERY ROAD, CAMPBELLTOWN.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

ATTACHMENT 4



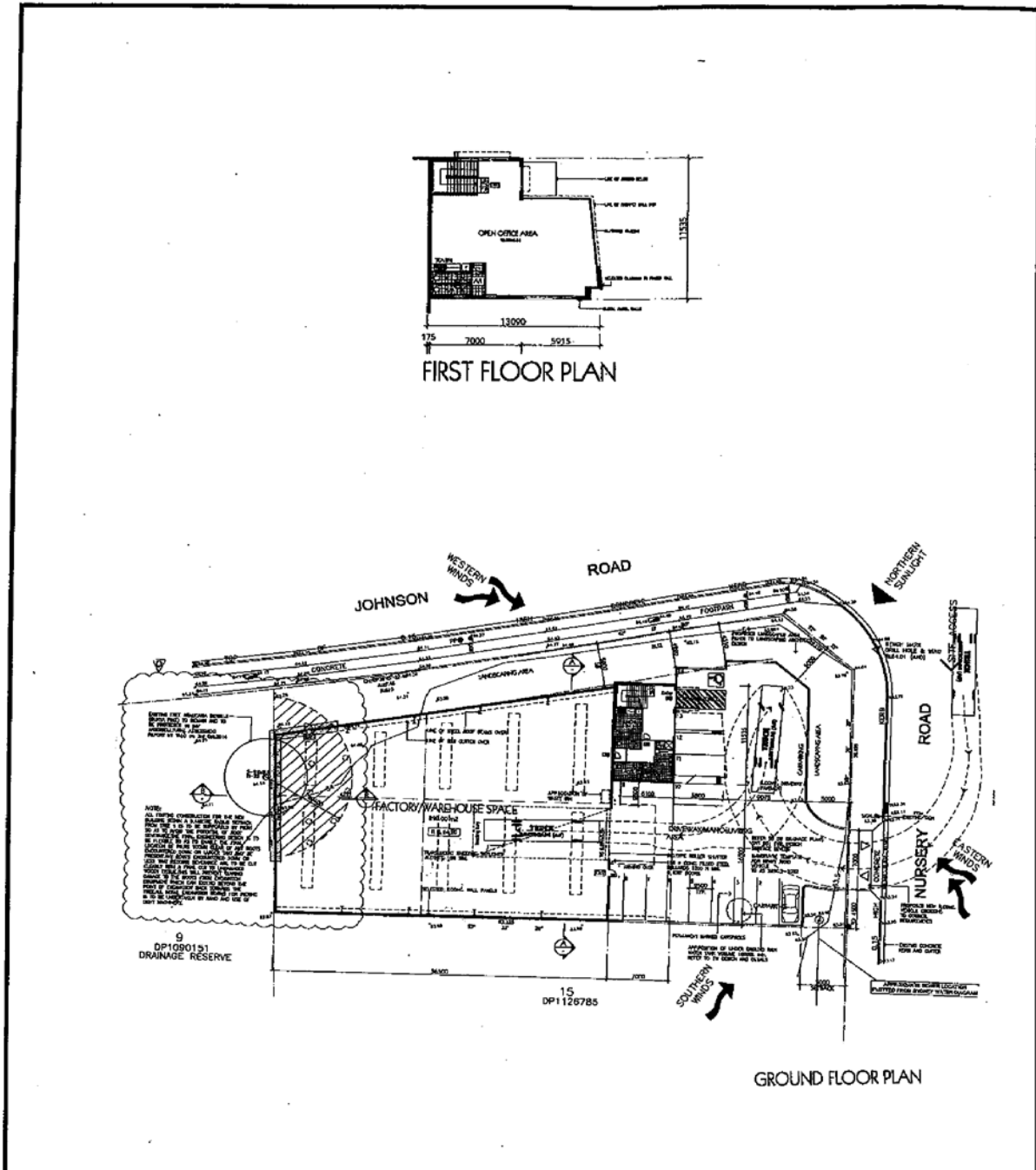
ELEVATIONS

SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING WITH
ASSOCIATED OFFICE, LANDSCAPING AND CAR PARKING.
LOT 16 DP 1126785 - No. 2 NURSERY ROAD, CAMPBELLTOWN.

3.3 Construction Of An Industrial Building With Associated Office, Landscaping And Car Parking - No. 2 Nursery Road, Campbelltown

ATTACHMENT 5



FLOOR PLANS

SUBJECT:

CONSTRUCTION OF AN INDUSTRIAL BUILDING WITH
ASSOCIATED OFFICE, LANDSCAPING AND CAR PARKING.
LOT 16 DP 1126785 - No. 2 NURSERY ROAD, CAMPBELLTOWN.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

3.4 Construction of a four storey boarding house containing 19 boarding rooms - No. 17 Iolanthe Street, Campbelltown

Reporting Officer

Acting 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. Floor plans (confidential - for privacy reasons these are not available to the public)
5. Elevations (contained within this report)
6. Landscape plan (contained within this report)

Purpose

Property Description	Lot 2A DP 304073 No. 17 Iolanthe Street, Campbelltown
Application No	1215/2014/DA-MAH
Applicant	ACA Design Consultants
Owner	DNM Management Pty Ltd
Provisions	Campbelltown 2025 – Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2012
Date Received	21 May 2014

Report

A development application was lodged with Council on 21 May 2014 for the construction of a boarding house at No. 17 Iolanthe Street, Campbelltown. The proposed development of a boarding house includes:

- site works
 - construction of 4 storey building containing 19 boarding rooms
 - 4 car parking spaces
 - 4 motor cycles parking spaces
 - 4 bicycle parking spaces
 - include landscaping.
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

The site is located on the western side of Iolanthe Street and is currently vacant. The land is rectangular in shape and has a street frontage of 15.24 metres and average depth of 29.57 metres. The land has an area of 450.7 square metres.

Adjoining development includes a single storey weatherboard cottage to the north at No.15 Iolanthe Street, a single storey masonry commercial building to the south at No.21 Iolanthe Street that was originally constructed as a dwelling, there is no No. 19 in the street. A six storey residential flat building adjoins the site to the south west at No.12-14 King Street, single storey cottages are situated to the west and are being used for both commercial and residential purposes at No.8-10 King Street adjacent to the subject site across Iolanthe Street are a mix of one and two storey buildings used for commercial and residential purposes.

The proposed boarding house development would include the construction of a purpose built 4 storey building. The boarding house can be described as:

- Ground Level contains 3 boarding rooms, common laundry and waste room
- Levels 1 and 2 contain 6 boarding rooms
- Level 4 contains 4 boarding rooms, communal room and balcony for open space
- Communal room has an area of 34 square metres
- Fourth floor balcony has an area of 17 square metres.

Parking for the development will be provided within the front setback for motor vehicles, motor bikes and bicycles. The entrance to the building presents to Iolanthe Street.

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

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

The application is consistent with the above strategic directions as the proposal would support the creation of employment opportunities as part of the construction of the development.

2. Planning Provisions

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

2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed boarding house has been assessed against the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This assessment is presented below:

Clause 26 - Land to which Division applies (division of SEPP relating to boarding houses)

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential
- (b) Zone R2 Low Density Residential
- (c) Zone R3 Medium Density Residential
- (d) Zone R4 High Density Residential
- (e) Zone B1 Neighbourhood Centre
- (f) Zone B2 Local Centre
- (g) Zone B4 Mixed Use

The subject site is located within the 10(a) Regional Comprehensive Centre Zone, which has been approved by Council as being equivalent to the R4 High Density Residential zone for the purpose of the application of the Exempt and Complying SEPP. Accordingly, the zones can be regarded as equivalent for the purposes of the applicability of this division of the Affordable Rental Housing SEPP to the subject land. The R4 High Density Residential zone is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies. Therefore, this section of the SEPP applies to the subject land.

Clause 27 - Development to which Division applies

- (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses
 - (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area
 - (3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

This application proposes the construction of a boarding house. Therefore, this section of the SEPP applies to the subject development application.

Clause 28 - Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

The proposed construction of a boarding house in the 10(a) Comprehensive Centre Zone is permissible with consent given the “equivalent zone” provisions set out above.

Clause 29 - Standards that cannot be used to refuse consent

Clause 29 of the SEPP outlines a range of development standards, which, if the proposed development complies with, means that Council cannot refuse the application. An assessment of the proposal against these standards is outlined below:

- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:
 - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land

Comment

There is no floor space ratio that applies to the subject site. Therefore the application is not inconsistent with this subclause.

- (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land

Comment

This subclause is not applicable, as residential accommodation is permitted on the land.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
 - (a) building height

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

Comment

There is no maximum building height specified under any environmental planning instrument applying to the land (notwithstanding that Council's Sustainable City DCP 2012 sets a maximum 6 storey height limit, the SCDCP is not classified as an environmental planning instrument).

(b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located

Comment

Landscaping is proposed along the street frontage as well as the site's side boundaries within the front setback. The landscaping proposed is consistent with the amount of landscaping on adjoining and surrounding sites in the immediate locality.

(c) solar access

where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter

Comment

The proposed communal living room would receive more than three hours direct sunlight between 9.00am and 3.00pm in mid-winter.

(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3.0 metres is provided for the use of the lodgers
- (ii) if accommodation is provided on site for a boarding house manager - one area of at least 8.0 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation

Comment

An area of private open space of greater than 20 square metres and with a width of 3.0 metres is proposed at the rear of the building. The proposed boarding house would also contain an area in the rear yard of the facility that can be used for open space purposes.

Based on the capacity of the proposed boarding house, accommodation is not required to be provided for a boarding house manager, and no manager is proposed by the application. Therefore, subclause (ii) is not applicable.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

(e) parking

if:

- (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room
- (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room
- (iii) in the case of any development—not more than 1.0 parking space is provided for each person employed in connection with the development and who is resident on site.

Comment

The subject site is located within an accessible area as defined by the SEPP, and therefore requires at least 0.2 parking spaces per boarding room. The proposed boarding house has nineteen rooms, and therefore requires 3.8 parking spaces, which is rounded up to 4 parking spaces. The proposed boarding house would have 4 car parking spaces, including one accessible car parking space, and therefore complies with this subclause.

(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger
- (ii) 16 square metres in any other case.

Comment

All of the proposed boarding rooms are at least 12m² in size up to a maximum of 16m² and are able to accommodate a single lodger.

- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

Comment

The proposed boarding house has private kitchen and bathroom facilities in each boarding room.

- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

Comment

The proposal complies with all of the standards contained in subclauses (1) and (2).

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

Clause 30 - Standards for boarding houses

- (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:
- (a) if a boarding house has five or more boarding rooms, at least one communal living room will be provided

Comment

The proposed boarding house has 19 boarding rooms, and proposes to provide one communal living room having an area of 34 square metres.

- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres.

Comment

None of the proposed boarding rooms have a gross floor area (excluding private kitchens or bathrooms) of more than 25m². The maximum room size is 16 square metres

- (c) no boarding room will be occupied by more than two adult lodgers

Comment

A condition of consent will be imposed requiring compliance with this sub-clause.

- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger

Comment

A private bathroom and kitchen facilities are to be provided within each boarding room.

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager

Comment

Each proposed boarding room will have the capacity to accommodate one person only. Therefore, based on the proposed 19 rooms, the boarding house will have the capacity to accommodate 19 people. Accordingly, a boarding room for a boarding house manager is not required to be provided.

- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

Comment

Environmental Planning Instruments applying to the land do not prohibit the use of the ground floor of the building for residential purposes.

- (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.

Comment

Four bicycle spaces and four motorcycle spaces are required. Four motorcycle spaces and at least four bicycle spaces have been provided.

Clause 30A - Character of local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Comment

The design and siting of the boarding house has considered the development's compatibility with the character of the local area. The applicant was requested to provide additional information to address the design of the development and how it is appropriate for the local area.

An assessment of the proposal in terms of various aspects of its built form is outlined below:

- Local Area – the 'local area' is principally the visual catchment in which the development can be viewed. The area in which the land is located is relatively flat and without substantial tree cover and hence it can be said that the subject land has a wide visual catchment.

Within this local area there is a wide range of development mixes and uses and development constructed during various periods including early to mid 20th century as well as more recent commercial and residential flat building developments. There is a number of 4 to 6 storey buildings constructed in the last 5 to 10 years. The area is undergoing a period of transition and renewal.

- Building bulk and scale/site coverage – the proposed boarding house is approximately 13 metres wide, 21 metres deep and four storeys in height (12.4 metres). The development has a FSR of 1.53:1. It is considered that there are a number of buildings in the locality that have a similar height to that of the proposal, and other buildings of greater height than that of the proposal as the maximum height of buildings in the locality is 6 storeys. The draft LEP proposes an FSR of 2.5:1 for development in the zone.
 - Height – the four storey height of the development is less than the maximum six storey height limit in the locality that can be considered under the development controls within Campbelltown (Sustainable City) Development Control Plan. It is noted that the draft LEP proposes a height of 26 metres, or 8 storeys, in the zone.
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

- Setbacks – The setbacks of the proposed boarding house are 1.050 metres and 1.090 metres from the side boundaries. The proposed building is setback 19 metres from the front boundary and 3.1 metres from the rear boundary. The side and rear setbacks for residential flat buildings are contained within the Residential Flat Design Code and Campbelltown (Sustainable City) Development Control Plan. It is to be noted that a residential flat building would require a minimum side setback of 6 metres.

The design of boarding houses does not require a minimum side or rear setback requirement in the zone similar to commercial buildings providing the development complies with the BCA.

- Landscaping/Fencing – The proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed to be provided within the front, side and rear setback areas of the boarding house. This is considered to be consistent with the landscaping provided by other sites in the vicinity of the site.

2.2 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 *boarding house* and is permissible with Council's development consent within the zone.

A boarding house is defined as:

a house let in lodgings or a hostel, but does not include a motel.

The proposed boarding house is considered to be hostel-style accommodation and is therefore a boarding house.

The proposal is consistent with the following zone objectives:

- (a) to encourage employment and economic growth
- (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 this zone is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

2.3 Campbelltown (Sustainable City) Development Control Plan 2012

The application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2012, as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2014 came into effect. The provisions within the 2012 Plan that apply to the application are not substantially different from equivalent provisions within the 2014 Plan.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

It should be noted that neither the 2012 nor 2014 DCPs contain specific provisions relating to boarding houses, however 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 proposal will not significantly impact views and vistas in the locality, and the appearance of the development from private and public places is considered to be satisfactory.

Sustainable building design – A BASIX Certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, the proposed development includes a 3,500 litre rainwater tank.

Landscaping – The proposed landscaping is considered to be satisfactory and has been selected from native species. Landscaping is proposed to be provided within the front, side and rear setbacks of the boarding house. This is considered to be consistent with the landscaping provided by other sites in the vicinity of the site.

Flora and fauna – The subject site has no significant existing vegetation.

Waste management – A Waste Management Plan has been submitted with the application. The proposed waste management for existing materials at the site is satisfactory. Regarding the on-going waste management for the boarding house, Council's Waste and Recycling Section advised that the proposed configuration of the waste bin storage area is satisfactory, and collection of the bins from the kerbside area will be able to be undertaken.

Stormwater – The application proposes to drain to Iolanthe Street. The application was also referred to Council's Development Engineer, and conditions of consent have been provided.

Cut, fill and floor levels – There is no limit on the amount of cut proposed for a boarding house, as the Campbelltown (Sustainable City) Development Control Plan 2012's numerical cut/fill controls only apply to dwellings. There is no significant amount of cut and fill required with the development as proposed.

Fencing and retaining walls – The application proposes the construction of a 1.8 metre high 'colorbond' fence on the side and rear boundaries and this is considered acceptable in this instance.

3. Public Participation

The application was publicly exhibited between 1 July and 14 July 2014, and was notified to nearby and adjoining residents between 25 June and 8 July 2014. Council received one submission objecting to the proposal development, raising the following issues:

Concern - The lack of car parking proposed by the development will result in residents of the boarding house parking on the surrounding streets, which will cause traffic problems due to the site being located in a constrained parking environment.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

Comment - Under the State Environmental Planning Policy (Affordable Rental Housing) 2009, a boarding house that is located in an 'accessible area' such as the subject site is only required to provide 0.2 parking spaces per boarding room. The SEPP states that a consent authority must not refuse to grant consent on the basis of car parking if the proposed development complies with this standard. The rationale of this standard is that there would be low car ownership rates among boarding house tenants, and this is also reflected in the requirement for a boarding house to provide parking for motorcycles and bicycles. The lower parking rate for accessible areas reflects the availability of public transport options in these areas.

The proposed boarding house has nineteen rooms, and therefore requires 3.8 parking spaces, say 4. The proposed boarding house would have 4 car parking spaces, including one accessible car parking space, and therefore complies with the car parking provisions of the SEPP, meaning that Council is unable to refuse the application on the basis of car parking.

Concern - The development does not consider the socio-economic status of the area. If the development is approved, Iolanthe Street would be subjected to persons from a low socio economic status with a predisposition to drugs and social problems.

Comment – Council is unable to prejudice an application based on the socio-economic status of residents that may live in a boarding house. The potential of a development's resident to come from a low socio-economic status is not a relevant matter for consideration under the matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*.

Concern – No garbage disposal areas.

Comment – The development includes a waste room that can contain ten 240 litre bins. The waste will contain a tap for bin washing and waste water will be directed to the sewer.

Concern – Setbacks of the development and overshadowing.

Comment – Given the height of the development, it is likely that the development would overshadow the land to the south longer than a building of two storeys in height. The development to the south is used for commercial purposes and hence the overshadowing will not impact on the residential amenity of local residents.

Concern – The proposed development would sterilise development on No.15 Iolanthe Street.

Comment – The land at No.15 Iolanthe Street has an area of approximately 358 square metres and has limited development opportunities given its size and nature of adjoining development making consolidation difficult as the land at No.13 Iolanthe Street has been strata subdivided with potentially many owners.

4. 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 statutory planning requirements.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Campbelltown (Urban Area) Local Environmental Plan 2002. While the residential development provisions of Campbelltown (Sustainable City) Development Control Plan 2012 do not strictly apply to the proposed development, it is largely consistent with the development standards for dwellings specified therein. It is considered that the proposed development is compatible with the character of the local area, and accordingly the application is recommended for approval.

Officer's Recommendation

That development application 1245/2014/DA-MAH for the construction of a boarding house at No 17 Iolanthe Street, Campbelltown be approved, subject to the conditions detailed in attachment 1.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

LOST

Voting for the Committee's Recommendation (Kolkman/Rowell) were Councillors: Greiss, Kolkman and Rowell.

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

Committee's Recommendation: (Oates/Thompson)

That development application 1245/2014/DA-MAH be deferred and Council request to meet with the applicant to discuss Council's concerns regarding onsite management.

CARRIED

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

Voting against the Committee's Recommendation was Councillor Greiss.

Council Meeting 17 March 2015 (Hawker/Borg)

That development application 1245/2014/DA-MAH be deferred and Council request to meet with the applicant to discuss Council's concerns regarding onsite management.

Council Minute Resolution Number 34

That development application 1245/2014/DA-MAH be deferred and Council request to meet with the applicant to discuss Council's concerns regarding onsite management.

Voting for the Council Resolution were Councillors: Borg, Bricevic, Chanthivong, Dobson, Glynn, Hawker, Lake, Lound, Matheson and Oates.

Voting against the Council Resolution were Councillors: Greiss, Kolkman, Mead and Rowell.

ATTACHMENT 1

1215/2014/DA-MAH

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 ACA Design Consultants (and others), listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plans prepared by ACA Design Consultants job no. 14005-01/09DA:

Drawing No. 1, Issue C, dated 01.10.2014
Drawing No. 2, Issue C, dated 01.10.2014
Drawing No. 3, Issue C, dated 01.10.2014
Drawing No. 4, Issue C, dated 01.10.2014
Drawing No. 5, Issue C, dated 01.10.2014
Drawing No. 6, Issue C, dated 01.10.2014
Drawing No. 7, Issue C, dated 01.10.2014

Plans prepared by Greenland Design (landscape architect):

Drawing No. 0822.L.01, Revision B, dated 07.10.2014

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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
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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.

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. 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.

6. 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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

7. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- b. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- c. A hose cock shall be provided within the room.
- d. Garbage rooms shall be vented to the external air by natural or artificial means.

8. 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.

9. Switchboards/Utilities/Air Conditioning Units

Switchboards, air conditioning units, 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.

10. 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)*.

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.

11. 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.

12. 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*.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

13. Car Parking Spaces

4 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended). 4 motor cycle and a minimum of 4 bicycles spaces shall also be provided and made available to all users of the site.

14. Maximum number of lodgers per room

No boarding room shall be occupied by more than one adult lodger.

15. Maximum number of lodgers in the building

The maximum number of lodgers in the building at any given time is 19.

16. Sleeping Accommodation

The manager/owner of the premises must not allow any room or cubicle in the premises to be used for the purpose of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it.

17. Acts and Regulations

The boarding house must comply (where relevant) with the following Acts and Regulations:

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

18. Shoring and Adequacy of Adjoining Property

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

- a. Protect and support the adjoining premises from possible damage from the excavation, 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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

19. Rain Water Tank(s)

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

20. Construction Certificate

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

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- 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.

21. 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.

22. 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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

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. 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.

25. 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 system under Council's control. All proposals shall comply with the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

26. 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.

27. 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.

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

Prior to Council or an accredited certifier issuing 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:

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

- 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.

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. 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
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
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- 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.

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.

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
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

- 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.

38. Fencing

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

39. Sydney Water

Prior to the commencement of any works on the land, 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.

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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.

40. 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.

41. 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.

42. 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.

43. 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:

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

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

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

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
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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 - Volumes 1 and 3*
- c. 'Soils and Construction (2004) (Bluebook)
- d. Relevant Australian standards and State Government publications.

51. Footpath

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

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. Redundant Laybacks

All redundant layback/s 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 2009 - Volumes 1 and 2*.

54. 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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
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Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

55. 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.

56. 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.

57. 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.

58. 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 3 (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 five metres 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 5m grid, intermediate levels will be required.
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

- A minimum of fifteen 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 <u>not</u> to be password protected.

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.

59. 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.

60. Termite Protection

Prior to the principal certifying authority issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

61. 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.

BOARDING HOUSE CONDITIONS

The following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the Boarding House Act 2012, Public Health Act 2010, Public Health Regulation 2012 and Local Government Act 1993 and associated technical standards.

62. Sleeping Accommodation

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0 square metres or more for each person sleeping in it (in any other case) (*Public Health Regulation 2012*).

63. Acts and Regulations

The boarding house must comply with the following Acts and Regulations:

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

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.
-

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

- 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. 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 3. 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 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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

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 Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

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

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

Advice 9. 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.

Advice 10. 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.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

Advice 11. *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

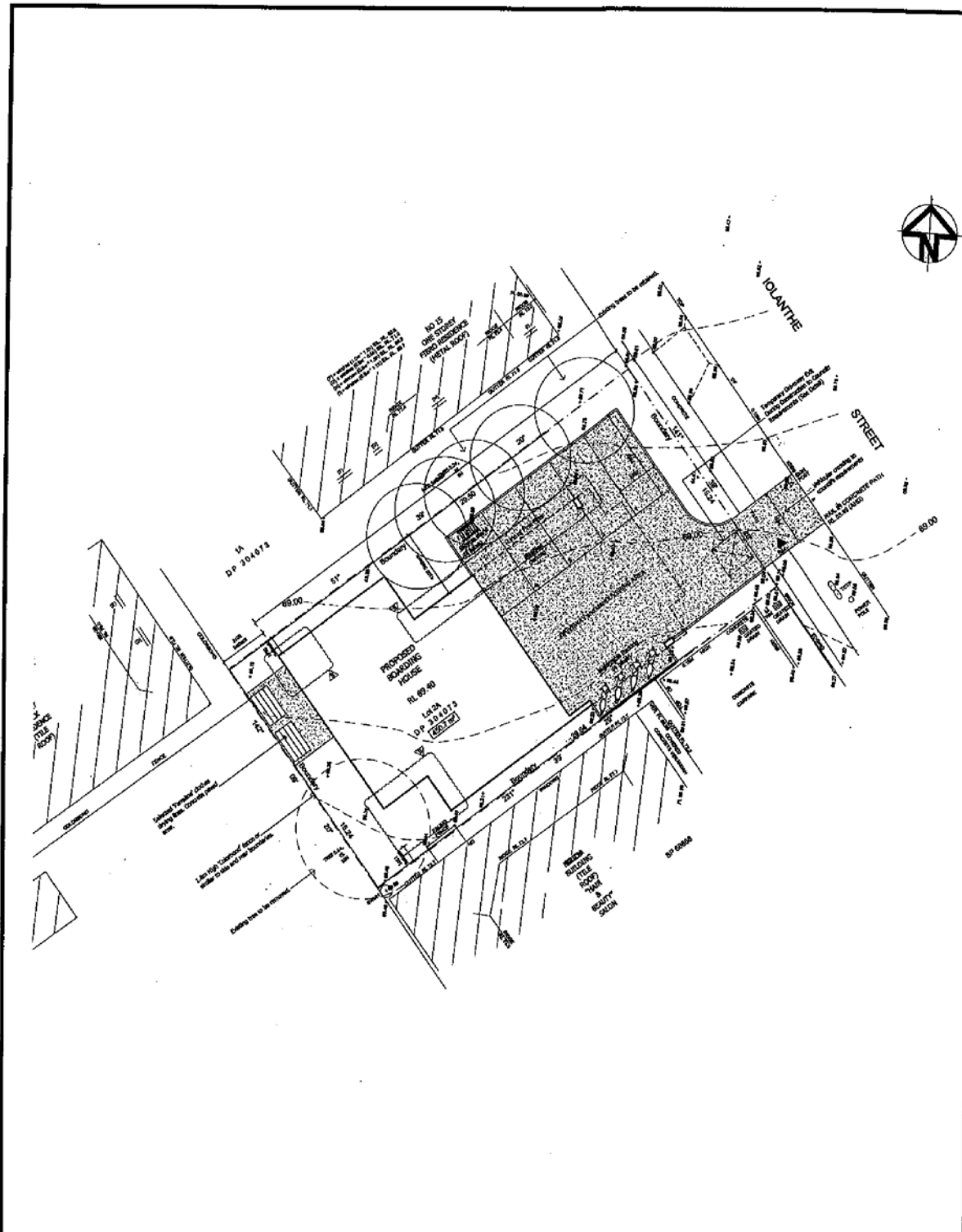
3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No.
17 Iolanthe Street, Campbelltown

ATTACHMENT 2



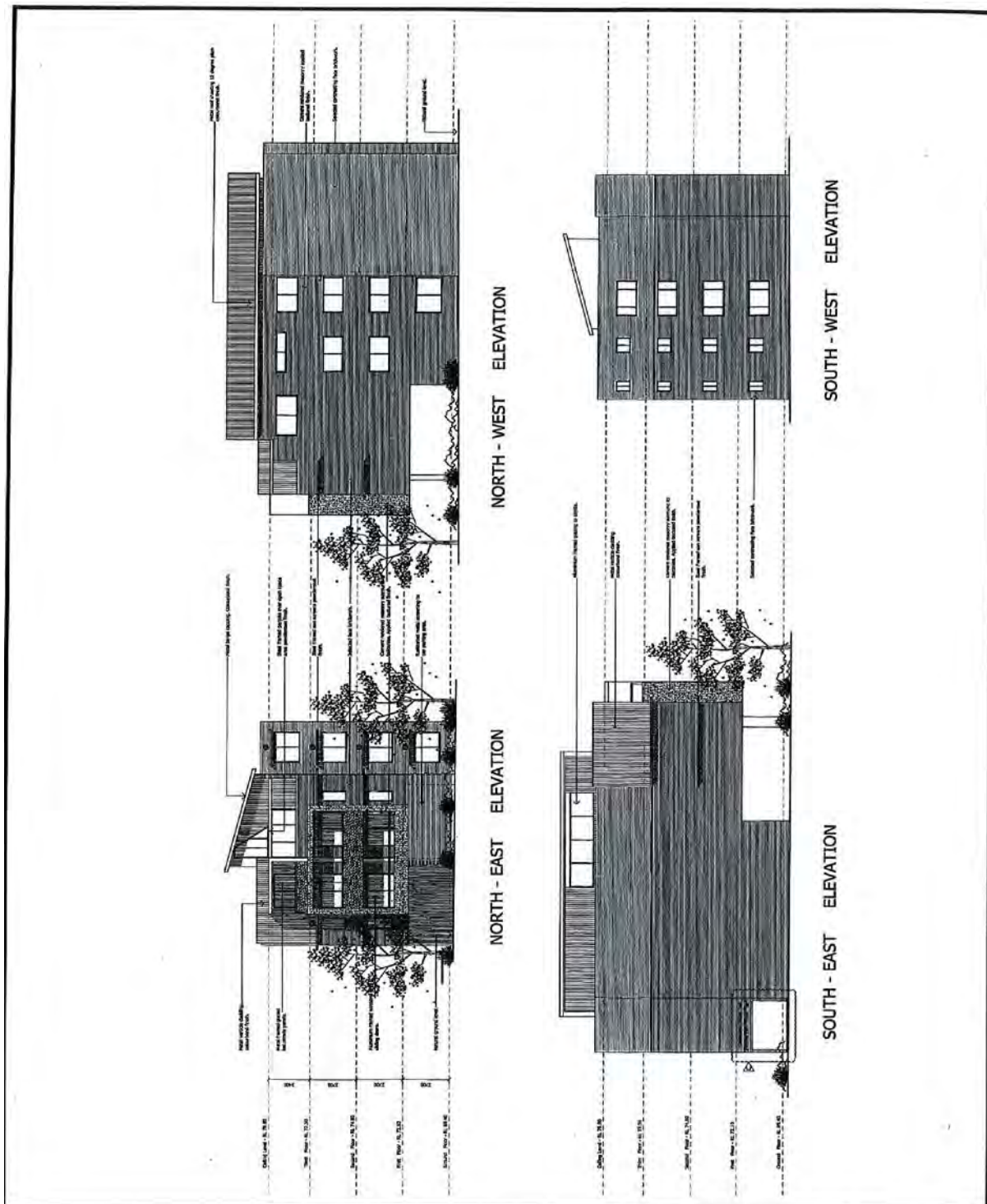
3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

ATTACHMENT 3



3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

ATTACHMENT 5



ELEVATIONS

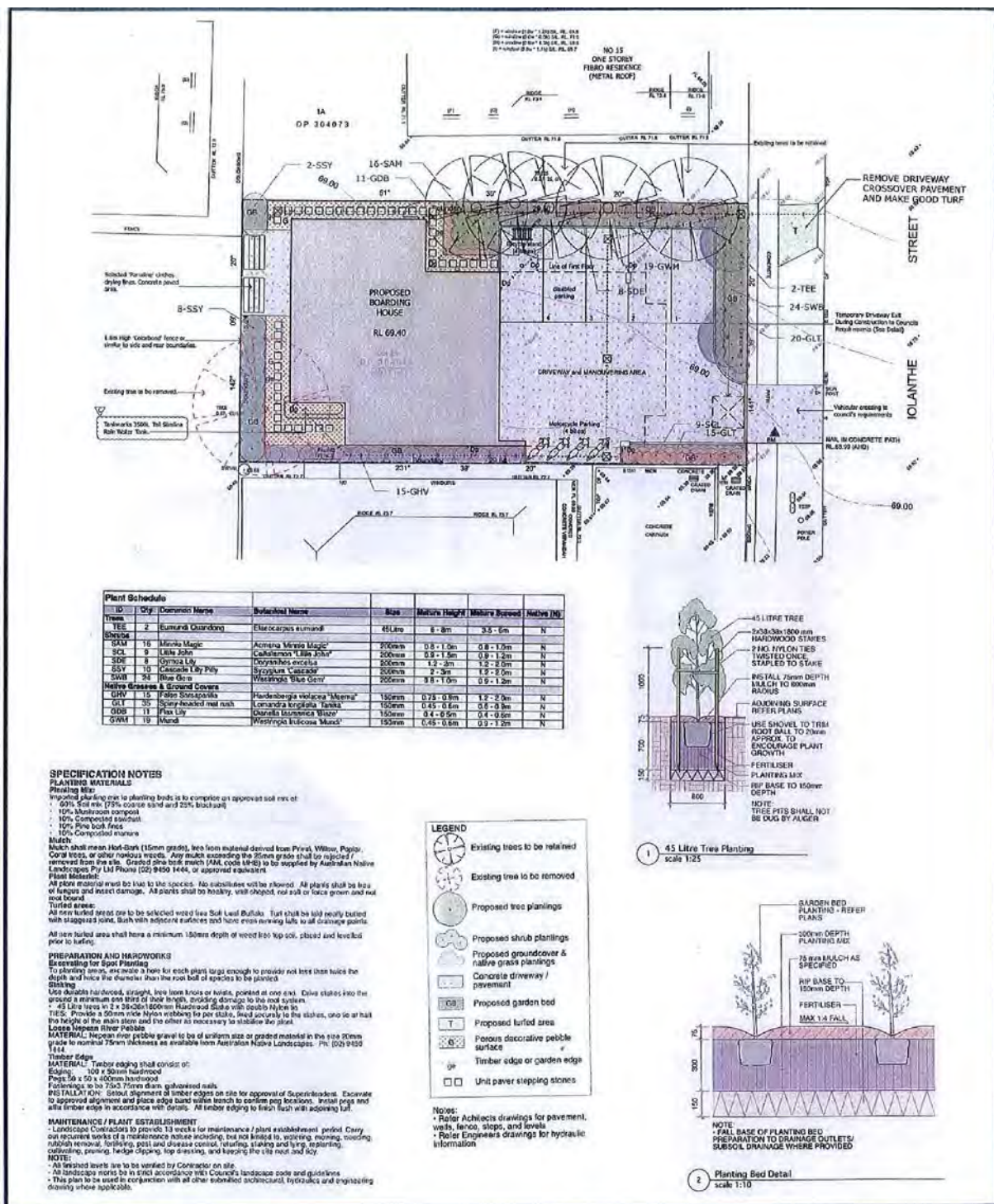
SUBJECT:

CONSTRUCTION OF A FOUR STOREY BOARDING HOUSE.

LOT 2A DP 304073 - No. 17 IOLANTHE STREET, CAMPBELLTOWN.

3.4 Construction Of A Four Storey Boarding House Containing 19 Boarding Rooms - No. 17 Iolanthe Street, Campbelltown

ATTACHMENT 6



LANDSCAPE PLAN

SUBJECT:

CONSTRUCTION OF A FOUR STOREY BOARDING HOUSE.

LOT 2A DP 304073 - No. 17 IOLANTHE STREET, CAMPBELLTOWN.

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

3.5 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

Acting Manager Development Services

Attachments

SEPP 1 variations approved for the period October to December 2014 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 October, 2014 to 30 December, 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 NSW Department of Planning and Environment's (DPE) 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 DPE 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: (Lound/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

3.5 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 17 March 2015 (Greiss/Rowell)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 29

That the Officer's Recommendation be adopted.

3.5 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	Apartment/Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
1377/2014/DA-I		1	1089522	395	Pembroke Road	Minto	2566	12: Industrial	LEP2002	4A - 4(a) - General Industry Zone	Clause 37 Setbacks within industrial areas	No streetscape impact, and improves functionality of building.	9.30%	Council	8/10/2014
193/2014/DA-S		10	1173819	182	Raby Road	VARROVILLE	2566	14: Other	LEP D8	7(d1) Environmental Protection (Scenic)	Clause 10 minimum allotment area 100ha	Control is impossible to comply with, as only 0.77 hectares of the site is in the Campbelltown LGA	92.78%	Secretary Dept of Planning	17/10/2014
492/2014/DA-S		1	260703	395	Pembroke Road	MINTO	2566	14: Other	LEP D8	7(d1) Environmental Protection (Scenic)	Clause 10 minimum allotment area 100ha	Control is impossible to comply with, as only 0.77 hectares of the site is in the Campbelltown LGA	92.78%	Secretary Dept of Planning	17/10/2014

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Planning and Environment Division Monthly Legal Matters Status and Costs Summary
(contained within this report)

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 2014-2015 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.

Note: The year to date cost totals itemised in sections one to seven inclusive of the report do not necessarily correlate with the costs to date total of individual matters listed in each section, as the costs to date total of individual matters shown refer to total costs from commencement of the matter, which may have commenced before 1 July.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 March 2015 (Greiss/Rowell)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 29

That the Officer's Recommendation be adopted.

ATTACHMENT 1

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
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Total ongoing Class 1 DA appeal matters (as at 20/02/2015)	3
Total completed Class 1 DA appeal matters (as at 20/02/2015)	1
Costs from 1 July 2014 for Class 1 DA appeal matters:	\$21,015.36

1 (a)	John Cephas GALLUZZO
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Issue:	An appeal against Council's deemed refusal of development application No. 1416/2014/DA-C that sought consent for construction of a new building, new driveway, new car parking area and other works at 1 Blomfield Road, Denham Court, an increase to the enrolment numbers to 130; and, an upgrade to the intersection of Campbelltown and Blomfield Roads to allow for a specific 'right turn lane' on Campbelltown Road and other necessary changes such as movement of telegraph poles, line marking and construction of a median island.
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Property:	Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.
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Property Owner:	Mr. John Frank Galluzzo
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Council File:	Development Application No: 1416/2014/DA-C
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Court Application:	Filed on 25 September 2014 - File No. 10799 of 2014
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Applicant:	John Cephas Galluzzo
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Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
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Costs to date:	\$11,879.93
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Status:	Ongoing – listed for directions hearing on 11 March 2015.
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Progress:	The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 1416/2014/DA-C that sought consent for construction of a new building, new driveway, new car parking area and other works at 1 Blomfield Road, Denham Court, an increase to the enrolment numbers to 130; and, an upgrade to the intersection of Campbelltown and Blomfield Roads to allow for a specific 'right turn lane' on Campbelltown Road and other necessary changes such as movement of telegraph poles, line marking and construction of a median island.
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	The appeal was listed before the Court for first mention on 3 October 2014.
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On 3 October 2014 the Court, by consent, adjourned the proceedings to 25 November 2014 in order that the parties can participate in a section 34 conciliation conference.

On 25 November 2014, the conciliation conference was abandoned as it was clear that the parties were not going to reach a conciliated agreement. Counsel for the applicant indicated that a notice of motion would be filed seeking to make relevant amendments to the development application. The Commissioner made certain procedural directions and adjourned the proceedings to 16 December 2014 for further directions hearing. Subsequently, a further adjournment which was granted to 23 December 2014 due to delays experienced by the applicant in filing the notice of motion.

Counsel for the applicant appeared by consent before the Court on 23 December 2014 and sought a further adjournment to allow sufficient time for him to finalise the notice of motion, which had only been received by him the previous day from the applicant's instructing solicitor. By consent, the proceedings were adjourned to 22 January 2015 for further directions hearing.

On 22 January 2015 the Registrar made certain procedural directions and adjourned the proceedings to 11 February for further directions hearing.

On 11 February 2015 the Registrar made certain procedural directions and adjourned the proceedings to 11 March for further directions hearing.

1 (b)

AL-FAISAL COLLEGE LIMITED

Issue:	An appeal against Council's deemed refusal of development application No. 499/2014/DA-C that sought consent for an increase in the number of students from 250 to 700 and the introduction of Years 9, 10, 11 and 12 at the existing school premises.
Property:	Lot 1 DP 1193701, 10 Benham Road, Minto.
Property Owner:	Al-Faisal College Limited
Council File:	Development Application No: 449/2014/DA-C
Court Application:	Filed on 10 October 2014 - File No. 10849 of 2014
Applicant:	Al-Faisal College Limited
Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$9,135.44

Status:	Ongoing – listed for hearing on 12 and 13 March 2015.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 499/2014/DA-C that sought consent for an increase in the number of students from 250 to 700 and the introduction of Years 9, 10, 11 and 12 at the existing school premises.</p> <p>The appeal was before the Court for first mention on 7 November 2014 where the Registrar gave certain procedural directions and adjourned the proceedings to 29 and 30 January 2015 for on-site hearing.</p> <p>On 21 November 2014, the applicant filed a notice of motion with the Court seeking to vacate the hearing dates and allocate a new timetable. By consent the Registrar gave revised procedural directions and adjourned the proceedings to 12 and 13 March 2015 for hearing commencing on-site at 9.00am on 12 March.</p>

1 (c)	MOHAMMED RAHMAN
Issue:	An appeal against Council's refusal of development application No. 1080/2011/DA-RA/A that sought consent for modification of the original development consent for the inclusion of an additional storey comprising 8 units on top of a 3 level (22 unit) residential flat building and associated increase in basement level parking by 10 car parking spaces from 31 to 41 spaces.
Property:	Lot 100 DP 562008, 3 Carlisle Street, Ingleburn.
Property Owner:	Mohammed Emdadur Rahman
Council File:	Development Application No: 1080/2011/DA-RA/A
Court Application:	Filed on 26 November 2014 - File No. 10975 of 2014
Applicant:	Mohammed Rahman
Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing – listed for conciliation conference on 16 April 2015.
Progress:	The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1080/2011/DA-RA/A that sought consent for modification of the original development consent for the inclusion of an additional storey comprising 8 units on top of a 3 level (22 unit) residential flat building and associated

increase in basement level parking by 10 car parking spaces from 31 to 41 spaces.

The appeal was before the Court for first mention on 19 December 2014 where the applicant sought to have the proceedings listed for early section 34 conciliation conference. The Registrar was of the view that such conference was premature, particularly given that the modification application had not been publicly advertised, and gave certain procedural directions, including that Council advertise and notify the modification application for a period of two-weeks commencing on the 20 January 2015. The Registrar adjourned the proceedings to 11 February 2015 for directions hearing.

On 11 February the Registrar made certain procedural directions and adjourned the proceedings to 16 April 2015 for a section 34 on-site conciliation conference.

2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council

Total ongoing Class 1 and 2 appeal matters (as at 20/02/2015)	0
Total completed Class 1 and 2 appeal matters (as at 20/02/2015)	1
Costs from 1 July 2014 for Class 1 and 2 appeal matters:	\$2,970.40

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 20/02/2015)	1
Total completed Class 4 matters (as at 20/02/2015)	1
Costs from 1 July 2014 for Class 4 matters	\$79,041.79

3 (a) Abdulhalim ELBAF & Amne ELBAF

Issue: An 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:	\$55,313.57
Status:	Ongoing – costs hearing completed, judgement reserved to a date to be notified by the Court.
Progress:	<p>The Applicants filed an appeal in the Land and Environment Court of NSW seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.</p> <p>At the first mention on 7 February 2014 the proceedings were adjourned to 14 February for directions hearing.</p> <p>On 14 February 2014, the Court, by consent, adjourned the proceedings to 4 April 2014 for directions hearing.</p> <p>On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.</p> <p>On 16 June 2014 the Court, by consent, granted the Applicant's application to vacate the hearing dates, pending determination by Council of a fresh DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 25 July 2014 for mention.</p> <p>On 25 July 2014 the Court, by consent, granted the Applicant's application to adjourn the proceedings pending determination by Council at its ordinary meeting of 19 August 2014 of DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 29 August 2014 for mention.</p> <p>On 19 August 2014, Council at its ordinary meeting gave conditional consent to DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping.</p> <p>Prior to the directions hearing on 29 August 2014 the parties reached agreement that in view of the granting by Council of conditional consent to DA No. 1138/2014/DA-M the Applicant</p>

file a notice of discontinuance in the proceedings and that complying development certificate No. CDC 0455/12 be surrendered. Agreement on costs was not able to be reached.

On 29 August 2014 the Court, by consent, made an order that relevant notice of discontinuance be filed in the proceedings and that complying development certificate No. CDC 0455/12 shall be surrendered by the applicant on determination of costs. The judge made certain orders in respect of submissions to the Court on costs and listed the proceedings for cost hearing on 15 October 2014.

Having regard to the granting by Council of conditional consent to DA No. 1138/2014/DA-M, on 5 September 2014, Council issued Building Certificate 1203/2014/BC-UW for the existing structures on the premises relevantly constructed under complying development certificate No. CDC 0455/12 comprising: lower ground floor level dwelling – mass concrete piers, reinforced concrete footings, reinforced concrete floor slab; upper ground floor dwelling – reinforced concrete floor slab; lower ground floor level attached dual occupancy – mass concrete piers, reinforced concrete footing, reinforced concrete floor slab; upper ground floor level dual occupancy – reinforced concrete floor slab; reinforced concrete block retaining wall; and, brick fence with attached piers.

The costs hearing was completed on 15 October 2014, with judgement reserved to a date to be notified by the Court.

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 20/02/2015)	0
Total completed Class 5 matters (as at 20/02/2015)	0
Costs from 1 July 2014 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 20/02/2015)	0
Total completed Class 6 matters (as at 20/02/2015)	0
Costs from 1 July 2014 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 20/02/2015)	0
Total completed Appeal matters (as at 20/02/2015)	0
Costs from 1 July 2014 for District Court matters	\$0.00

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 20/02/2015)	35
Total completed Local Court Matters (as at 20/02/2015)	23
Costs from 1 July 2014 for Local Court Matters	\$2,510.00

File No:	LP20/14, LP21/14, LP22/14 & LP25/14 – Penalty Notice Court Elections
Offence:	Development not in accordance with development consent (working outside of approved hours x 2 and incorrect materials storage x 2)
Act:	<i>Environmental Planning & Assessment Act 1979</i>
Costs to date:	\$0.00 – Brief prepared by Council's Legal and Policy Officer and referred to an external solicitor with instruction to appear for Council.
Status:	Ongoing – listed for hearing 5 March 2015.
Progress:	<p>The matter was before the Court for mention on 7 October 2014 where the Registrar, by consent, adjourned the proceedings to 3 December 2014 for further mention in order to allow the defendant sufficient time to make representations to Council about the matters before the Court.</p> <p>On 3 December 2014, the defendant entered a not guilty plea to all matters and the proceedings were adjourned to 5 March 2015 for hearing.</p>

File No:	LP27/14 – Penalty Notice Court Election
Offence:	In charge of dog that attacked animal.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$0.00 – Brief prepared by Council's Legal and Policy Officer and referred to an external solicitor

	with instruction to appear for Council.
Status:	Ongoing - Adjourned to 9 April 2015 for hearing.
Progress:	<p>The matter was before the Court for first mention on 18 November 2014, where the Magistrate directed that the proceedings be adjourned to 2 December 2014 for further mention and that the Court write to the defendant requiring their attendance on that date.</p> <p>On 2 December 2014, the defendant entered a 'not guilty' plea. The proceedings were adjourned to 3 February 2015 for defended hearing.</p> <p>Council received prior notice from the Court of the unavailability of the appointed magistrate to hear the matter, accordingly the hearing was vacated. The matter was listed for mention on 3 February where the Registrar relisted the proceedings for defended hearing on 9 April 2015.</p>
File No:	LP29/14 – Penalty Notice Court Election
Offence:	Not comply with order (overgrown premises and refuse).
Act:	<i>Local Government Act 1993</i>
Costs to date:	\$0.00 – Brief prepared by Council's Legal and Policy Officer and referred to an external solicitor with instruction to appear for Council.
Status:	Ongoing – Adjourned to 8 April 2015 for hearing.
Progress:	<p>The matter was before the Court for first mention on 18 November 2014, where the defendant entered a not guilty plea by written notice. Proceedings were adjourned to 2 February 2015 for defended hearing.</p> <p>On 2 February there was no appearance before the Court by the defendant. A check of the Court file revealed that the defendant had not been notified of the hearing date; accordingly the magistrate adjourned the proceedings to 8 April 2015 for hearing with direction that the Registrar notify the defendant in writing.</p>

File No:	LP01/15 (Sequences 1 to 6) – Charge Matters
Offence:	Menacing dog attack animal in circumstances of recklessness by owner x 1; menacing dog escape premises x 1; and, owner not comply with menacing dog control requirements x 4.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$87.00 – Brief being prepared by Council's Legal and Policy Officer.
Status:	New matters.
Progress:	Listed for first mention on 3 March 2015

File No:	LP02/15 (Sequences 1 to 6) – Charge Matters
Offence:	Menacing dog attack animal in circumstances of recklessness by owner x 1; menacing dog escape premises x 1; and, owner not comply with menacing dog control requirements x 4.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$87.00 – Brief being prepared by Council's Legal and Policy Officer.
Status:	New matters.
Progress:	Listed for first mention on 3 March 2015

File No:	LP03/15 (Sequences 1 to 5) – Charge Matters
Offence:	Menacing dog escape premises x 1; and, owner not comply with menacing dog control requirements x 4.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$87.00 – Brief being prepared by Council's Legal and Policy Officer.
Status:	New matters.
Progress:	Listed for first mention on 3 March 2015

File No:	LP04/15 (Sequences 1 to 2) – Charge Matters
Offence:	Dog attack animal in circumstances of recklessness by owner; and dog escape premises.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$87.00 – Brief being prepared by Council's Legal and Policy Officer.

Status:	New matters.
Progress:	Listed for first mention on 3 March 2015

File No:	LP05/15 (Sequences 1 to 5) – Charge Matters
Offence:	Owner not comply with restricted dog control requirements x 5.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$87.00 – Brief being prepared by Council's Legal and Policy Officer.
Status:	New matters.
Progress:	Listed for first mention on 3 March 2015

File No:	LP06/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign.
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 24 February 2015

File No:	LP07/15 – Penalty Notice Court Election
Offence:	Deposit advertising material (bill-poster) on public place.
Act:	<i>Protection of the Environment Operations Act 1997</i>
Costs to date:	\$0.00 – Being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 24 February 2015

File No:	LP08/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign.
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter

Progress:	Listed for first mention on 3 March 2015
File No: Offence: Act:	LP09/15 – Penalty Notice Court Election Double park vehicle. <i>Road Rules 2014</i>
Costs to date:	\$0.00 – Being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 3 March 2015
File No: Offence: Act:	LP10/15 – Penalty Notice Court Election Disobey no-stopping sign. <i>Road Rules 2014</i>
Costs to date:	\$0.00 – Being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 3 March 2015

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 20/02/2015)	9
Costs from 1 July 2014 for advice matters	\$33,646.31

9. Legal Costs Summary The following summary lists the Planning and Environment Division's net legal costs for the 2014/2015 period.		
Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$21,015.36	\$0.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$2,970.40	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$79,041.79	\$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	\$0.00	\$0.00
Local Court prosecution matters	\$2,510.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$33,646.31	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$139,183.86	\$0.00
Overall Net Costs Total (GST exclusive)	\$139,183.86	

5. GENERAL BUSINESS

5.1 Boarding Houses

Committee's Recommendation: (Oates/Kolkman)

That Council hold a briefing evening regarding regulations and implications associated with Boarding Houses.

CARRIED

Council Meeting 17 March 2015 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 29

That the Committee's Recommendation be adopted.

5.2 Milton Park - Passive and Active Recreation Area

Committee's Recommendation: (Kolkman/Oates)

That a report be presented investigating the feasibility of consolidating a passive and active recreation facility in the vicinity of Milton Park servicing the northern end of the City, potentially including a leash free area.

CARRIED

Council Meeting 17 March 2015 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 29

That the Committee's Recommendation be adopted.

5.3 Increase in seating - Hallinan Park, Ingleburn

Committee's Recommendation: (Thompson/Greiss)

That a report be presented investigating the feasibility of increased seating at Hallinan Park, Ingleburn.

CARRIED

Council Meeting 17 March 2015 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 29

That the Committee's Recommendation be adopted.

Confidentiality Motion: (Kolkman/Matheson)

That the Committee in accordance with Section 10A 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

20. CONFIDENTIAL ITEMS

20.1 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

Motion: (Thompson/Kolkman)

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

CARRIED

There being no further business the meeting closed at 9.00pm.

G Greiss
CHAIRPERSON
