

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 12 May 2015.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

ITEM	TITLE	PAGE
1.	WASTE AND RECYCLING SERVICES	3
1.1	Submission to the NSW Environment Protection Authority - Draft Waste Education Strategy	3
2.	SUSTAINABLE CITY AND ENVIRONMENT	45
2.1	Revised Policy - Sustainable Events	45
2.2	Evaluation of Community Fishing Day	51
3.	DEVELOPMENT SERVICES	58
3.1	Development Services Section Statistics March 2015	58
3.2	Demolition of two existing dwellings and construction of a four storey residential flat building comprising 25 two bedroom units with one level of basement car parking - Nos. 8-10 Cambridge Street, Ingleburn	60
3.3	Use of premises for heritage and cultural tour exhibitions and the holding of cultural festivals - No. 203 Eagleview Road, Minto	121
3.4	Joint Regional Planning Panel Applications - 2035/2014/DA-SL and 2577/2014/DA-SL relating to a proposed retirement village at cnr Camden Valley Way and Denham Court Road, Denham Court	142
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)	158
4.	COMPLIANCE SERVICES	160
4.1	Legal Status Report	160
5.	GENERAL BUSINESS	177
5.1	Feasibility of installing a Exeloo facility at Redfern Park, Minto	177
5.2	Feasibility of installing a Exeloo facility at Hallinan Park, Ingleburn	177
5.3	Traffic Accident History	178
20.	CONFIDENTIAL ITEMS	179
20.1	Confidential Report Directors of Companies	179

Minutes of the Planning and Environment Committee held on 12 May 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
Director Planning and Environment - Mr J Lawrence
Acting Director Planning and Environment - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Acting Manager Development Services - Mr B Leo
Manager Governance and Risk - Mrs M Dunlop
Executive Planner – Mrs C Puntillo
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:

Councillor Hawker
Councillor Mead

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.

1. WASTE AND RECYCLING SERVICES

1.1 Submission to the NSW Environment Protection Authority - Draft Waste Education Strategy

Reporting Officer

Manager Waste and Recycling Services

Attachments

1. Draft document: 'Changing Behaviour Together: NSW Waste Less, Recycle More Education Strategy 2015-17' (the 'Draft Strategy') (contained within this report)
2. Draft submission to the NSW Environment Protection Authority (contained within this report)

Purpose

To advise Council of the release of a document for public consultation by the NSW Government through the NSW Environment Protection Authority, and to recommend that Council lodge a submission in relation to the document.

History

In March 2015 the NSW Government, through the NSW Environment Protection Authority released for public consultation a document entitled 'Changing Behaviour Together: NSW Waste Less, Recycle More Education Strategy 2015-17'. Written submissions will be accepted until 29 May 2015.

Report

The vision of the Draft Strategy is to 'optimise the use and quality of waste-related education in order to increase knowledge and skills, build positive attitudes, and promote changed behaviour so the NSW community can improve the environment and community wellbeing'.

The key objectives of the Draft Strategy are to:

- Drive education and behaviour change initiatives across all sectors
 - Outline clear actions for the EPA and stakeholders
 - Provide a framework to evaluate education activities.
-

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

The Draft Strategy includes an Action Plan, divided into a number of strategic directions:

- Develop and use consistent messaging
- Integrate education
- Build capacity
- Promote excellence
- Provide resources and tools
- Collaborate with and support stakeholders.

Many items in the Action Plan identify councils and regions of councils as key stakeholders, and as organisations that will partner with the EPA to implement those items. Most items identified in the Action Plan that have implications for Council, are not beyond Council's capacity to implement nor inconsistent with Council's understood policy position with respect to waste education.

Accordingly, it is considered that Council lodge a submission with the EPA.

The draft submission highlights some challenges associated with waste education, and recommends additions to the Strategy. The draft submission is summarised as follows:

Messaging on a statewide level

More television advertising is recommended on issues that affect most or all councils across the broader community. For example, waste avoidance, litter and illegal dumping.

Confusion caused by variations in services across councils

The draft submission highlights the challenges experienced in educating the broader community when waste-related services and rules differ between councils. It recommends focusing on consistency of services across Local Government where economically possible, as a long-term objective.

Targeting occupants of rented premises

The draft submission points out the difficulty councils experience in identifying new tenants, and therefore the limited ability to target them with education programs. The draft submission recommends initiatives specifically targeted at residents of rented properties.

Targeting migrant communities

The draft submission points out that recent migrants from certain countries may not be aware of their council's waste services and the rules associated with disposal of their waste. The draft submission recommends inclusion of educational programs for migrant communities.

Anti-littering campaigns

The draft submission points out that Council does not support the 'Hey Tosser' campaign, due to its negative messaging. Council's prefers a campaign that engenders a sense of community belonging, pride and responsibility to others who live within their community.

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Land-use planning – multi unit dwellings

The draft submission recommends that the EPA encourage tertiary institutions to include waste management planning as formal components in town planning and architecture undergraduate programs.

Private certifiers

The draft Strategy targets developers and town planners in relation to the development and promotion of education guidance material. The draft submission recommends the inclusion of private certifiers in this target audience.

Packaging waste

The draft submission recommends the inclusion of education initiatives to increase the community's awareness of the problems associated with excess packaging waste.

Broken Windows Theory

The draft submission recommends further research and testing of the 'Broken Windows Theory', and if its findings are supported, further recommends the EPA's support of initiatives to reduce the turn-around time between illegal dumping/littering and its removal.

Officer's Recommendation

That Council lodge the attached submission with the NSW Environment Protection Authority by the closing date of 29 May 2015.

Committee's Recommendation: (Kolkman/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 78

That the Officer's Recommendation be adopted.

ATTACHMENT 1



Changing Behaviour Together: NSW *Waste Less, Recycle More* Education Strategy 2015–17

Draft for public consultation: March 2015

www.epa.nsw.gov.au

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

© State of NSW, Environment Protection Authority.

The Environment Protection Authority (EPA) and the State of NSW are pleased to allow this material to be reproduced, for educational or non-commercial use, in whole or in part, provided the meaning is unchanged and its source, publisher and authorship are acknowledged. Specific permission is required for the reproduction of images.

Disclaimer:

The EPA has compiled this document in good faith, exercising all due care and attention. The EPA does not accept responsibility for any inaccurate or incomplete information supplied by third parties. No representation is made about the accuracy, completeness or suitability of the information in this publication for any particular purpose. The EPA shall not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this publication. Readers should seek appropriate advice about the suitability of the information to their needs.

Published by:

NSW Environment Protection Authority (EPA)
59–61 Goulburn Street, Sydney
PO Box A290
Sydney South NSW 1232

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au

See also www.epa.nsw.gov.au/pollution

Phone: +61 2 9995 5000 (switchboard)

Phone: 131 555 (NSW only – environment information and publication requests)

Fax: +61 2 9995 5999

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@environment.nsw.gov.au

Website: www.epa.nsw.gov.au

ISBN 978 1 74359 908 2

EPA 2015/0085

March 2015

Contents

Overview

The *Waste Less, Recycle More* initiative

This strategy

1. What do we want to achieve?

Vision

Principles

Policy context

2. What will we do?

Our approach

Strategic directions

Action plan

3. How will we evaluate success?

Outcomes

Evaluation of broad education outcomes

Appendix A: Education as a tool for change

Appendix B: Setting the strategy's principles

Appendix C: Regional waste education initiatives

References

Overview

The *Waste Less, Recycle More* initiative

The NSW Environment Protection Authority (EPA) is delivering *Waste Less, Recycle More*, a \$465 million package to transform waste and recycling in New South Wales over five years. This initiative aims to:

- boost recycling and resource recovery in both households and businesses
- support major and enhanced waste and recycling infrastructure
- establish a network of Community Recycling Centres (CRCs)
- encourage innovation in recycling
- target illegal dumping and littering
- build strong partnerships with councils and other stakeholders.

Changing Behaviour Together is a key part of the *Waste Less, Recycle More* initiative.

This strategy

To meet the goals of *Waste Less, Recycle More* and the *Waste Avoidance and Resource Recovery Strategy (WARR) 2014–21*, education is crucial. This education strategy is a framework for us, our partners and stakeholders to change community behaviour through targeted education. *Changing Behaviour Together* is relevant for all organisations implementing programs under *Waste Less, Recycle More*.

We all have a role to inform, motivate and work with the community. This strategy explains:

1. What we want to achieve	Our vision and the principles that guide us
2. What we will do	Our action plan based on our strategic directions
3. How we will evaluate success	Our evaluation criteria based on our intended education outcomes

What we want to achieve

Our vision is to optimise the use and quality of education in all *Waste Less, Recycle More* programs so that they promote positive behaviour change and lead to improvements in the environment and community wellbeing.

What we will do

The EPA's role is twofold, with both direct and indirect actions: we aim to teach people about waste and help others to do so. We will work on our own and with councils, businesses, community organisations and other agencies.

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Each action in our plan links to at least one of our strategic directions:

- Develop and use consistent messaging
- Integrate education
- Build capacity
- Promote excellence
- Provide resources and tools
- Work with and support stakeholders

See section 2, page 6 for more information.

How we will evaluate success

We will evaluate our success against individual program goals and the six strategic directions of *Changing Behaviour Together*. The EPA will publish a progress report on the implementation of this strategy at the beginning of the 2016/17 financial year. A full report will be published at the end of the *Waste Less, Recycle More* initiative in 2017/18. See section 3, page 17 for more information.

1. What do we want to achieve?

Vision

Our vision is to optimise the use and quality of education in all *Waste Less, Recycle More* programs so that they:

- increase knowledge and skills
- build positive attitudes
- promote changed behaviour so the whole NSW community can improve the environment and community wellbeing.

Ideally, education programs will use diverse methods and be carefully tailored. They should engage with the values and motivations of the groups they target.

We base this vision on UNESCO's Education for Sustainable Development, an approach that 'allows every human being to acquire the knowledge, skills, attitudes and values necessary to shape a sustainable future' (www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-sustainable-development). To learn more, please see Appendix A.

Principles

These key principles will bring quality and consistency to our programs and guide how we develop and deliver education across NSW. We have developed these from local and international resources (see Appendix B).

We will encourage our partners and stakeholders to incorporate these principles into their *Waste Less, Recycle More* education activities.

Education about waste avoidance and resource recovery:

1. fosters a spirit of active citizenship in caring for the environment
2. reflects and addresses the needs, values and motivations of target audiences
3. reinforces key messages over time and engages with new issues
4. helps people connect their actions with outcomes
5. has a positive 'call to action' and expects behaviour to change
6. aims to generate positive social norms about the value of resources
7. respects and reflects cultural and linguistic diversity, and local Aboriginal culture
8. shows its effectiveness by being well researched, evaluated and reported.

Policy context

Several broader directives have also informed this strategy.

NSW 2021: A plan to make NSW number one

This plan (www.nsw.gov.au/sites/default/files/nsw_2021_plan.pdf) sets out priorities and commitments for the NSW Government. It includes actions and targets for recycling, illegal dumping and littering.

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Environment Protection Authority Strategic Plan 2014–17

This plan (www.epa.nsw.gov.au/whoweare/strategicplan.htm) defines the EPA's role in implementing *NSW 2021*.

Vision: Healthy Environment, Healthy Community, Healthy Business

Purpose: Improving environmental performance and waste management in NSW

Key result areas:

- informed planning decisions
- improved environmental outcomes
- responsive incident management
- innovative waste management
- effective stakeholder engagement
- exemplar organisation.

Review of the NSW Waste and Environment Levy

KPMG's independent review in 2012 (www.epa.nsw.gov.au/resources/wasteregulation/waste-levy-review-report.pdf) proposed 17 recommendations to:

- improve the waste levy
 - drive greater recycling
 - better align waste levy funding to stimulate infrastructure, combat illegal dumping and reduce littering.
- KPMG also noted the need for more education to support the reforms (see recommendations 2, 7 and 10).

Waste Avoidance and Resource Recovery Strategy 2014–21

The WARR Strategy (www.epa.nsw.gov.au/resources/warr/140876WARRStrat14-21.pdf) is a key part of the NSW Government's vision for the state's environmental and economic future. It sets long-term targets for waste avoidance, recycling, litter and illegal dumping.

Avoid and reduce waste generation

By 2021–22, reduce the rate of waste generation per capita.

Increase recycling

By 2021–22, increase recycling rates for:

- municipal solid waste from 52 per cent (in 2010–11) to 70 per cent
- commercial and industrial waste from 57 per cent (in 2010–11) to 70 per cent
- construction and demolition waste from 75 per cent (in 2010–11) to 80 per cent.

Divert more waste from landfill

By 2021–22, increase the waste diverted from landfill from 63 per cent (in 2010–11) to 75 per cent.

Manage problem wastes better

By 2021–22, establish or upgrade 86 drop-off facilities or services for managing household problem wastes statewide.

Reduce litter

By 2016–17, reduce the number of litter items by 40 per cent compared with 2011–12 levels and continue to reduce litter items to 2021–22.

Reduce illegal dumping

From 2013–14, implement the *NSW Strategy to Combat Illegal Dumping* to reduce the incidence of illegal dumping statewide. As part of this strategy, by 2016–17:

- reduce the incidence of illegal dumping in Sydney and the Illawarra, Hunter and Central Coast regions by 30 per cent compared with 2010–11
- establish baseline data to allow target-setting in other parts of the state.

The WARR Strategy follows the waste hierarchy model. Figure 1 outlines where this strategy will have most influence in this hierarchy.

Figure 1: Waste hierarchy and the impact of *Changing Behaviour Together*



1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

2. What will we do?

Our approach

The EPA will work with internal teams and external stakeholders to deliver the action plan in this section.

To be successful, we know that we need various approaches, particularly for those actions involving education campaigns.

We will:

- develop campaigns with stakeholders, particularly local councils, that will help deliver outcomes
- ensure campaigns can be adapted locally and regionally
- work to ensure materials are culturally appropriate and are in community languages.

Strategic directions

Six strategic directions show how we will make a difference. Each action that aims to change behaviour links to at least one strategic direction.

1. Develop and use consistent messaging	Better coordinate waste education messages and programs in New South Wales so they are consistent
2. Integrate education	Use education to support waste infrastructure, compliance, and resource reuse and recovery programs, in line with the waste hierarchy (see figure 1)
3. Build capacity	Give councils, businesses, community partners, stakeholders and state government agencies the tools and skills to design, run and evaluate effective education programs through <i>Waste Less, Recycle More</i>
4. Promote excellence	Identify and promote best practice and innovation
5. Provide resources and tools	Improve access to education resources and tools for waste avoidance and resource recovery
6. Work with and support stakeholders	Create strong partnerships with and between relevant organisations to deliver effective education programs

Action plan

The following action plan lists current (shaded) and planned activities to 2017, classed by these strategic directions.

It includes priorities that the EPA can resource either directly or indirectly, as a facilitator, stakeholder or funding source.

The crosses mark the key WARR result area that each EPA action fulfils.

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy



1. Develop and use consistent messaging: Better coordinate waste education messages and programs in New South Wales so they are consistent										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
1.1	Carry out social research on community attitudes, behaviour and knowledge about waste avoidance, reuse and recycling, litter, illegal dumping and problem wastes	Community		2015	X	X	X	X	X	X
1.2	Run a statewide kerbside recycling campaign, with local government partners, focusing on key household behaviours	Community with kerbside services	Regional waste groups, councils, contractors, not-for-profit environment groups, including social enterprises	2015	X	X	X			
1.3	Integrate this strategy's principles into: <ul style="list-style-type: none"> grant guidelines where education is a key delivery mechanism regional waste strategies other EPA waste and recycling strategies 	Waste Less, Recycle More grant recipients, community	Councils, regional waste groups	2015	X	X	X	X	X	X
1.4	Continue to adapt and deliver the Hey Tossers! litter prevention campaign	Community	Councils, regional waste groups, not-for-profits	Ongoing					X	
1.5	Design and deliver further material on compliance under the Illegal Dumping Strategy (www.epa.nsw.gov.au/resources/illegaldumping/140293-illegal-dump-strategy.pdf)	Community	Councils, regional waste groups	Ongoing						X
1.6	Continue the Problem Waste Program and resources (Household Chemical CleanOut and Community Recycling Centres) with local government for clear and consistent messaging	Community	Councils, regional waste groups	Ongoing				X		

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

☐ New actions
☒ Existing actions

2. Integrate education: Use education to support waste infrastructure, compliance, and resource reuse and recovery programs, in line with the waste hierarchy										
No	EPA actions	Target audience	Partners and stakeholders	Start year	Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
2.1	Review the education components of the Model Collection Contract to help councils work with waste contractors to deliver high-quality education	Waste managers at councils and contractors, council waste education staff, local contractors	Councils, regional waste coordinators, waste contractors	2015	X	X	X	X	X	X
2.2	Help councils by developing standard communication material that: <ul style="list-style-type: none">emphasises the importance of waste avoidance, recycling and waste as a resourceexplains 'landfill end-of-life' issues and why opening new landfills is not desirable	Community	Councils, regional waste coordinators, waste transfer station and landfill operators	2016		X	X			
2.3	Continue to run and facilitate training about the Industrial Ecology Business Support Network Grants Program	Business and industry sectors	Council waste managers and waste education staff, regional waste coordinators, chambers of commerce	Ongoing	X	X	X			X
2.4	Continue delivering: <ul style="list-style-type: none">Waste and Resource Recovery Facilities trainingGreenspec training (for civil construction projects)technical workshops, e.g. glass crushing infrastructure	Business and industry sectors	Council waste managers and waste education staff, regional waste coordinators, chambers of commerce	Ongoing		X	X			X
2.5	Carry out social research on industry attitudes, behaviour and knowledge about waste avoidance, reuse and recycling	Business and industry sector	Council waste managers and waste education staff, trade waste associations, key industry groups	Ongoing		X	X			
2.6	Continue to deliver litter and illegal dumping enforcement programs supported by education, including new public reporting platforms for:	Community	Council compliance staff	Ongoing					X	X

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

☐ New actions
☒ Existing actions

2. Integrate education: Use education to support waste infrastructure, compliance, and resource reuse and recovery programs, in line with the waste hierarchy										
No	EPA actions	Target audience	Partners and stakeholders	Start year	Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
	<ul style="list-style-type: none">littering from motor vehiclesillegal dumping: RIDonline									
2.7	Continue to include education in the Community Litter Grants and the Council Litter Prevention Grants programs	Community	Councils	Ongoing					X	
2.8	Continue the education aspects of the Illegal Dumping Grants Program	Community	Not-for-profits, councils	Ongoing						X
2.9	Continue to improve the knowledge and skills of environmental regulators by running presentations and training on illegal dumping prevention and clean up	Compliance staff in local and state government, EPA-certified contaminated site auditors	Australasian Environmental Law Enforcement and Regulators Network, Local Government NSW, RID squads	Ongoing						X
2.10	Continue the education aspects of the Illegal Dumping Strategy 2014 to 2016, such as the work of RID squads and programs from public land managers in National Parks, Forestry and so on	Community	Public land managers in councils, national parks, state forests	Ongoing						X
2.11	Continue to educate the community about illegal dumping and littering offences and penalties through strong communication, including when fines are issued	Community	Councils, managers and compliance staff, land managers	Ongoing					X	X
2.12	Continue to provide education and communication support (resources, tools, funding) to Community Recycling Centre grantees and Household Chemical CleanOut host councils	Community	Councils	Ongoing				X		
2.13	Continue to provide education and communication support through organics grants and programs, such as Local Government Collection grants and Love Food Hate Waste program	Community	Councils, businesses, not-for-profits, community groups	Ongoing	X	X	X			

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

☐ New actions
☒ Existing actions

3. Build capacity: Give councils, businesses, community partners, stakeholders and state government agencies the tools and skills to design, run and evaluate effective education programs through <i>Waste Less, Recycle More</i>										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
3.1	Develop, promote and run training on education and behaviour change campaign design and delivery to help councils roll out EPA-led campaigns	Council waste managers and communication or education staff	Media and communications staff in the EPA and councils	2015	X	X	X	X	X	X
3.2	Identify, develop and deliver training modules on key topics for local councils and other EPA stakeholders, such as: <ul style="list-style-type: none">making behaviour change happenapplying for grants and developing business casesproject management for effective waste programsevaluating programs	Councils, waste coordinators, EPA staff, not-for-profits	Local Government NSW, Waste Management Association of Australia	2015	X	X	X	X	X	X
3.3	Set up an annual education and social research forum in a central location to highlight recent research findings and share best-practice case studies	Council waste and waste education staff, not-for-profits, community environment groups	Regional waste coordinators, council waste managers	2015	X	X	X	X	X	X
3.4	Identify, develop and deliver training modules on key topics for waste professionals, such as: <ul style="list-style-type: none">introduction to the sectorregulatory reform	Not-for-profits, contractors, EPA staff, grant recipients	Vocational education and training sector, Australian Centre of Excellence for Local Government, Local Government NSW, Waste Management Association of Australia	2016	X	X	X	X	X	X
3.5	Continue to participate in and support the NSW Litter Congress annually	Councils, regional waste groups, not-for-profits	Councils, not-for-profits	Ongoing					X	
3.6	Continue mentoring program for Litter Grants recipients	Grant recipients	Councils, regional waste groups	Ongoing					X	
3.7	Develop new training workshop(s) as part of the Bin Trim business recycling program to build the capacity of	NGOs, consultants, waste service providers,	Business associations, Waste Contractors and Recyclers Association	Ongoing	X	X	X			

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy



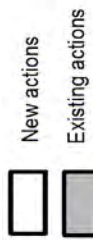
3. Build capacity: Give councils, businesses, community partners, stakeholders and state government agencies the tools and skills to design, run and evaluate effective education programs through <i>Waste Less, Recycle More</i>										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
	stakeholders who help small-to-medium enterprises	industry associations, local government, businesses								
3.8	Develop a new Greenspec training program to build the capacity of stakeholders to use more recycled materials	Councils, civil construction sector, manufacturers of recycled material, engineers, architects	New partner to be identified, previously TAFE	Ongoing		X	X			
4. Promote excellence: Identify and promote best practice and innovation										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
4.1	Develop guidance material so people better understand how to motivate behaviour change, focusing on designing, delivering and evaluating education programs	Council waste managers and waste education staff, waste contractors	Regional waste coordinators	2016	X	X	X	X	X	X
4.2	Create and circulate case studies on best-practice education, engagement and empowerment of households, business and industry	Council waste managers and educators, businesses, business and industry groups	Regional waste coordinators, councils, Bin Trim businesses	2017	X	X	X	X	X	X
4.3	Develop guidelines to provide greater clarity to stakeholders on the technical requirements of the NSW Energy from Waste Policy Statement (2015)	Council waste managers, waste contractors	Council waste managers, waste contractors	Ongoing			X			
4.4	Through the Better Waste and Recycling Fund's dissemination program, find and	Industry groups, council waste	Councils, regional waste groups	Ongoing	X	X	X	X	X	X

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

☐ New actions
☒ Existing actions

4. Promote excellence: Identify and promote best practice and innovation										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
	promote examples of behaviour change excellence	managers and educators								
4.5	Create and circulate case studies on best-practice waste avoidance and resource recovery with input from stakeholders, including the Industrial Ecology Business Support Network	Council waste managers and educators, businesses, industry groups	Key industry groups, businesses	Ongoing	X	X	X			
5. Provide resources and tools: Improve access to education resources and tools for waste avoidance and resource recovery										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
5.1	Develop new information and reporting databases as necessary, and promote existing databases like the: <ul style="list-style-type: none">Illegal dumping database: RIDonlineBusinessRecycling.com.auIndustrial Ecology Business Support Network Knowledge Management SystemInfrastructure Advisory Services Information RepositoryLitter Information Management System	Community, business and industry, council staff	Councils, Planet Ark	2015	X	X	X	X	X	X
5.2	Develop an easy-to-use online reporting system for household problem waste data	Community Recycling Centres and CleanOut host councils	Councils	2015				X		
5.3	Create and maintain an online space for waste educators, waste managers and waste policy staff, and extend access to the existing image library	Council waste managers and educators, not-for-profits,	Regional waste coordinators, Local Government NSW	2015	X	X	X	X	X	X

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy



5. Provide resources and tools: Improve access to education resources and tools for waste avoidance and resource recovery										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
5.4	Develop and promote education guidance material, such as on land-use planning and related issues for waste and recycling in multi-unit dwellings, for developers and town planners	Council and state government planning staff, council waste managers	Councils regional waste coordinators, professional associations	2015	X	X	X	X		X
5.5	Develop best practice community consultation guidance to help industry and councils engage with the community on energy from waste projects	Council waste managers, waste contractors	Council waste managers, waste contractors	2015			X			
5.6	Continue to provide resources and tools for small to medium enterprises under the Bin Trim program; including the online tool, 'How to do a visual waste assessment', and other training videos	Business and industry	Regional waste coordinators, business associations	Ongoing	X	X	X			
5.7	Continue to provide resources and tools for the community and councils under the Love Food Hate Waste program in line with its education plan and related documents	Community	Councils, regional groups	Ongoing	X	X	X			
5.8	Continue to provide resources and tools through the Hey Tossel! litter prevention campaign and other litter reduction projects	Community	Councils	Ongoing					X	
5.9	Continue to provide resources and tools through the Illegal Dumping Strategy	Community	Councils	Ongoing						X
5.10	Continue to provide resources, tools and funding to support waste and recycling infrastructure programs	Industry and business	Waste Contractors and Recyclers Association, industry	Ongoing		X	X			

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

☐ New actions
☒ Existing actions

5. Provide resources and tools: Improve access to education resources and tools for waste avoidance and resource recovery										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
5.11	Continue to provide resources, tools and funding to help people better manage organics, including: <ul style="list-style-type: none">• avoidance• recycling• processing• use of processed organics	Community	Councils, businesses, not-for-profits, processors, land managers	Ongoing	X	X	X			
5.12	Continue to provide resources, tools, funding to Community Recycling Centre grantees and Household Chemical CleanOut host councils for education and communication initiatives	Community	Councils, regional waste groups	Ongoing		X	X	X		
5.13	Continue to provide resources and tools to help councils improve their waste and resource recovery services and education initiatives	Councils	Councils	Ongoing		X	X			

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy



6. Collaborate with and support stakeholders Create strong partnerships with and between relevant organisations to deliver effective education programs										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
6.1	Support education initiatives by regional waste groups through funding, tools, resources, regular communication and networking, including: <ul style="list-style-type: none">identifying key initiatives (see Appendix C)encouraging partnerships, sharing and delivery across regions	Community	Regional waste groups and coordinators, councils	2015	X	X	X	X	X	X
6.2	Work with small to medium enterprises' first point of contact for waste and recycling	Businesses and their customers	Businesses, regional waste groups, councils, waste service providers, consultants, contractors, professional and industry associations, recycling equipment suppliers	2015	X	X	X	X		
6.3	Partner with waste-education and waste-management associations and networks to: <ul style="list-style-type: none">continue the waste and resource recovery facilities training packageadopt a new Greenspec training package	Industry, business	Waste education and waste management professional associations and networks	2015	X	X	X	X	X	X
6.4	Review and possibly extend the level of partnership with not-for-profit organisations for delivering initiatives	Community, not-for-profits	Peak not-for-profits	2016	X	X	X		X	X
6.5	Set up an expert panel of contractors to give advice and training on infrastructure procurement	Councils, grant recipients	Councils, regional waste groups, contractors	Ongoing		X	X			
6.6	Set up at least two new RID programs and continue to support and co-fund the Western Sydney RID Squad and Southern Councils Group RID Program	Businesses, households	Councils, public land managers	Ongoing						X
6.7	Continue to support strong litter prevention projects led by stakeholders	Community	NGOs, councils, Surf Life Saving clubs, community groups	Ongoing					X	

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy



6. Collaborate with and support stakeholders Create strong partnerships with and between relevant organisations to deliver effective education programs										
No	EPA actions	Target audience	Partners and stakeholders	Start year	WARR key result areas					
					Avoid/ reduce waste	Increase recycling	Divert from landfill	Manage problem wastes	Reduce litter	Reduce illegal dumping
6.8	Continue the Love Food Hate Waste program	Businesses, households	Councils, regional waste groups, businesses, not-for-profits	Ongoing	X	X	X			
6.9	Partner with councils to tell the community about Community Recycling Centres and the Household Chemical CleanOut service	Councils, grant recipients	Councils, regional waste groups, waste contractors	Ongoing		X	X	X		X
6.10	Continue to deliver the Better Waste and Recycling Fund's dissemination program so that effective education initiatives are shared	Councils, regional waste groups, business groups, not-for profit organisations	All dissemination project managers	Ongoing	X	X	X	X	X	X
6.11	Continue to support RID programs to give councils and public land managers practical solutions to fight illegal dumping	Businesses, households	Councils, public land managers	Ongoing						X

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

3. How will we evaluate success?

Outcomes

This section sets out how we plan to evaluate this strategy's implementation. The EPA will publish a progress report at the beginning of the 2016/17 financial year. A full report will be published at the end of the *Waste Less, Recycle More* initiative in 2017/18.

Evaluation of broad education outcomes

We have identified the following broad outcomes under our strategic directions and developed evaluation questions for each one.

Outcome	Key evaluation questions	Evidence source
1. Develop and use consistent messaging		
Effective and consistent education will lead to the community: <ul style="list-style-type: none"> • knowing more about waste avoidance, recycling, organics, litter and illegal dumping • having better skills to manage organics, reuse and recycling • having better attitudes to waste 	How have knowledge, skills and attitudes in these areas changed? Have targeted behaviours changed?	Evaluation of specific projects, and grant and funding programs Comparison with the 2014 Waste and Recycling Benchmark Study
The community shows more positive behaviour towards waste	How much has behaviour changed? Is the community keeping up the new behaviour(s)?	Evaluation of specific campaigns over time Comparison with the 2014 Waste and Recycling Benchmark Study Program-specific social research Social research: 'Who Cares about the Environment?'
2. Integrate education		
There is enhanced delivery of waste education through various <i>Waste Less, Recycle More</i> projects and grant/funding programs	Have effective education initiatives been delivered? Are education initiatives more effective because of this strategy?	Evaluation of programs Extent to which strategy has been adopted
3. Build capacity		
There is increased capacity to deliver education that supports the WARR Strategy 2014–21 and <i>Waste Less, Recycle More</i>	How involved are our stakeholders and partners in capacity-building programs? What self-reported outcomes have programs led to? What are the motivations, challenges and barriers?	Number and location of capacity-building programs Take-up rates among targeted participants Evaluation of all such programs
4. Promote excellence		
There is improved sharing of best practice in waste education among all stakeholders	Have partnerships and collaborative projects been delivered? Have educators shared more research and information on successful programs?	Delivery, support, and use of new ways to share best practice and access to them (e.g. actions 3.5, 3.6, 5.3) Delivery of professional development where sharing best practice is an output
5. Provide resources and tools		
The community, business and industry have extended access to education resources and tools about waste avoidance, reuse and resource recovery	Have targeted resources been made available to meet the needs of each audience? How much are these audiences	Delivery, support, and use of new online waste education resources Evaluation of, and demand for, specific resources (where

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Outcome	Key evaluation questions	Evidence source
	accessing the resources?	information is available) Evaluation reports and data from campaigns and funding programs
6. Work with and support stakeholders		
There is enhanced collaboration between the EPA and its partners and stakeholders to deliver effective waste education and behaviour change programs	Have partnerships improved between all providers of education about waste?	Evaluation reports from: <ul style="list-style-type: none"> • regional waste strategies • campaigns and funding programs (where collaboration is key)

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Evaluation of Waste Less, Recycle More outcomes

This section identifies education outcomes for key Waste Less, Recycle More program areas. These outcomes will be useful to program developers for framing and evaluating their initiatives, and ensuring they collect relevant evidence as the initiatives continue.

Waste Less, Recycle More program area	Outcome for Waste Less, Recycle More	Education outcomes for specific Waste Less, Recycle More programs	Education outcome	Evaluation questions	Evidence
1. Problem Waste: Community Recycling Centres and CleanOut Program	Increasingly, householders bring the right materials to the service	The community uses Community Recycling Centres and the CleanOut program more because:	Effective and consistent education	What evidence is there that the community is managing its problem wastes better and using appropriate drop-off facilities?	Collection data from Community Recycling Centres
1.1 Community Recycling Centre Infrastructure Program	Awareness and knowledge about available services is raised	<ul style="list-style-type: none"> people have a more positive attitude to disposing household problem waste safely and correctly people can identify the available services, where they are and what materials they accept more people are skilled in sorting what they can take to centres and mobile services 	Positive behaviour	Is there evidence that community education affects people's knowledge and actions about managing problem waste?	Number of households serviced at Chemical CleanOut events, compared with past years and targets
1.2 CleanOut Mobile Events Program			Extended access		Tonnes of material collected at CleanOut events
					Comparison with data in the 2014 Waste and Recycling Benchmark Study
2. Organics Infrastructure Fund and Program	More organics are collected from householders	The community and businesses show improved behaviour in managing food, composting and garden organics because they:	Effective and consistent education	What evidence is there that the community manages organics more effectively and sends less to landfill, because it:	Local collection data for organics
2.1 Organics Collection Grants	More organics are processed into quality products	<ul style="list-style-type: none"> know more about managing organics have better skills in managing organics (including sorting and using new infrastructure) 	Positive behaviour	<ul style="list-style-type: none"> knows more 	Behaviour change, capacity building, and waste avoidance and diversion
2.2 Grants	There are more food waste avoidance and rescue behaviours demonstrated	<ul style="list-style-type: none"> have more positive attitudes to reusing organics and reducing or avoiding disposing of organics in landfill 	Enhanced delivery	<ul style="list-style-type: none"> has better skills and changed attitudes 	outcomes achieved in programs, especially Love Food Hate Waste
2.3 Organics Infrastructure Program			Extended access	<ul style="list-style-type: none"> does more? 	Comparison with data in 2014 Waste and Recycling Benchmark Study
2.4 Food Avoidance and Rescue			Enhanced collaboration		
2.5 Market Development Regulation					
3. Waste and Recycling Infrastructure	More materials are recovered and recycled from businesses and industry	Business and industry increase the rate and quality of resource recovery because they:	Effective and consistent education	Has recycling and resource recovery increased in facilities?	Tonnage data from audits and reports
3.1 Expansions and enhancements of resource recovery facilities		<ul style="list-style-type: none"> know more about the benefits can access high quality and effective recycling and recovery facilities have more positive attitudes to the need to recycle more divert more tonnes of commercial and industrial waste from landfill 	Positive behaviour	Have new and better infrastructure facilities been built?	Number of new or improved facilities
3.2 Major Commercial and Industrial and Municipal Resource Recovery			Improved sharing	Does education affect industry knowledge and actions about managing	Comparison with data in 2014 Waste and Recycling Benchmark Study
			Enhanced collaboration		Knowledge, behaviour, and compliance outcomes

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Waste Less, Recycle More program area	Outcome for Waste Less, Recycle More	Education outcomes for specific Waste Less, Recycle More programs	Education outcome	Evaluation questions	Evidence
3.3 Infrastructure Weighbridges		<ul style="list-style-type: none"> know more about the law and compliance, and are better able to act on it 		waste? Are there more compliant infrastructure facilities?	achieved in programs
4. Recycling Innovation					
4.1 Metal Recyclers Program	More priority waste is recycled rather than sent to landfill	The community increases the rate of recycling for priority waste material because they: <ul style="list-style-type: none"> know more about what priority wastes are and the benefits of recycling them have better skills in sorting priority wastes and recycling them appropriately have more positive attitudes to the need to recycle priority waste wisely 	Effective and consistent education Positive behaviour Improved sharing	Does the community know more and do more about priority waste? Does the community value recycling it? Is the community confident that priority wastes (from the kerbside or elsewhere) are actually recycled?	Collection data for priority waste Comparison with data in 2014 Waste and Recycling Benchmark Study Knowledge, skills, attitudes, and behaviour change outcomes achieved in programs
4.2 Priority Waste Infrastructure Program					
4.3 Market Development Program					
5. Business Recycling					
5.1 Bin Trim Business Program	Businesses reduce waste, separate more materials for recycling and recycle more	Businesses reduce waste and increase recycling because they: <ul style="list-style-type: none"> know more about how to reduce waste and increase recycling, and the benefits have better skills in managing resources and sorting materials for recycling have more positive attitudes about the need to reduce waste and recycle at work 	Effective and consistent education Positive behaviour Increased capacity Improved sharing Extended access	Are businesses reducing waste, separating materials and recycling more? To what extent? To what extent are businesses seeking information, education and training, and receiving support to manage resources better? Have waste service providers changed the services they offer small to medium enterprises?	Tonnage data from audits and reports Number of businesses engaged and tonnages diverted (Bin Trim tool) Usage data from Business Recycling website and equipment catalogue Knowledge, skills, attitudes, and behaviour change outcomes achieved in business training programs Review of waste services offered to small and medium enterprises
5.2 Planet Ark Business Recycling website and equipment catalogue					
5.3 Industrial Ecology and Australian Packaging Covenant					
5.4 Industry education and training					
6. Supporting Local Communities					
6.1 Waste and Sustainability Improvement Program	More household waste is recovered and recycled There is less impact from small regional landfills	Local councils and groups of councils reduce waste and recover more resources because: <ul style="list-style-type: none"> they have more capacity to deliver effective education and behaviour change programs the community knows more about waste avoidance and resource recovery, and has better skills partnerships between local councils and regional groups of councils are stronger 	Effective and consistent education Positive behaviour Enhanced delivery Improved sharing	What is the level of involvement in capacity building programs? What self-reported outcomes has this led to? Does the community know more and do more about waste avoidance and resource recovery?	Review of capacity building actions and outcomes achieved in programs Comparison with findings from the Local Government Needs Assessment Comparison with data in annual kerbside recycling report and 2014 Waste and
6.2 Better Waste and Recycling Fund and Dissemination Program					

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Waste Less, Recycle More program area	Outcome for Waste Less, Recycle More	Education outcomes for specific Waste Less, Recycle More programs	Education outcome	Evaluation questions	Evidence
6.3 Regional coordination and planning 6.4 Regional Landfill Closure and Environmental Improvements Program		Councils that manage small regional and rural landfills: <ul style="list-style-type: none"> • have increased experience and better skills in completing risk assessments for high risk facilities • understand and have gained experience in assessing the best future options for these sites • have closed, consolidated, or made environmental improvements to these sites • have considered and are open to ideas for closure, consolidation or carrying out improvements to these sites 	Extended access Enhanced collaboration	Are there stronger partnerships between all providers of waste education? To what extent have small regional and rural landfills been closed, consolidated, improved environmentally? What evidence is there that councils manage small regional and rural landfills more effectively, consider long-term strategies for waste management, and have an increased understanding of the risks associated with their sites?	Recycling Benchmark Study Review of agency collaboration Number of small regional and rural landfills closed, consolidated, improved environmentally Number of small regional and rural landfills that have had a their risks recently assessed using the E-RAMP tool Knowledge, skills, attitudes, and behaviour change outcomes achieved in programs
7. Combating Illegal Dumping 7.1 Better evidence (data) 7.2 Partnerships (RID squads/programs) 7.3 Strategic enforcement 7.4 Capacity building and education	There is less illegally dumped waste in the environment	There is less illegal dumping in the community through: <ul style="list-style-type: none"> • effective communication about the problem and results of illegal dumping • better knowledge of what to do with unwanted material and the consequences of dumping • more positive attitudes to a clean environment 	Effective and consistent education Positive behaviour Enhanced delivery Improved sharing Extended access	Has illegal dumping fallen? Have people's knowledge, skill and attitudes to illegal dumping improved? Do people know more about where unwanted material goes and how to take it there? Have there been more reports of illegal dumping and more use of RIDonline?	Tonnage dumped Knowledge, skills, attitudes, and behaviour change outcomes achieved in programs Comparison with data in the 2014 Illegal Dumping Research Report Indication that a social norm is being created that illegal dumping is unacceptable Usage data from RIDonline and other reporting mechanisms
8. Tackling Litter 8.1 Hey Tossler! Education Program 8.2 Enforcement and compliance 8.3 Litter Infrastructure Program	There is less litter in the environment	There is less littering in the community through: <ul style="list-style-type: none"> • effective communication about the problem and results of littering • better knowledge of what to do with litter and the consequences of littering • more positive attitudes to a clean environment 	Effective and consistent education Positive behaviour Enhanced delivery Improved	Has littering fallen? Have people's knowledge, skill and attitudes to littering improved? Do they know more about where unwanted material goes and how to take it there?	Knowledge, skills, attitudes, and behaviour change outcomes achieved in programs, especially Hey Tossler! Comparison with data in 2014 Waste and Recycling Benchmark Study

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Waste Less, Recycle More program area	Outcome for Waste Less, Recycle More	Education outcomes for specific Waste Less, Recycle More programs	Education outcome	Evaluation questions	Evidence
			sharing Extended access	Do they know how to report litter from cars to the EPA?	Comparison with Litter Program social research Results of local litter action, including any fall in litter, and changed perceptions, measured through the Local Litter Check Community reporting data for littering from cars

Appendix A: Education as a tool for change

Types of education

We have based our structure for education on UNESCO's Education for Sustainable Development. This approach allows every human being to acquire the knowledge, skills, attitudes and values necessary to shape a sustainable future. To change behaviour, education can take many forms.

Education	Examples
Face-to-face delivery	Workshops
Printed materials	Signs, posters, flyers, stickers, brochures
Tangible infrastructure	Bins, kitchen caddies, bin caps
Electronic tools	Websites, web applications, social media
Mass media	Print, television, radio
Formal training	Vocational education certificates and diplomas
Informal training	Guided walks, tours
Community events	Promotions, displays
Community-based social marketing	Commitments, prompts, reminder messages

As a tool for changing behaviour, education is supported by:

- policy and price signals
- regulation and enforcement
- infrastructure
- research (scientific and social)
- incentives and disincentives
- social norms
- networking and partnerships.

Key themes

Waste education is more than providing information	This strategy aims to shift the behaviour of the NSW community to reduce the environmental impact of waste and use resources more efficiently. Providing information or increasing knowledge is not enough.
Waste education focuses on more than individuals	People are influenced by cultural and social practices, the media, ads, product choices and physical infrastructure. Education shapes these sources of influence so people adopt behaviours that reduce their environmental impact.
Waste education can be challenging, but is important	Education about waste is strongly linked with consumption and lifestyle choice, making it challenging. Producing more waste puts pressure on our environment. Although NSW has a proud history of recycling, we need to work together to find ways to reduce waste and recover resources in all areas of our lives.
Waste education is part of a movement towards sustainability	Sustainability is the goal of meeting the community's needs within the planet's ecological limits (Brundtland Commission 1987). Education for sustainability helps to 'create a more sustainable world, which ensures environmental protection and conservation, promotes social equity and encourages economic sustainability'. This strategy drives education for more sustainable choices and behaviours.

Appendix B: Setting the strategy's principles

Our key principles

Education about waste avoidance and resource recovery:

1. fosters a spirit of active citizenship in caring for the environment
2. reflects and addresses the needs, values and motivations of target audiences
3. reinforces key messages over time and engages with new issues
4. helps people connect their actions with outcomes
5. has a positive 'call to action' and expects behaviour to change
6. aims to generate positive social norms about the value of resources
7. respects and reflects cultural and linguistic diversity, and local Aboriginal culture
8. shows its effectiveness by being well researched, evaluated and reported.

1. Fosters a spirit of active citizenship in caring for the environment

This principle is about engaging people in education, behaviours and decision-making about wise resource use.

According to Albert Bandura's 'Social Cognitive Theory', change will only happen when an audience has a high level of self-efficacy. They must believe that:

- they can bring about the change they seek
- what they are doing is making a difference
- they can maintain the change.

If not, Bandura says you are wasting your time promoting ways to change behaviour (Bandura 1997). So waste education must make people believe that they can change the behaviours we seek.

Change will not happen unless people are engaged, so this is the first step in successful education. Generally, the larger the program, the more extensive the engagement process must be. Without community ownership, the program is unlikely to run smoothly. The lack of engagement will become more important than the issue at the program's heart.

Engagement in decision-making happens along a spectrum. See, for example, the International Association for Public Participation model (www.iap2.org.au/resources/iap2s-public-participation-spectrum):

Inform	Consult	Involve	Collaborate	Empower
To give the public balanced and objective information so they understand a problem, options, opportunities and solutions	To get public feedback on options and decisions	To work directly with the public to ensure concerns and aspirations are understood and considered	To partner with the public throughout decision, including developing options and finding the best solution	To put final decision-making in the hands of the public

2. Reflects and addresses the needs, values and motivations of target audiences

This principle is about tailoring programs so they are relevant to target audiences and their local area. Education to change behaviour is most effective when it is needs-based.

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Successful adult education programs:

- are oriented to goals and relevance
- are internally motivated and self-directed
- include life experiences and existing knowledge
- are practical
- respect learners (Knowles et al 2012)

Successful change programs also focus education on behaviours that people believe they have control over. For example, people can control what they put into their recycling bins. This is called 'internal locus of control'.

Rosenstock's 'Health Belief Model' identifies 'locus of control' as the most important concept for those promoting change (Rosenstock et al 1988). Programs focused on what people cannot change easily or on target groups that have no control over a behaviour – 'external locus of control' – are unlikely to be successful. Lack of accessible services or materials is a major issue here.

Like Bandura, Rosenstock says that the behaviour must be:

- 'do-able' by that person
- seen as making a difference
- seen to address a serious issue or problem.

If not, most people will not make the shift even when they have control.

3. Reinforces key messages over time and engages with new issues

This principle is about readiness and willingness to change, and the need to reinforce messages to encourage people as they start to engage.

The 'Stages of Change' model states that not everyone is ready to change behaviour. For any issue, each person will be at one of five stages: pre-contemplation, contemplation, preparation, action or maintenance (Prochaska et al 1992).

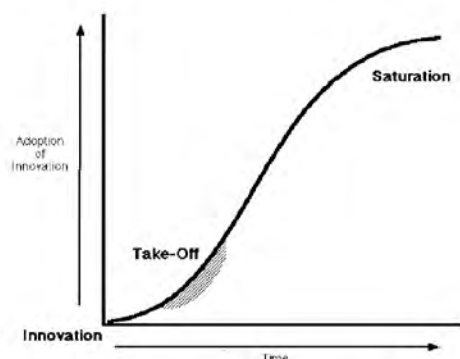
The premise is that change happens in small steps. You cannot move someone from pre-contemplation (not thinking about changing) to action, without encouraging them to take the middle steps. Educators must work out what stage their target audience is at, and design activities that move them on.

However, movement through the stages might be not be steady or in one direction. People might move back and forward, or go through the stages a few times, before the action becomes a regular behaviour. So continuing programs will maintain achievements and help people progress.

Meanwhile, Rogers' 'Diffusion of Innovations' model sees change as a wave moving through society. Adoption of changed behaviour (an innovation) follows a fairly predictable pattern (see figure B1). An innovator has a 'new' idea. It spreads slowly at first, usually through 'change agents' who actively promote it. It then picks up speed as more people adopt it. Eventually the innovation reaches a saturation level, where virtually everyone who will adopt the innovation has done so (Rogers 1995).

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Figure B1: Innovation adoption curve



Rogers identifies five categories in the diffusion of new ideas or behaviours:

- innovators – the global visionaries with imagination and a mission
- early adopters – private visionaries looking for strategic personal advantage of specific innovations
- early majority – pragmatic individuals influenced by fashion and proof
- late majority – conservative pragmatists who avoid risks but also avoid being left behind
- laggards – sceptics who often react negatively to real problems that need solutions.

When the number of early adopters reaches a critical mass (between 5 per cent and 15 per cent), the process is probably irreversible. The innovation has a life of its own, as more and more people share it.

4. Helps people connect their actions with outcomes

This principle is about focusing education initiatives on the consequences of behaviours.

Waste education activity is largely based on information. While knowledge can prompt change and is often a precursor to it, a gap in knowledge might not be the key factor preventing the desired change in the target audience.

This principle acknowledges that an understanding of consequences can drive change. Woodward identifies that a logical conclusion or inference will drive change for many people. If people cannot see or do not believe that the consequence is real, they will not change. Often various education methods are needed for entrenched or highly valued behaviours (Woodward 2003).

5. Has a positive 'call to action' and expects behaviour to change

This principle is about the expectation that behaviour will change because of education.

McKenzie-Mohr's 'Community Based Social Marketing' model identifies that the challenge in changing behaviour is in translating knowledge and attitudes into action. Educators must create behaviour norms that will improve social outcomes, such as improving the environment or health. The aim is to deliver programs that improve people's quality of life and the life of the planet (McKenzie-Mohr 1999).

To bring about change under this model, an education program must:

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Action	Description	Example
Seek commitment from the target audience	Programs need to seek written (if possible) commitment from participants about what they will do	Take the pledge not to litter
Prompt appropriate behaviour continuously	Signs and other prompts are important to reinforce behaviour	Sign on bin: 'In this house all our food scraps are recycled to make compost'
Build acceptable practices into normative behaviour	The more people who practise a behaviour often, the more it becomes a social norm note: We cannot really make something a norm. It is an outcome of what happens	It's now a social norm to clean up after your dog in the park's leash-free area
Provide incentives to reinforce appropriate behaviour	Incentives, such as social events, subsidies, compliments and rewards, can help make the behaviour enticing	Sign on fridge: Fabulous Recycler Bin sticker: Smiley face
Remove external barriers	Anything that restricts the behaviour should be removed before the program starts	To recycle our food scraps, we need a kitchen caddy
Run ongoing evaluation	Choose direct measurements (like tonnes recycled or energy saved) over less direct ones (like self-reported behaviour or increases in awareness)	

6. Aims to generate positive social norms about the value of resources

This principle is about the influence of social norms and how behaviour change programs can shift them.

Gladwell's 'Tipping Point' model offers another way of understanding how norms motivate change. It observes that ideas, behaviours and messages sometimes copy processes seen in outbreaks of infections. They are 'social epidemics' rather than medical ones. Gladwell cites the example of measles in a kindergarten class: one child brings in the virus and it spreads to every child in the class within days (Gladwell 2000).

The model argues that if people are at the tipping point, things can happen all at once and little changes can spark a big difference. People expect everyday change to happen slowly and steadily, and that there is some relationship between cause and effect. However, Gladwell suggests that ideas, behaviours and product trends move through a population very much like a disease does.

Educators need to find the lever to move people over the tipping point to create a social norm. Ongoing peer influence, often supported by infrastructure and compliance activity, leads to more and more people adopting the behaviour.

7. Respects and reflects cultural and linguistic diversity, and local Aboriginal culture

This principle is about ensuring that we develop and deliver programs within local cultural contexts.

This strategy supports commitment, collaboration and consultation with diverse communities. For example, it seeks to align and integrate Aboriginal perspectives and knowledge as part of education for better waste outcomes.

Where relevant, we will:

- involve Aboriginal communities in designing sustainability projects and programs
- engage these communities in culturally appropriate ways
- address their environmental needs and issues

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

- work with them to deliver projects that will increase the environmental knowledge and sustainable living practices of the broader community
- integrate Caring for Country values in environmental projects
- link to local and statewide Caring for Country projects
- work across agencies to advocate an Aboriginal perspective in mainstream programs.

This strategy also acknowledges the state's culturally and linguistically diverse communities. In NSW:

- 31 per cent of people were born overseas
- 27.5 per cent speak a language other than English at home
- 4 per cent do not speak English at all.

The top 10 languages other than English are Arabic, Mandarin, Cantonese, Vietnamese, Greek, Hindi, Italian, Spanish, Korean and Tagalog (Filipino) (www.abs.gov.au/websitedbs/censushome.nsf/home/Census?opendocument#from-banner=GT)

Our program developers will strive to ensure that these diverse communities can access education programs, information and services (see guidelines at www.eccq.com.au/wp-content/uploads/2012/01/cald_good_practice_guide-nsw.pdf).

8. Shows its effectiveness by being well researched, evaluated and reported

This principle is about the importance of basing programs on solid research and ensuring they are fully evaluated.

Social research informs effective education planning and delivery. Thus, effective education about waste uses or commissions social research that informs and benchmarks programs.

We have based our approach to monitoring, evaluation and reporting on the 'Program Logic' model. It provides a:

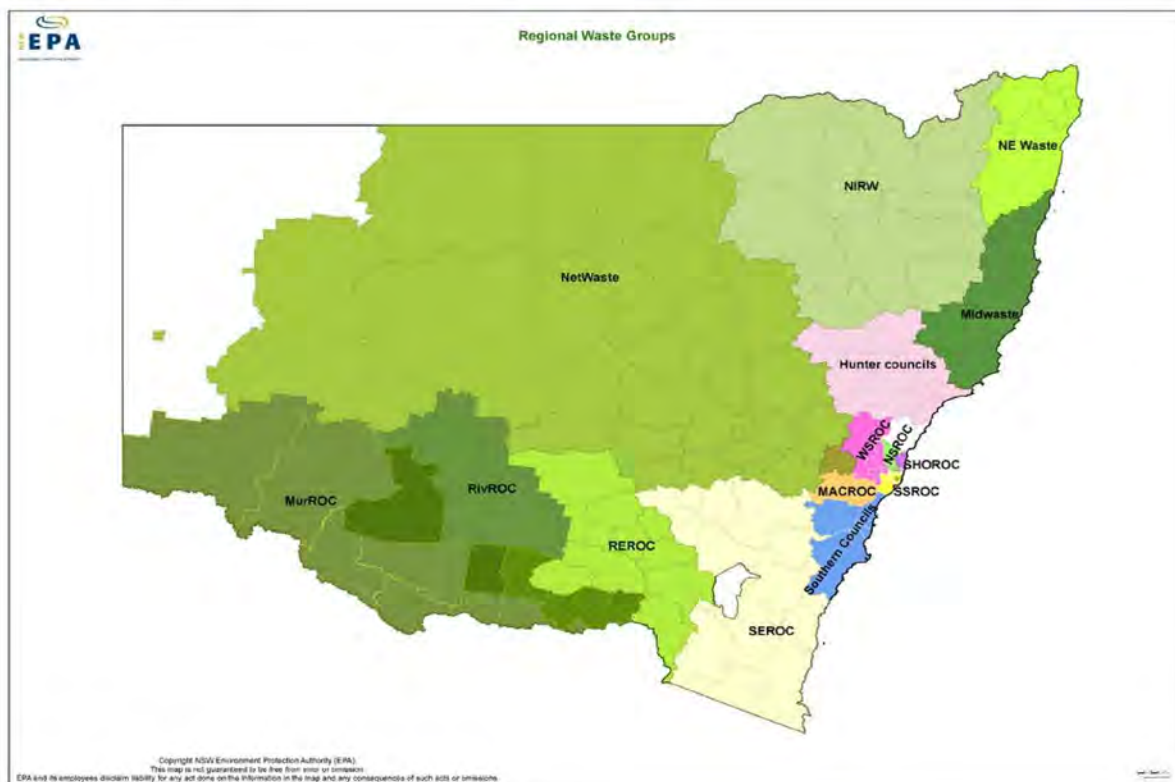
- tool to guide planning at the conceptual stage of a program
- tool for evaluating the strengths and weaknesses of a program, often when it is in the development or re-development phase
- framework from which to develop monitoring and evaluation criteria (Rogers 2008).

Effective evaluation makes both summative and formative assessments. Summative evaluation analyses the successes and failings of a program. Formative evaluation points to future changes that will make it more effective.

Appendix C: Regional waste education initiatives

Regional groups of councils have developed regional waste avoidance and resource recovery strategies for 14 regions in the state. Here we summarise the education programs and priorities in these strategies for 2015–17. While not in our action plan, these programs are important to delivering this strategy, particularly through the member councils of each group.

Figure C1: NSW regions



Hunter Waste Group (Hunter Councils)

- Develop a three-year action plan to refresh the work of the Hunter Waste Educators Group and identify cross-regional activities.
- Run campaigns on waste avoidance, recycling, council services for businesses, problem wastes, litter, community gardens and home composting.
- Develop a program to promote reuse through existing charities, businesses and online platforms.
- Deliver a television and web-based Christmas campaign.

Macarthur Regional Organisation of Councils (MACROC)

- Create education modules for primary schools and tertiary institutions.
- Run an education program about using the right bin, including bin stickers.

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

- Coordinate campaigns on current services, illegal dumping and litter prevention.

Midwaste Regional Waste Forum (Midwaste)

- Run an education program for all waste sectors, including households.
- Develop a program of waste-wise events.
- Run a community-based reuse project, such as a clothing swap.
- Hold and promote events to clean out household chemicals.
- Coordinate local campaigns on avoiding waste, reusing bulky goods and understanding the impacts of illegal dumping.

NetWaste

- Continue to adopt the NetWaste Education Strategy 2013–22 and NetWaste Village Waste Reduction program.
- Build on existing activities like the NetWaste Schools Program.
- Run programs like the used oil, problem wastes and waste-to-art initiatives.
- Run partnership programs to support local education.
- Develop targeted communications about waste.

North East Waste (NE Waste)

- Develop campaigns on waste avoidance, reuse, recycling, resource recovery, a three-bin system, problem waste, asbestos and litter.

Northern Inland Regional Waste (NIRW)

- Develop a plan to avoid food waste.
- Promote home composting.
- Run a community education and engagement program on littering.

Northern Sydney Regional Organisation of Councils (NSROC)

- Develop a campaign to promote participation and behaviour change, reflecting priorities such as problem wastes, illegal dumping and waste management in multi-unit dwellings.
- Build capacity for council staff.

Riverina East Regional Organisation of Councils (REROC)

- Continue to support the region's successful education programs: *Kindy kits project*, *No Waste in My Lunchbox* and *Garden Smart* workshops for the community.
 - Run sustainable living campaigns, including on minimising waste, reducing bin contamination and using Community Recycling Centres.
 - Promote the Yours2Take website.
 - Teach the community about organics and home composting by producing resources to support new organic collection services.
 - Teach businesses about reusing and recovering waste.
 - Promote the Love Food Hate Waste program.
-

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Riverina and Murray Regional Organisations of Councils (RivROC and MurROC)

- Extend the Halve Waste – Reduce, Reuse and Recycle campaign.
- Involve 10 member councils in the Love Food Hate Waste campaign.
- Produce materials for households on recycling.
- Run a car littering ad campaign.

The Shore Regional Organisation of Councils (SHOROC)

- Run behaviour change programs on producing less waste, composting, reducing bin contamination, understanding the impacts of illegal dumping, reducing littering and promoting the new collection system.
- Develop school resources on waste avoidance.
- Develop resources on what is recyclable and what happens to recyclables.
- Create a communications plan for the Kimbriki Resource Recovery Centre.

South East Regional Organisation of Councils (SEROC)

- Develop education and training programs for schools and council staff.
- Promote food waste avoidance and anti-littering behaviour.
- Create a communication strategy about throwing sharps away safely.
- Help local businesses better manage waste and recycling.
- Run awareness and promotion campaigns on sustainable behaviours.

Southern Councils Group (Southern Councils)

- Teach households about avoiding waste, reusing products and recycling more.
- Run a compost education program.
- Coordinate programs on litter prevention and reduction, and illegal dumping.

Southern Sydney Regional Organisation of Councils (SSROC)

- Run campaigns on using infrastructure effectively, safely disposing problem wastes, recovering organic material, recycling, avoiding food waste, illegal dumping and littering.
- Coordinate a waste avoidance program to help people think about their consumption choices and how they can make positive changes.
- Run initiatives to improve recycling, including projects focusing on the needs of residents of multi and single unit dwellings.

Western Sydney Regional Organisation of Councils (WSROC)

- Coordinate education materials across councils, particularly where gaps are identified, so there is wider exposure to key topics.
- Help run education programs, including a central Love Food Hate Waste program.
- Identify community groups and look at centrally publishing key resources in relevant languages.

For more on a regional waste strategy, please contact the organisation directly.

References

- Bandura, A 1997, *Self-efficacy: The exercise of control*, Worth Publishers.
- Brundtland Commission 1987, 'Chapter 2: Towards Sustainable Development', *Our Common Future: Report of the World Commission on Environment and Development* <www.un-documents.net/ocf-02.htm>
- Gladwell, M 2000, *The Tipping Point: How little things can make a big difference*, Little, Brown and Company, Boston.
- Knowles, M, Holton, E and Swanson, R 2012, *The Adult Learner: The definitive classic in adult education and human resource development*, 7th edn, Routledge, Abingdon.
- McKenzie-Mohr, D and Smith, W 1999, *Fostering Sustainable Behaviour: An introduction to community based marketing*, New Society Publishers, Gabriola Island.
- Prochaska, J, Diclemente, C and Norcross, J 1992, 'In search of how people change: Applications to addictive behaviours', *American Psychologist*, vol 47, pp 1102 to 1114.
- Rogers, E 1995, *Diffusion of Innovations*, The Free Press, New York.
- Rogers, P 2008, 'Using Program Theory to Evaluate Complicated and Complex Aspects of Interventions', *Evaluation*, vol 14(1), pp 29–34.
- Rosenstock, I, Strecher, V & Becker, M 1988, 'Social Health Learning and the Health Belief Model', *Health Education Quarterly*, vol 15, pp 175 to 183.
- Woodward, J 2003, *Making Things Happen: A theory of causal explanation*, Oxford University Press, Oxford.
-

ATTACHMENT 2

Submission from Campbelltown City Council to the NSW Environmental Protection Authority

in relation to the draft document:

‘Changing Behaviour Together: NSW Waste Less, Recycle More Education Strategy’.

The document ‘Changing Behaviour Together: NSW *Waste Less, Recycle More* Education Strategy 2015-17’ represents a structured and unified approach to waste education. This approach is welcomed by Campbelltown City Council. Council congratulates the NSW Environment Protection Authority on the development of the Strategy. Council appreciates the opportunity to submit the following feedback and recommendations regarding the document.

Messaging on a statewide Level:

Council encourages the concept of developing and delivering consistent messaging across the state, where the messages are common to the residents of all Local Government Areas.

While television advertising is an effective means of communicating to large numbers of residents, there are two limitations to this means of communication:

1. It is very expensive and therefore in most cases inaccessible to individual councils, or even regions of councils;
2. It crosses Local Government boundaries, preventing individual councils from sending messages that are relevant only to their constituents.

Council would support an initiative where the EPA further develops television advertising to deliver statewide messages that are relevant and topical to all or most Local Government Areas. Examples include waste avoidance, illegal dumping and litter. Council would further support the funding of such an initiative by re-directing a portion of contestable and non-contestable grant-funding under the Waste Less Recycle More program.

Confusion caused by variations in services across councils:

A significant challenge to the delivery of consistent messaging lies in the differences in waste-related services provided by councils. Examples include:

- On-call kerbside clean-ups compared with zoned kerbside clean-ups;
 - Garden organics: not all councils provide a garden organics collection service;
 - Collection systems and bin configurations: some councils provide collection of fully commingled recyclables, while others provide a separate MGB or crate for the separate collection of cardboard/paper. Some councils do not provide a recyclables collection service. It should be noted that this lack of consistency is not necessarily due to shortcomings in councils’ approach to waste management. These differences are often due to the requirements of recycling contractors who process the materials delivered by councils. In addition, some councils, particularly in rural areas,
-

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

do not provide a recycling service as they do not have economically viable access to recycling facilities;

- Residents' disposal of food organics represents an increasingly important difference between councils. In recent years we are seeing some councils developing tender specifications for domestic waste disposal contracts, that require post-collection processing technology to cater for food organics mixed with garden organics. In turn, these councils are placing requirements on residents to place food organics in garden organics bins. In these cases councils are choosing to more narrowly prescribe the processing technology to prospective tenderers. Other councils are currently engaged in long-term contracts that legally bind them to delivering food organics in the Mixed Solid Waste (MSW) stream.

These differing views on food organics point to a key philosophical difference in Councils' approach to the preparation of tender specifications for domestic waste processing and disposal contracts:

Some councils choose to research the range of waste processing technologies and, based on the outcomes of their research, prescribe a technology in their tender specifications, or alternatively, prescribe a contractual requirement (in this example, that food organics will be mixed with garden organics), that will limit tenderers to specific technologies. Other councils choose to take an 'outcomes based' approach when developing tender specifications. Again using food organics as the example, a council taking this approach would not specify any requirement as to whether food organics will be delivered in the garden organics stream or the MSW stream. Instead, a council allows the tenderer to nominate its requirement according to the technology offered. In this example, the council is more concerned with outcome rather than the process, arguably the most significant outcome being the percentage of diversion from landfill that the proposed technology will provide.

Given these few examples of differences in waste related services provided by councils across the state, it is not unreasonable to expect that residents moving between LGAs, even in some cases to a neighbouring LGA, become unaware or confused about their local council's rules regarding the presentation of domestic waste. Indeed, it would not be unreasonable to assume that many residents who rent their premises, particularly in the Sydney Metropolitan Area, are not aware of the LGA in which they are living, and that if they have recently moved, may even not be aware that they have moved to a different LGA.

Creating a consistent range of services across the State, across the Sydney Metropolitan Area or even across a region of councils in order to reduce confusion to residents, would require a commitment from a large number of councils to make substantial changes, over many years. Even then, complete consistency is unlikely to be achievable, for example due to the differences in available waste processing infrastructure and technology due to market forces and financial constraints.

While it may not necessarily be the function of this Strategy to drive such a major project, there may be some benefit in at least including consistency of services across councils as a long term objective.

Targeting occupants of rented premises:

Through their property information systems, Councils are readily able to identify change of ownership of premises. It is therefore relatively easy for a council to implement an automated system of mailing out important information to new owners. In fact, many councils already have these systems set up with the dissemination of 'New Resident Packages', which most often include important waste-related information. This is an effective means of communication to new owner-occupiers. However, councils have no means of knowing when a change in tenancy takes place. For LGAs with high tenancy rates (for example,

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

Campbelltown City has a domestic tenancy rate of approximately 30%, it is extremely difficult to target important messaging to these new residents.

While there is no easy solution to this issue, there may be some value dedicating some part of the Strategy to targeting the residents of rented properties.

Targeting migrant communities:

Depending on their countries of origin, some migrants who have recently moved to Australia may be unaware of their council's waste services and rules associated with the disposal of domestic waste. Council recommends the inclusion of actions specifically towards education of migrant communities.

Anti-littering campaigns:

Council does not support the 'Hey Tosser' campaign. This theme is considered to be negative and inconsistent with one of the Strategy's key objectives in its vision: 'build positive attitudes'. Council is concerned that the accusatory tone of the 'Hey Tosser' campaign has the potential to encourage defiance of authority, possibly resulting in increased littering behaviour.

Council recommends an alternative campaign with a theme that engenders a sense of belonging to one's community, and encourages pride in the area in which they live. This approach is not unlike the 'Do The Right Thing' campaign.

Council has its own anti-littering and anti-dumping promotion based on this more positive approach, using the slogan:

'It's our place. Respect it. Protect it', with a by-line of 'Please don't litter' or 'Please don't dump'. The slogan is accompanied by a photograph of a person. Currently, the photograph used is one of a 'cool' looking teenager holding a skateboard in a skate-park. In the near future we will be using additional photographs: two young children aged approximately 8 and 10 years in a park, a middle-aged couple outside their home in a residential street, and an indigenous person standing by a creek in a bushland setting.

Land-use planning – multi-unit dwellings:

In many cases, development applications received by councils for subdivisions and multi-unit domestic premises have poorly designed, inappropriate or unacceptable waste management arrangements. It is possible that this is at least partly due to architects' and town planners' lack of understanding of the issues surrounding waste storage, street amenity, collection and recycling. During preparation of this submission inquiries were made with Council employees who recently completed undergraduate programs in town planning. They advised that their courses did not include any information on waste management.

Council recommends that the Strategy include an action to approach tertiary institutions to include a formal waste management unit in their architecture and town-planning undergraduate degree programs.

Private certifiers:

Following Council's approval of a development application, the applicant may engage a private certifier to approve modifications to the development application, provided that those modifications are consistent with the original consent. In these cases the Council is not necessarily consulted or notified in relation to the modification. Council has experienced such cases where a private certifier has approved modifications to waste management arrangements which are considered to be inconsistent with the original consent, however where it is unlikely that Council's challenge in the Land and Environment Court would succeed. In

1.1 Submission To The NSW Environment Protection Authority - Draft Waste Education Strategy

one recent example, garbage chutes and recycling bin rooms (which in this case were a requirement under Council's Development Control Plan) that were included in the original DA and consent, were subsequently omitted from the modified plan. Council became aware of this only after construction of the building was completed.

It is noted that Item 5.4 of the Action Plan targets developers and town planners in relation to the development and promotion of education guidance material. Council recommends that the target audience be extended to include private certifiers.

Packaging waste:

It is acknowledged that consumers have little control over minimising packaging waste, and that consumer education would therefore have limited effect on its reduction. Notwithstanding, Council recommends that the Strategy include a component to at least increase consumers' awareness of the problems associated with excess packaging waste. It is hoped that an increased community awareness of this issue would prompt an increased degree of pressure on governments and industry to reduce packaging waste.

Broken windows theory:

Council recommends that the Strategy includes further research and testing of the 'Broken Windows Theory', particularly in relation to illegal dumping and littering. Should the results of research support the principles of the theory, Council further recommends that the EPA support initiatives for councils to reduce the average time between dumping/littering and removal. A simple example might include the funding of an additional truck and staff for the removal of illegally dumped waste, or funding for the coordination of community litter collection volunteers.

Conclusion:

Campbelltown City Council is proud of its association and close collaborative relationship with the NSW Environment Protection Authority. Council looks forward to the finalisation of the 'Changing Behaviour Together: *NSW Waste Less, Recycle More* Education Strategy 2015-17', and is committed to working closely with the EPA to implement the Action Plan that will form an integral part of the Strategy.

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Revised Policy - Sustainable Events

Reporting Officer

Manager Sustainable City and Environment

Attachments

Revised Policy - Sustainable Events (contained within this report)

Purpose

To seek Council's endorsement of the revised policy – Sustainable Events.

History

This policy was first adopted by Council at its meeting on 31 May 2011.

Two reviews of this policy have been undertaken since its establishment in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

The first review sought for the policy to be retained in its original form and was subsequently adopted by Council at its meeting on 1 July 2014.

The findings of the second review are presented in this report for Council's adoption.

Report

The abovementioned policy has been revised in accordance with Council's Record Management Policy and the adopted procedure for Policy Development and Review.

Consultation with key staff from Council's Environmental Planning, Community Resource and Development, Communications and Marketing and Governance and Administration sections has been undertaken with relevant feedback incorporated into the revised policy. Overall, the feedback demonstrated staff interest in sustainable event practices and confirmed the continued need for the Policy.

The feedback has resulted in:

- the deletion of 'management' from the original policy title
- the simplification of the 'policy statement', 'definitions' and 'legislative context' sections
- the inclusion of an additional policy principle titled 'transport', and the realignment of three recommendations which more closely relate to this principle
- the inclusion of a number of additional recommendations which relate to 'venue/site selection', 'promotion', 'catering' and 'waste management'
- changes to content as required.

The abovementioned amendments will assist in improving the policy by providing greater scope and guidance for staff in implementing sustainable events. In this regard, it is recommended that the revised Sustainable Event Policy be adopted incorporating the suggested amendments.

Officer's Recommendation

1. That the revised Sustainable Events Policy as attached to this report be adopted.
2. That the Policy review date be set at 30 June 2018.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 78

That the Officer's Recommendation be adopted.

ATTACHMENT 1

 campbelltown city council		POLICY
Policy Title	Sustainable Events Policy	
Related Documentation	Draft Sustainability Strategy	
Relevant Legislation/ Corporate Plan	Local Government Act 1993 Protection of the Environment Operations (Waste) Regulation 2005 Procurement Policy	
Responsible Officer	Manager Sustainable City and Environment	

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Objectives

1. To minimise the environmental impact of Council events.
2. To provide guidance and encourage Council employees to adopt sustainable practices as part of their events.

Policy Statement

Events, whether they are small team meetings or large festivals, include internal stakeholders, external stakeholders or community members/representatives, and provide an opportunity for Council to lead by example and to demonstrate its commitment to sustainable practices. Sound and sustainable event management can assist Council to minimise its ecological footprint and associated financial costs by reducing energy and water consumption, greenhouse gas emissions and waste.

This policy is intended to encourage the use and promotion of sustainable event practices, where possible. The policy recognises that there are a number of constraints associated with planning an event, and that in some cases implementing all sustainable practices may not be possible.

Scope

This policy is provided for consideration and implementation by all Council employees.

Definitions

1. Sustainability:

"Development that meets the needs of the present without compromising the ability of future generations to meet their own needs".

2. Ecologically Sustainable Development (ESD):

ESD is defined by the NSW *Local Government Act 1993* as:

“requiring the effective integration of economic and environmental considerations in decision-making processes”.

3. Event:

This policy defines an event to include:

- Any gathering of internal and/or external stakeholders (including general public).
- Gatherings ranging from small team meetings and Council meetings to large festivals (eg Festival of Fisher's Ghost, Riverfest). This also includes special events, such as exhibitions and award ceremonies.

Legislative Context

This policy was developed in 2011 by the Sustainability Committee to demonstrate Council's compliance with State Government grant funding requirements.

Principles

1. Venue/site selection:

- Take advantage of multimedia conferencing facilities (i.e. WebEx and Skype) and consider hosting an online meeting.
- To avoid excessive use of lighting and air conditioning, ensure that the venue is suitable in size.
- Select venues that have existing infrastructure to limit the amount of additional equipment being brought in such as lighting, ablution blocks, etc.

2. Transport

- When selecting a venue outside of Council offices, consider its proximity to public transport.
- Where external stakeholders or community members/representatives are commuting, promote the use of public transport by providing directions, relevant train timetables and details of bus services. Alternatively, encourage car-pooling.
- Try to reduce/restrict traffic (motor vehicle and people) in environmentally sensitive areas, such as bushland. Where these areas are affected, encourage restoration works to be undertaken.

3. Promotion:

- Reduce printed material where possible by communicating electronically through social media, emails and Council's website.
- Provide agendas/run sheets electronically prior to the event, and ask that participants do not print.
- During the event, consider having the agenda/run sheet written on the whiteboard or displayed on a screen rather than handing out printed copies.
- Where printing is unavoidable, print doubled sided and on recycled paper.
- Collect all unwanted printed material and either recycle or reuse as scrap paper.
- Try to create attendee ownership/stewardship of the event's sustainable principles by promoting your intentions/goals.

4. Catering:

- Encourage the sourcing of food from local providers and businesses. This will in turn reduce associated 'food miles'. Food miles refer to the total distance an item travels after production to the consumer.
-

- Where food is unused, consider the possibility of forming a partnership with a local charity that provides meals for the disadvantaged community. Details of organisations who collect food to be distributed to charities can be found at - givenow.com.au/otherways/food
- Consider sustainable and healthy nutritious menus, choosing local produce based on seasonality where possible.
- Encourage the use of foods that are sourced and produced using ethical practices. For example, free range products such as poultry, eggs and pork.
- Try to ensure that food options for vegetarians and people with special dietary needs are available.
- Consider options that provide less wastage such as instant coffee in a jar and biscuits on a plate. Individually packaged tea, coffee, sugar, lollies, chocolates and biscuits create unnecessary packaged waste.
- Avoid using disposable cutlery and crockery. If there are no other practical alternatives, use biodegradable ones instead of plastic polystyrene.

5. Power:

- Try to utilise natural lighting instead of artificial lighting by opening blinds. Choose meeting rooms where this is possible.
- Purchase green power from an accredited renewable supplier to offset carbon emissions.
- Ensure that all equipment, including computers and projectors are turned off or placed on stand by when not in use (eg during question and answer sessions, breaks and other times deemed appropriate).
- Use well maintained and current equipment that carries a favourable energy rating.
- Choose low wattage appliances where available.

6. Water:

- For internal events, seek to provide drinking water in refillable, washable and reusable containers, cups and/or glasses. Encourage the use of glasses and jugs of water in preference to bottled water.
- For outdoor events, provide 'refilling stations' and consider using recyclable/biodegradable cups/bottles. In addition, provide and promote the use of recycle bins for unwanted litter.

7. Waste management:

- Apply the 'waste hierarchy' – in order of preference Avoid, Reduce, Reuse, Recycle.
- Prioritise equipment and materials that contain recycled materials and have end-of-life recycling.
- Collect business cards or email addresses to provide electronic distribution of material produced during the meeting/event to attendees.
- Provide recycling bins at highly visible locations.
- Use a laptop to take meeting minutes or whiteboards to capture and present ideas and thoughts.
- Where portable toilets are required, consider sourcing toilets that utilise environmentally-friendly chemicals and/or compost waste disposal.
- Reuse name badges and lanyards where possible. Provide a facility for guests/delegates to return them as they leave the event.
- Avoid using stickers/labels for name tags as the sheets on which they arrive cannot be recycled.

8. Other:

- Consider planting trees to assist with reducing the carbon footprint of the event.
- Select suppliers in accordance with Council's Procurement Policy.
- Use table linens that can be washed, rather than disposable alternatives.
- Consider discussing the achievements and challenges of running a sustainable event at team meetings.

Responsibility

This policy is provided for consideration and implementation by all Council employees. The Manager of Sustainable City and Environment is responsible for its monitoring and review.

Effectiveness of this Policy

This policy will be reviewed in accordance with Council's adopted procedure for policy development.

END OF POLICY STATEMENT

2.2 Evaluation of Community Fishing Day

Reporting Officer

Manager Sustainable City and Environment

Attachments

Photographs showing highlights of the 'catch-a-carp' fishing competition. (contained within this report)

Purpose

To inform Council of the outcomes from the community fishing day held at Eagle Vale Pond on 22 March 2015 and to seek Council support for a future event.

History

At its meeting on 18 December 2012 Council considered a report on a proposed community fishing day at Eagle Vale Pond, Eagle Vale and resolved:

"That Council approve a community fishing event, targeting carp, to be held at Eagle Vale Pond, Eagle Farm Reserve, Eagle Vale during Autumn 2013".

The 2013 event took place on 7 April 2013 attracting 495 participants with 42 Carp caught on the day.

The event occurred again in 2014 with a similar number of participants, however 97 Carp were caught. The subsequent evaluation report presented to Council at its meeting on 6 May 2014, recommended that a third community fishing event be undertaken which Council subsequently agreed to.

Report

The third community fishing event, promoted as the 'catch-a-carp' competition, was held at Eagle Vale Pond, Eagle Farm Reserve on Sunday 22 March 2015. The objective of the event was to engage the community with their local waterways and the environment and educate residents on responsible fishing practices as well as ecosystem values and threats to aquatic ecosystems. The event focused on the removal of carp from the pond due to their noxious status and their detrimental impacts on waterways and river health.

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

The event commenced at 7.00am and concluded at 11.00am. This year's competition was highly successful, with 501 people registering to participate in addition to hundreds of spectators attending on the day. This is the largest number of people participating in the competition to date. Participants ranged in age and skill with a large number of families in attendance.

A total of 45 carp were caught across the three and a half hours of fishing, less than half the amount caught the previous year. This, along with the fact there were almost 100 more people fishing this year compared to last year, demonstrates the competition is having the desired effect of reducing the numbers of carp in Eagle Vale pond.

The 'catch-a-carp' competition was again a highly successful event. Feedback from the community collected through surveys on the day showed the community:

- Highly valued the event as a way to bring the community together
- Expressed interest in holding the event twice a year
- Expressed interest that the venue of the Catch a Carp competition be moved to another pond/waterway where carp exist as there were not as many people catching fish as in previous years
- Would appreciate more environmental education events that involved outdoor, activities.

Winners in each of the categories were awarded a trophy, kindly donated by Trophy Mart and an Oz Tackle voucher in recognition of their efforts. Table 1 shows the winners for each of the prize categories. Based on last year's feedback there was an additional age category created as well as a prize for the smallest fish caught.

Table 1: List of winners

Prize category	Name of winner	Achievement
Most carp caught under 10 years	Hasam Hafza and Chloe Emslie	2 carp
Most carp caught 10 to 15 years	Brendan Butterfield	6 carp
Most carp caught 16 to 18 years	N/A (no fish caught in this age category)	
Most carp caught over 18 years	Tibi Lunguly	11 carp
Largest carp caught under 10 years	Hasam Hafza	25cm
Largest carp caught 10 to 15 years	Brendan Butterfield	29cm
Largest carp caught 16 to 18 years	N/A (no fish caught in this age category)	
Largest carp caught over 18 years	Shane Gveric	61cm
Mystery Length	Theresa Brown and Chloe Emslie	20cm
Smallest fish caught	Tibi Lunguly	10cm

Given the popularity of the event, there is considerable merit in Council's consideration of a proposal to conduct a similar future event in 2016. Community feedback collected through surveys on the day, suggested there was sufficient popularity for this event to be held twice a year. However, given the decline in the number of Carp caught in this year, further events at the current location may result in less fish being caught leading to a detrimental effect on the popularity of the event.

The significant decline in carp caught in this year's competition suggests the event is having the desired effect of reducing carp numbers in Eagle Vale pond. In order to expand the environmental benefits of the competition and maintain community interest, alternative locations should therefore be considered when planning the 2016 Catch a Carp competition.

Officer's Recommendation

1. That Council conduct a community fishing event in 2016, targeting carp, in one of Campbelltown's local waterways.
2. That Council examine the feasibility of holding the Catch a Carp competition at an alternative location when planning for the 2016 event.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 78

That the Officer's Recommendation be adopted.

ATTACHMENT 1









3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics March 2015

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for March 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 March 2015 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

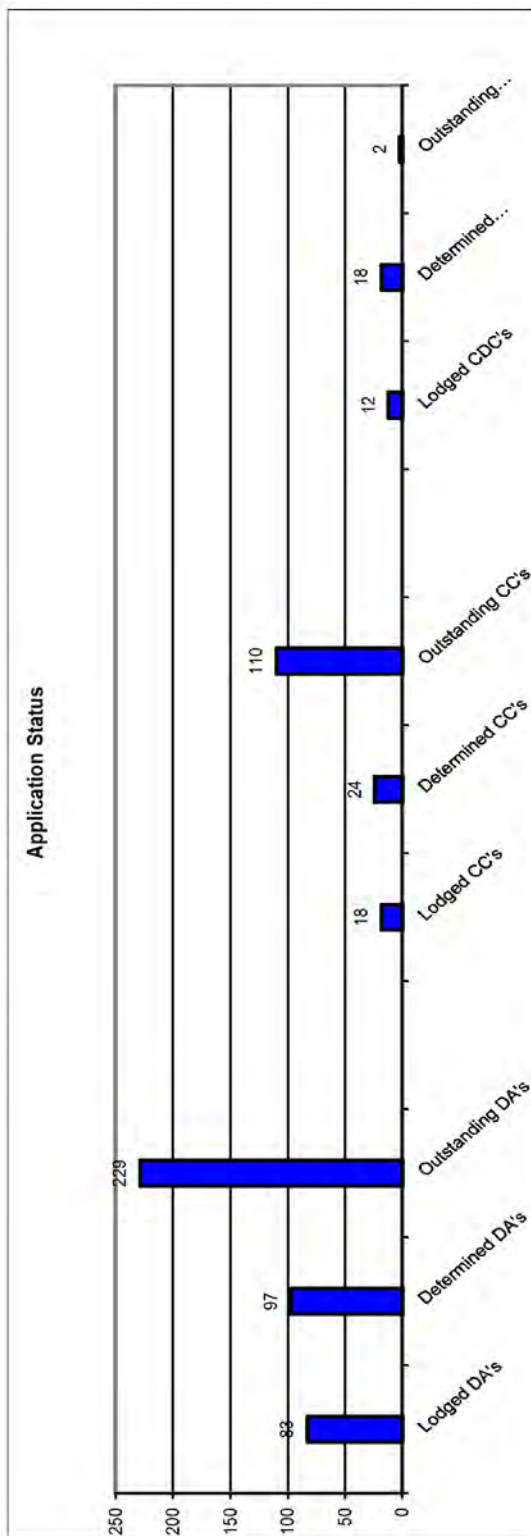
That the Officer's Recommendation be adopted.

Council Minute Resolution Number 78

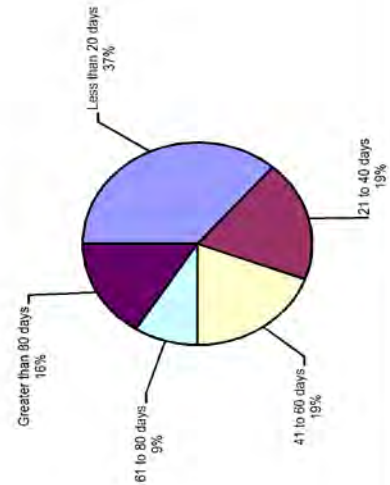
That the Officer's Recommendation be adopted.

ATTACHMENT 1

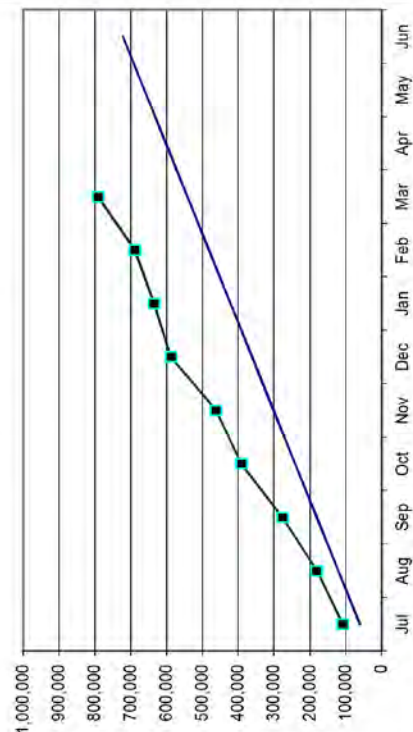
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – March 2015



Development Application Monthly Processing Times



Development Application Income



3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

3.2 Demolition of two existing dwellings and construction of a four storey residential flat building comprising 25 two bedroom units with one level of basement car parking - Nos. 8-10 Cambridge Street, Ingleburn

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. Shadow diagrams (contained within this report)
6. Schedule of finishes (contained within this report)
7. Landscape plans (contained within this report)
8. Floor plans (distributed under separate cover – confidential – for privacy reasons this is not available to the public)

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 application is reported to Council as it proposes several variations to the Residential Flat Design Code and Campbelltown (Sustainable City) Development Control Plan 2014.

Property Description	Lots 6-7 DP 24136, Nos. 8-10 Cambridge Street, Ingleburn
Application No	1940/2014/DA-RA
Applicant	Megapick Pty Ltd
Owner	Mr Trevor Lindsay Phillips and Ms Kaihua Wu (No. 8 Cambridge) and Jaqueline Dawn Quon (No. 10 Cambridge)
Provisions	State Environmental Planning Policy 65 – Design Quality of Residential Flat Development Residential Flat Design Code (RFDC) State Environmental Planning Policy (BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014
Other provisions	Campbelltown (Sustainable City) Development Control Plan 2014 Campbelltown 2025 - Looking Forward
Date Received	19 August 2014

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Report

This application proposes the demolition of two existing dwellings and construction of a four storey residential flat building comprising 25 two-bedroom units with one level of basement car parking. The proposed residential apartment building would contain a community room and a communal open space area at ground level.

The subject site consists of two allotments with a total area of 1,532sqm. Both of the allotments contain single storey dwellings. The allotments are orientated in a north-easterly to south-westerly direction.

The site is adjoined by multi-dwelling developments to the north and west, and to the east and south by single storey dwellings. The area is currently in transition from a low density residential area to a residential apartment precinct.

1. Vision

Campbelltown 2025 - Looking Forward

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

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

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

The strategic directions relevant to this application are:

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

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

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
 - Development and land use that matches environmental capacity and capability.
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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

2. Planning Provisions

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

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

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

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

This certification has been provided by Mr Robert Del Pizzo of Architex.

Part 2 of the SEPP outlines 10 design quality principles that apply to residential flat development. Under the SEPP, the qualified designer must verify that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development. The qualified designer Mr Robert Del Pizzo has provided such verification. An assessment of the application against the design principles by Mr Robert Del Pizzo is presented below. This assessment has been reviewed by Council, and is considered to be sound and reasonable.

<p>Principle One: Context</p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>Response</p> <p>In precincts undergoing a transformation, the desirable future character of the neighbourhood is considered and complimented by the proposed design.</p> <p>The objective is to ensure that the design of residential apartments is carried out in a consistent manner with streetscape and residential amenity outcomes as the key focus. Compliance with the planning guidelines will ensure the proposed development is in context with the future character of the region.</p> <p>The design seeks to provide a fragmented and modulated treatment to the façade and roof profile to maintain a low-scale of development that will remain sympathetic to the established residential bulk and scale of the area, while it is in a state of transition.</p>
---	--

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

<p>Principle Two: Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>Response</p> <p>The height of a development has a major impact on the physical and visual amenity of an area. The height controls are defined by the impact upon the solar access, residential amenity, setting, topography and heritage impacts of the site within its context.</p> <p>The height proposed should ensure that the development responds to the desired scale and character of the street and local area. The proposed height should allow reasonable solar access to all developments and the public domain. The proposed height is within the maximum height prescribed by the DCP.</p> <p>Street setbacks establish the front building alignment. The controls over these distances create the proportions of the street and contribute to the public domain by enhancing streetscape.</p> <p>The street setback also controls the street character and the continuity of street facades. Street setbacks enhance the setting for the building and provide for landscape areas, entrances and deep-soil zones.</p> <p>The proposed setbacks have been developed to provide a satisfactory distance from surrounding boundaries, to form active street frontages, adequate open space areas for communal recreation spaces and to ensure the development addresses the parameters such as privacy, acoustic transmission control and open space.</p>
<p>Principle Three: Built Form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Response</p> <p>The design of the building elements in the articulation zone utilises a segmented contemporary style with a number of building elements being used to provide the strong architectural character proposed for the development. The use of blade walls or fins provides vertical segmentation, with balconies, awnings and roof structures providing a contrasting horizontal segmentation.</p> <p>The segmentation of the façade provides an articulation of the built form and provides for a reduction in bulk and scale of development.</p> <p>The selection of colours and materials enhances the segmented appearance and provides three distinct yet harmonious building facades to inter-relate and provide a dominant façade to the street frontages.</p>

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

<p>Principle Four : Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>Response The proposed density of the development has been determined by a number of design factors contained in the various planning guidelines. Density is the ultimate result of applying the recommended building height, floor space ratio and landscaped areas with the appropriate building separation and setback distances. By complying with the planning controls, the appropriate density is achieved.</p>
<p>Principle Five : Resource, Energy and Water Efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water</p>	<p>Response The main emphasis in the design of any residential development is the utilisation of appropriate and sustainable materials in the construction of the project. The incorporation of recyclable building products and sustainable resources will ensure that the future quality of life and environment will be protected.</p> <p>The building construction proposed will reflect these ideals by adopting renewable products and materials. Recycling of materials and the reduction of waste products will contribute to the achievement of these goals.</p> <p>The project will integrate a system of rainwater collection and storage from the roof drainage system and be utilised in the irrigation system proposed for the planter-boxes and deep-soil areas, within the development.</p>

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

<p>Principle Six : Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>Response</p> <p>The objectives of landscaping are to ensure that the proposed landscaping treatments integrate with and enhance the setting of the building. Proposed landscaping treatments should also compliment the landscape character of the neighbourhood by encouraging the use of native and indigenous plant species, requiring less irrigation and maintenance.</p> <p>Landscape design should also be integrated into the proposed design and contribute to the energy efficiency and performance of the building, thereby contributing providing a sustainable quality living environment.</p> <p>The landscape plan addresses these objectives.</p>
<p>Principle Seven : Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>Response</p> <p>The amenity requires the appropriate room configurations with good access to northern sunlight and shading, together with appropriate consideration for access and mobility. Amenity also incorporates visual privacy.</p> <p>Visual privacy measures are incorporated to provide for private functions within all rooms and private open spaces, without compromising views, outlook, ventilation and solar access. The consideration of visual privacy requires an understanding of the adjacent context, site configuration, topography, the scale of the development and the layout of the apartments.</p>

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

<p>Principle Eight : Safety and Security Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>Response The development of the project involved the incorporation of safety and security issues into the design phase of the residential apartments. The provision of safety and security involves the integration of public and communal spaces within direct view of the occupants of a building, without sacrificing privacy.</p> <p>Open spaces are generally designed to provide an attractive communal or private open space area within the development to create an area for recreation and entertainment within the confines of the development for outdoor activities. These open spaces must be accessible to all residents and visitors, whilst maintaining a degree of security via over-looking from adjoining dwellings. Private open spaces such as courtyards and balconies are clearly defined and screened.</p> <p>Surveillance is maximised by orienting buildings towards the street. Building frontages and entries should overlook and be clearly visible from the street frontage.</p> <p>Lighting shall be provided to all common areas including the car parking areas as well as the stairs and access areas to external courtyards, balconies, bin storage rooms and drying areas. Lighting shall be automatically controlled by time clocks and sensors to provide an energy efficient and controlled environment for residents.</p>
<p>Principle Nine : Social Dimensions Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>Response The location of new residential development within a location providing the necessary infrastructure creates a viable choice in the residential market satisfying an established need and demand.</p> <p>The location of this development provides a number of new dwellings with architectural style and character within a precinct that provides immediate access to community services, retail, recreation and medical services.</p> <p>The location of the adjoining public open spaces will provide the development with large areas for passive and active recreation activities. The local parks accommodate a number of playing fields, children's play areas, landscaped areas, outdoor dining and seating areas.</p>

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

<p>Principle Ten : Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>Response</p> <p>The development utilises a fragmented and articulated form with deep balconies and strong façade elements to provide a contemporary style with strong horizontal emphasis and parapet roof level.</p>
--	---

2.2 Residential Flat Design Code

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the publication Residential Flat Design Code (RFDC). It should be noted that the RFDC is a set of guidelines and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met. An assessment of the application against the RFDC prepared by Council is presented below. The proposal departs from some of the recommended standards, however these departures are considered to be justified on the basis that the objectives of the standards have been met. Each proposed departure from the Code is discussed in detail after the table below.

Control	Required	Proposed	Compliance
Building depth	Max. 18m	18.3m	No
Building separation (up to four storeys)	12m between habitable rooms/balconies	7m (between the proposed apartment building and the adjoining dwelling)	No
	9m between habitable and non-habitable	8.5m	No
	6m between non-habitable	No instances of this proposed	N/A
Deep soil zones	25% of open space should be a deep soil zone	Greater than 25% of the open space would be deep soil zones	Yes
Open space	Communal open space should be 25-30% of site area (or increased private open space)	Communal open space is 26% of site area	Yes
	25sqm private open space per ground floor dwelling, 4m width	All ground floor units have at least 25sqm of private open space, with a minimum width of 4m	Yes
Site access	Vehicular access – Limit driveway width to 6m	Driveway width is 6m	Yes
Apartment layout	Single-aspect apartments limited in depth to 8m from a	Some single-aspect apartments are greater than	No

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	window Width of cross-over/cross-through apartments over 15m deep should be 4m	8m in depth from a window Width of all cross-over apartments is greater than 4m	Yes
Apartment mix	Provide diversity of apartment types	Mixture of one and two bedroom apartments provided	Yes
Suggested Apartment Sizes	One bedroom – 50sqm Two bedroom – 80sqm	All greater than 50sqm All greater than 80sqm	Yes Yes
Balconies	Provide balconies for all units – minimum depth of 2m	All units have a balcony with a section of at least 2m wide	Yes
Ceiling heights	2.7m minimum	2.7m	Yes
Ground floor apartments	Optimise number of ground floor apartments with separate entries and access to private open space	Units facing the street have their own entries. Ground floor units have their own private open space access	Yes
Internal circulation	Entry from corridor to maximum of eight units	Entry to seven units from corridors	Yes
Storage	One bedroom unit – 6m ³ Two bedroom unit – 8m ³	Proposed storage areas are reasonably consistent with these standards	Yes
Solar access	70% of units to receive three hours of solar access to living rooms and POS between 9.00am and 3.00pm on 21 June Max. 10% of units to be single-aspect with southerly aspect (SW-SE)	68% of units will receive compliant solar access to living rooms (17 of 25) 64% of units will receive compliant solar access to POS (16 of 25) 32% of units are single-aspect with southerly aspect (8 of 25 units)	No No No
Natural ventilation	60% of units to be naturally cross ventilated 25% of kitchens to have access to natural ventilation	60% of units (15 of 25) would be naturally cross ventilated 60% of kitchens would have access to natural ventilation	Yes Yes
Building Form	Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and	Satisfactory	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	<p>parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.</p> <ul style="list-style-type: none"> - Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to: - defining a base, middle and top related to the overall proportion of the building - expressing key datum lines in the context using cornices, a change in materials or building set back - expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions - expressing the variation in floor to floor height, particularly at the lower levels - articulating building entries with awnings, porticos, recesses, blade walls and projecting bays - selecting balcony types which respond to the street context, building orientation and residential amenity: cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles 	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
		Satisfactory	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> - detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials 		
	<ul style="list-style-type: none"> - using a variety of window types to create a rhythm or express the building uses, for example, a living room versus a bathroom 	Satisfactory	Yes
	<ul style="list-style-type: none"> - incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, colonnades, pergolas and fences 	Satisfactory	Yes
	<ul style="list-style-type: none"> - using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the facade. 	Satisfactory	Yes
	<ul style="list-style-type: none"> - Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation. 	Satisfactory	Yes
	<ul style="list-style-type: none"> - Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height. 	Satisfactory	Yes
	<ul style="list-style-type: none"> - Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design. 	Satisfactory	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	- Coordinate security grills / screens, ventilation louvres and carpark entry doors with the overall facade design	Satisfactory	Yes
Waste management	Supply waste management plan	Waste Management Plan provided however it is unsatisfactory. The configuration has since been amended so that a vehicle will be used to transport bins from the basement to the street. This is satisfactory.	Yes

Building Depth

The depth of the proposed building is 18.3 metres on its upper levels, which exceeds the maximum building depth of 18 metres recommended under the RFDC. This proposed variation is considered to be minor, and the proposed dwellings would receive a satisfactory level of solar access and ventilation. Therefore, it is considered that the proposed building depth is satisfactory.

Building Separation

The Residential Flat Design Code recommends building separation distances between buildings based on the height of the proposed building. For a building up to four storeys, the RFDC requires separation of 12 metres between habitable rooms/balconies, and 9 metres between habitable rooms and non-habitable rooms.

The sighting of the proposed residential flat building (RFB) would result in a minimum building separation of 7 metres between habitable rooms/balconies of the proposed RFB and neighbouring dwelling (5.5 metres between balconies of RFB and boundary + 1.5 metres between boundary and neighbouring dwelling), and 8.5 metres between habitable rooms and non-habitable rooms of the proposed RFB and neighbouring dwelling (5.5 metres between balconies of RFB and boundary + 3.0 metres between boundary and neighbouring dwelling), and therefore do not achieve the minimum recommended standards of 12 metres and 9 metres respectively.

However, it should be noted that the proposed residential flat building would be the first residential flat building to be constructed in Cambridge Street. Over time it is likely that adjoining sites will be developed with residential flat buildings. Council's DCP controls in relation to side setbacks are designed to ensure that the RFDC's recommended building separation standards are achieved for new residential flat buildings adjacent to other residential flat buildings. In the interim however while some sites contain residential flat buildings and others do not, there will be cases where the building separation standards are not met, as single dwellings are likely to have side setbacks of less than 6 metres. It should be noted that the proposal is satisfactory in terms of visual privacy and solar access to adjoining dwellings. In this regard, the proposed building separation distances are considered to be satisfactory.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Apartment Layout

The Residential Flat Design Code recommends that single-aspect apartments be limited in depth to 8 metres from a window. The proposed residential apartment building would contain two apartments on levels 2, 3 and 4 of the building (six overall) that would be 9-10 metres from a window. Despite this proposed non-compliance, the layouts of the apartments are considered to be satisfactory in that they would provide for adequate solar access and ventilation. It should be noted that all of the apartments that fail to comply with the recommended standard have a north-westerly aspect and would achieve more solar access than most other apartments within the proposed building. In addition, strict compliance with the standard would have the effect of needlessly reducing the sizes of the apartments and increasing the size of the hallways. In this regard, the proposed variations to the depth requirements for single-aspect apartments is considered to be worthy of support.

Solar Access to Living Areas

The Residential Flat Design Code recommends that 70% of units in an apartment building receive three hours of solar access to living rooms between 9.00am and 3.00pm on 21 June. In the present case, 68% of the proposed units would receive a compliant level of solar access to their living rooms (17 of 25). Compliance with the 70% numerical targets could be achieved by simply deleting apartments from the proposal that do not receive solar access and thereby increasing the percentage of the total of those that do. However, it should be noted that in addition to the 68% of apartments that would receive the recommended minimum amount of solar access to their living rooms, the remaining eight units would receive two hours of solar access to their living areas prior to 9.00am (as opposed to between 9.00am and 3.00pm). Given these factors, the solar access afforded to the living rooms of the proposed development is considered to be reasonable.

Solar Access to Private Open Space Areas

The Residential Flat Design Code recommends that 70% of units in an apartment building receive three hours of solar access to private open space areas between 9.00am and 3.00pm on 21 June. In the present case, 64% of the proposed units would receive compliant solar access to their private open space areas (16 of 25). Compliance with the 70% numerical targets could be achieved by simply deleting apartments from the proposal that do not receive solar access and thereby increasing the percentage of the total of those that do. However, it should be noted that, in addition to the 64% of apartments that would receive the recommended minimum amount of solar access to their private open space areas, an additional two units would receive between two and three hours of solar access to their private open space areas from 2.00pm onwards. Given these factors, the solar access afforded to the private open space areas of the proposed development is considered to be reasonable.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Apartment Aspect

The Residential Flat Design Code recommends that a maximum of 10% of units should be single-aspect with a southerly aspect (ranging from southwest to southeast) in order to maximise the number of units in a building that receive solar access. In the present case, 32% of the proposed units would be single-aspect with a southerly aspect (8 of 25 units). However, any apartment building constructed on the subject site would be likely to have a large proportion of apartments that are single-aspect with a southerly aspect, given the site's south-westerly orientation. Therefore, the proposed development's failure to comply with the numerical target for single-aspect apartments is considered to be largely a result of the characteristics of the site, rather than poor design. Given these factors, the solar access afforded to the proposed development is considered to be reasonable in the context of the site.

2.3 Campbelltown (Urban Area) Local Environmental Plan 2002

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

The objectives of the 10(b) - District Comprehensive Centre Zone are:

- (a) to provide space for a wide range of retail, commercial and like needs to serve the districts within the City of Campbelltown, and
- (b) to encourage employment and business activities in order to promote the economic well-being of the community, and
- (c) to accommodate a range of cultural, entertainment and like facilities for the benefit of the community, and
- (d) to permit limited industrial uses that are compatible with the proper operation of a commercial centre serving a district, and
- (e) 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.

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 be consistent with one or more of the objectives of this zone. The proposed development is consistent with objective (e) listed above, as it proposes a higher density form of housing in a location which is highly accessible to public transport, employment, retail, commercial and service facilities. In addition, the proposed development is consistent with the further objective of the zone (encouraging a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development). As discussed earlier in the report, despite the proposed variations to the recommended standards of the Residential Flat Design Code, the proposal is considered to be satisfactory as it responds to the context of the site well and satisfies the objectives of the applicable recommended standards. Therefore Council is able to approve the application should it deem appropriate to do so.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Clause 65 - Residential flat buildings and home activities on certain land in Ingleburn Town Centre within Zone 10(b)

Clause 65 of the CLEP states the following:

- (1) This clause applies to so much of the land at Ingleburn within Zone 10(b) as is shown coloured light blue, lettered "10(b)" and hatched on Sheet 1 of the map marked "Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 8)".
- (2) Despite any other provision of this plan, all development on the land to which this clause applies is prohibited except development for the purpose of residential flat buildings or home activities.

The subject site is located within the area affected by this clause. Accordingly, the only permissible land uses on the site are residential flat buildings and home activities. As the application proposes a residential flat building, the application is compliant with this clause.

2.4 Draft Campbelltown Local Environmental Plan 2014

The application was lodged after the commencement of the exhibition of the Draft Campbelltown Local Environmental Plan 2014 on 12 June 2014. Accordingly, under Section 79C(1)(a)(ii), the provisions of the draft Plan must be taken into consideration in the assessment of the application. An assessment of the application against the relevant provisions of the Plan is presented below:

Zoning

The draft zoning of the subject property under the Draft CLEP 2014 is R4 – High Density Residential. Residential flat buildings are permissible within the R4 zone.

The objectives of the R4 zone are as follows:

- To provide for the housing needs of the community within a high density residential environment
 - To provide a variety of housing types within a high density residential environment
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents
 - To encourage high density residential development in close proximity to centres and public transport hubs
 - To maximise redevelopment and infill opportunities for high density housing within walking distance of centres
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

- To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area
- To minimise overshadowing and ensure a desired level of solar access to all properties.

The proposed development satisfies these objectives.

Height of Buildings

- (a) To nominate a range of building heights that will provide a transition in built form and land use intensity across the Campbelltown Local Government Area;
- (b) To ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities;
- (c) To provide for built form that is compatible with the hierarchy and role of centres;
- (d) To assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

Under the draft CLEP 2014, the maximum building height applying to the subject site is 15 metres. The proposed residential flat building would have a height of 13.8 metres and therefore complies with the draft provision.

Preservation of trees or vegetation

An arborist report was submitted with the application, and recommends that two existing trees at the rear of the site be retained, as they are in good condition and would be unaffected by the proposed development having regard to their locations. Conditions of consent have been included within the recommended conditions of consent, requiring such trees to be retained as per the arborist report.

Design Excellence

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design, as part of the built environment.
- (2) This clause applies to development involving the construction of a new building or external alterations to an existing building in the R4 High Density Residential zone.

Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

- (a) Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- (b) Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain;
- (c) Whether the proposed development detrimentally impacts on view corridors;
- (d) How the proposed development addresses the following matters:
 - (i) the suitability of the land for development
 - (ii) existing and proposed uses
 - (iii) heritage issues and streetscape constraints
 - (iv) bulk, massing and modulation of buildings
 - (v) street frontage heights
 - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity
 - (vii) the achievement of the principles of ecologically sustainable development
 - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements
 - (ix) impact on, and any proposed improvements to, the public domain
 - (x) the interface with the public domain
 - (xi) the quality and integration of landscape design.

The proposed residential flat building is considered to be satisfactory with regard to the above factors, and is considered to exhibit design excellence.

2.5 Campbelltown (Sustainable City) Development Control Plan 2014

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 would not obstruct views of any of Campbelltown's important views and vistas.

Sustainable Building Design – A BASIX certificate has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met. A 10,000 litre rainwater tank is to be provided, which complies with the requirements of the DCP, based on the roof size of the proposed building.

Landscaping – A landscape plan has been prepared by a landscape architect, incorporating some species from the Campbelltown Native Gardening Guide (a condition of consent is recommended requiring all species to be from the Campbelltown Native Gardening Guide). The application provides an adequate amount of landscaping, which surrounds the boundaries of the site. The application proposes to retain two existing mature native trees, which would enhance the landscape quality and visual character of the development.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Cut, Fill and Floor Levels – Any excavation within the zone of influence of any other structure requires a dilapidation report demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure. A condition requiring a dilapidation report to be obtained has been recommended.

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

Retaining Walls – In the case of retaining walls constructed to support proposed cut on an allotment, the retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut. The proposed development is compliant with this clause, as the edges of the proposed basement would be set back a minimum of 1.5 metres from the property boundaries.

Security – The proposed development is satisfactory with regard to security. Appropriate delineation between public and private space would be provided, and casual surveillance opportunities have been incorporated into the design.

Waste Management – A Waste Management Plan for construction and operation of the development has been submitted. However, it will not form part of the approved documentation associated with the development, as it proposes to take the bins from the basement to the street via the lift and lobby. This configuration is not supported. The application has since been amended so that bins will be transported from the basement to the street using a small vehicle. A condition of consent will be imposed enforcing this configuration.

Part 5 – Residential Apartment Buildings and Mixed-Use Development

Control	Required	Proposed	Compliance
Height	Four storeys	Four storeys	Yes
Building Design	Building design shall consider foremost the qualities (both natural and built) and character of the surrounding area including the significance of any heritage item on land	No heritage items on land or surrounding land. Proposal would retain some existing trees. Built character consistent with other approved high residential flat development and desired future character	Yes
	Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes: i) Incorporation of appropriate facade treatments that helps the development to properly	Complies	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	address the relevant street frontages, key vistas and to add visual interest to the skyline	Complies	Yes
	ii) Incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc.) into the facade of the building	Complies	Yes
	iii) Variation in the planes of exterior walls in depth and/or direction	Complies	Yes
	iv) Variation in the height of the building so that it appears to be divided into distinct base, middle and top massing elements	All elevations would be articulated	Yes
	v) Articulation of all building's facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used	Complies	Yes
	vi) Utilisation of landscaping and architectural detailing at the ground level	Complies	Yes
	vii) Avoidance of blank walls at the ground and lower levels.		
	Building design shall demonstrate to Council's satisfaction that the development will:	Complies	Yes
	i) Facilitate casual surveillance of and active interaction with the street	Complies	Yes
	ii) Be compatible with a higher density character where schedule 1 applies	Complies	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	<p>iii) Be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building</p> <p>iv) Maximise cross flow ventilation, therefore minimising the need for air conditioning</p> <p>e) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised</p> <p>f) Building materials shall be high quality, durable and low maintenance</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Site Services	<p>Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone, broadband and stormwater drainage)</p> <p>All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development</p> <p>All communication dishes, antennae and the like shall be located to minimise visual prominence</p> <p>An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application</p>	<p>Space for substation has been shown. Stormwater plan provided</p> <p>No roof mounted services shown</p> <p>No communication dishes shown</p> <p>Condition of consent to be imposed requiring lighting plan to be prepared</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Minimum Site Area/Width	1,200sqm site area 30m width	1,532sqm 30.48m	Yes Yes
Setbacks	5.5m from street boundary	5.5m	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	6.0m from any other boundary	6m from side and rear boundaries, except for two sets of front facing balconies, which are 5.5m from the side boundaries	No
Design Requirements	A minimum of 5% of the total number of dwellings within a residential apartment building shall be one bedroom apartment(s) or a studio(s)	16% of units are one bedroom apartments (4 of 25)	Yes
	A minimum of 10% of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s)	12% of dwellings will be adaptable dwellings (3 of 25)	Yes
	The floor space occupied by each dwelling within a residential apartment building shall not be less than:		
	i) 40sqm in the case of a studio apartment	No studios proposed	NA
	ii) 60sqm in the case of a one bedroom apartment	All larger than 60sqm	Yes
	iii) 90sqm in the case of a two bedroom apartment	All but one of the proposed two bedroom apartments are less than 90sqm, with 21 of the two bedroom apartments ranging in area from 80sqm to 85sqm and one having an area of 103sqm	No
	iv) 125sqm in case of a three bedroom apartment or more	None proposed	Yes
	A maximum of eight dwellings shall be accessible from a common lobby area or corridor on each level of a residential building	Maximum of seven dwellings would be accessed from a common lobby area	Yes
	All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space	Lifts to provide access between basement parking levels and all floors within the building	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	A maximum of 50 dwellings shall be accessible from a single common lift	All 25 dwellings would be accessed by a single lift	Yes
	Access to lifts shall be direct and well illuminated	Direct access provided to lifts from all areas of basement	Yes
	A minimum of 25% of the required open space area, or 15% of the total site area, whichever is the greater, shall be available for deep soil planting	Greater than 15% of the total site area would constitute a deep soil zone	Yes
Car Parking and Access	All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended)	All car parking and access for vehicles, including disabled access spaces, are in accordance with AS2890 parts 1 and 2 (as amended)	Yes
	The minimum dimensions of any parking space shall be 2.5m x 5.5m	All spaces are 2.5m x 5.4m	No, but complies with AS2890
	The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge	Satisfactory	Yes
	For development incorporating 75 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'	Less than 75 dwellings proposed, however traffic report provided. Proposal would have minimal impact on surrounding road network	Yes
	Where existing, vehicular entry points shall be located at the rear or side streets	No rear or side streets available	Yes
	Development containing three or more storeys shall provide all required car parking at basement level	All parking to be provided at basement level	Yes
	Each dwelling shall be provided with a minimum of one car parking space, and:	25 +	
	i) an additional car parking space for every four dwellings (or part thereof); and	7 +	
	ii) an additional visitor car parking space for every	3	

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	<p>10 dwellings (or part thereof)</p> <p>No required car parking space shall be in a stacked configuration</p> <p>Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property</p>	<p>Total spaces required = 35 Total provided = 35</p> <p>Two stacked car parking spaces proposed</p> <p>Space for five bicycles required. Six bicycle spaces provided</p>	<p>Yes</p> <p>No, however a condition of consent is to be imposed requiring the stacked spaces to be allocated to the same unit as that which the space blocking the stacked space is allocated to</p> <p>Yes</p>
Solar Access	<p>Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces</p> <p>A minimum 20sqm area of the required private open space on adjoining land (having a minimum width of 3m), shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level</p>	<p>Building has been orientated and sited to maximise sunlight to living areas and open space areas</p> <p>The adjoining dwellings would continue to receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level</p>	<p>Yes</p> <p>Yes</p>
Balconies and Ground Level Courtyards	<p>Apartments shall be provided with a private courtyard and/or balcony</p> <p>Courtyards / balconies shall be:</p> <p>i) not less than 8sqm in area and have a minimum depth of 2m</p> <p>ii) clearly defined and screened for private use</p> <p>iii) oriented to achieve comfortable year round use</p>	<p>All apartments have a courtyard or balcony</p> <p>All balconies have an area of 8sqm and 2m wide (plus additional area)</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	iv) accessible from a main living area of the apartment	Complies	Yes
Privacy	<p>Ground level apartments, incorporating a courtyard shall be provided with a privacy screen</p> <p>No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9m of the proposed window or balcony</p> <p>Notwithstanding 5.4.7(b) a window of a habitable room may be permitted only where it:</p> <ul style="list-style-type: none"> i) is offset by 2m to limit views between windows, or ii) has a sill height 1.7m above the floor level, or iii) is splayed to avoid direct views between windows, or iv) has a fixed translucent glazing in any part of the window within 1.7m of the floor level, or v) is otherwise appropriately screened <p>Notwithstanding 5.4.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view</p>	<p>Ground level apartments courtyards have fences between them</p> <p>Windows of habitable rooms as well as balconies do not overlook adjoining habitable rooms and balconies. Where there is potential for overlooking to occur, privacy screens have been provided which integrate with the building design</p>	<p>Yes</p> <p>Yes</p>
Communal Recreation Facilities	Each residential apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising:	Recreation room provided	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	<p>i) A recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and</p> <p>ii) A bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof)</p> <p>Communal recreation facilities shall not be located within the primary or secondary street boundary setback</p> <p>All communal recreational facilities shall be provided on the same land as the residential apartment building</p> <p>Communal open space provided on the roof of a building shall not be included as part of the required communal open space</p> <p>All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential units within a staged development</p>	<p>50sqm recreation room provided for 25 apartments. Satisfactory</p> <p>Bbq/outdoor dining area larger than 50sqm to be provided</p> <p>Complies</p> <p>Complies</p> <p>No communal open space to be provided on the roof</p> <p>This will be required as it is shown on the plans</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Waste Management	<p>All buildings shall be provided with household garbage bins at the following rates:</p> <p>i) a 240 litre bin/three dwellings/week for household garbage; or</p> <p>ii) 1,000 litre bulk bin/12 dwellings or part thereof</p> <p>All buildings shall be provided with dry recyclable bins at the rate of a 240 litre bin /three dwellings / fortnight for dry recyclable</p> <p>All buildings with a rise of four storeys or more shall make provision for a household</p>	<p>Council's Waste Section has no objections to the waste storage capacity proposed</p> <p>Household garbage chute on each level provided</p>	<p>Yes</p> <p>Yes</p>

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	garbage chute on each level which is accessible for all occupants		
	All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level	Complies	Yes
	Garbage chutes shall not be located adjacent to habitable rooms in each apartment	Garbage chutes adjacent to laundries	Yes
	Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room	Garbage chutes feed into a garbage container - condition to show on plans	Yes
	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants	Condition of consent to comply	Yes
	The development shall make provision for an appropriately sized communal bin storage room(s) that provides convenient access for occupants and collection contractors	An appropriately sized bin storage room is proposed at basement level. A vehicle would transport bins to street level for collection	Yes
	The storage room shall:		
	i) be located behind the primary and secondary building alignment	Complies	Yes
	ii) have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)	Condition of consent to comply	Yes
	iii) be graded and drained to	Condition of consent to	Yes

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	a Sydney Water approved drainage fitting	comply	
	iv) have coving at all wall and floor intersections	Condition of consent to comply	Yes
	v) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned	Condition of consent to comply	Yes
	vi) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock	Condition of consent to comply	Yes
	vii) have a self-closing door openable from within the room.	Condition of consent to comply	Yes
	Bin storage rooms shall be ventilated by:	Condition of consent to comply	Yes
	i) a mechanical exhaust ventilation system; or		
	ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room		
	Exterior doors of communal bin storage rooms shall be:		
	i) consistent with the overall design of the building;		
	ii) located away from the frontage of the building; and		
	iii) (if collection service is to be carried out by Council), fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic		

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
	opening and closing of the door		
	All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin	Condition of consent to comply	Yes
	Waste collection contractors shall have adequate access to bin storage rooms for collection of waste as required	Vehicle to transport bins to street from basement level.	Yes
	Signage on the use of the waste management system shall be displayed in all bin storage rooms	Condition of consent to comply	Yes
	Any mechanical compaction device within the building shall comply with the following requirements: i) maximum compaction rate of 2:1 ii) designed to accommodate general household garbage only and iii) not be used to compact recyclables	Council's Waste section advised compactor is not required	Yes
	Any development containing 30 or more dwellings shall be designed to accommodate a 'Wheel-Out Wheel- Back' service or a 1,000 litre bulk bin on-site collection service	Proposed development only contains 25 dwellings	NA
	A Wheel-Out Wheel-Back service shall meet the following requirements: i) bins shall be no larger than 240 litre capacity ii) the maximum grade of any path of travel between the collection point and the bin storage area shall be 1V:8H iii) the maximum distance between the collection point and the bin storage area shall not exceed 25m	A Wheel-Out Wheel-Back service is not proposed.	NA

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Control	Required	Proposed	Compliance
Roof Terraces	Consideration will only be given to the provision of a roof top terrace as part of communal open space, subject to appropriate landscaping treatment and recreation facilities provided; and satisfying the respective provisions of the RFDC.	Roof top terrace not proposed	NA

Side Setbacks

The SCDGP specifies that a residential flat building is to be set back 6.0 metres from side property boundaries. The proposed residential flat building is compliant with this standard with the exception of the balconies of units at the front of the site facing the street, which would have side setbacks of 5.5 metres. The reduced setbacks would assist in providing articulation and variation to the building form, without affecting the privacy of adjoining dwellings. On the north-western balconies that would have a reduced side setback, privacy screens would be installed on the edge of the balconies to prevent overlooking of the front balconies of the adjoining dwelling. In this regard, the proposed side setbacks are considered to be satisfactory.

Apartment Size

The SCDGP specifies that two-bedroom units in a residential flat building are to have a minimum size of 90sqm. However, the RFDC specifies that the minimum area for a two bedroom corner apartment is to be 80sqm, and there is no minimum area specified for a two bedroom single-aspect apartment. The proposed two bedroom apartments would range from 80sqm to 103sqm in size. Clause 30A of SEPP 65 (Design Quality of Residential Flat Development) states that a Council must not refuse consent to a residential flat building on the basis of apartment area if it satisfies the numerical apartment size requirements of the RFDC. In this regard, the proposed development does satisfy the RFDC's minimum apartment sizes to the extent of their applicability, and therefore Council is unable to insist that two-bedroom apartments should be a minimum size of 90sqm. All of the proposed apartments are considered to be sized appropriately according to their capacity, and the proposed variation to Council's standard in this regard is considered to be acceptable.

Part 11 – Vegetation and Wildlife Management

An arborist report was submitted with the application, and recommends that two existing trees at the rear of the site be retained, as they are in good condition and would be unaffected by the proposed development having regard to their locations. Conditions of consent have been included within the recommended conditions of consent, requiring such trees to be retained as per the arborist report.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

3. Planning Assessment

3.1 Isolation of Adjoining Site

The subject site is adjoined to the northwest by two low-density multi-dwelling developments that were approved prior to the area within which the site was located being rezoned to allow residential flat buildings to be constructed. Two of the dwellings that were constructed as part of one of the multi-dwelling developments (6C and 6D Cambridge Street) could conceivably be redeveloped as a residential flat building in conjunction with the subject sites, however as these two dwellings are less than 10 years old, this is an unlikely scenario. It could be argued that these two multi-dwelling sites have already been redeveloped from their original built form, and need not be considered as isolated allotments. Conversely, it could also be argued that if both multi-dwelling developments were consolidated, the consolidated site could be developed as a residential flat building. Under either scenario, the proposed development is not considered to isolate the adjoining sites, and assessment of the proposal against the allotment isolation principles established by Land and Environment Court Planning Principles, is not considered to be necessary.

4. Public Participation

The application was publicly exhibited and notified to surrounding property owners. Submissions from the owners of one property were received during the exhibition period. The submission raised the following issues:

Issue - The proposed residential flat building would overlook the windows and open space of the adjoining dwelling to the northwest of the site.

Response - The proposed residential flat building is set back 6.0 metres from the side boundary that is shared with the adjoining dwelling to the northwest of the site. With the exception of one of the front balconies (which is set back 5.5 metres to provide articulation), the setback is compliant with the requirements of the Residential Flat Design Code and the Campbelltown Sustainable City DCP 2014. Where proposed living areas or balconies would overlook windows of the adjoining dwelling, privacy screens have been incorporated. Accordingly, the privacy of the adjoining dwelling would not be significantly affected by the proposed development.

Issue - The proposed residential flat building would block early morning solar access to the adjoining dwelling to the northwest of the site.

Response - The proposed residential flat building may reduce solar access to the adjoining dwelling to the northwest of the site in the very early hours of the morning (prior to 7.00am), but due to the orientation of the site, any such overshadowing is likely to be minimal. The property in question would receive ample solar access to its living areas and open space areas throughout the day.

Issue - The proposed driveway to the basement of the residential flat building would create excessive noise for the adjoining dwelling.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Response - Whilst the proposed driveway to the basement of the residential flat building would be likely to result in a slight increase in noise when cars are entering or leaving the basement, the noise from such vehicles is not expected to significantly reduce the amenity of the surrounding area. Such noise is to be expected within a land use zone where residential flat buildings are permissible.

Issue - The proposed four storey residential flat building within an existing residential area would create visual pollution.

Response - The subject site and the properties surrounding it are zoned 10(b) – District Comprehensive Centre Zone, and are marked with hatching on Council's zoning maps. Accordingly, the only permissible land uses are residential flat buildings and home activities. As a result, over time the area is likely to be progressively developed with residential flat buildings. In addition, the proposed residential flat building has a high quality architectural design that will contribute positively to the streetscape.

Issue - The proposed residential flat building would cause air pollution.

Response - Whilst the proposed residential flat building would cause some increase in vehicle use in the vicinity of the site, the impacts of such are not expected to cause a significant amount of air pollution.

Issue - The proposed residential flat building would cause traffic congestion and an increase in demand for on-street car parking.

Response - The proposed residential flat building is fully compliant with the numerical car parking requirements of the SCDP 2014. A traffic and parking assessment report was submitted with the application, which found that the proposed residential flat building would generate a net increase of 11 peak hour vehicle trips, which would have a negligible impact on the existing traffic conditions in the vicinity of the site.

5. Conclusion

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

The application fully complies with the relevant provisions of the State Environmental Planning Policy 65 (SEPP65) and the Campbelltown (Urban Area) Local Environmental Plan 2002, however, as stated within the report, the proposal does not fully comply with the recommended standards of the Residential Flat Design Code (RFDC). It should be noted that the RFDC is a set of guidelines and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met. In addition, the application is generally compliant with the relevant standards within the Campbelltown (Sustainable City) Development Control Plan 2014, and where the proposal departs from these standards, the objectives of the standards have been met. Accordingly, the application is recommended for approval.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Officer's Recommendation

That development application 1940/2014/DA-RA for the demolition of existing dwellings and construction of a four storey residential flat building comprising 25 units with basement car parking at Nos. 8-10 Cambridge Street Ingleburn be approved, subject to the conditions detailed in Attachment 1 of this report.

Committee Note: Mr Ze Kang Lai addressed the Committee.

Committee's Recommendation: (Kolkman/Rowell)

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 19 May 2015 (Lound/Greiss)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 79

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Brticevic and Chanthivong.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Drawing/Document No.	Prepared By	Date
DA02-DA10 (Inclusive) Issue B	Architex	3 December 2014
Schedule of Finishes	Architex	Received 30 March 2015
Landscape Plans 0891.L.01 and 0891.L.02 (Issue B)	Greenland Design Pty Ltd	8 December 2014
Arboricultural Impact Assessment	Redgum Horticultural	16 April 2015
Stormwater plans 104072014DA Sheets 1 to 4 (inclusive) Issue B	ING Consulting Engineers Pty Ltd	9 September 2014
Photomontage	Architex	Received 19 August 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:

- The landscape plan shall be amended so that all species of plants and trees are selected from the Campbelltown Native Gardening Guide
 - Garbage chutes shall feed into a garbage container within the bin room. The container shall be shown on the plans.
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

3. Building Code of Australia

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

4. Retain Existing Trees

The two existing trees at the rear of the site shall be retained and protected in accordance with the Arboricultural Impact Assessment prepared by Redgum Horticultural dated 16 April 2015.

5. Contract of Insurance (residential building work)

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

This clause does not apply:

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

6. 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.
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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.

7. 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.

8. 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.

9. Garbage Room

1. The garbage storage room identified on the approved plans shall:
 - a. be fully enclosed and shall be provided with a non-slip concrete floor, with concrete or cement rendered walls coved to the floor.
 - b. have coving at all wall and floor intersections.
 - c. be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned.
 - d. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - e. have a self-closing door openable from within the room.
 - f. be constructed in such a manner to prevent the entry of vermin.
 - g. be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
 - h. be vented to the external air by natural or artificial means.
 - i. have signage on the use of the waste management system displayed internally.
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

2. The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.
3. Bins shall be transported to the street for collection and back into the basement for storage using a vehicle. The vehicle's dimensions shall enable it to be parked in the space marked "bin tractor and trolley" on the basement plan.

10. 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.

All fencing forward of the building line shall have a height of 1.2 metres.

11. 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.

12. Driveway

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

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.

13. 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.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

14. Lighting

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

15. 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.

16. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

17. Basement Car Parking

The applicant shall ensure that the basement car park complies with the requirements detailed in Section 4.13.8 of the Campbelltown Sustainable City DCP Volume 3 (as amended).

18. Car Parking Spaces

35 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). Car parking spaces provided in a stacked configuration shall be allocated to a single dwelling unit.

19. 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.

20. 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
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

- 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.

21. 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.

22. 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.

23. 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.

24. 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.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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.

25. Geotechnical Report

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

26. Soil and Water Management Plan

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

27. 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. In particular, a 'No Parking' zone spanning the entire width of the site is to be established during waste collection times.

28. 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 Work Cover Authority requirements. A copy shall be submitted to Council for its records.

29. Road Occupancy Approval

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a Road Occupancy and Standing Plant Application to Council's Coordinator of Traffic and Roads Design for approval.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

30. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the nearest drainage system under Council's control. The proposed lintel, located adjacent to Cambridge St, shall be constructed to Council standard SD-S06. All proposals shall comply with the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

31. Nuisance Flooding – Basement Car Park

The basement car park shall be provided with a minor stormwater system to cater for nuisance flows from the rainfall on the entry ramp and water from cars entering the basement. A higher capacity system such as an automatically activated electric pump with an appropriate safety backup system is also to be provided to remove any overland flows from larger storm events.

32. Dilapidation Report

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

33. External Lighting Plan

An external lighting plan shall be prepared by a suitably qualified person and submitted to the Principal Certifying Authority.

34. 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.

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

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

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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.

36. Telecommunications Infrastructure

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

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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.

37. Erosion and Sediment Control

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

38. Erection of Construction Sign

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

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

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

39. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- 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.
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

40. Trade Waste

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

41. Vehicular Access during Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto 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.

42. 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.

43. 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 Work Cover requirements.
 - d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works.
-

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

- 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.

44. Hoarding / Fence

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

45. Fencing

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

46. Demolition of Existing Dwelling

Prior to the commencement of any other works, the existing dwelling and all other improvements on the land shall be demolished in accordance with the conditions of this consent.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

47. 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.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

48. 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.

49. 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.

50. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council.

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

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

51. 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.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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 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.

52. Dust Nuisance

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

53. 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.

54. 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.

55. 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.

56. 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 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

57. 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 (as amended)
- c. 'Soils and Construction (2004) (Bluebook) and
- d. All relevant Australian Standards and State Government publications.

58. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site, in Cambridge Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2014 - Volumes 1 and 3 (as amended).

59. Medium Density 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 Medium Density 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.

60. 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.

61. 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 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

62. 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.

63. 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.

64. 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.

65. 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).

66. 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.

67. Public Utilities

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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.

68. 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.

69. Consolidation of Allotment

Prior to Council or an accredited certifier issuing any Occupation Certificate, the applicant shall provide evidence that the allotments that are the subject of the application have been consolidated. The registered plan of consolidation as endorsed by the Registrar General shall be submitted to Council for information. Should the allotments be affected by easements, restrictions, or covenants, for which Council is the relevant authority to release, vary or modify, then the plan of consolidation must be endorsed by Council prior to lodgement with Land and Property Information NSW.

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 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

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) and the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

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

Advice 4. Smoke Alarms

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

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

Advice 5. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 6. Filling on Site

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

Advice 7. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 8. 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.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Advice 9. 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 10. 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 11. 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 12. 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 13. 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.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

Advice 14. 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 15. *Telecommunications Act 1997 (Commonwealth)*

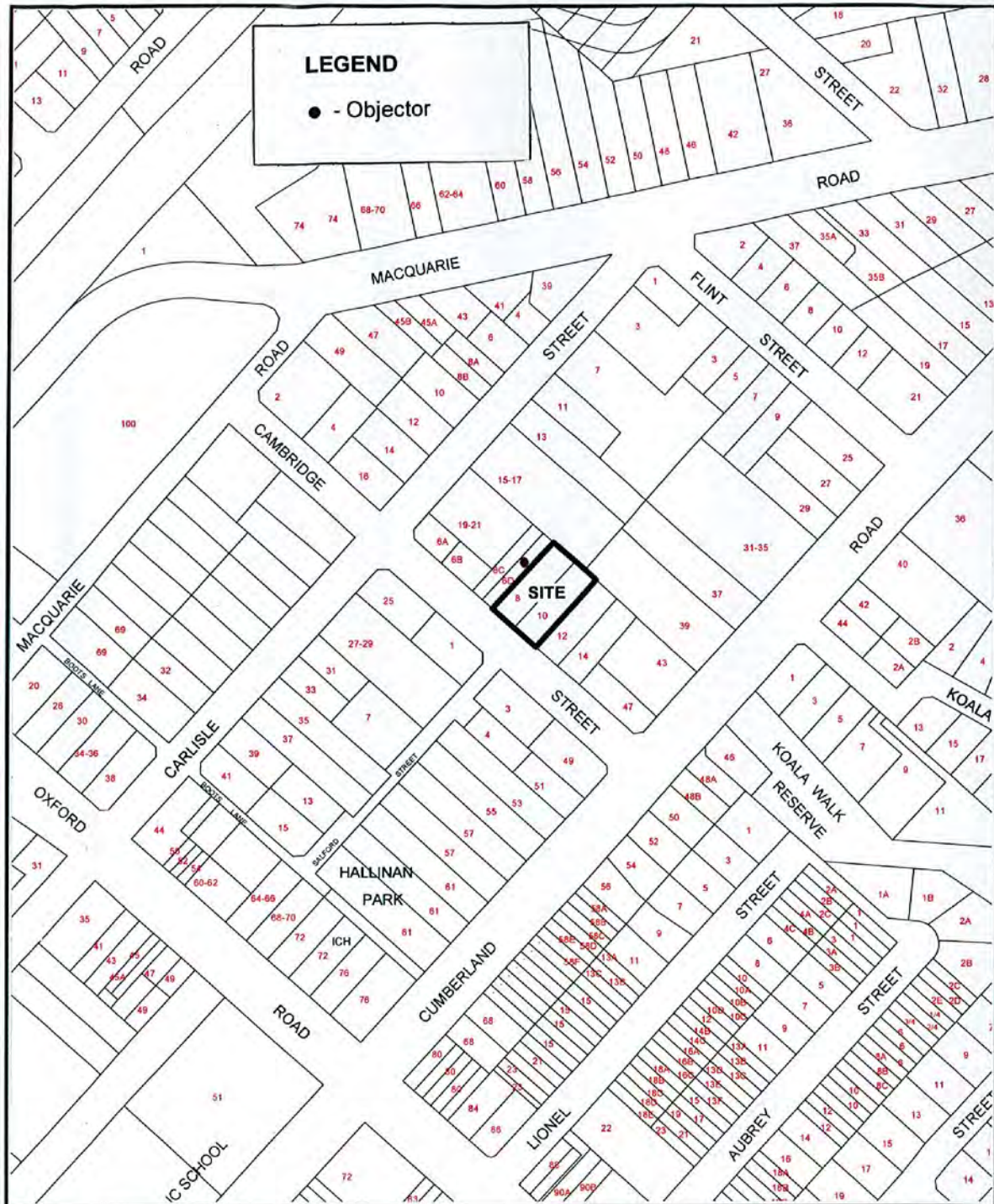
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

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 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

ATTACHMENT 2



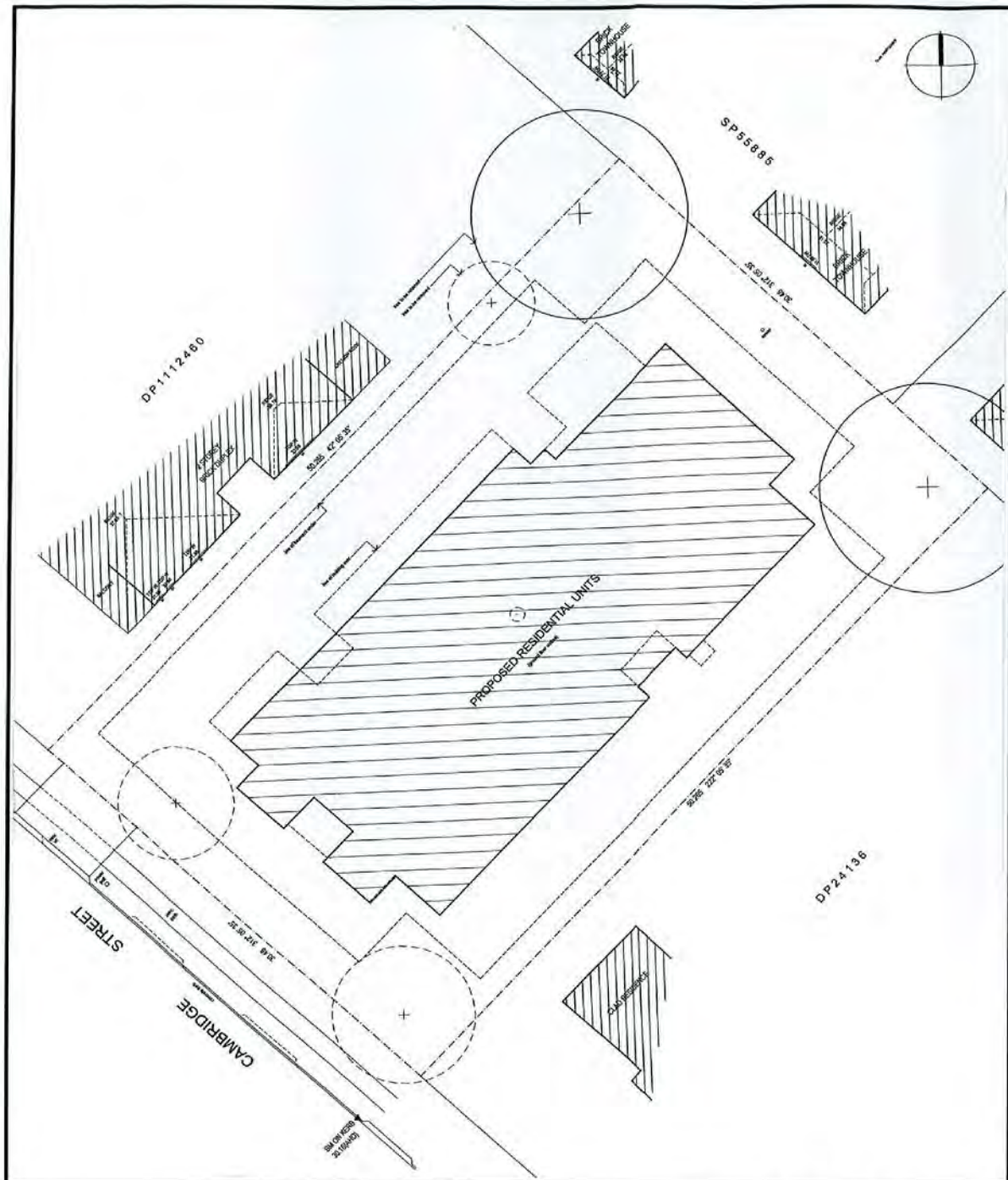
LOCALITY PLAN



SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING.
LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

ATTACHMENT 3

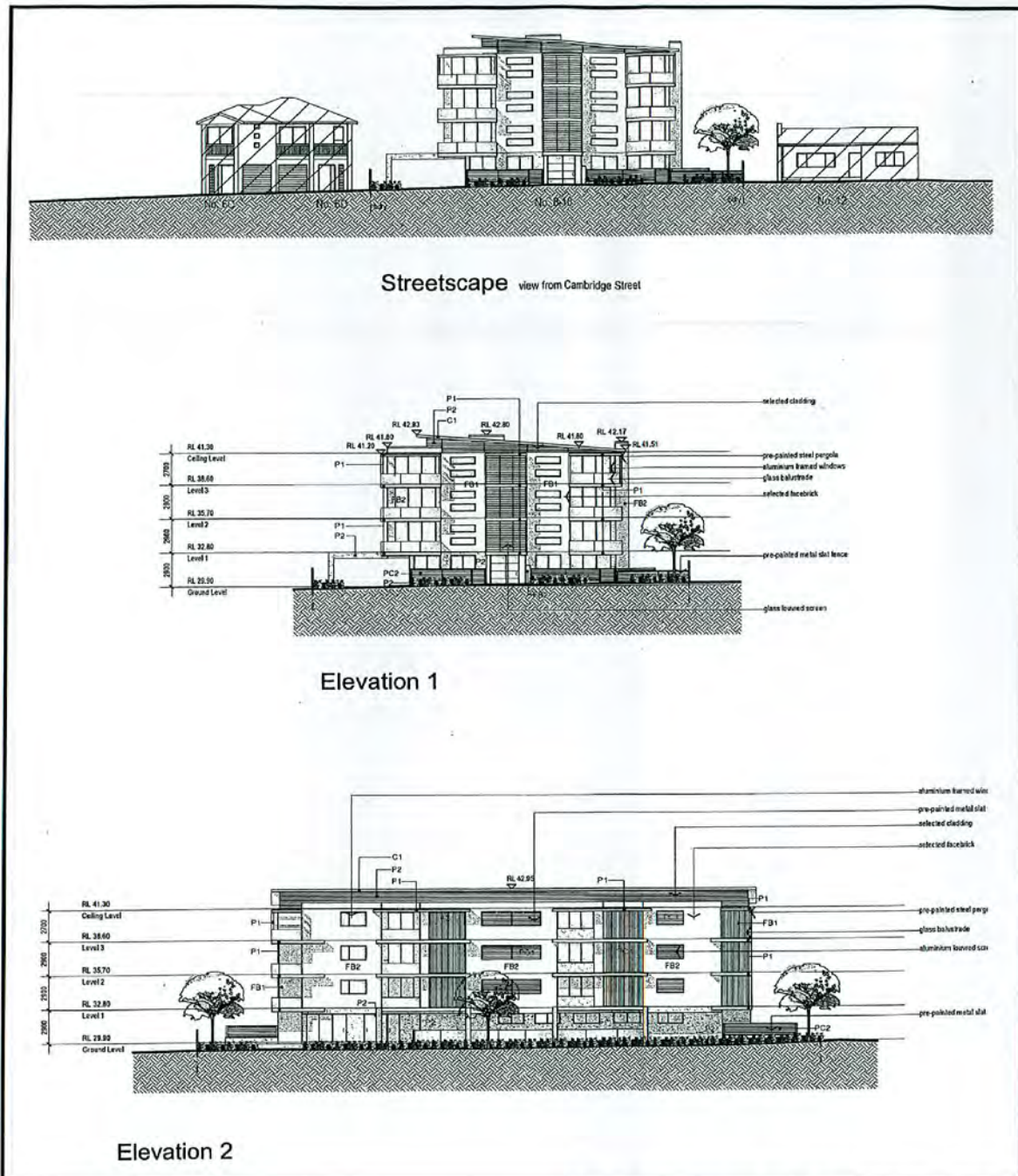


SITE PLAN

SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING. LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

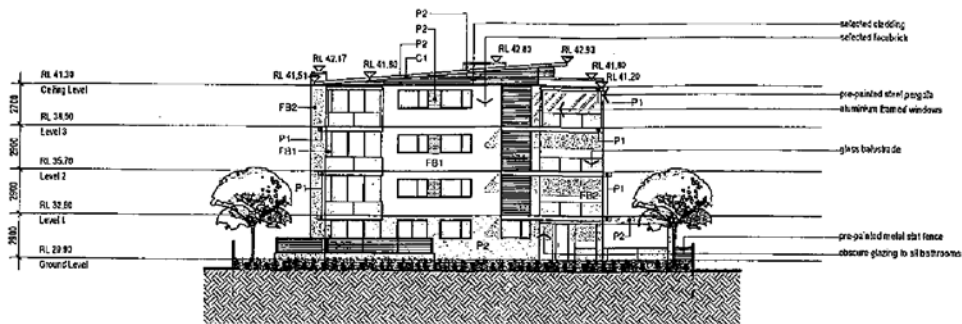
ATTACHMENT 4



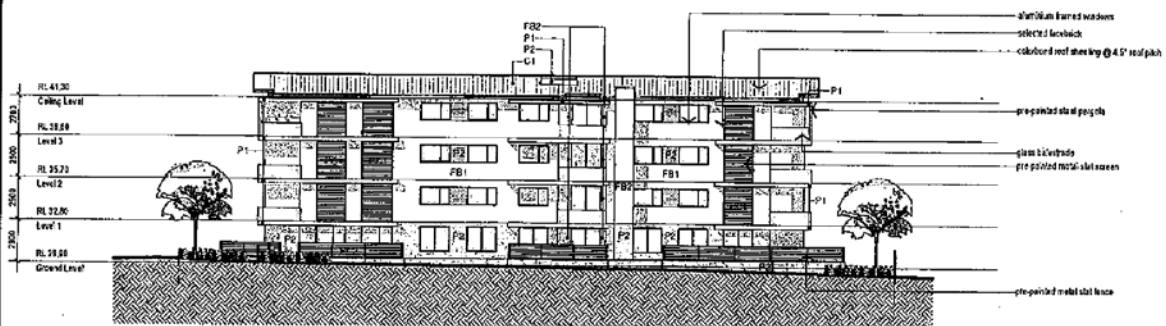
ELEVATIONS 1 & 2

SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING. LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn



Elevation 3



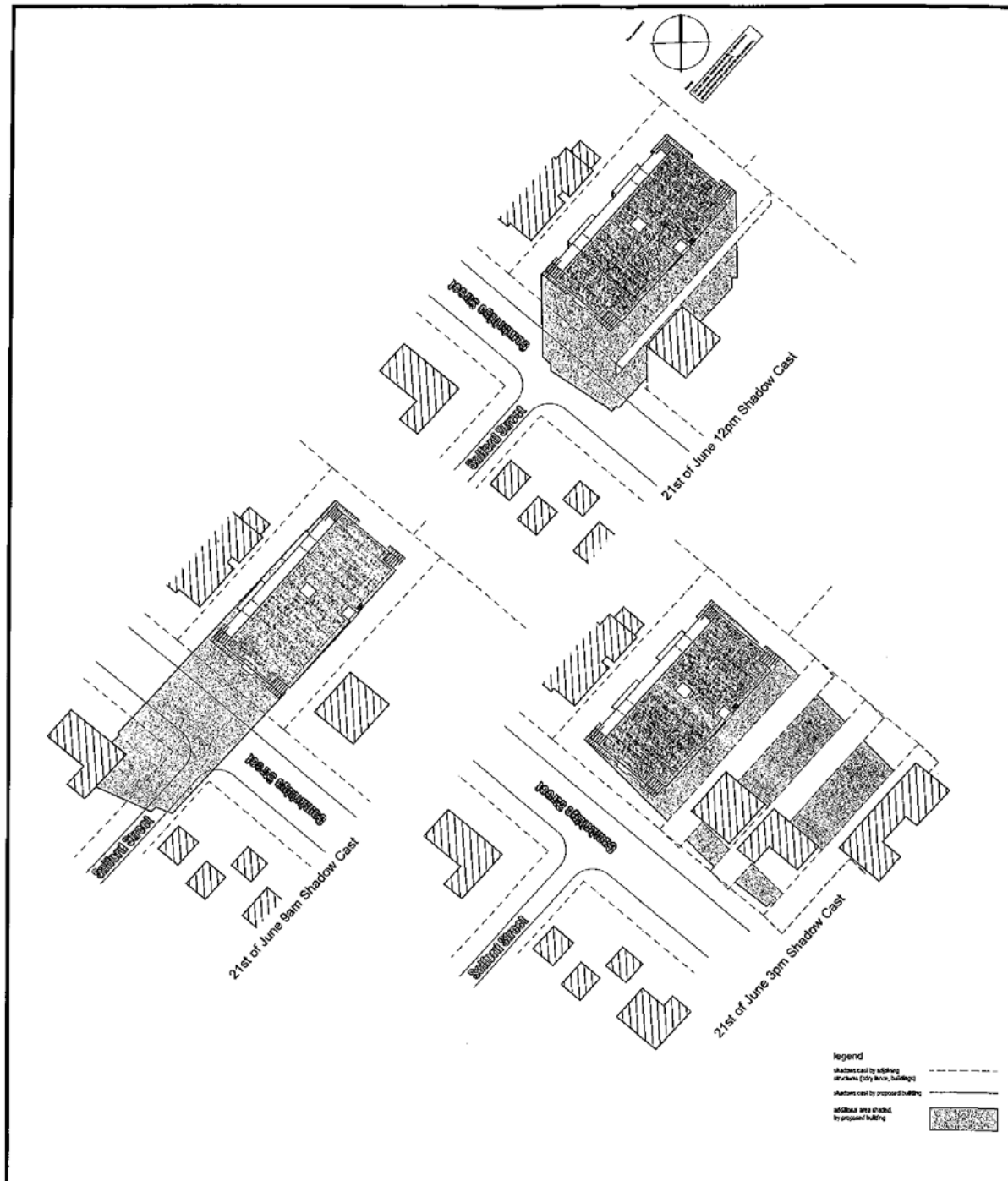
Elevation 4

ELEVATIONS 3 & 4

SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING. LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

ATTACHMENT 5



SHADOW DIAGRAM

SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING. LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

ATTACHMENT 6



SCHEDULE OF FINISHES

SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING, LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

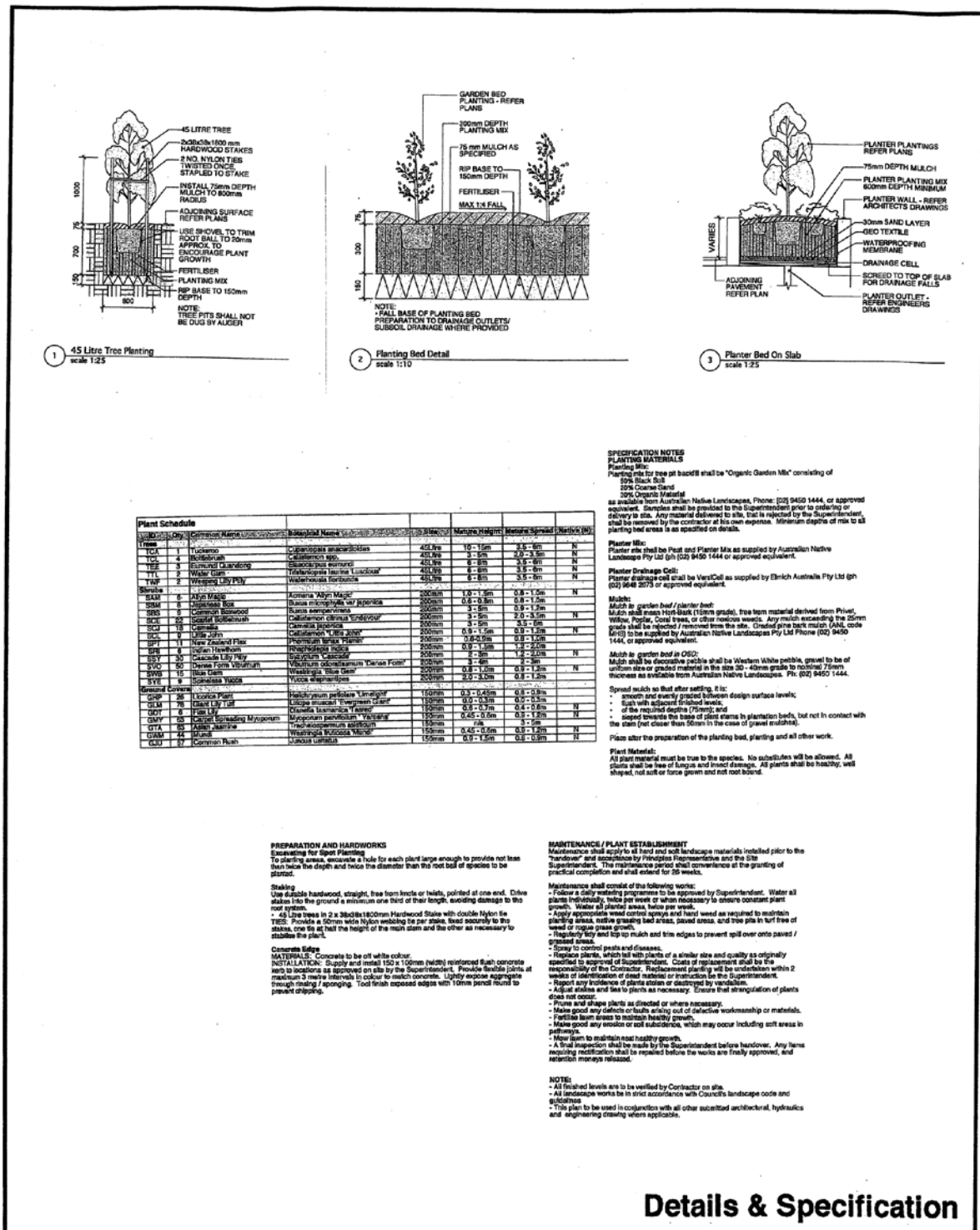
ATTACHMENT 7



LANDSCAPE PLAN

SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING. LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn



LANDSCAPE PLAN

SUBJECT: DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING 25 UNITS WITH BASEMENT CAR PARKING.
LOTS 7 & 6 DP 24136 - Nos. 8 & 10 CAMBRIDGE STREET, INGLEBURN.

3.2 Demolition Of Two Existing Dwellings And Construction Of A Four Storey Residential Flat Building Comprising 25 Two Bedroom Units With One Level Of Basement Car Parking - Nos. 8-10 Cambridge Street, Ingleburn

ATTACHMENT 8

Confidential – for privacy reasons this attachment is not available to the public.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

3.3 Use of premises for heritage and cultural tour exhibitions and the holding of cultural festivals - No. 203 Eagleview Road, Minto

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 plan (distributed under separate cover - confidential – for privacy reasons this is not available to members of the public)

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 receipt of submissions from or on behalf of the occupants of sixteen properties in response to the public notification of the proposed development.

Property Description	Lot 23 DP 535651, 203 Eagleview Road, Minto
Application No	1154/2012/DA-U
Applicant	Mr Prem Kumar Misra
Owner	Mr Prem Kumar Misra
Statutory Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002
Other Provisions	Campbelltown (Sustainable City Development Control Plan 2009 Campbelltown 2025 – Looking forward
Date Received	13 June 2012

History

In 1996, Council granted development consent for the construction of a dwelling, tennis court and storage dam at the subject site. The dwelling is partially located underground and contains a prayer room, meditation room and a library/study. The approved tennis court does not appear to have been constructed.

In 2000, Council refused consent to an application for the use of the subject site for community and education purposes.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

Over the course of several years, Council has received complaints from surrounding residents alleging that the subject property is being used as a religious establishment. Council's Compliance Services unit is engaged in on-going action in respect of the subject site.

Report

This application proposes the use of the subject site for heritage and cultural tour exhibitions and the holding of cultural festivals. The application indicates that these activities would be ancillary to the main use of the premises as a dwelling house.

The subject site is irregular in shape, has an area of 20,300m² and a frontage to Eagleview Road of approximately 139 metres. The site slopes downward from the front of the property to the rear of the property. The site contains an existing large dwelling, some of which is constructed underground, as well as a dam and other ancillary structures. The site contains one vehicular access point from Eagleview Road, which provides access to the dwelling's garage as well as a sealed car park that contains 25 car parking spaces. The site also contains clusters and scatterings of trees and plants. The site benefits from a connection to the reticulated sewage system.

The site is adjoined to the north by an existing approved religious establishment, to the east and south by rural-residential style dwellings, and by the Minto Renewal Area to its west.

The application seeks consent for the use of the site for the following purposes:

- Heritage and cultural tour exhibitions of the underground facility at the premises and the house of the sacred icon – The 13th Jyothirlinga
- Three cultural events (festivals) to be held annually.

The application indicates that the timetable of proposed events to be carried out through the week and year is as follows:

Weekly Activities

Time of activity	Type of activity	Maximum number of attendees
Monday to Friday: 10.00am to 1.00pm	Heritage and cultural tour exhibition	15
Saturday to Sunday: 10.00am to 5.00pm	Heritage and cultural tour exhibition	25

Annual Activities

Date of activity	Festival	Maximum number of attendees
20 February	Maha Shivratri	200
6 April	Hanuman Jayanti	200
16, 20 - 22 October	Pitr Paksh, Kalash Sthapana, Tri Shakti Maha Yagna	200

It is understood that the festivals specified by the applicant are religious in nature, pertaining to the Hindu religion. The application indicates that the site is to be used by the Mukti-Gupteshwar Mandir Society.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

A review of the website of the Mukti Gupteshwar Mandir shows a calendar of events for 2014 and 2015, which shows 29 scheduled festivals for the year 2014 and 33 scheduled festivals (thus far) for the year 2015. The website also identifies that the facility caters for counselling, palm reading, preparation and reading of horoscopes, yoga classes, Sunday school for children, weddings, wedding receptions, Hindi language classes, dance classes, meditation and prayers, however consent is not being sought for any of these activities under this application. The website refers to the premises on multiple occasions as a "temple".

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:

- Protecting and enhancing the City's key environmental assets

Campbelltown City's Environmental Protection Zones are considered to be a key environmental asset, with a distinctive and established rural-residential character. The large festivals that are proposed under this application are inconsistent with and pose a threat to the continuation of that established character within the eastern part of Minto, due to the detrimental noise and car parking impacts that the proposed festivals would likely cause.

The relevant desired outcome of the above strategic direction is:

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

It is considered that the proposed festivals, which would accommodate 200 people, do not match the environmental capacity and capability of the site, due to the detrimental noise and car parking impacts that the proposed festivals would likely cause.

2. Planning Provisions

2.1 State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44)

An assessment undertaken by the applicant's environmental consultant found that the subject site is potential koala habitat, as it contains *Eucalyptus tereticornis* (Forest Red Gum), and more than 15% of the trees occurring on the site are this species. However, the assessment found that although koala sightings have been recorded in the local area, habitat in the study area has been significantly modified and fragmented from areas of core koala habitat by urban development. Accordingly, the site does not contain core koala habitat, and a koala plan of management is not required to be prepared.

2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

Permissibility

The subject site is zoned 7(d4) - Environmental Protection 2 hectare minimum under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002.

The application contends that the proposed use of the subject site for heritage and cultural tour exhibitions and the holding of cultural festivals would be ancillary to the main use of the site as a dwelling house, and that therefore the proposed development is permissible because a development consent is in force for the dwelling house.

However, the use of the land for large festivals on an ongoing basis and for daily heritage and cultural tours is not considered to be a use that is ancillary to the use of the land for a dwelling, and having regard to the regularity and extent of the activities proposed to be conducted on the land it is not considered that those activities could be characterised as being ancillary or subordinate to the approved use of the land for the purpose of a dwelling.

As the activities that are proposed to be conducted on the site cannot be characterised as being ancillary or subordinate to the approved use of the land for the purpose of a dwelling, it is necessary to consider whether such a use would be permissible in Zone 7(d4) under the Campbelltown (Urban Area) Local Environmental Plan 2002.

Based on the information supplied with the application, the proposed use of the site would not fall within the LEP's definitions of "place of assembly", "religious establishment" or "recreation facility". Rather, the proposed use is considered to be characterised as a "recreation area".

A "recreation area" is defined as:

- (a) a children's playground, or
- (b) an area used for sporting activities or sporting facilities, or
- (c) **an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community**, being facilities provided by:
 - (i) the Council, or
 - (ii) **a body of persons associated together for the purpose of promoting the physical, cultural or intellectual welfare of persons within the community**,

but does not include a racecourse or a showground.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

It was necessary to obtain further information as to whether it would be the Mukti-Gupteshwar Mandir Society conducting the festivals together with details of the membership and objects of that association in order to determine whether the festivals would be conducted by a “body of persons associated together for the purpose of promoting the cultural or intellectual welfare of persons within the community”.

If the land used as a facility for conducting cultural tours to view the icon kept on the premises and the tours are operated or conducted by “a body of persons associated together for the purpose of promoting the cultural or intellectual welfare of persons within the community”, then such use would be characterised as a use of the land for a “recreation area”, being a use that is permissible with development consent in Zone 7(d4).

Council sought information from the applicant in respect of the above matters, and the applicant provided the following information:

1. The proposed festivals would be conducted by the Mukti-Gupteshwar Mandir Society.
2. Membership of the Society is formal, and the members are associated with each other based on their sub-continental heritage, their Hindu faith, and/or their interest in the Hindu religion or Hindu culture.
3. The Society has a Memorandum of Association, which includes, as some of its objectives:
 - a. To establish a common place of assembly for spiritual education, discourses, study of Vedanta and meditation.
 - b. To establish a library of religious books, journals, video and audio tapes on Eastern culture, philosophy and religion.
 - c. To arrange spiritual seminars, retreats, study groups and related activities for understanding of Indian culture and philosophy.

It is important to note that these are the objectives of the Society, not the activities proposed to be undertaken at the premises under this application.

Based on the information supplied by the applicant, it is apparent that the proposed cultural tours and festivals may be defined as recreational activities that promote the cultural or intellectual welfare of persons within the community, at a facility provided by a body of persons associated together for the purpose of promoting the cultural or intellectual welfare of persons within the community. It is therefore apparent that the proposed development may be defined as a “recreation area”, which is permissible with development consent in the 7 (d4) zone.

Zone objectives

The objectives of the 7(d4) - Environmental Protection 2 hectare minimum zone are:

- (a) to identify and protect land and watercourses forming part of the Georges River catchment area, and
 - (b) to conserve the rural character of the area by maintaining a minimum area of 2 hectares for lots used for rural living, and
-

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

- (c) to protect environmentally important land and watercourses possessing scenic, aesthetic, ecological or conservation value, and
- (d) to allow some diversity of development, but only where it is unlikely to have a detrimental effect on the quality and character of the locality or the amenity of any existing or proposed development in the locality.

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.

With regard to objective (a), the application does not pose a threat to the Georges River catchment area or the Georges River itself. The proposed use of the subject site for heritage and cultural tour exhibitions and the holding of cultural festivals would not detrimentally affect the Georges River catchment.

Objective (b) is not particularly relevant to the application as it relates to the limitation placed on allotment sizes and the character that such a limitation is intended to preserve. As the application does not propose subdivision of the site, this objective is not relevant.

With regard to objective (c), the site contains vegetation possessing ecological and conservation value (Cumberland Plain Woodland, which is a Critically Endangered Ecological Community, and Potential Koala Habitat). However the application has demonstrated that the proposal is unlikely to result in any impact on flora and fauna in the local area. Therefore, this objective is considered to be satisfied.

Objective (d) is particularly relevant to the application as it relates to the impact that development has upon surrounding properties and the broader locality. Given the different nature of the two activities that are proposed to be undertaken at the site (heritage/cultural tours and festivals), assessment against this clause has been outlined separately in regard to each proposed activity:

Heritage and Cultural Tours

It is considered that the proposed heritage and cultural tour exhibitions of the underground facility at the premises are able to be undertaken in a manner that does not have a detrimental effect upon surrounding properties and the broader locality, given the following factors:

- The tours would take place in the underground dwelling and would be unlikely to generate a significant amount of noise
- The site has sufficient on-site car parking (25 spaces) to cater for the proposed number of people that would attend the tours (15-25 people).

Festivals

It is considered that the proposed festivals are highly likely to have a detrimental effect upon surrounding properties and the broader locality, given the following factors:

- The noise associated with festivities involving 200 people (voices of attendees, live and recorded music, sound amplification) would be audible from surrounding properties and highly likely to cause nuisance in regard to noise. This type of land use would not be consistent with the rural character of the locality.
-

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

- The site only has car parking capacity for 25 vehicles, which is insufficient to cater for the 200 people that would attend the proposed festivals. The resulting roadside parking of over a hundred vehicles that would be necessitated by the site's limited car parking capacity would not be consistent with the rural character of the locality.
- In recent years, the subject site has been used for festivals and other activities involving large numbers of people, without development consent. Numerous complaints have been received regarding these activities from surrounding residents in regard to noise pollution and problematic off-site car parking (blocked driveways, unauthorised parking on private property and traffic incidents). In addition, numerous submissions received in response to the public notification of the subject development application have alleged the site to be an ongoing source of noise pollution and problematic car parking impacts. The number of complaints and submissions received as well as the consistency as to their content appears to suggest that the subject site is unable to accommodate festivals without having a detrimental effect upon surrounding properties and the broader locality.

Thus, it would appear that whilst heritage and cultural tours would be capable of taking place at the site without having a detrimental effect on the quality and character of the locality or the amenity of any existing or proposed development in the locality, festivals would not.

With regard to the final objective of encouraging a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, it is again necessary to consider this clause separately in regard to each component of the proposal. Whilst it is considered that the proposed heritage and cultural tour exhibitions of the underground facility would be able to operate in a functional manner that does not affect adjoining properties, it is considered that due to the noise and car parking problems associated with a festival with 200 attendees, this aspect of the proposal is not capable of operating in a functional manner or relating sympathetically to nearby and adjoining development.

2.3 Draft Campbelltown Local Environmental Plan 2014

As the application was lodged prior to the commencement of the exhibition period of the draft LEP, the draft LEP is not applicable to the application. However, it may be of interest to note that the site has a draft zoning of E4 Environmental Living. Within the E4 zone, "community facilities" would be permissible with development consent, and it is likely that the proposal would fall under that definition, if the application were to be made once the new LEP is gazetted.

2.4 Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2009, as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2012 came into effect. The provisions within the 2012 Plan that apply to the application are not substantially different from equivalent provisions within the 2009 Plan.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

It should be noted that neither the 2009 nor 2012 DCPs contain specific provisions relating to cultural tourism or festivals, however the general provisions of Part 2 of the Plan apply to all types of development. Assessment against the relevant provisions of Part 2 of the Plan is shown below:

Bushfire – The subject site is identified as being bushfire prone. Given that the application proposes to conduct festivals with an attendance of 200 people, there is a potential risk of the facility being significantly affected by a bushfire event. In particular, given the large number of attendees at the proposed festivals and the lack of car parking on the site available to accommodate all of the attendees, evacuation of the site has the potential to be time-consuming and disorderly. A Bushfire Assessment Report and Evacuation Management Plan have been submitted with the application, and these were referred to the NSW Rural Fire Service (RFS) for assessment. The RFS advised Council of several conditions of consent that should be imposed on any development consent, and these have been included within the recommended conditions of consent in attachment 1.

Waste Management – A Waste Management Plan has been submitted with the application, which indicates that the premises would be served by a 2m³ bin provided by a private waste contractor, which is collected on a weekly basis. This is considered to be a satisfactory arrangement to cater for 15-25 visitors to the site daily.

Flora, Fauna and Weed Management - The subject site has been mapped by the National Parks and Wildlife Service as containing a small stand of Cumberland Shale Plains Woodland in the south eastern corner of the property. Cumberland Shale Plains Woodland is listed as an Endangered Ecological Community (EEC) under the *Threatened Species Conservation Act 1995 (TSC Act)* and *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

A flora and fauna assessment undertaken by the applicant's consultant found the site to be largely cleared and consisting of mainly mown grass, including *Kikuyu Grass*, introduced weed species and minor occurrences of indigenous grasses and herbs. The assessment also identified a small remnant stand of approximately 10 *Eucalyptus tereticornis* (Forest Red Gums) in the north-western corner of the property, concluding that the plant assemblage does not comply with the diagnostic species for Cumberland Shale Plains Woodland.

An Assessment of Significance of the likely impacts of the proposed operational changes to the site on threatened species was undertaken by the applicant's consultant. The AoS found that the proposed operational changes are unlikely to result in any impact on this vegetation community in the local area. The impacts of the proposed operational changes were not considered to be significant following the assessment of significance, and, therefore it was determined that a Species Impact Statement was not required.

The fauna assessment undertaken by the applicant's consultant found that although no threatened fauna species or important habitat features were identified in the study area during the survey, the remnant vegetation and on site dam area could potentially provide habitat for highly mobile species. However, as the proposed operational changes do not include the removal or impact of any vegetated area on the property, it was concluded that the proposal is unlikely to have significant impact upon any threatened fauna species in the local area.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

The application was referred to Council's Environmental Planning unit, who concurred with the assessment, and recommended that a condition of consent be imposed requiring the applicant to ensure that the proposed land use results in no vegetation being damaged, removed or negatively impacted on. Such a condition has been included within Attachment 1.

3. Planning Assessment

Fire safety and structural capacity

Clause 93 of the Environmental Planning and Assessment Regulation 2000 applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building. The application proposes the change of use of the dwelling on the site to allow heritage and cultural tours, and accordingly, clause 93 of the EP&A Regulation 2000 applies to the application. In determining a development application to which the clause applies, the consent authority is required to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use. Consent to the change of building use sought by a development application to which the clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

A report prepared by an accredited Grade 1 Certifier was submitted to Council that assesses the proposal against the relevant sections of the Building Code of Australia (BCA). The application was referred to Council's Building Certification Unit, for assessment of the application against clause 93 of the Environmental Planning and Assessment Regulation 2000. Council's Building Certification Unit advised that the report identifies several non-compliances with the provisions of the BCA, and the premises will require upgrading. Conditions requiring the upgrades of the premises to be undertaken have been included within the recommended conditions of consent in Attachment 1.

4. Public Participation

The application was notified to nearby and adjoining residents. Council has received submissions from or on behalf of the occupants of sixteen properties, raising the following issues:

Issue - Noise pollution associated with the operation of festivals:

- Police have been contacted in relation to noise pollution associated with festivals taking place at the site
 - Loud noises at the site including drums cause vibration to surrounding dwellings and prevent residents from sleeping
 - Noise from musical instruments often continues until late in the evening.
-

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

Comment - It is considered that the site is not an appropriate location for festivals to take place. The proposed festivals are considered to be beyond the capacity of the site to accommodate such a land use, and likely to result in on-going noise complaints. This report recommends that Council refuse consent to the proposed festivals, but grant consent to the use of the site for heritage and cultural tours, which can be undertaken without significant levels of noise being produced.

Issue - The site has limited parking, meaning that visitors have to park on the road, which is narrow, and therefore presents a safety hazard for parking vehicles. Traffic incidents have already occurred during festivals. Visitors have been observed walking on the road. Buses have been observed stopping in the middle of the road to drop off and pick up passengers. Visitors have parked on adjoining private properties. Police have been called to the property to direct traffic.

Comment - The site contains 25 marked car parking spaces, which is insufficient to accommodate the 200 people who would attend the proposed festivals. In this regard, the proposed festivals are clearly beyond the capacity of the site to accommodate such a land use. However, the proposed heritage and cultural tours would cater to only 25 people, and the site contains sufficient car parking capacity to accommodate this use. This report recommends that Council refuse consent to the proposed festivals, but grant consent to the use of the site for heritage and cultural tours, which would accommodate only 25 people.

Issue - The proposed development would be out of character with its setting.

Comment - Due to the significant noise and car parking problems that would be likely to arise as a result of festivals taking place at the site, it is considered that the festival component of the proposal would indeed be out of character with the site's setting. This report recommends that Council refuse consent to the proposed festivals, but grant consent to the use of the site for heritage and cultural tours, which can be undertaken without the noise and car parking problems that the festivals would be likely to cause.

5. Conclusion

It is important to distinguish between the two different components of the subject development application, as while both proposed land uses fall within the definition of a recreation area, which is permissible within the 7(d4) Environmental Protection 2 hectare minimum zone under the CLEP 2002, one of these is considered to be able to operate without affecting the amenity of the surrounding locality, whilst the other is not.

The site is a well-known tourism facility, which contains an icon that is sacred within the Hindu faith – The 13th Jyothirlinga. Conducting tours of the premises for up to 25 people is an activity that can be undertaken without a significant level of noise being produced, and with no car parking problems, since the site contains 25 car parking spaces.

However, the holding of festivals with up to 200 attendees is clearly a land use that is incompatible with the character of the locality within which the site is located, and is beyond the capacity of the site to accommodate. The holding of festivals would produce significant levels of noise associated with attendees' voices, live and recorded music, and sound amplification, which would be audible from surrounding properties and highly likely to cause nuisance in regard to noise. In addition, the site does not have the capacity to accommodate the parking of vehicles associated with 200 attendees, and accordingly, the holding of the proposed festivals would likely lead to significant traffic and car parking problems for the surrounding locality.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

In this regard, this report recommends that consent be granted to the holding of heritage and cultural tours associated with the presence of the sacred icon at the site, but that consent to the holding of festivals at the site be refused.

Officer's Recommendation

1. That Council grant consent to the use of the site for heritage and cultural tour exhibitions, subject to the conditions in Attachment 1.
2. That Council refuse consent to the use of the site for the holding of cultural festivals, for the reasons outlined below:
 - a. Pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the holding of the proposed festivals would be inconsistent with objective (b) of Campbelltown (Urban Area) Local Environmental Plan 2002 (to protect areas from inappropriate development).
 - b. Pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the holding of the proposed festivals is inconsistent with objective (d) of the 7(d4) Environmental Protection zone (to allow some diversity of development, but only where it is unlikely to have a detrimental effect on the quality and character of the locality or the amenity of any existing or proposed development in the locality) as the proposed festivals would cause unacceptable impact upon the surrounding locality in terms of traffic and noise.

Committee's Recommendation: (Kolkman/Lound)

That Council refuse consent for the use of the site for heritage and cultural tours, exhibitions and the holding of cultural festivals, for the reasons outlined below:

- a. Pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that use of the site for heritage and cultural tours, exhibitions and the holding of the proposed festivals would be an inappropriate development for the area and is inconsistent with the desired outcomes of the Campbelltown (Urban Area) Local Environmental Plan 2002 and in particular, subclause (b) of the 7(d4) Environmental Protection zone.
- b. Pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the use of the site for heritage and cultural tours, exhibitions and the holding of the proposed festivals is likely to have a detrimental effect on the quality and character of the locality and the amenity of users of existing development in the locality and as such, is inconsistent with the desired outcomes of the Campbelltown (Urban Area) Local Environmental Plan 2002 and in particular, subclause (d) of the 7(d4) Environmental Protection zone.

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 19 May 2015 (Hawker/Kolkman)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 80

That the Committee's Recommendation be adopted.

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

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

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

Drawing/Document No.	Prepared By	Date
Site Plan	Prem Misra	15 December 2014
Floor Plan	DY	19 February 1993
Bushfire Emergency Evacuation Plan	PGH Environmental Planning	September 2014
Bushfire Assessment Report	About Trees	2014
Building Code of Australia Deemed to Satisfy Assessment Report	Essential Certifiers	February 2015
Waste Management Plan	Prem Misra	2 October 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. Prohibition of Festivals and Religious Establishment

At no time shall the site be used for festivals or as a religious establishment.

4. Advertising Signs – Separate DA Required

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

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

5. 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.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

6. 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.

7. Unreasonable Noise and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance to neighbouring residences.

The use of the premises for heritage and cultural tour exhibitions shall at all times comply with the *Protection of the Environment Operations Act 1997*.

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.

8. Operating Hours and Number of Attendees

The use of the premises for heritage and cultural tour exhibitions shall be limited in accordance with the table below:

Hours of Operation	Maximum number of attendees
Monday to Friday: 10.00am to 1.00pm	15
Saturday and Sunday: 10.00am to 5.00pm	25

Use of the premises for heritage and cultural tour exhibitions outside the hours of operation specified above or involving more than the maximum number of attendees is not permitted.

9. Car Parking Spaces

Twenty-five car parking spaces shall be made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 6 (as amended).

10. Asset Protection Zone

The site shall continue to be managed as an asset protection zone as outlined within Appendices 2 and 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

11. Water and Utilities

A total supply of 20,000 litres of water shall be provided for fire fighting purposes.

12. Evacuation and Emergency Management

A Bush Fire Emergency Evacuation Plan shall be prepared and comply with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.

13. Design and Construction

The existing building to be used shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable this includes any openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

14. Landscaping

Landscaping around the building shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

15. Native Vegetation

The applicant must ensure that the proposed operational changes, including festivals and cultural tours, result in no native vegetation being damaged, removed or negatively impacted on.

16. 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.

17. Building Upgrade

Pursuant to Clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing building shall be brought into conformity with the Building Code of Australia (BCA).

In this regard, the building shall be upgraded in accordance with the recommendations contained within Item 1.3 of the Building Code of Australia Deemed To Satisfy Assessment Report prepared by Essential Certifiers dated February 2015 Report No. 2015-57/1.

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

Details demonstrating compliance with this report and the BCA shall be submitted to Council or an accredited certifier prior to the issue of a construction certificate.

18. 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.

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.

19. 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.

20. 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.

21. Council Fees and Charges

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

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

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

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

Advice 2. Tree Preservation Order

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

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

Advice 3. Provision of Equitable Access

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

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

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

Advice 4. Smoke Alarms

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

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

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

Advice 5. 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.

END OF CONDITIONS

3.3 Use Of Premises For Heritage And Cultural Tour Exhibitions And The Holding Of Cultural Festivals - No. 203 Eagleview Road, Minto

ATTACHMENT 2



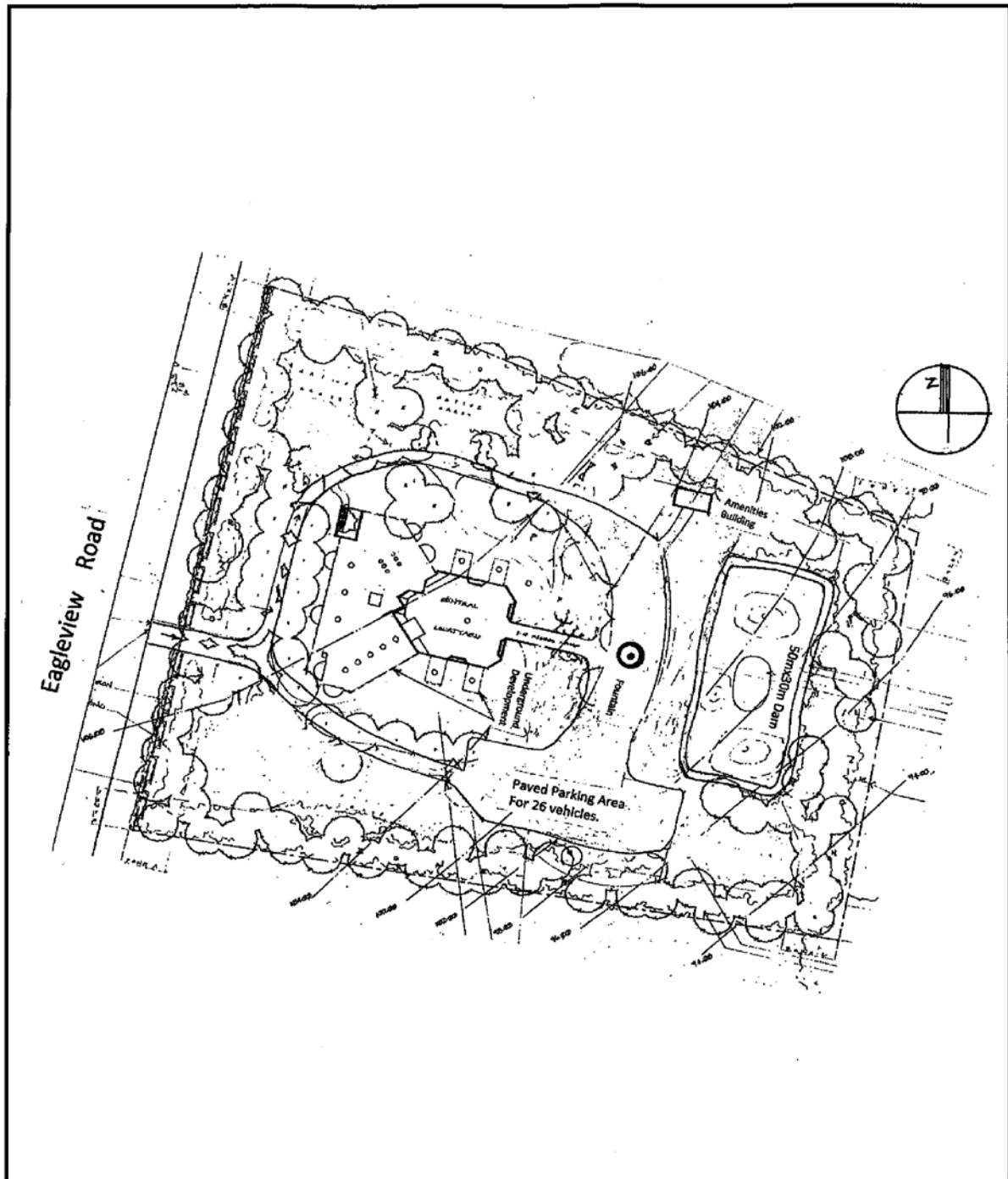
LOCALITY PLAN



SUBJECT:

USE OF PREMISES FOR HERITAGE AND CULTURAL TOUR
EXHIBITIONS AND THE HOLDING OF CULTURAL FESTIVALS.
LOT 23 DP 535651 - No. 203 EAGLEVIEW ROAD, MINTO.

ATTACHMENT 3



SITE PLAN

SUBJECT:

USE OF PREMISES FOR HERITAGE AND CULTURAL TOUR
EXHIBITIONS AND THE HOLDING OF CULTURAL FESTIVALS.
LOT 23 DP 535651 - No. 203 EAGLEVIEW ROAD, MINTO.

ATTACHMENT 4

Confidential – for privacy reasons this is not available to members of the public.

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

**3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL and
2577/2014/DA-SL relating to a proposed retirement village at cnr
Camden Valley Way and Denham Court Road, Denham Court**

Reporting Officer

Acting Director Planning and Environment

Attachments

1. Location plan (contained within this report)
2. Site concept plan (contained within this report)
3. Stage 2 site plan (contained within this report)
4. Stage 2 landscaping plan (contained within this report)
5. Entry feature and acoustic wall detail (contained within this report)
6. Typical elevations (contained within this report)
7. Typical floor plans (distributed under separate cover – confidential – for privacy reasons this is not available to the public)

Purpose

To advise Council of the lodgement of Development Applications 2035/2014/DA-SL and 2577/2014/DA-SL for the staged development of a retirement village at Denham Court 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 6 DP 1193006, cnr Camden Valley Way and Denham Court Road, Denham Court
Application Nos.	2035/2014/DA-SL and 2577/2014/DA-SL
Applicant	Stockland Development Pty Ltd
Owner	Leppington Park Pastoral Pty Ltd
Relevant Legislation	<i>Threatened Species Conservation Act 1995</i> State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Campbelltown Growth Centres Development Control Plan
Dates Received	August and October 2014

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham Court Road, Denham Court

Report

The subject site is located within the suburb of Denham Court and is part of the 'East Leppington' precinct of the South West Sydney Growth Centre. The 'East Leppington' precinct is situated in Campbelltown, Camden and Liverpool local government areas.

The land was rezoned for urban purposes in March 2013, following a detailed review of the precinct's capacity for urban development, acknowledging significant environmental assets (including a portion of the 'Scenic Hills' that fall within the Campbelltown local government area) and links to existing and future infrastructure in the immediate vicinity.

The urban release of the area has physically commenced, with two stages of Stockland's 'Willowdale Estate' completed and dwellings presently under construction. A regional park, two additional residential stages and a display home village have also been granted development consent after assessment by both Campbelltown and Camden Councils for the respective parts of the development within each local government area.

Due to the capital investment value of the applications, the Sydney West Joint Regional Planning Panel is the consent authority.

The Site

The subject site is legally described as Lot 6 DP 1193006 and is located within the northern corner of the urban release area as it sits within Campbelltown and Camden Councils. The site would ultimately be accessed by an internal road that connects Willowdale Drive and Jamboree Avenue to Denham Court Road, as per the 'indicative layout plan' that was developed by the Department of Planning and Infrastructure during the rezoning process.

The location of the proposed retirement village site has been overlayed on the 'indicative layout plan' and is found at Attachment 2 to this report.

The site slopes towards the east and south, in the general direction of Bonds Creek, which runs through the urban release area in a north-south direction. The creek corridor is relatively heavily vegetated and contains some good examples of remnant riparian tree species. This vegetation would be enhanced and rehabilitated as part of ongoing work across the urban release area, to which further development application(s) will be made in due course.

Some other trees are scattered across the development site, although a large proportion has been cleared over time and used for grazing and cropping since the European settlement of 'the cowpastures', in particular, a Crown land grant of 700 acres to William Cordeaux in 1821, which he named 'Leppington'.

Camden Valley Way borders the development site to the west and Denham Court Road (as it is presently being realigned and reconstructed by Roads and Maritime Services) lies directly to the east. The area of land to which the applications apply is approximately 10.7 hectares, of which 0.3 hectares is located within the Camden local government area, along the site's frontage to Camden Valley Way.

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham Court Road, Denham Court

Proposed Development

The two development applications seek the staged approval of a retirement village.

The components of each development application are detailed below:

2035/2014/DA-SL – Concept proposal for a retirement village, including Stage 1 works

The concept proposal is an overarching application that would set the site for development for a retirement village (should consent be granted). The application has been made pursuant to Section 83B of the *Environmental Planning and Assessment Act 1979* (the Act) and is considered to be a 'staged development'.

The concept proposal establishes the site's future layout, future land uses and their locations. The proposed land uses across the site include:

- 268 self-contained single-storey seniors housing dwellings
- A community hub/clubhouse
- Community open space
- A residential aged care facility for higher-order care provision.

A plan of the proposed concept layout is contained in Attachment 2 to this report.

In this case (and in accordance with the Act), the application also includes the first stage of the development, which includes:

- Construction of internal roads
- Construction of an entry road feature
- Construction of an acoustic wall
- Civil works such as drainage and service infrastructure.

All internal roads would remain as private property, under the care and control of the retirement village.

The acoustic wall would predominantly be constructed along the site's frontage to Camden Valley Way, which is almost entirely located within the Camden local government area. The proposed acoustic wall would appear similar in design, material and height as those previously constructed to the west within the residential release parts of the 'Willowdale Estate'.

The proposed entry road feature consists of landscaped entry road containing fencing and tree plantings.

The capital investment value of the entire project is approximately \$73m. The first stage works are valued at approximately \$10m.

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

2577/2014/DA-SL – Construction of 268 self-contained single-storey dwellings and associated works

The second application relates to the construction and occupation of 268 self-contained dwellings within the retirement village and also includes the landscaping of the site and is described by the applicant as Stage 2 of the concept proposal. The dwellings would be individually designed and constructed in a manner similar to Stockland's existing retirement village near Macarthur Square in Campbelltown. All would be single storey and contain either two or three bedrooms plus garaging for at least one vehicle. Each dwelling would also have a contained courtyard at its rear for use as private open space.

The self-contained dwellings would be available for people aged over 55 to occupy as part of a long-term lease type arrangement.

A layout of the dwellings across the site and the typical elevations and floor plans are included in Attachments 6 and 7 to this report. The site's landscaping plan is included in Attachment 4.

Future development at the site such as the pocket park, clubhouse/community building and the residential aged care facility would be subject to future development applications, although would need to be consistent with the overarching layout provided for by the concept proposal.

To aide Council and the Sydney West JRPP, the two applications, being for the concept proposal and Stage 1 works, plus Stage 2 that is the self-contained dwellings are being submitted and assessed concurrently. Council's officers understand that Camden Council is taking the same approach. The two Councils have provided a briefing to the JRPP at a meeting held in October 2014, not long after the concept proposal application was submitted.

As part of the assessment, the application has also been forwarded to the Rural Fire Service, as well as Roads and Maritime Services for approval and comment respectively.

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 Act. 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:

- Compliance with State and local planning objectives and controls
 - Stormwater and drainage management
 - Traffic impact assessment
 - Landscape works
 - Bushfire safety
 - Noise impacts on the development from outside sources
 - Construction and waste management.
-

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham Court Road, Denham Court

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 Growth Centres SEPP and the residential R2 zone established for the area therein. The applicant has considered the proposed retirement village as an integral component of its overall development of the urban release area precinct and as such, has accommodated for expected demands on access to public open space, access to retail facilities and access to good transport infrastructure as part of master planning for the 'Willowdale Estate' as a whole.

The Seniors Living SEPP is also relevant and establishes controls and objectives for the provision of seniors housing throughout NSW. The concept proposal and Stage 2 application for self-contained dwellings are considered to achieve a relatively high level of compliance with relevant controls.

Notwithstanding, the following issues are identified for specific consideration:

1. Compliance with the Seniors Living SEPP's access to public transport requirements

At present, a regular bus service (as required by the SEPP) is located along Camden Valley Way, which is in close proximity to the site. However, in practice is not considered to be suitable in the long-term for residents wishing to use such a service considering the extent of the proposed acoustic wall and traffic volume likely to be contained by Camden Valley Way in the not too distant future.

In the medium term, the site will be provided with direct access to a bus route that will travel through the 'Willowdale Estate' rather than along Camden Valley Way to towards both Narellan/Camden and also the future Leppington town centre, which incorporates a railway station. A future bus route through the urban release area was considered by Transport for NSW and the Department of Planning and Infrastructure during the rezoning process and is an integral component to making the urban release area accessible for seniors and other new residents alike.

The applicant has provided information to Council's officers that resident occupation is not likely to occur prior to the bus service being implemented on the yet-to-be-constructed internal access road. Negotiations with Transport for NSW in relation to the provision of a bus service are ongoing, however, are expected to progress quickly once the new road is built so as to provide good access to Leppington Railway Station and the future town centre.

In the meantime, it is recommended to the JRPP that it request the applicant to provide its own transport, by way of a vehicle that has at least 10 seats (in accordance with Clause 43 of the SEPP) for residents should the Government-funded bus route not be in place prior.

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

2. **Compliance with the requirements of the *Threatened Species Conservation Act 1995***

The south west Sydney region growth centres encompasses land within Camden, Campbelltown and Liverpool local government areas and includes releases such as Oran Park, Austral, Leppington, East Leppington, Catherine Field, Bringelly and Edmondson Park. As part of the growth centre's release for urban purposes, extensive planning was undertaken for the retention and rehabilitation of remnant Cumberland Plain woodland. Large tracts of relatively undisturbed woodland has been set aside as open space and for preservation through means provided by the *Threatened Species Conservation Act 1995 (TSC Act)*. As an offset to the retention of the areas of bushland throughout the growth centres, remaining parts were 'bio-certified' pursuant to Part 7AA of the Act.

Briefly, the primary effect of granting certification by way of a Ministerial Order is that it removes the need to undertake threatened species assessments or prepare species impacts statements at the development application stage. Hence, if certification is granted to land covered by the Growth Centres SEPP, this means that developments within those areas do not need to further assess the impacts on threatened species. The conservation Order also sets up funding for land purchase and rehabilitation. Under the south west growth centres Order, there will ultimately be \$530m set aside for this purpose.

The 'East Leppington Precinct' of the growth centres largely falls under the bio-certification order and as such, no further detailed assessment of the impact of development on native vegetation and fauna is required under planning and related legislation. However, due to an idiosyncrasy in the large-scale mapping undertaken as part of the bio-certification Order, a very small portion of the urban release precinct development site was not included. However, this very small portion overall represents approximately half of the retirement village site, as shown in the following diagram.



Source: EcoLogical, August 2014.

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

Campbelltown and Camden Councils, as well as the applicant have made representations to the Office of Environment and Heritage to seek clarification on the mapping issue and to seek a remedy. Council is advised by the Office that an amendment to the certification Order map is expected to be gazetted by the State Government during May 2015.

However, until such time, vegetation on the land must not be destroyed.

Accordingly, it is recommended that Council requests assurance from the JRPP that no determination of any application on land not encompassed by the certification Order is issued.

3. Drainage from Camden Valley Way

The retirement village development's location is adjacent to Camden Valley Way, which has recently been upgraded by Roads and Maritime Services to provide for extra traffic lanes, upgraded drainage and landscaping. The retirement village site is typically lower than the road and as such, water currently flows across the site as it moves towards Bonds Creek to the east.

The applicant has supplied detailed engineering design and calculations to demonstrate the retirement village development has considered surface water flows from the adjoining land. Council officers continue to work on assessment of this issue.

It is recommended that the JRPP not grant any development consents for construction works at the site until such time that Council is satisfied that water emanating from Camden Valley Way can successfully be captured and directed towards Bonds Creek in an approved manner.

Conclusion

Two development applications representing significant capital investment value have been submitted to both Campbelltown and Camden Councils. The applications relate to the staged development of a retirement village and construction of associated site works, landscaping and 268 self-contained dwellings for seniors. Due to the capital investment value of the overall project and its second stage, the Sydney West Joint Regional Planning Panel is the consent authority for the development applications.

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 the likely benefit of providing housing for seniors within an emerging urban release area, which will ultimately be close to a significant range of amenities and transport options. 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.

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

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.

Officer's Recommendation

1. That the information be noted relating to development applications 2035/2014/DA-SL and 2577/2014/DA-SL for the staged development of a retirement village at Denham Court.
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 matters for further consideration raised in this report are given due consideration by the Panel prior to its determination of the applications.

Committee's Recommendation: (Rowell/Thompson)

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 19 May 2015

Having declared an interest in regard to Item 3.4, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item.

Chairperson

In the absence of the Chairperson, His Worship the Mayor, Councillor Lake, Deputy Mayor Councillor Rowell assumed the Chair for this item.

Council Meeting 19 May 2015 (Oates/Greiss)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 81

That the Officer's Recommendation be adopted.

3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

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

Voting against the Council Resolution: nil

At the conclusion of the discussion regarding Item 3.4, Councillors Hawker and Lake returned to the Chamber for the remainder of the meeting.

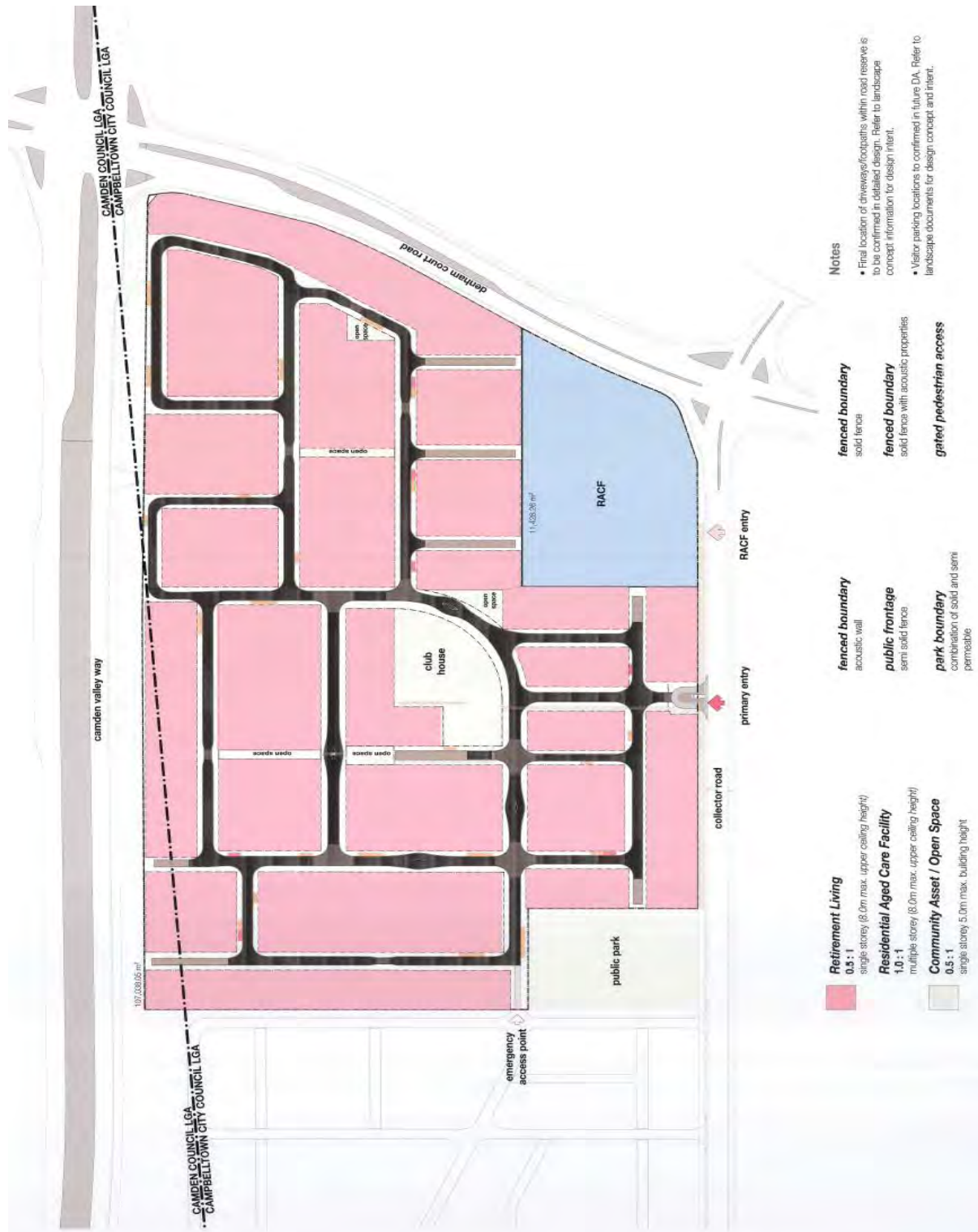
His Worship the Mayor, Councillor Lake resumed the Chair for the remainder of the meeting.

ATTACHMENT 1 – Location plan



3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham Court Road, Denham Court

ATTACHMENT 2 – Site concept plan



3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham Court Road, Denham Court

ATTACHMENT 3 – Stage 2 site plan



Notes

- Footprints shown for club house and RACF are indicative, final layout and design to be confirmed in future DA.

FSR Requirements

Requirement	0.5 : 1
Retirement Living	
Proposed Arrangement Achieves	
Retirement Living	108977.41 m ²
SITE AREA	27711.46 m ²
FSR	0.26 : 1

Solar Access Requirements

Requirement	3hrs	70%
Private Open Space	3hrs	70%
Living room	3hrs	70%
Proposed Arrangement Achieves		
Private Open Space	3hrs	98%
Living room	3hrs	98%

House Type Mix

Type	Number	%	GFA
C	34	12.6%	80.83
D	106	38.4%	96.47
S	67	24.9%	102.96
F	39	14.9%	105.44
N	22	8.2%	114.80
TOTAL	268		

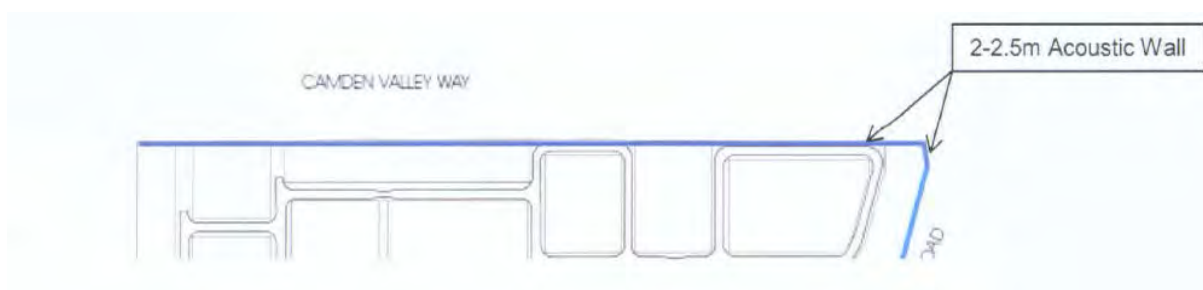
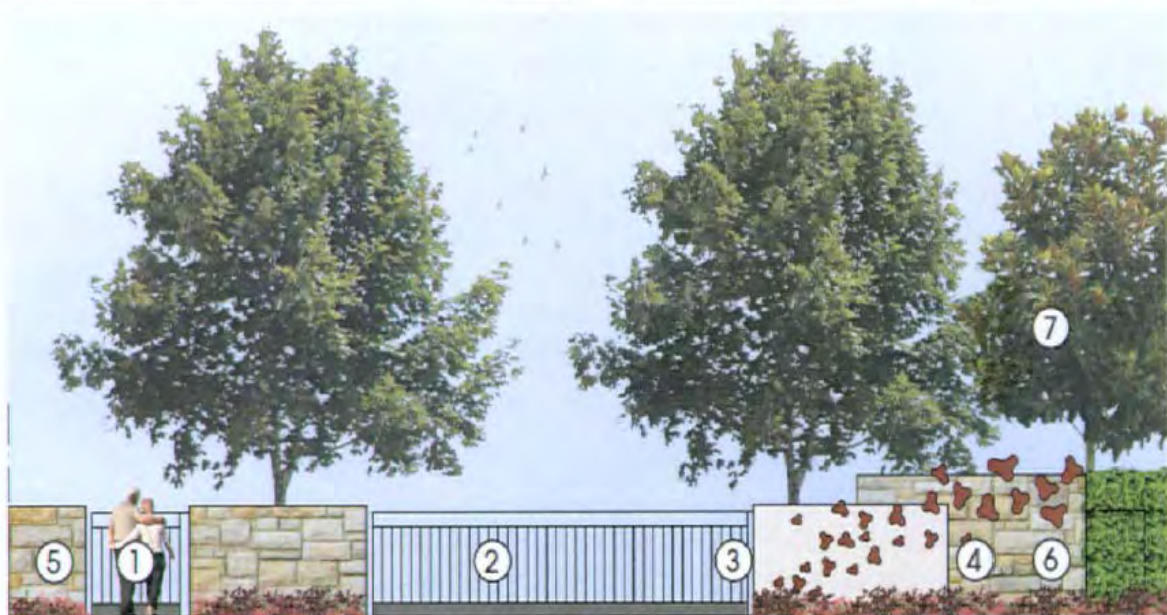
3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

ATTACHMENT 4 – Stage 2 landscaping plan



3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

ATTACHMENT 5 – Entry feature and acoustic wall detail



3.4 Joint Regional Planning Panel Applications - 2035/2014/DA-SL And 2577/2014/DA-SL
Relating To A Proposed Retirement Village At Cnr Camden Valley Way And Denham
Court Road, Denham Court

ATTACHMENT 6 – Typical elevations



ATTACHMENT 7 – Typical floor plans

Confidential – for privacy reasons this attachment is not available to the public.

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 January to March 2015 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 January 2015 to 31 March 2015 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: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 78

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

SEPP 1 Variations 1 January 2015 to 31 March 2015

Council DA reference number	Lot number	DP 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
1020/2014/DA-I	16	1126785	2	Nursery Road	CAMPBELLTOWN	2560	12: Industrial	LEP 2002	4(a) - General Industry Zone	Clause 37 Setbacks within industrial areas (10m building setback requirement)	Although the building setback applicable under the LEP is 10 metres, the deposited plan shows a prescribed building envelope that was registered at the time of subdivision of the property, which allows a setback of 5 metres to Johnson Road. Accordingly, the reduced setback was envisaged at the time of the allotment's creation. The building also has a design that contributes positively to the streetscape and extensive landscape was also proposed and approved.	50%	Council	17/03/2015

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 19 May 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 78

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
--

Total ongoing Class 1 DA appeal matters (as at 24/04/2015)	2
Total completed Class 1 DA appeal matters (as at 24/04/2015)	3
Costs from 1 July 2014 for Class 1 DA appeal matters:	\$65,800.32

1 (a)	John Cephas GALLUZZO
--------------	-----------------------------

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.

Property: Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.

Property Owner: Mr. John Frank Galluzzo

Council File: Development Application No: 1416/2014/DA-C

Court Application: Filed on 25 September 2014 - File No. 10799 of 2014

Applicant: John Cephas Galluzzo

Costs Estimate: \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$22,564.66

Status: Ongoing – listed for hearing on 9 and 10 June 2015.

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.

The appeal was listed before the Court for first mention on 3 October 2014.

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.

On 11 March 2015 the Registrar made certain procedural directions and adjourned the proceedings to 9 and 10 June 2015 for hearing commencing on site at 9.30am on 9 June.

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:	\$35,026.62
Status:	Completed.
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> <p>Matter was before the Court for hearing on 12 and 13 March 2015 where following the conclusion of evidence and submissions the Commissioner reserved judgment to date to be confirmed by the Court.</p> <p>On 7 April 2015, the Commissioner handed down judgement upholding the appeal and granting conditional consent to development application No. 499/2014/DA-C.</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:	\$8,209.04
Status:	Completed – awaiting solicitors final costs invoice.
Progress:	<p>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.</p> <p>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.</p> <p>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.</p> <p>On 10 April 2015 the Applicant filed a Notice of Discontinuance with the Court.</p>

1 (d)	RAMM INVESTMENTS PTY LIMITED
Issue:	An appeal against Council's refusal of development application No. 1473/2012/DA-MAH that sought consent for construction of 26 two-storey dwellings and construction of a cul-de-sac in Collis Place, Minto.
Property:	Lot 101 DP 1044069, 124 Minto Road, Minto.
Property Owner:	Ramm Investments Pty Limited
Council File:	Development Application No: 1473/2012/DA-MAH
Court Application:	Filed on 27 March 2015 - File No. 10275 of 2015
Applicant:	Ramm Investments Pty Limited
Costs Estimate:	\$25,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date:	\$0.00
Status:	New Matter – listed for second directions hearing on 21 May 2015.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1473/2012/DA-MAH that sought consent for construction of 26 two-storey dwellings and construction of a cul-de-sac in Collins Place, Minto. The matter was listed for first directions hearing on 24 April 2015.</p> <p>On 24 April 2015, the Registrar made certain procedural directions and adjourned the proceedings to 21 May 2015 for second directions hearing.</p>

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 24/04/2015)	0
Total completed Class 1 and 2 appeal matters (as at 24/04/2015)	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 24/04/2015)	1
Total completed Class 4 matters (as at 24/04/2015)	1
Costs from 1 July 2014 for Class 4 matters	\$82,527.70

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 file a notice of discontinuance in the proceedings and that complying development certificate No. CDC 0455/12 be</p>

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 24/04/2015)	0
Total completed Class 5 matters (as at 24/04/2015)	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 24/04/2015)	0
Total completed Class 6 matters (as at 24/04/2015)	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 24/04/2015)	0
Total completed Appeal matters (as at 24/04/2015)	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 24/04/2015)	3
Total completed Local Court Matters (as at 24/04/2015)	61
Costs from 1 July 2014 for Local Court Matters	\$10,283.10

File No:	LP27/14 – Penalty Notice Court Election
Offence:	In charge of dog that attacked animal.
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$1,640.65 – Brief prepared by Council's Legal and Policy Officer who instructed an external solicitor appearing for Council.
Status:	Completed.
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> <p>The matter was before the Court for hearing on 9 April 2015 where the defendant, Brenden</p>

	McRitchie, maintained his not guilty plea. After hearing the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a fine of \$1,100 and an order for Council's legal costs in the sum of \$1,501.50.
File No:	LP29/14 – Penalty Notice Court Election
Offence:	Not comply with order (overgrown premises and refuse).
Act:	<i>Local Government Act 1993</i>
Final Costs:	\$1,759.45 – Brief prepared by Council's Legal and Policy Officer who instructed an external solicitor appearing for Council.
Status:	Completed.
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> <p>The matter was before the Court for hearing on 8 April 2015 where the defendant, Christina Louise King, changed her plea to guilty with explanation. After hearing the evidence and submissions the Magistrate found the offence proved and made an order discharging the defendant on condition that she enter into a good behaviour bond for a term not exceeding 12-months, and further order that the defendant pay Council's legal costs in the sum of \$1,500.00.</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>
Final Costs:	\$262.00 – Brief prepared by Council's Legal and Policy Officer who instructed an external solicitor appearing for Council.

Status:	Completed
Progress:	<p>The matters were before the Court for first mention on 3 March 2015 where the defendant made no appearance. The Magistrate granted Council's application for the matters to proceed in the defendant's absence. Following consideration of the evidence and submissions the Court imposed fines totaling \$2,400 and made an order for Council's costs in the sum of \$2,073 (Court filing fees and holding fees for the impounded dogs) and a destruction order for the dog held by Council.</p> <p>On 20 March 2015 the defendant filed an application with the Court seeking to have the conviction annulled. The application was listed for determination on 20 April 2015.</p> <p>The matter was before the Court for hearing of the annulment application on 20 April 2015 where the defendant, Jordan Bates, made no appearance. The Magistrate proceeded in the defendant's absence dismissing the annulment application and made an order that the defendant pay Council's legal costs in the sum of \$385.00. The Magistrate also confirmed the destruction order for the defendant's dog held by Council, authorising Council's ACF Coordinator to give effect to the order.</p>
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:	\$262.00 – Brief prepared by Council's Legal and Policy Officer who instructed an external solicitor appearing for Council.
Status:	Completed
Progress:	<p>The matters were before the Court for first mention on 3 March 2015 where the defendant made no appearance. The Magistrate granted Council's application for the matters to proceed in the defendant's absence. Following consideration of the evidence and submissions the Court imposed fines totaling \$2,400 and made an order for Council's costs in the sum of \$73 (Court filing fees) and a destruction order for</p>

	<p>the dog being held by Council.</p> <p>On 20 March 2015 the defendant filed an application with the Court seeking to have the conviction annulled. The application was listed for determination on 20 April 2015.</p> <p>The matter was before the Court for hearing of the annulment application on 20 April 2015 where the defendant, Jordan Bates, made no appearance. The Magistrate proceeded in the defendant's absence dismissing the annulment application and made an order that the defendant pay Council's legal costs in the sum of \$385.00. The Magistrate also confirmed the destruction order for the defendant's dog held by Council, authorising Council's ACF Coordinator to give effect to the order.</p>
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 prepared by Council's Legal and Policy Officer and dealt with at first mention.
Status:	Completed
Progress:	<p>The matters were before the Court for first mention on 3 March 2015 where the defendant made no appearance. The Magistrate granted Council's application for the matters to proceed in the defendant's absence. Following consideration of the evidence and submissions the Court imposed fines totaling \$2,000 and made an order for Council's costs in the sum of \$73 (Court filing fees) and a destruction order for the dog being held by Council.</p> <p>Despite advice in the March 2015 Legal Status Report that the defendant had on 20 March 2015 filed an application with the Court seeking to have the conviction annulled, the Court clarified on 20 April 2015 that such application did not apply to these matters.</p>
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:	\$2,150.00 – 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 28 April 2015.
Progress:	Matter was before the Court for defended hearing on 10 March 2015. The matter remains part-heard and is further listed on 28 April 2015

File No:	LP12/15 – Penalty Notice Court Election
Offence:	Deposit litter (cigarette butt) from vehicle.
Act:	<i>Protection of the Environment Operations Act</i>
Final Costs:	\$0.00 – Dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	The matter was before the Court for first mention on 24 March 2015 where the defendant, Askander Habra, made no appearance. The Magistrate granted Council's application for the matter to proceed in the defendant's absence. Following consideration of the evidence and submissions the Court imposed a fine of \$150.00 and made an order for costs in the sum of \$159.00.

File No:	LP14/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign.
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	<p>Listed for first mention on 24 March 2015. The matter was before the Court for first mention on 24 March 2015 where the defendant, Daniel John Baugh, made application for the matter to be transferred to Moss Vale Court and entered a plea of guilty with explanation.</p> <p>On 7 April 2015 the matter was before Moss Vale Court for sentence where the defendant confirmed his plea. After hearing the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a fine of \$242.00.</p>

File No: LP16/15 – Penalty Notice Court Election
Offence: Deposit litter (cigarette butt) from vehicle.
Act: *Protection of the Environment Operations Act*

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 on 28 May 2015.

Progress: Matter was before the Court for first mention on 7 April 2015 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings for hearing on 4 May 2015.

Subsequently, Council made application to vacate the hearing date due to the unavailability of its principal witness. The Magistrate relisted the hearing to 28 May 2015.

File No: LP19/15 – Penalty Notice Court Election
Offence: Disobey no-stopping sign.
Act: *Road Rules 2014*

Final Costs: \$0.00 – Dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.

Status: Completed

Progress: Matter was before the Court for first mention on 31 March 2015, where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved without penalty.

File No: LP20/14 – Penalty Notice Court Election
Offence: Own dog not under effective control in a public place.
Act: *Companion Animals Act 1998*

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 on 30 April 2015.

Progress: The matter was before the Court for first mention on 31 March 2015, where the defendant entered a not guilty plea. The proceedings are adjourned to 30 April 2015 for hearing.

File No:	LP21/14 – Penalty Notice Court Election
Offence:	Own dog not under effective control in a public place.
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$0.00 – Dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	The matter was before the Court for first mention on 7 April 2015 where the defendant, Steven Berry, made no appearance. The Magistrate granted Council's application for the matter to proceed in the defendant's absence. Following consideration of the evidence and submissions the Magistrate imposed a fine of \$220.00 and made an order for costs in the sum of \$159.00.

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 24/04/2015)
Costs from 1 July 2014 for advice matters

9
\$48,866.52

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	\$65,800.32	\$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	\$82,527.70	\$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	\$10,283.10	\$0.00
Matters referred to Council's solicitor for legal advice	\$48,866.52	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$210,448.04	\$0.00
Overall Net Costs Total (GST exclusive)	\$210,448.04	

5. GENERAL BUSINESS

5.1 Feasibility of installing a Exeloo facility at Redfern Park, Minto

Committee's Recommendation: (Lound/Kolkman)

That a report be presented outlining the feasibility and cost of installing an Exeloo facility at Redfern Park, Minto.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 78

That the Committee's Recommendation be adopted.

5.2 Feasibility of installing a Exeloo facility at Hallinan Park, Ingleburn

Committee's Recommendation: (Thompson/Greiss)

That a report be presented outlining the feasibility and cost of installing an Exeloo facility at Hallinan Park, Ingleburn.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 78

That the Committee's Recommendation be adopted.

5.3 Traffic Accident History

Committee's Recommendation: (Rowell/Matheson)

That a report be presented providing details of traffic accidents along Appin Road between the Appin Town Centre and Copperfield Drive, Rosemeadow, and separately along the section of the M31 that exits within the Campbelltown Local Government Area. The report is to specifically include details of the number of accidents, the possible causes of those accidents, and the number of fatalities arising from those accidents for the period between 2005 and 2015.

CARRIED

Council Meeting 19 May 2015 (Greiss/Kolkman)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 78

That the Committee's Recommendation be adopted.

Confidentiality Motion: (Lound/Thompson)

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/Lound)

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 8.21pm.

G Greiss
CHAIRPERSON
