

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 14 July 2015.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 14 July 2015

Present

Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
Director Strategy - Mr J Lawrence
Acting Director Planning and Environment - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Manager Waste and Recycling Services - Mr P Macdonald
Acting Manager Development Services - Mr B Leo
Acting Manager Sustainable City and Environment – Ms R Winsor
Manager Governance and Risk - Mrs M Dunlop
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 Lake
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

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Minutes of the Heritage Protection Sub Committee meeting held 28 May 2015

Reporting Officer

Manager Environmental Planning

Attachments

Minutes of the Heritage Protection Sub Committee meeting held 28 May 2015 (contained within this report)

Purpose

To seek Council's endorsement of the minutes of the Heritage Protection Sub Committee meeting held 28 May 2015.

Report

Detailed below are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

Recommendations of the Heritage Protection Sub Committee

Reports listed for consideration

6. Correspondence - Campbellfield/Redfern's Cottage, Lind Street, Minto

That the information be noted.

7.1 Local Heritage Fund Application - St David's Presbyterian Church, No.40 Lithgow Street Campbelltown

That Council approve the subject Local Heritage Fund (2014-2015) application for \$2000 for roof maintenance works to the heritage listed St David's Presbyterian Church, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.

7.2 Former Fisher's Ghost Restaurant (Old Kendall's Millhouse)

That the information be noted.

8.1 Beulah Farmhouse

That the information be noted.

8.2 Hurley Park – Grant Funding and Signage

That the information be noted.

8.3 Stella Vernon

That the information be noted.

Officer's Recommendation

1. That the minutes be noted.
2. That Council approve the subject Local Heritage Fund (2014-2015) application for \$2000 for roof maintenance works to the heritage listed St David's Presbyterian Church, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.

Committee's Recommendation: (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 July 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 133

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Minutes of the Heritage Protection Sub Committee Meeting

Held Thursday 28 May 2015 in Committee Room 3

Meeting Commenced: 6.02pm

1. Acknowledgement of Land

An Acknowledgement of Land was presented by the Deputy Chairperson, Councillor Thompson.

2. Attendance and Apologies

Councillor Bob Thompson - Deputy Chair Campbelltown City Council
Kay Hayes - Campbelltown Airds Historical Society
Robert Wheeler - National Parks Association
James Gardner - Qualified Person
Sue Kijurina - Campbelltown Airds Historical Society
Learna Coupe - Campbelltown Airds Historical Society

Also in Attendance: Clarice Sretch - Campbelltown Airds Historical Society
Jeff Burton - Strategic Planner
Andrew Spooner - Manager Sustainable City & Environment
Melinda Willcocks - Marketing and Tourism Coordinator
Jane Worden - Executive Support

Apologies: Councillor Ted Rowell
Mario Majarich - National Parks Association

Sub Committee's Recommendation: (Wheeler/Hayes)

That the above apologies be accepted.

CARRIED

3. Declarations of Interest

There were no Declarations of Interest made at this meeting.

4. Minutes of the Previous Meeting

Reporting Officer

Manager Sustainable City and Environment

Report

The Minutes of the Heritage Protection Sub Committee Meeting held on 12 February 2015, copies of which were circulated to each Sub Committee member, were presented to Council for adoption at its meeting on 21 April 2015.

Council resolved to adopt the Minutes in accordance with the Officer's recommendation.

Officer's Recommendation

That the information be noted.

2.1 Minutes Of The Heritage Protection Sub Committee Meeting Held 28 May 2015

Sub Committee's Recommendation: (Hayes/Gardner)

That the information be noted.

CARRIED**5. Business Arising from Previous Minutes****Reporting Officer**

Manager Sustainable City and Environment

Purpose

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 12 February 2015.

Report

The Minutes of the Heritage Protection Sub Committee meeting held on 12 February 2015 were considered by Council at its meeting of 21 April 2015.

The matters of business arising from the previous minutes relate to the following relevant items as detailed below:

(Item 7.1) Local Heritage Fund Application - Taminar House, No.60 Warby Street Campbelltown

The Heritage Protection Sub Committee recommends that Council approve the subject Local Heritage Fund (2014-2015) application for \$2000 for roof maintenance works to the heritage listed Taminar House, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.

Council has notified the applicant of the approval of the subject application.

(Item 7.2) Local Heritage Fund Application - Old Congregational Manse, ('Maclin Lodge' Motel Complex) No.38 Queen Street Campbelltown

The Heritage Protection Sub Committee recommends that Council approve the subject Local Heritage Fund (2014-2015) application for \$2000 for external painting and restoration works to the former Congregational Manse building at 38 Queen Street Campbelltown, with payment being subject to the removal of existing external signage and works being completed in accordance with the Heritage Fund Guidelines.

Council has notified the applicant of the approval of the subject application.

(Item 8.4) Cattle Tanks, Hurley Park Signage

1. That the Heritage Protection Sub Committee members provide Council with feedback in relation to options for interpretative signage for the Cattle Tanks located at Hurley Park.

The Heritage Protection Sub Committee members have verbally indicated their general support for the provision of interpretative signs at Hurley Park. No specific design or information content requirements have been provided by Sub Committee members.

2.1 Minutes Of The Heritage Protection Sub Committee Meeting Held 28 May 2015

2. That Council investigate options for public directional signage which indicates the location of the Cattle Tanks at Hurley Park.

Council's Technical Services Section has been advised of the above recommendation and is investigating appropriate options with respect to the provision of appropriate signage.

Fisher's Ghost Restaurant

That any correspondence to the State Member for Campbelltown in relation to the former Fisher's Ghost Restaurant building be deferred pending the outcome of Council's upcoming meeting with the owner of the building.

A separate report addressing this matter is provided in the current Heritage Protection Sub Committee agenda.

Officer's Recommendation

That the information be noted.

Sub Committee's Recommendation: (Gardner/Coupe)

That the information be noted.

CARRIED

6. Correspondence - Campbellfield/Redfern's Cottage, Lind Street, Minto

Council's Strategic Planner tabled correspondence that Council has received from the Heritage Council of NSW advising that Campbellfield/Redfern's Cottage, Lind Street, Minto did not meet the required threshold for State Heritage listing. The letter was collectively reviewed by the Committee.

It was noted that Heritage Protection Sub Committee members were advised at the last meeting that a development application (DA 2952/2014) was lodged with Council for the construction of a medical centre and a childcare centre, at the local heritage listed property known as 'Redfern's Cottage'. Council has deferred the application due to a number of design concerns, including the potential for heritage impacts, and further details will be provided as additional information from the applicant is received.

Sub Committee's Recommendation: (Gardner/Thompson)

That the information be noted.

CARRIED

7. Reports

7.1 Local Heritage Fund Application - St David's Presbyterian Church, No.40 Lithgow Street Campbelltown

Reporting Officer

Manager Sustainable City and Environment

Purpose

The purpose of this report is to seek a recommendation from the Heritage Protection Sub Committee for Council to approve the subject application under Council's Local Heritage Fund 2014/2015.

Report

St David's Presbyterian Church is of historical significance as one of the oldest buildings in Campbelltown and is listed under Campbelltown (Urban Area) Local Environmental Plan 2002 as an item of local heritage significance.

The building dates from 1840 and is associated with James Hume, an early architect who was involved with a number of important buildings in NSW. St David's Presbyterian Church has a direct relationship with the adjacent manse, and is historically associated with other important Campbelltown buildings including Caversham, Richmond Villa and Glenalvon.

The Church owners have advised Council that the existing iron roof has been affected by rust and corrosion, and as a consequence the building is experiencing water penetration into the building fabric. The attached photos show rust damage to the existing iron roof sheeting, and also water damage to the interior ceiling.

The proposed works involve the complete replacement of the existing iron roof with colour matched colorbond roof sheeting (heritage red), including new ceiling insulation and gutter leaf guards. The application seeks the maximum allowance under the Local Heritage Fund of \$2000, noting that the total cost of the works is estimated at \$22,807.

The application has been assessed in accordance with the Local Heritage Fund Guidelines and is considered to be generally consistent with the eligibility criteria for funding. In this respect, the proposed restoration works will enhance the appearance of the building to the public domain and promote the long term conservation of the building by preventing further water damage to the building fabric.

Accordingly, the proposed roof restoration works are considered to have sufficient merit for the application to be recommended for approval by the Heritage Protection Sub Committee.

Officer's Recommendation

That the Heritage Protection Sub Committee request Council to approve the subject Local Heritage Fund (2014-2015) application for \$2000 for roof maintenance works to the heritage listed St David's Presbyterian Church, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.

Sub Committee's Recommendation: (Wheeler/Coupe)

That Council approve the subject Local Heritage Fund (2014-2015) application for \$2000 for roof maintenance works to the heritage listed St David's Presbyterian Church, with payment being subject to works being completed in accordance with the Heritage Fund Guidelines.

CARRIED

7.2 Former Fisher's Ghost Restaurant (Old Kendall's Millhouse)

Reporting Officer

Manager Sustainable City and Environment

Purpose

The purpose of this report is to update the Heritage Protection Sub Committee on the local heritage listed property known as the (former) Fisher's Ghost Restaurant.

History

At the Heritage Protection Sub Committee meeting held on 20 November 2014, Councillor Bob Thompson enquired with Council Officers as to the status of the former Fisher's Ghost Restaurant site, and what actions have been undertaken to have the site and building secured to prevent further vandalism and deterioration of the building.

At its meeting of 17 February 2015, Council considered the Heritage Protection Sub Committee Minutes of 20 November 2014, and resolved:

"That a report be presented to Council outlining options for the protection and preservation of the former Fisher's Ghost Restaurant building".

At its meeting of 21 April 2015, Council considered the Heritage Protection Sub Committee Minutes of 12 February 2015, and resolved:

"That any correspondence to the State Member for Campbelltown in relation to the former Fisher's Ghost Restaurant building be deferred pending the outcome of Council's upcoming meeting with the owner of the building".

Report

The declining condition of the former Fisher's Ghost Restaurant has been an ongoing frustration for Council over recent years, with Council having no legal ability to compel a private owner to appropriately maintain a local listed heritage item.

Council has previously written to the State Government requesting that the Heritage Act 1977 be amended to require a minimum standard of maintenance for local heritage listed items, similar to that required for State listed heritage items. No changes to the relevant legislation have occurred to suitably address these concerns raised by Council.

Council has also requested the State Government to include the subject property on the State Heritage Register in order to allow a minimum standard of maintenance to be enforced under the statutory provisions of the NSW Heritage Act 1977. The NSW Heritage Office has confirmed that the property has been formally considered for state heritage listing on a number of occasions, and does not meet the threshold tests for listing on the State Heritage Register.

As such, Council's enforcement action for the subject property has generally been limited to ensuring a minimum standard of public health and safety under the Local Government Act 1993. Consequently, this has only resulted in a basic level of maintenance being undertaken for the site, including removal of overgrown vegetation, boarding up the building and the erection of security fencing around the site perimeter to restrict public access.

2.1 Minutes Of The Heritage Protection Sub Committee Meeting Held 28 May 2015

Council is continuing to liaise with the property owner to try and facilitate restoration works on the building, however given the statutory limitations to require a minimum standard of maintenance there has been no discernable action undertaken by the property owner to date. Notwithstanding, the owner has indicated an intention to undertake restoration works on the building as part of the future development of the land and discussions are continuing to facilitate this process. Further information updates will be provided to Council should there be any progression on this matter, including the submission of any future development application for works on the site or building.

Officer's Recommendation

That the information be noted.

Sub Committee's Recommendation: (Gardner/Hayes)

That the information be noted.

CARRIED

8. General Business

8.1 Beulah Farmhouse

Campbelltown Airds Historical Society representative Kay Hayes thanked Council for liaising with Sydney Living Museums who now include the Beulah farmhouse as part of a number of significant historic homes and properties available for historical tours. Beulah which is located on Appin Road south of Campbelltown is a unique property that combines elements of both heritage and environmental significance. It was noted that 15 representatives from the Campbelltown Airds Historical Society attended the Beulah farmhouse for a guided tour which was facilitated by the Appin Historical Society. It was also noted by Committee members who attend the tour, that roof restoration works were completed at Beulah.

Sub Committee's Recommendation: (Wheeler/Gardner)

That the information be noted.

CARRIED

8.2 Hurley Park – Grant Funding and Signage

Council's Strategic Planner provided the Heritage Protection Sub Committee with an update in relation to the recent report tabled at the Council meeting of 21 April 2015 that confirmed a grant funding application has been made to the Crown Lands Public Reserve Management Fund Program (PRMFP) for approximately three million dollars in restoration and capital improvement works for Hurley Park. The proposed works include restoration of the heritage listed sandstone structures, and provision of new walkways and interpretative signage. The funding submission was developed and shaped by the Landscape Masterplan that has been prepared for the Hurley Park. It was noted that Council is awaiting an outcome in relation to this grant application.

A conceptual design for interpretative signage at the heritage listed Cattle Tank and Water Reservoir was circulated to members of Heritage Protection Sub Committee for comment. It is also noted that Council staff have replaced a missing bronze plaque at Hurley Park following earlier requests made by Heritage Protection Sub Committee members. A copy of the plaque design was also circulated to the Committee for their review. Heritage Protection Sub Committee members were requested to review the draft wording and location of the proposed interpretive signage and forward any comments to Council's Strategic Planner. A more detailed design based on any feedback would be provided to the next Heritage Protection Sub Committee meeting.

2.1 Minutes Of The Heritage Protection Sub Committee Meeting Held 28 May 2015

Sub Committee's Recommendation: (Hayes/Gardner)

That the information be noted.

CARRIED

8.3 Stella Vernon

Council Officers and members of the Heritage Protection Sub Committee noted the recent passing of long time Campbelltown resident Stella Vernon. Stella understood the history of Campbelltown intimately and was an archivist, record keeper, historian and member of the Campbelltown and Airds Historical Society for almost 60 years. Stella's passion for history and love of Campbelltown were acknowledged by the Committee who recalled the many occasions that Stella assisted with matters relating to the historical significance of the City of Campbelltown.

Sub Committee's Recommendation: (Hayes/Gardner)

That the information be noted.

CARRIED

Next meeting of the Heritage Protection Sub Committee will be held on Thursday 20 August 2015 at 6.00pm in Committee Room 3.

Councillor Bob Thompson
Acting Chairperson

Meeting Concluded: 6.50pm

2.2 Proposed Road Names for the Remaining Stages of the East Leppington Precinct

Reporting Officer

Manager Environmental Planning

Attachments

List of proposed road names for the remaining stages of the residential development within the East Leppington Precinct (contained within this report)

Purpose

To seek Council endorsement of new road names for use in the East Leppington Precinct of the South West Growth Centre.

History

Council, at its meeting on 10 December 2013, approved road names for use in Stages 1 and 2 of the East Leppington Precinct of the South West Growth Centre.

Council, at its meeting on 9 December 2014, approved road names for use in Stage 3 of the East Leppington Precinct of the South West Growth Centre.

Council has now received a request from the developer (Stockland Development Pty Ltd) for approved road names for use in the remaining stages of this residential development.

Report

It has been Council's protocol for some time to select a specific theme for road names within a suburb or development in an effort to unify road names and provide some assistance to the travelling public. However, as this development is situated within both the Campbelltown and Camden Local Government Areas (LGAs) and adjacent to the Liverpool LGA, the requirement to avoid duplication of existing road names within these three council areas means that it has not been possible to select a single theme that would provide sufficient names for all of the roads within this Growth Centre precinct. It was therefore recommended in the previous report to Council regarding the proposed road names for Stages 1 and 2 to select names based on a number of separate themes and allocate them to the roads within discrete areas of this residential development. The themes used for the approved road names in Stages 1, 2 and 3 of this development were 'the Australian Scout Movement', 'the Upper Water Supply Canal' and 'Canals of the World'.

The themes and road names proposed for the remaining stages of this development have been selected in consultation with both the developer and the relevant staff of Camden and Liverpool Councils. All of the proposed road names comply with the requirements of the NSW Addressing Policy and the NSW Addressing User Manual which were formally endorsed by the NSW Geographical Names Board on 31 March 2015.

A list of proposed road names for use in the remaining stages of the East Leppington Precinct is included as an Attachment to this report.

The following themes have been selected for use in the naming of the roads within the remaining stages of this development:

1. Names of convicts and servants employed by William Cordeaux on his Leppington Estate

The majority of this residential development is located on what was formerly the Leppington Estate which was granted to William Cordeaux in 1821. Extensive use was made of convict labour, both to clear the estate in 1822 and in the construction of Leppington House. According to the 1828 census records, William Cordeaux and his wife Ann were the largest sheep and cattle owners in the district and were major employers of convict labour, numbering 24 government servants among their 31 employees at Leppington.

It is therefore considered appropriate to use the names of convicts and servants employed by William Cordeaux on his Leppington Estate as a theme for the road names in this development, particularly for those roads proposed to be constructed in the vicinity of the site of Leppington House. A list of convicts mustered by Mr Cordeaux in October 1824 has been completed from the State Records NSW Colonial Secretary's Papers online resource and the Census of 1828. Those names which comply with the uniqueness and duplication principles of the NSW Addressing User Manual are included as proposed road names in the Attachment to this report.

2. Local flora species

The site of this residential development contains medium to large sized patches of remnant native vegetation, concentrated along the watercourses which are proposed to be protected as part of the overall planning of this precinct.

It is therefore considered appropriate to use the names of local flora species as a theme for the remaining road names in this development. Information about the plant species found within areas of Cumberland Plain Woodland (available through the Royal Botanic Gardens and Domain Trust's online resources) and the Atlas of NSW Wildlife database (provided to Council by the NSW Office of Environment and Heritage) were used to compile the list of proposed road names drawn from this theme. To comply with the requirement of the NSW Addressing User Manual - that road names are easy to pronounce, spell and write, the common names of these local flora species have predominantly been used as the proposed road names rather than their scientific names.

In addition to the proposed road names drawn from these two themes, a further three names are also proposed for specific roads within this development. These are:

2.2 Proposed Road Names For The Remaining Stages Of The East Leppington Precinct

Leppington House Drive – to be used for the road which is proposed to be located on the alignment of part of the original driveway leading to Leppington House.

Commissioners Drive – to be used for a major entrance road to this development, proposed to be constructed off Denham Court Road. William Cordeaux was appointed as joint commissioner for apportioning the territory in July 1825 where he was responsible for dividing the territory into counties and parishes and valuing unoccupied land. During his time in office he made his home in Leppington. The proposed name of this road reflects his historical connection with the Leppington Estate.

Lookout Avenue – to be used for the road leading to the proposed area of open space, located on the hill close to the site of Leppington House, which has spectacular views to Sydney.

The road naming process

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

Officer's Recommendation

1. That Council approves the proposed road names as listed in the Attachment to this report, for use in the remaining stages of the East Leppington Precinct of the South West Growth Centre.
 2. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notifies the authorities prescribed by the *Roads Regulation 2008*.
 3. That, should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.
-

Committee's Recommendation: (Oates/Kolkman)

1. That Council approves the proposed road names as listed in the attachment to this report, for use in the remaining stages of the East Leppington Precinct of the South West Growth Centre, excluding the proposed convict and servant names.
2. That Council advise Camden Council that this Council is seeking approval from the Geographical Names Board to use both the first and last names of the convicts and servants.
3. That Council advertise its proposal to use these road names in local newspapers for a period of one month and notifies the authorities prescribed by the *Roads Regulation 2008*.
4. That, should no objections to the proposal to use these road names be received during the exhibition period, Council publish notice of these new road names in the NSW Government Gazette.

CARRIED

Council Meeting 21 July 2015 (Greiss/Kolkman)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 133

That the Committee's Recommendation be adopted.

ATTACHMENT 1

Theme - names of convicts and servants employed by William Cordeaux on his Leppington Estate	
Road Name	Origin
Beckley	Charles (per <i>Countess of Harcourt</i>) labourer
Berryman	William (per <i>Speke</i>) labourer
Bridge	Thomas, servant aged 17
Brindell	George, (per <i>Ocean</i>)
Bunn	William (per <i>Asia</i>) shepherd
Carroll	Ellen (per <i>Almorah</i>)
Chatterton	William (per <i>Minstrel</i>) watchman
Culley	Samuel (per <i>Minerva</i>) labourer
Cunliffe	George (per <i>Prince Regent</i>)
Dempsey	John (per <i>Mangles</i>) labourer
Dill	James, (per <i>Mary</i>)
Dowden	John (per <i>Canada</i>) fencer
Fairbrother	George (per <i>Sir Godfrey Webster</i>) shepherd
Fluskey	Thomas (per <i>Guildford</i>)
Gerraghty	Michael (per <i>Southworth</i>)
Lamature	Francis (per <i>Admiral Gambier</i>) cook
Leary	Patrick (per <i>Hadlow</i>)
Leonard	Elizabeth, servant aged 18
McDermott	James (per <i>Cambridge</i>) shepherd
Mulvihill	John (per <i>Earl St Vincent</i>)
Sweetman	Georgina (per <i>Albion</i>) servant aged 13
Wagstaff	Theodocius (per <i>Ocean</i>)
Wollahan	John (per <i>Minerva</i>)
Theme - local flora species	
Road Name	Origin
Ajuga	Austral Bugle (<i>Ajuga australis</i>)
Amulla	Amulla (<i>Eremophila debilis</i>)
Barbula	(<i>Barbula calycina</i>)
Blackthorn	Blackthorn (<i>Bursaria spinosa</i>)
Brooklime	Australian Brooklime (<i>Gratiola peruviana</i>)
Burrdaisy	Burr-daisy (<i>Calotis dentex</i>)
Bushpea	Matted Bush-pea (<i>Pultenaea pedunculata</i>)
Clubmoss	Bushy Clubmoss (<i>Lycopodium deuterodensum</i>)

2.2 Proposed Road Names For The Remaining Stages Of The East Leppington Precinct

Cranesbill	Cutleaf Cranesbill (<i>Geranium solanderi</i>)
Crowfoot	Blue Crowfoot (<i>Erodium crinitum</i>)
Cryptandra	Bitter Cryptandra (<i>Cryptandra amara</i>)
Cumbungi	Broadleaf Cumbungi (<i>Typha orientalis</i>)
Dipodium	(<i>Dipodium punctatum</i>)
Dock	Swamp Dock (<i>Rumex brownii</i>)
Dogwood	White Dogwood (<i>Ozothamnus diosmifolius</i>)
Doodia	Common Rasp Fern (<i>Doodia australis</i>)
Doubletail	Spotted Doubletail (<i>Diuris maculata</i>)
Elkhorn	Elkhorn Fern (<i>Platynerium bifurcatum</i>)
Elymus	Common Wheatgrass (<i>Elymus scaber</i>)
Everlasting	Common Everlasting (<i>Chrysocephalum apiculatum</i>)
Fanflower	Purple Fan-flower (<i>Scaevola ramosissima</i>)
Foxtail	Swamp Foxtail (<i>Pennisetum alopecuroides</i>)
Geebung	Nodding Geebung (<i>Persoonia nutans</i>)
Glycine	Glycine Pea (<i>Glycine tabacina</i>)
Greenhood	Blunt Greenhood (<i>Pterostylis curta</i>)
Indigo	Australian Indigo (<i>Indigofera australis</i>)
Kanooka	Kanooka (<i>Tristaniopsis laurina</i>)
Kerrawang	Dwarf Kerrawang (<i>Commersonia prostrata</i>)
Lomatia	River Lomatia (<i>Lomatia myricoides</i>)
Loosestrife	Purple Loosestrife (<i>Lythrum salicaria</i>)
Lovegrass	Lovegrass (<i>Eragrostis leptostachya</i>)
Maidenhair	Common Maidenhair Fern (<i>Adiantum aethiopicum</i>)
Matrush	Many-flowered Mat-rush (<i>Lomandra multiflora</i>)
Milkmaids	Milkmaids (<i>Burchardia umbellata</i>)
Mintbush	Narrow-leaved Mint-bush (<i>Prostanthera linearis</i>)
Mirbelia	Heathy Mirbelia (<i>Mirbelia rubiifolia</i>)
Needlebush	Needlebush (<i>Hakea sericea</i>)
Nightshade	Forrest Nightshade (<i>Solanum prinophyllum</i>)
Ottelia	Swamp Lily (<i>Ottelia ovalifolia</i>)
Oxalis	Oxalis (<i>Oxalis perennans</i>)
Panicum	Hairy Panic (<i>Panicum effusum</i>)
Passiflora	Native Passionfruit (<i>Passiflora herbertiana</i>)
Pennyroyal	Native Pennyroyal (<i>Mentha saturioides</i>)
Pinkwood	Pinkwood (<i>Beyeria viscosa</i>)
Plectranthus	Cockspur Flower (<i>Plectranthus parviflorus</i>)

2.2 Proposed Road Names For The Remaining Stages Of The East Leppington Precinct

Plumegrass	Longhair Plumegrass (<i>Dichelachne crinita</i>)
Poa	Snowgrass (<i>Poa sieberiana</i>)
Primrose	Water Primrose (<i>Ludwigia peploides</i>)
Purslane	Purslane (<i>Portulaca oleracea</i>)
Rainbow	Rainbow Fern (<i>Calochlaena dubia</i>)
Rhodanthe	Chamomile Sunray (<i>Rhodanthe anthemoides</i>)
Riceflower	Spiked Riceflower (<i>Pimelea spicata</i>)
Saltbush	Berry Saltbush (<i>Einadia hastata</i>)
Sawsedge	Red-fruit Saw-sedge (<i>Gahnia sieberiana</i>)
Silkpod	Common Silkpod (<i>Parsonsia straminea</i>)
Smokebush	Long Leaf Smoke Bush (<i>Conospermum longifolium</i>)
Sorghum	Wild Sorghum (<i>Sorghum leiocladum</i>)
Speargrass	Threeawn Speargrass (<i>Aristida vagans</i>)
Speedwell	Trailing Speedwell (<i>Veronica plebeia</i>)
Starfruit	Starfruit (<i>Damasonium minus</i>)
Stonecrop	Australian Stonecrop (<i>Crassula sieberiana</i>)
Storksbill	Blue Storksbill (<i>Erodium crinitum</i>)
Sundew	Australian Sundew (<i>Drosera peltata</i>)
Tantoon	Tantoon (<i>Leptospermum polygalifolium</i>)
Tortula	(<i>Tortula muralis</i>)
Trefoil	Australian Trefoil (<i>Lotus australis</i>)
Tussock	Tussock Grass (<i>Poa labillardierei</i>)
Waxflower	Pink Wax Flower (<i>Eriostemon australasius</i>)
Wiregrass	Purple Wiregrass (<i>Aristida ramosa</i>)
Zornia	Zornia (<i>Zornia dyctiocarpa</i>)
Theme – additional road names for specific roads	
Road Name	Origin
Leppington House Drive	for the road following the original alignment of the driveway to Leppington House
Commissioners Drive	William Cordeaux was appointed a joint commissioner for apportioning the territory in July 1825
Lookout Avenue	for the road leading to the viewpoint near Leppington House

2.3 Management Of The Grey-Headed Flying-Fox Camp At Bingara Reserve Macquarie Fields

2.3 Management of the Grey-headed Flying-fox Camp at Bingara Reserve Macquarie Fields

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To recommend actions for the management of the Grey-headed Flying-fox camp at Bingara Reserve Macquarie Fields.

History

As an item of General Business at its meeting on 21 April 2015 Council discussed community concerns about the Grey-headed Flying-fox camp at Macquarie Fields and resolved:

That a report be presented to Council investigating methods to remove a bat colony in the vicinity of Myee Road and Waratah Crescent, Macquarie Fields.

Report

Grey-headed Flying-foxes are highly intelligent animals that are part of a complex and interdependent natural system. The species is generally found within 200km of the east coast of Australia, from Rockhampton in Queensland to Adelaide in South Australia. As long-range pollinators, they are critical to the survival of valuable forests and commercially important hardwood and rainforest species. However, loss of foraging and roosting habitat associated with human activities has resulted in flying-foxes concentrating in smaller, often less desirable locations in urban areas. The loss of habitat combined with other threats (i.e. culling) has resulted in significant declines in the Grey-headed Flying-fox population and as a result the species is listed as a 'Vulnerable' species under both the *NSW Threatened Species Conservation (TSC) Act 1995* and the *Commonwealth Environment Protection Biodiversity Conservation (EPBC) Act 1999*.

Council staff first became aware of the Grey-headed Flying-fox camp in Bingara Reserve, Macquarie Fields in May 2010. However, public reports indicate that Grey-headed Flying-foxes first started to use the reserve in 2007. This camp like other camps along the east coast of Australia provides a relatively safe place for this threatened species to breed and raise its young. It also acts as an important stop over site for flying-foxes migrating through their range.

2.3 Management Of The Grey-Headed Flying-Fox Camp At Bingara Reserve Macquarie Fields

The camp is located along a narrow strip of riparian vegetation in very close proximity to adjoining residential properties. Little is known about the factors that influence flying-fox camp selection however, conditions that may have attracted flying-foxes to this site include access to abundant and reliable food and water resources, the presence of a suitable microclimate, protection from land based predators and proximity to navigational aids (i.e. the railway line). Based on population counts undertaken by the Royal Botanic Gardens Trust from August 2010 to April 2015 the average number of flying-foxes recorded within the camp is 2,438 individuals with the number of flying-foxes using the camp at any given time varying in response to changes in food availability. Over this period the camp has been empty on seven occasions during monthly counts and the maximum number of individuals that have been recorded at the camp is 5,760 individuals.

To date Council's Environmental Planning Section has received seven complaints about the camp in relation to a number of issues including noise, odour, droppings, potential water quality impacts, impacts on the recreational use of the reserve and the possible transmission of diseases commonly associated with flying-foxes such as Hendra Virus and Lyssavirus. Such issues have also been raised on a number of occasions with the local media and Councillors. In regards to odour complaints it is important to note that the odour often experienced around flying-fox camps is not associated with faeces or urine. The odour comes from a scent that the males secrete from their glands when they are competing with each other for females and roosting sites. Young flying-foxes also emit a scent which enables their mothers to locate them.

In order to minimise impacts on residents in the vicinity of the camp it is considered that Council needs to adopt a proactive approach to the management of the flying-fox camp. In order to meet legislative requirements such an approach would need to be consistent with the NSW Office of Environment and Heritage's (OEH) Flying-fox Camp Management Policy 2015. In summary, this policy outlines a hierarchy-based approach to the management of Flying-foxes based on a principle of using the lowest form of intervention required. Under the Policy, removal (otherwise known as dispersal of camps) has been identified as a Level 3 action and can therefore only be considered after all other possible management options have been exhausted.

In this regard, Council would need to prepare a Flying-fox Camp Management Plan to explore a full range of management options to reduce the impact of the camp on adjoining residents prior to even considering dispersing the camp. Based on discussions with suitably qualified consultants it is estimated that the preparation of this plan would cost Council approximately \$45,000 to \$55,000. Funds for the development of such a plan have not been allocated within the 2015-2016 budget and hence Council will need to explore opportunities to develop the Plan during the 2015-2016 quarterly financial reviews.

Taking into account the conservation status of the Grey-headed Flying-fox under both the *NSW TSC Act* and the Commonwealth *EPBC Act* prior to undertaking any management actions to reduce the impact of the camp approval from both OEH and the Minister for the Environment will be required. The development of a Flying-fox Camp Management Plan will help streamline this rigorous approval process.

In determining whether dispersal should form part of the long-term management of the camp full consideration would need to be given to the challenges associated with this method which include:

2.3 Management Of The Grey-Headed Flying-Fox Camp At Bingara Reserve Macquarie Fields

- Cost of dispersal, to date the Royal Botanic Gardens Trust has spent approximately \$2m dispersing flying-foxes from the Sydney Royal Botanical Gardens. The cost of any dispersal program for the Macquarie Fields Camp would be dependent upon the dispersal methods used and any conditions of approval that are issued by OEH and the Minister for the Environment should such approvals be granted in the first instance
 - Dispersal can have uncertain outcomes and not all dispersal attempts have been successful. A review of flying-fox dispersal attempts between 1990 and 2013 undertaken by ecologists Billie Roberts and Dr Peggy Eby (renowned flying-fox experts who provide advice on the management and recovery of flying-foxes to OEH, the Department of Environment and other relevant government agencies) has revealed that in 71% of cases conflict was still being reported either at the original camp site or within the local area years after the initial dispersal actions. Moreover, in approximately 85% of cases, new camps established nearby, the majority of which were located <600m from the original camp site. In all but one of the cases reviewed (being the Dallis Park, NSW case) dispersal did not reduce the number of flying-foxes in the local area
 - Attempts to disperse camps are sometimes contentious amongst community members. As a threatened species whose population has significantly declined in response to human activities some sections of the community believe that flying-foxes and their camps should be protected at all costs. On the other hand, due to impacts on adjoining residents and potential health issues other sections of the community believe that flying-foxes should be relocated despite their conservation status to areas which will have minimal impact on the community
 - Disturbing flying-foxes may have an adverse impact on flying-fox health. To help minimise such impacts dispersal is not permitted by OEH or the Minister for the Environment during the period when resident females are heavily pregnant until the young can fly independently (generally between August and May) and when temperatures are extremely high or are expected to be extremely high (over 37 degrees)
 - In addition to the above dispersal is not recommended by OEH or the Minister for the Environment if it is likely that flying-foxes from the disturbed camp will join camps in nearby towns or form smaller 'satellite' camps or in circumstances where uncharacteristic seasonal conditions have resulted in a large proportion of the NSW flying-fox population temporarily occurring in one or a few camps
 - Dispersal methods include the use of noises which are played through a loud speaker in the early hours of the morning when flying-foxes are returning to the camp (i.e. whipper-snippers, chainsaws, starter pistols, banging metallic objects as well as man-made and computer generated noises). This method is often used in conjunction with visual cues (such as people waving arms and flags) and mobile sources of disturbance (such as people walking or driving around the area). To successfully disperse flying-foxes such methods need to be employed over an extended period of time and this could significantly disturb residents in the general vicinity of the flying-fox camp. In this regard, it is understood that the Royal Botanical Gardens Trust employed these methods every day over an 18 month period and then intermediately over an additional 18 month period in response to the presence of roosting flying-foxes (approximately 10 occasions over approximately 50 days). Other dispersal methods that have previously been used include fog, lights, odour, smoke, and water
-

2.3 Management Of The Grey-Headed Flying-Fox Camp At Bingara Reserve Macquarie Fields

- The cumulative impacts of flying-fox camp dispersals may negatively impact on the conservation of the species and the ecosystem services flying-foxes provide.

Irrespective of what techniques are employed as part of the ongoing management of the Flying-fox camp, significant financial resources and technical support will be required. Council will therefore need to explore a range of options to address these issues. In this regard, Council has recently received a letter from Eurobodalla Shire Council seeking Council's support in lobbying the NSW and Australian Governments for funds to assist with the implementation of Flying-fox Camp Management Plans relating to Council owned land. Council has also been approached by officers from Wollondilly Council seeking to collaborate in developing management protocols.

Given the significance of this species under relevant State and Commonwealth legislation it could be argued that there is an imperative for both governments to assist councils in the management of the species and its environs through appropriate funding and resources. Hence, there may be some merit in working collaboratively with other councils with the view to securing funds to assist with the management of the Flying-fox Camp at Macquarie Fields.

Council staff are currently unaware of any available grant funding options for the development of management plans and/or the development of management actions and while it is considered appropriate to investigate funding via State and Federal Governments as an initial response, this needs to be balanced against a timely response to community concern.

Therefore it is suggested that should attempts to secure State and/or Commonwealth Government funding not be successful within a six month period then Council should consider identifying funds for a Flying Fox Camp Management Plan through a future quarterly financial review.

Conclusion

Grey-headed Flying-foxes play a vital role in the broader ecosystem. Due to threats such as habitat destruction their numbers are in decline and they have been listed as 'vulnerable' under both state and federal legislation, they are therefore afforded a high level of statutory protection. However they have the potential to cause conflict with local communities due to a range of issues such as noise, odour and disease.

Local residents have raised a number of concerns about the Grey-headed Flying-fox camp at Bingara Reserve Macquarie Fields over the past five years. To address these concerns in a manner that not only has regard to the conservation status of this species but also meets legislative requirements, it is recommended that Council prepare a Flying-fox Camp Management Plan to explore a full range of management options.

2.3 Management Of The Grey-Headed Flying-Fox Camp At Bingara Reserve Macquarie Fields

Should Council secure funds to prepare a flying Fox Camp Management Plan for the Campbelltown LGA, Council staff will commence the process to select a suitably qualified consultant to prepare a draft plan. The resultant draft plan would then be reported to Council for the purpose of seeking a resolution to place the draft Plan on public exhibition to seek community feedback on the proposed management measures contained within the plan.

Officer's Recommendation

1. That Council make representations to the state and federal governments in collaboration with other interested councils for funding to prepare a Flying-fox Camp Management Plan for the Campbelltown LGA.
2. That should the actions outlined in recommendation one not secure suitable funding by February 2016, Council consider funding opportunities to prepare a Flying-fox Camp Management Plan for the Campbelltown LGA through a 2015-2016 quarterly financial review.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Amendment: (Rowell/Matheson)

That Council make representations to the state and federal governments in collaboration with other interested councils for funding to prepare a Flying-fox Camp Management Plan for the Campbelltown Local Government Area.

LOST

Councillor Rowell asked for his name to be recorded in opposition to the Committee's Recommendation for Item 2.3 – Management of the Grey-headed Flying-fox Camp at Bingara Reserve Macquarie Fields.

Council Meeting 21 July 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Amendment: (Rowell/Mead)

1. That Council make representations to the state and federal governments in collaboration with other interested councils for funding to prepare a Flying-fox Camp Management Plan for the Campbelltown Local Government Area.
 2. That Council contact neighbouring Councils to investigate their experiences in Flying-fox management and seek support for a collaborative approach.
 3. That a further report be presented to Council exploring other funding opportunities and the outcome of the neighbouring Council consultation.
-

2.3 Management Of The Grey-Headed Flying-Fox Camp At Bingara Reserve Macquarie Fields

4. That Council write to MACROC asking that the matter be placed on the next business paper agenda.

LOST

Council Resolution Minute Number 133

1. That Council make representations to the state and federal governments in collaboration with other interested councils for funding to prepare a Flying-fox Camp Management Plan for the Campbelltown LGA.
2. That should the actions outlined in recommendation one not secure suitable funding by February 2016, Council consider funding opportunities to prepare a Flying-fox Camp Management Plan for the Campbelltown LGA through a 2015-2016 quarterly financial review.

A **Division** was called in regard to the Resolution for Item 2.3 - Management of the Grey-headed Flying-fox Camp at Bingara Reserve Macquarie Fields with those voting for the Motion being Councillors Borg, Brticevic, Glynn, Hawker, Kolkman, Lake, Lound, Matheson, Mead and Oates.

Voting against the Resolution were Councillors Greiss, Rowell and Thompson.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics May 2015

Reporting Officer

Acting Manager Development Services

Attachments

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 July 2015 (Greiss/Kolkman)

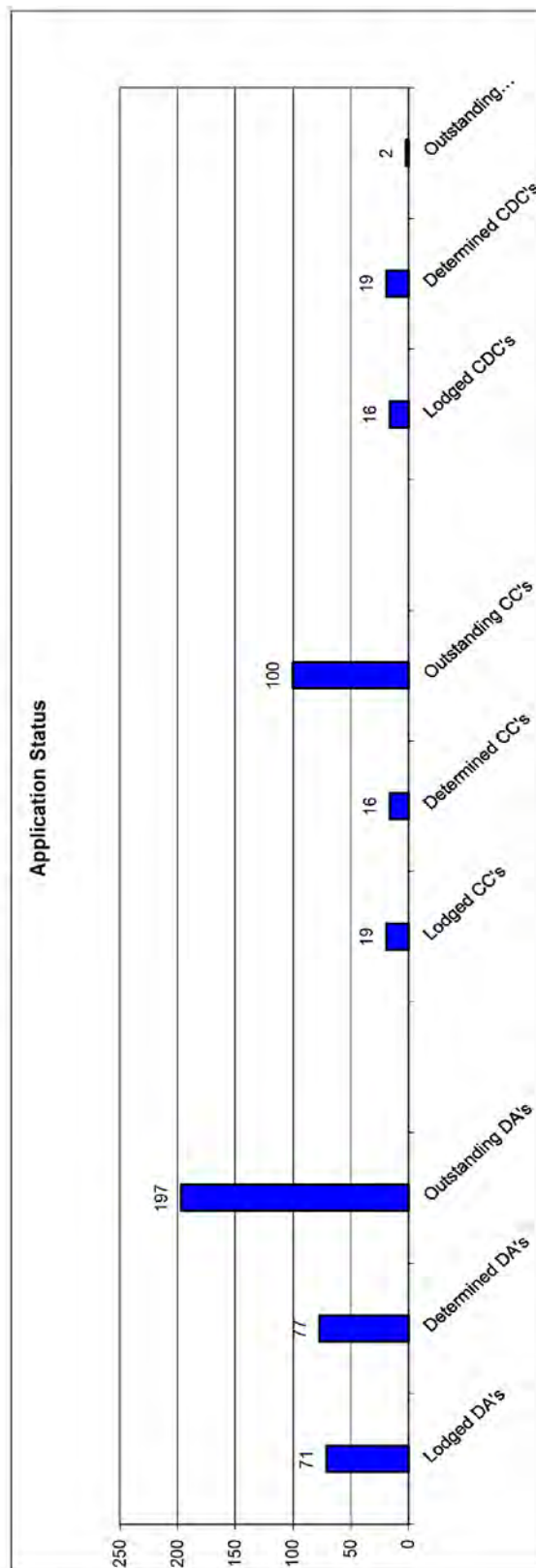
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 133

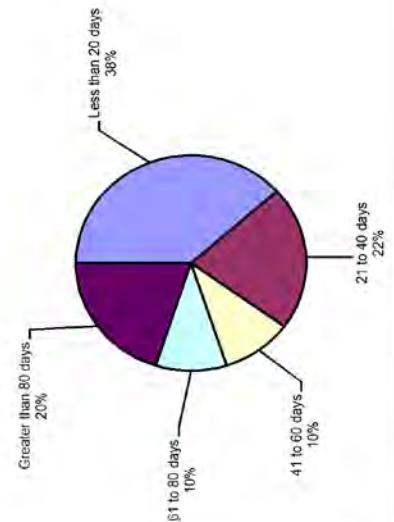
That the Officer's Recommendation be adopted.

ATTACHMENT 1

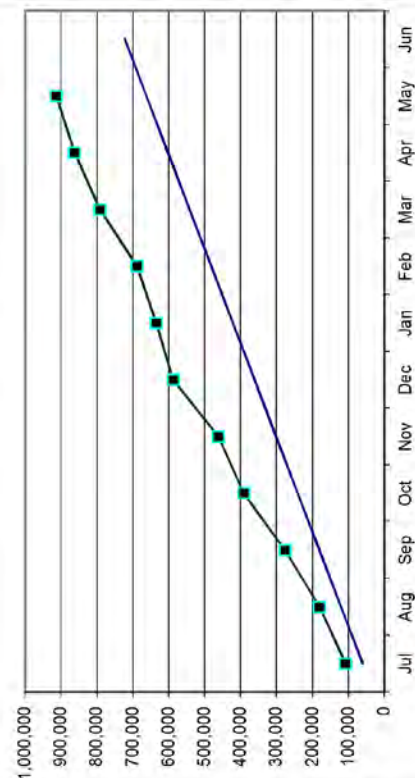
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – May 2015



Development Application Monthly Processing Times



Development Application Income



3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

3.2 Demolition of existing structures, removal of 12 trees, construction of 18 dwellings and three carports, associated car parking, bin storage enclosure and front fencing - Nos. 26 and 28 Third Avenue, Macquarie Fields

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended Conditions (contained with this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained with this report)
4. Elevation Plans (contained within this report)
5. Landscape Plan (confidential – for privacy reasons these are not available to the public)
6. Floor Plans (confidential – for privacy reasons these are 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* (EP&A Act).

Property Description	Lots 22 and 23 Section 26 DP 1391 – Nos. 26 and 28 Third Avenue, Macquarie Fields
DA No.	2501/2014/DA-MAH
Applicant	Moderinn Pty Ltd
Owner	Elanr Holdings Pty Ltd
Provisions	State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Building Sustainability Index) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014 Campbelltown City Council Section 94A Development Contributions Plan
Date Received	17 October 2014

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Report

Introduction

Council is in receipt of a development application, for the demolition of existing structures, removal of 12 trees, the construction of 18 dwellings (consisting of three x two storey buildings) and three carports, and associated car parking, bin storage enclosure and front fencing. The application has been made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The Site

The subject site is located within the suburb of Macquarie Fields, on the northern side of Third Avenue, between Saywell Road and Noeline Avenue. The site consists of two allotments, with a total area of approximately 2,832m². Existing improvements to the site include a two single dwelling houses and ancillary structures.

Development within the surrounding locality is characterised predominantly by low and medium density single storey housing. It is noted that the Saywell Road shopping precinct is located approximately 260m to the east of the site and the Macquarie Fields Railway Station approximately 1.2km also to the east of the site.

The Proposal

The proposed 18 affordable rental housing dwellings, contains the following elements:

- demolition of the existing structures
- removal of 12 trees
- construction of 18 affordable rental housing dwellings, consisting of 14 x two bedroom dwellings and four x three bedroom dwellings. Nine of the dwellings are located on the ground level with rear private open space yards, while the other nine dwellings are located on the first floor and are serviced by rear facing balconies. It is noted that each of the dwellings have their own separate external entries and a single allocated car parking space
- construction of three carports and associated parking area, providing parking for a total of 20 cars
- construction of a bin storage enclosure
- front fencing
- site earth works
- associated site landscaping works, including paving
- stormwater management works.

The application details that all of the units are to be used for the purposes of affordable housing.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

1. Vision

Campbelltown 2025 Looking Forward

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

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

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

The strategic directions relevant to this application are:

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

The proposed development is generally consistent with these directions.

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

- urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- an impression of architecture that engages its environmental context in a sustainable way
- development and land use that matches environmental capacity and capability.

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

2. Planning Provisions

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

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Clause 3 of the Affordable Rental Housing SEPP, outlines that the Policy aims to:

- (a) to provide a consistent planning regime for the provision of affordable rental housing
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing
- (f) to support local business centres by providing affordable rental housing for workers close to places of work
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

Clause 6 of the Affordable Rental Housing SEPP, outlines that 'affordable housing' means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

The site is zoned '2(b) – Residential', pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed development is defined by Clause 10 of the Affordable Rental Housing SEPP, as 'multi dwelling housing' is permissible within the '2(b) – Residential' zone. Furthermore, the site does not contain a heritage item (which is identified in an Environmental Planning Instrument, an Interim Heritage Order or on the State Heritage Register under the *Heritage Act 1977*). Moreover, the site is located approximately 240m from a bus stop that is used by a regular bus service (i.e. at least one bus per hour, services the bus stop between 6:00am and 9:00pm Mondays to Fridays, and between 8:00am and 6:00pm Saturdays and Sundays).

Part 2 of the Affordable Rental Housing SEPP outlines various site related requirements. These matters have been considered and the following table details how the proposal responds to each of these relevant requirements.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Criteria	Proposed	Compliance
<p>Clause 13 – Floor Space Ratios</p> <p>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%.</p> <p>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50% or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50%, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>$Y = AH \div 100$</p> <p>The application details that all of the dwellings are to be used for the purpose of affordable rental housing.</p> <p>The maximum floor space ratio for any form of residential accommodation permitted on the site is 0.55:1 (for 'dwelling houses' under Section 3.7.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014). Equating to a maximum floor space ratio for the development of 1.05:1.</p>	0.51:1	Yes. Moreover, a condition has been included within the recommendation requiring compliance with such.
<p>Clause 14 (1) (b) – Site Area</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if the site area on which it is proposed to carry out the development is at least 450m².</p>	2,832m ²	Yes
<p>Clause 14 (1) (c) (ii) – Landscaped Area</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if at least 30% of the site area is to be landscaped.</p>	Approximately 38%	Yes
<p>Clause 14 (1) (d) (i) – Deep Soil Zones</p>	Approximately 34%	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Criteria	Proposed	Compliance
A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone).		
<p>Clause 14 (1) (d) (ii) – Deep Soil Zones</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if each area forming part of the deep soil zone has a minimum dimension of 3m.</p>	The vast majority of the abovementioned deep soil zone is of dimensions greater than 3m x 3m.	Yes
<p>Clause 14 (1) (d) (iii) – Deep Soil Zones</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if at least two-thirds of the deep soil zone is located at the rear of the site area (if practicable).</p>	In excess of two-thirds of the required deep soil zone is located within the rear portion of the site.	Yes
<p>Clause 14 (1) (e) – Solar Access</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p>	<p>Each of the dwellings includes either a living or family type room that shall receive in excess of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p> <p>While the private open type space of each dwelling shall receive in excess of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p>	Yes
<p>Clause 14 (2) (a) (ii) – Parking</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if at least 0.5 parking spaces are provided for each dwelling containing one bedroom, at least one parking space is provided for each dwelling containing two bedrooms and at least 1.5 parking spaces are provided for each dwelling containing three or more bedrooms.</p> <p>Which equates to 20 car parking spaces for the proposed development.</p>	20 spaces	Yes
<p>Clause 14 (2) (b) (iii) – Dwelling Size</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if each dwelling has a gross floor area of at least 70m² in the case of a dwelling having two bedrooms.</p>	Each of the two bedroom dwellings has a minimum gross floor area of 70m ² .	Yes
Clause 14 (2) (b) (iv) – Dwelling Size	All of the three	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Criteria	Proposed	Compliance
A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if each dwelling has a gross floor area of at least 95m ² in the case of a dwelling having three or more bedrooms.	bedroom dwellings have a gross floor area of 95m ² .	
<p>Clause 15 – Design Requirements</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.</p>	The overall design has had regard to the Seniors Living Policy: Urban Design Guidelines for Infill Development and is generally consistent with the relevant provisions of such.	Yes
<p>Clause 16A – Character of local area</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	It is considered that the overall design of the development is compatible with the existing and future likely character of the local area.	Yes
<p>Clause 17 – To be used for Affordable Housing for 10 years</p> <p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i>, that will ensure that the requirements of paragraph (a) are met.</p>	The application details that all of the dwellings are to be used for the purpose of affordable rental housing.	A condition has been included within the recommendation requiring compliance with such.
Clause 18 – Subdivision	The proposal does not involve any subdivision.	NA

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

2.2 State Environmental Planning Policy (Building Sustainability Index)

A BASIX Certificate has been provided for the proposal and relevant commitments made on the architectural/development plans. Therefore it is considered that the proposal is acceptable in this regard.

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

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

2.4 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned '2(b) – Residential' under the provisions of LEP 2002. The proposed 'multi dwelling housing' development is permissible, within the '2(b) – Residential' zone, and is consistent with the following objectives for the zone:

- (b) to permit the development of a range of housing types
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002.

2.5 Draft Campbelltown Local Environmental Plan 2014

The subject site is zoned 'R2 – Low Density Residential' under the provisions of Draft Campbelltown Local Environmental Plan 2014 (Draft LEP 2014). The proposed 'multi dwelling housing' development is permissible within the 'R2 – Low Density Residential' zone, and is consistent with the following objectives for the zone:

- to minimise overshadowing and ensure a desired level of solar access to all properties
- to facilitate diverse and sustainable means of access and movement.

Consequently the proposal satisfies the provisions of Part 2 of Draft LEP 2014.

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the Draft Campbelltown Local Environmental Plan 2014.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Clause	Control	Requirement	Proposed	Compliance
4.1D (2)	Minimum qualifying site area and lot size for certain residential and child care centre development in Residential zones	Development consent may be granted to multi-dwelling housing in the R2 zone, if the site area is equal to or greater than 1,000m ² .	2,832m ²	Yes
4.3 (2)	Height of Buildings Map	Maximum building height of 8.5m.	Approximately 8.3m	Yes
4.4 (2)	Floor Space Ratio	A maximum floor space ratio of 0.45:1 applies to multi-dwelling housing in the R2 zone.	0.51:1	No. However Clause 13 of the Affordable Rental Housing SEPP allows for a maximum floor space ratio of 1.05:1, which prevails pursuant to Clause 8 of such.
7.5 (2)	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns, riparian land, stored water, including groundwater related ecosystems, and soil stability, in the locality of the development (b) the effect of the proposed development on the likely future use or redevelopment of the land (c) the composition of the fill or the soil to be excavated, or both, including potential contaminants (d) the effect of the development on the existing and likely amenity of adjoining properties (e) the source of any fill material and the destination of any excavated material (f) the likelihood of disturbing relics (g) the proximity to, and potential for adverse impacts on, any environmentally sensitive area including heritage items, archaeological sites, heritage conservation areas, waterways or drinking water catchments 	It is considered that the proposed ancillary earthworks are consistent with these matters.	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Clause	Control	Requirement	Proposed	Compliance
		(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		

2.6 Campbelltown (Sustainable City) Development Control Plan 2014

The following compliance table, details the assessment of the proposed development pursuant to the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2014.

Section	Control	Requirement	Proposed	Compliance
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes various indigenous trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	The proposed design follows the existing ground levels and involves minimal earthworks.	Yes. Moreover, a condition has been included within the recommendation requiring compliance with such.
2.9	Demolition	A detailed demolition work plan prepared by a suitably qualified person, is to be provided in accordance with AS 2601 – 2001 – The Demolition of Structures.	A detailed demolition work plan accompanied the application.	Yes. Moreover, a condition has been included within the recommendation requiring compliance with AS 2601 – 2001 – The Demolition of Structures.
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application.	Yes
3.3.1 (a)	Streetscape	Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.	The building design is in keeping with the existing and future likely character of the area and is considered satisfactory.	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The design relates to the existing ground levels of the site.	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.3.1 (d)	Streetscape	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	The car parking spaces are located beyond the front row of dwellings and therefore do not dominate the visual appearance of the site.	Yes
3.3.1 (e)	Streetscape	Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting facade).	The proposed layout does not include any garages.	NA
3.3.1 (g)	Streetscape	No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	None of the street facing windows service a bathroom, ensuite, toilet or laundry.	Yes
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two storeys.	Two storey	Yes
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	Approximately 5.9m	Yes
3.3.2 (a) (iii)	Building Height	Residential development shall have a height not exceeding 9.5m at the upper most roof height measured vertically from ground level (existing).	Approximately 8.3m	Yes
3.3.2 (b)	Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The height of development does not provide for any significant loss of amenity to adjacent properties.	Yes
3.3.3 (a)	Fencing	Bonded sheet metal fencing shall not be constructed at any location other than along side and rear boundaries shared with other private property, where such fencing is not highly visible from the street, public reserve or other public place, unless the site is within a bushfire prone area.	The front and internal return fencing has a height of 1.2m and is of a design which complements the overall design of the development.	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.3.3 (c)	Fencing	Front residential fencing shall be a maximum of 1.2m in height and complement the design of the development.	The front and internal return fencing has a height of 1.2m and is of a design which complements the overall design of the development.	Yes
3.3.3 (e)	Fencing	Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	No fencing obstructs any power, water, sewer, gas or telephone services, drainage systems, or any easements or rights of way.	Yes
3.4 (a)	Car Parking and Access	The minimum external dimensions of any required parking space shall be 2.5m x 5.5m.	Each parking space has dimensions of 2.5m x 5.5m.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.		NA
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.		Yes. Furthermore, a condition has been included within the recommendation requiring compliance with such.
3.4 (e)	Car Parking and Access	Driveways greater than 30m in length as viewed from the street shall be avoided.	Approximately 38m	No. However, given that the layout includes significant landscaping adjacent to the driveway and that the driveway finish consists of varying components which are of a recessive colour, it is considered that the visual prominence of the driveway area and the visual impact on the streetscape shall be minimal. Accordingly, it is considered that the proposed variation is acceptable in this instance.
3.4 (g) (ii)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 5m where a single driveway provides access for two or more dwellings.	The driveway is 5.5m wide at the street boundary.	Yes
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	The driveway is perpendicular to the road.	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	The driveway consists of two different finish components, both of which are varied in texture and of recessive colours.	Yes
3.5.2 (a)	Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6m of the proposed window or balcony unless appropriately screened.	Living room windows and balconies have been limited to a front or rear orientation.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	The living area of each dwelling has a northerly orientation.	Yes
3.6 (b)	Solar Access	A minimum of 20m ² fixed of the required private open space area shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	<p>Areas in excess of 20m² of the private open space areas of each of the ground floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice.</p> <p>While each of the first floor dwellings are serviced by private open space areas of less than 20m². Notwithstanding this, it is noted that the majority of the private open space areas of the first floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice.</p>	No. However, given that the non-compliance is of a consequence of the respective private open space areas being undersized (rather than being poorly orientated), it is considered that the proposed variation is acceptable in this instance.
3.6 (c)	Solar Access	Development shall have appropriate regard to the impact on solar access to useable private open space, solar collectors and clothes drying areas of adjoining residential development.	The layout and design of the development results in amenity impacts to adjacent dwellings being minimised.	Yes
3.9.1 (a)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments shall not be erected on land with an area of less than 700m ² .	2,832m ²	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.1 (c)	Site and Density Requirements for Multi Dwellings	<p>The number of dwellings permitted within a multi dwelling development shall not exceed two dwellings for the first 700m² of land area and one dwelling for each 300m² of land area thereafter.</p> <p>Equating to a minimum site area of 5,500m², for 18 dwellings.</p>	3,280m ²	<p>No. The accompanying Statement of Environmental Effects acknowledged the proposed variation in relation to the first floor dwellings and provided the following justification.</p> <p>“local controls cannot override the SEPP controls, which do not restrict dwelling density. The development complies with the SEPP controls as they relate to FSR and car parking”</p> <p>While it is noted that dwelling density and floor space ratio are separate requirements, it is acknowledged that the Affordable Rental Housing SEPP provides a generous floor space ratio ‘bonus’ for this development type (pursuant to Clause 13 of the Affordable Rental Housing SEPP), which has previously been taken to provide for an additional number of dwellings.</p> <p>Accordingly, the proposed variation is not considered to be unreasonable and is acceptable in this instance.</p>
3.9.1 (f) (i)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating three or more dwellings shall only be permitted on an allotment having a minimum width of 22.5m measured along the side boundaries at a distance of 5.5m from the primary street boundary.	40.23m	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.1 (f) (ii)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating three or more dwellings shall only be permitted on an allotment having a minimum width of 10m measured between the extended property side boundaries.	40.23m	Yes
3.9.1 (f) (iii)	Site and Density Requirements for Multi Dwellings	Multi dwellings development incorporating three or more dwellings shall only be permitted on an allotment where no part of the allotment is within 50m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	The site is not within 50m of a cul-de-sac.	Yes
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	0.51:1	No. However Clause 13 of the Affordable Rental Housing SEPP allows for a maximum floor space ratio of 1.05:1, which prevails pursuant to Clause 8 of such.
3.9.1 (h) (i)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5.5m from the primary street boundary.	5.5m.	Yes
3.9.1 (h) (iii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 900mm from any side boundary for the ground level.	1.5m from both the western and eastern side boundaries.	Yes
3.9.1 (h) (iv)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 1.5m from any side boundary for all levels above the ground level.	1.5m from both the western and eastern side boundaries.	Yes
3.9.1 (h) (v)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5m from the rear boundary for all levels above the ground level.	10m	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.1 (h) (vi)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 10m from the rear boundary for the ground level.	10m	Yes
3.9.2 (a)	General Requirements for Multi Dwellings	A minimum of 10% of the total number of dwellings within a multi dwelling development containing 10 or more dwellings shall be adaptable dwellings.	Two of the dwellings are adaptable.	Yes. Moreover, a condition has been included within the recommendation requiring compliance with such.
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one single garage.	The layout does not provide any garages.	No. However, as the proposal satisfies the car parking requirements of Clause 14 (h) (i) of the Affordable Rental Housing SEPP, Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.2 (c)	General Requirements for Multi Dwellings	One external additional visitor car parking space shall be provided for every two units (or part thereof), unless all dwellings within the development have direct frontage to a public street.	The layout provides one visitor car parking space.	No. However, as the proposal satisfies the car parking requirements of Clause 14 (h) (i) of the Affordable Rental Housing SEPP, Council cannot refuse a development application on the grounds of not satisfying this control.
3.9.2 (d)	General Requirements for Multi Dwellings	No visitor car parking space shall be located forward of the primary or secondary street boundary.	The visitor car parking space is recessed beyond the front facade.	Yes
3.9.2 (e)	General Requirements for Multi Dwellings	No visitor car parking space shall be in a 'stacked' configuration.	None of the proposed car parking spaces are of a 'stacked' configuration.	Yes
3.9.2 (g)	General Requirements for Multi Dwellings	The total floor area occupied by all bedrooms (and / or rooms capable of being used as a bedroom) within each dwelling shall not exceed 40% of the total floor space of that dwelling.	Maximum of 38%	Yes
3.9.2 (h) (i)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that are not located within the primary street setback.	The private open space areas for each dwelling are located to the rear of the respective dwelling.	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.2 (h) (ii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum area of 60m ² .	Each of the ground floor dwellings are serviced by a private open space area with a minimum size of 60m ² . While the first floor dwellings are serviced by balconies that have an area of either 11m ² or 13m ² .	<p>No. The accompanying Statement of Environmental Effects acknowledged the proposed variation in relation to the first floor dwellings and provided the following justification.</p> <p>“they are primarily designed as above ground units and have access to terraces which are adequate to support the recreational and outdoor amenity requirements for the dwelling.”</p> <p>This is not considered unreasonable and it is considered that the proposed variation is acceptable in this instance.</p>
3.9.2 (h) (iii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum width of 3m.	Each of the ground floor dwellings are serviced by a private open space area with a minimum width of 7.4m. While the first floor dwellings are serviced by balconies with a minimum width of 4m.	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.2 (h) (iv)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that include a minimum levelled area of 5m x 5m.	Each of the ground floor dwellings are serviced by a private open space area with a minimum area of 7m x 7m. While the first floor dwellings are serviced by balconies with a minimum area of 2.5m x 3.3m.	No. The accompanying Statement of Environmental Effects acknowledged the proposed variation in relation to the first floor dwellings and provided the following justification. "they are primarily designed as above ground units and have access to terraces which are adequate to support the recreational and outdoor amenity requirements for the dwelling." This is not considered unreasonable and it is considered that the proposed variation is acceptable in this instance.
3.9.2 (h) (v)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have an internal living room directly accessible to outdoor private open space areas.	Each private open space area is directly accessible from the respective main living areas.	Yes
3.9.2 (h) (vi)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area of private open space that satisfies the solar access requirements contained in Section 3.6.	Areas in excess of 20m ² of the private open space areas of each of the ground floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice. While each of the first floor dwellings are serviced by private open space areas of less than 20m ² . Notwithstanding this, it is noted that the majority of the private open space areas of the first floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice.	No. However, given that the non-compliance is of a consequence of the respective private open space areas being undersized (rather than being poorly orientated), it is considered that the proposed variation is acceptable in this instance.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.2 (i)	General Requirements for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The private open space areas for each dwelling are located to the rear of the respective dwelling.	The private open space areas for each dwelling are located to the rear of the respective dwelling.
3.9.2 (k)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: <ul style="list-style-type: none"> architectural features (such as balconies, openings, columns, porches, colours, materials etc.) and articulation in walls are to be incorporated into the front facade of each dwelling; no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials. 	The front facade of each building is articulated and consists of architectural features that are of a similar form to adjoining and future like developments. Approximately 24% of the area forward of the building alignment, is of an impervious finish.	Yes
3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: <ul style="list-style-type: none"> a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and a minimum of 20% of the total site area shall be available for deep soil planting. 	The application was accompanied by a detailed landscape design plan. Approximately 33% of the site has been made available for deep soil planting.	Yes

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings development shall satisfy the following architectural requirements: <ul style="list-style-type: none"> • a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development; • incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines; • incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and • provision of windows and active spaces in the building ends, to provide additional security and visual interest. 	<p>The overall design of the proposed development is similar in terms of its finish, and bulk and scale, compared to existing and likely future developments in the locality.</p> <p>The front facades and roof forms are articulated, providing depth to the overall design.</p>	Yes
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwelling development shall make provision for individual waste storage, allocated behind the primary and secondary building alignment out of public view, for the following: <ul style="list-style-type: none"> • a 140 litre bin; and • two 240 litre bins. 	Suitable provision is made within the private open space areas of the ground floor dwellings for the storage of bins. While a communal bin storage room is provided to service the storage of bins for the first floor dwellings.	Yes

2.7 Campbelltown City Council Section 94A Development Contributions Plan

As all of the dwellings have been used for the purpose of affordable rental housing, development contributions are not applicable pursuant to the provisions of Section 94E of the *Environmental Planning and Assessment Act 1979*.

3. Planning Assessment

The following is a summary of the areas of consideration regarding the likely environmental impacts and the suitability of the site, in respect to the proposed development:

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Built form - The overall building design consists of articulated facades and is in keeping with the existing and future likely character of the area. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing and articulation.

Natural environment - The trees proposed for removal are not of any high ecological value and it is proposed to implement detailed landscaping scheme which includes various indigenous trees and shrubs, which are likely to embellish the overall natural environment. Accordingly, conditions have been included within the recommendation, requiring the establishment of such.

Amenity impacts - The overall design of the proposed development has given satisfactory regard to existing adjoining residential premises, in terms of privacy, separation, overshadowing and the protection of trees and other vegetation within adjoining properties. Accordingly it is considered that the proposal is acceptable in this regard.

Security and safety - The overall design of the proposed development is considered to be consistent with the 'principles for minimising crime risk' (Crime Prevention through Environmental Design) and it is therefore deemed to be satisfactory in this regard.

4. Public Participation

In accordance with the requirements of Part 9 of the Campbelltown (Sustainable City) Development Control Plan 2014, the application was notified to adjoining property owners from 20 October 2014 until 3 November 2014. No submissions were received.

5. Conclusion

The proposal has been assessed pursuant to the relevant provisions of the Affordable Rental Housing SEPP, LEP 2002, Draft LEP 2014 and the Sustainable City DCP. In this regard, while it is noted that the proposal does not comply with several of the requirements within the Sustainable City DCP, that pursuant to Clauses 8 and 14 of the Affordable Rental Housing SEPP, the associated requirements of the SEPP prevail.

The proposed development is permissible and assessment of such has not identified any significant environmental impacts. It is also considered that the site is suitable for the development. Accordingly, it is recommended that Council approve the application subject to appropriate conditions.

Officer's Recommendation

That development application No. 2501/2014/DA-MAH, for the demolition of existing structures, removal of 12 trees, the construction of 18 dwellings (consisting of three x two storey buildings) and three carports, and associated car parking, bin storage enclosure and front fencing, at Nos. 26 and 28 Third Avenue, Macquarie Fields, be approved subject to the attached conditions.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Committee Note: Mr Milligan 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, Rowell and Thompson.

Voting against the Committee's Recommendation was Councillor: Oates.

Council Meeting 21 July 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 133

That the Officer's Recommendation be adopted.

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

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

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Drawing Number	Date Received by Council
DA-1001 (Issue: C)	29 June 2015
DA-1002 (Issue: G)	29 June 2015
DA-1003 (Issue: C)	29 June 2015
DA-1004 (Issue: C)	29 June 2015
DA-1005 (Issue: C)	29 June 2015
DA-1006 (Issue: C)	29 June 2015
DA-1008 (Issue: C)	29 June 2015
DA-1009 (Issue: B)	29 June 2015
DA-1010 (Issue: B)	29 June 2015
DA-2002 (Issue: A)	29 June 2015
SK 2001A (Demolition Plan)	23 April 2015

2. Construction Certificate

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

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

3. Building Code of Australia

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

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4. Contract of Insurance (residential building work)

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

This clause does not apply:

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

5. Notification of *Home Building Act 1989* Requirements

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

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

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

6. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

7. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 15 May 2015. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

8. Driveway

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

The common driveway leading from Third Avenue to the car parking area shall include a paved area (within the subject property) at each end of the driveway, not less than 6.0m long and 5.5m wide to allow vehicles to hold while other vehicles are using the driveway.

The driveway is to be of a non-slip finish and is to be separated from the landscaped areas, by a 150mm high kerb, dwarf wall or barrier fencing.

9. Vehicular Access

Vehicles accessing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.

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.

10. Car Parking Spaces

20 car parking spaces shall be designed, sealed and line marked, in accordance with Australian Standards 2890 (as amended).

11. Landscaping

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, prepared by Conzept Landscape Architects, submitted to Council on 29 June 2015, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
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- b. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
- c. All trees are to be staked and tied with a minimum of three hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- d. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- e. Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of trees. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.

12. Ground Levels

The existing ground levels shall only be altered in accordance with the levels shown on the approved plans. Under no circumstances shall levels elsewhere on the site (i.e. within the side or rear setback areas) be altered in any way.

13. Fencing

- a. 1.8m high fencing is to be erected to cordon off the private open areas, in accordance with the approved plans, prior to the issuing of an Occupation Certificate.
- b. Attention is directed to the provisions of the *Dividing Fences Act 1991*, in relation to the fencing of the boundaries of the overall site.

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. 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.

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).

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17. Flood Level Controls

This site has been identified as a flood control lot with respect to 1% Annual Exceedance Probability (AEP) flood due to overland flow traversing the site. The following drainage requirements shall be complied with:

- a. A drainage easement shall be created for the full width of the overland flow path (6.195m)
- b. Fences shall have an opening (mesh) under the fence to a height equal to the depth of the overland flow plus 300mm free board, and to the full width of the overland flow path
- c. A Restriction as to use shall be created on both the fences and the swale to preserve the drainage function.

18. Rain Water Tanks

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

19. Rubbish / Recycling Bin Storage

Rubbish and recycling bins shall be stored within the private courtyard areas, not within vehicle parking, vehicle manoeuvring areas or landscaped areas.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

20. Utility Servicing Provisions

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

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

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21. Sydney Water Stamped Plans

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

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

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

or telephone 13 20 92.

22. Telecommunications Infrastructure

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

23. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council.

24. Geotechnical Report

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

25. Soil and Water Management Plan

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

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26. 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. Stormwater shall be conveyed from the site to the proposed 1.5m drainage easement to Neoline Avenue. All proposals shall comply with the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

27. Drainage Easement

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a suitable plan for approval by Council and have it registered with Land and Property Information NSW for the creation of a suitable drainage easement to enable stormwater runoff to be conveyed from the subject site to Neoline Avenue in a manner specified by Council. This includes the creation of a 6.195m wide drainage easement, burdening the consolidated allotment and benefitting the upstream development.

28. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the 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.

29. Design for Access and Mobility

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

30. 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.

31. Controlled Activity Approval

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the NSW Office of Water has been provided to Council, or a letter from NSW Office of Water stating that a Controlled Activity Approval is not required for the development, has been provided to Council.

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32. Lot Consolidation

Prior to Council or an accredited certifier issuing a Construction Certificate, both allotments (Lots 22 and 23 Section 26 DP 1391) are to be consolidated.

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.

33. 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.

34. 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.

35. Toilet on Construction Site

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

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- a. A public sewer, 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.

36. 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.

37. 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.

38. 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.

39. Footpath and Vehicular Crossing Levels

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

40. 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.
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- 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
- 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.

41. Fencing

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

42. Geotechnical Reference

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the PCA. The designing structural engineer shall also nominate a site classification in accordance with AS2870 – Residential Slabs and Footings.

43. Structural Engineer Details

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

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.

44. 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.

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45. 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.

46. 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.

47. Protection of Existing Trees

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.

48. 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.

49. Termite Control

The building shall be protected from subterranean termites in accordance with Australian Standard 3660.1. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

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50. 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.

51. 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)
- d. All relevant Australian Standards and State Government publications.

52. 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 Third Avenue. 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).

53. 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.

54. 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.

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55. 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).

56. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: Under this subheading, for the purpose of issuing an occupation certificate, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

57. 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.

58. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

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59. 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.

60. 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.

61. Public Utilities

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

62. Service Authorities

Prior to the principal certifying authority issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from Sydney Water, Integral Energy and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

63. House Numbers

Prior to the principal certifying authority issuing a subdivision certificate, house numbers shall be stencilled onto the kerb at appropriate locations with black letters / numbers, 75mm high on a white background using an approved pavement marking grade paint.

For all new additional lots created, please contact Council's Land Information Unit on 4645 4465 to ensure the correct house number is stencilled.

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64. BASIX

Prior to the principal certifying authority issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

65. Residential Inter-Allotment Drainage

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and the associated easements have been provided for all residential lots that cannot be drained to the kerb and gutter. Inter-allotment drainage systems shall be designed and constructed in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

66. Restriction on the Use of Land

- a. Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the *Conveyancing Act*, for:
 - i. A 6.195m wide drainage easement, burdening Nos. 26-28 Third Avenue, and benefitting the upstream catchment
 - ii. A 1.5m wide drainage easement, burdening and benefitting No. 6 Noeline Avenue and Nos. 30-32 Third Avenue
 - iii. Restriction as to user - burdening the Body Corporate with the responsibility to maintain the overland path mesh fence and swale, to preserve drainage function
 - iv. Restriction as to user - burdening the Body Corporate with the responsibility to maintain the proposed on-site detention system.

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. Design plans and work as executed plans shall show affected lots marked with Council approved symbols. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

- b. Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall create a restriction as to user, registered against the title of the property of land under Section 88E of the *Conveyancing Act 1919*:
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- i. for 10 years from the date of the issue of the Occupation Certificate, all dwellings are to be used for the purpose of affordable housing and be managed by a registered community housing provider.

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

67. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

ADVISORY NOTES

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

Advice 1. *Environmental Planning and Assessment Act 1979* Requirements

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

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

Advice 2. Tree Preservation Order

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

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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. Covenants

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

Advice 6. Inspections – Civil Works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
 - i) Direction/confirmation of required measures.
 - ii) After installation and prior to commencement of earthworks.
 - iii) As necessary until completion of work.
 - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
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- c. VEHICLE CROSSINGS and LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 7. Inspection within Public Areas

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

Advice 8. Adjustment to Public Utilities

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

Advice 9. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

Advice 10. Asbestos Warning

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

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

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

Advice 11. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

Advice 12. Dial before you Dig

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

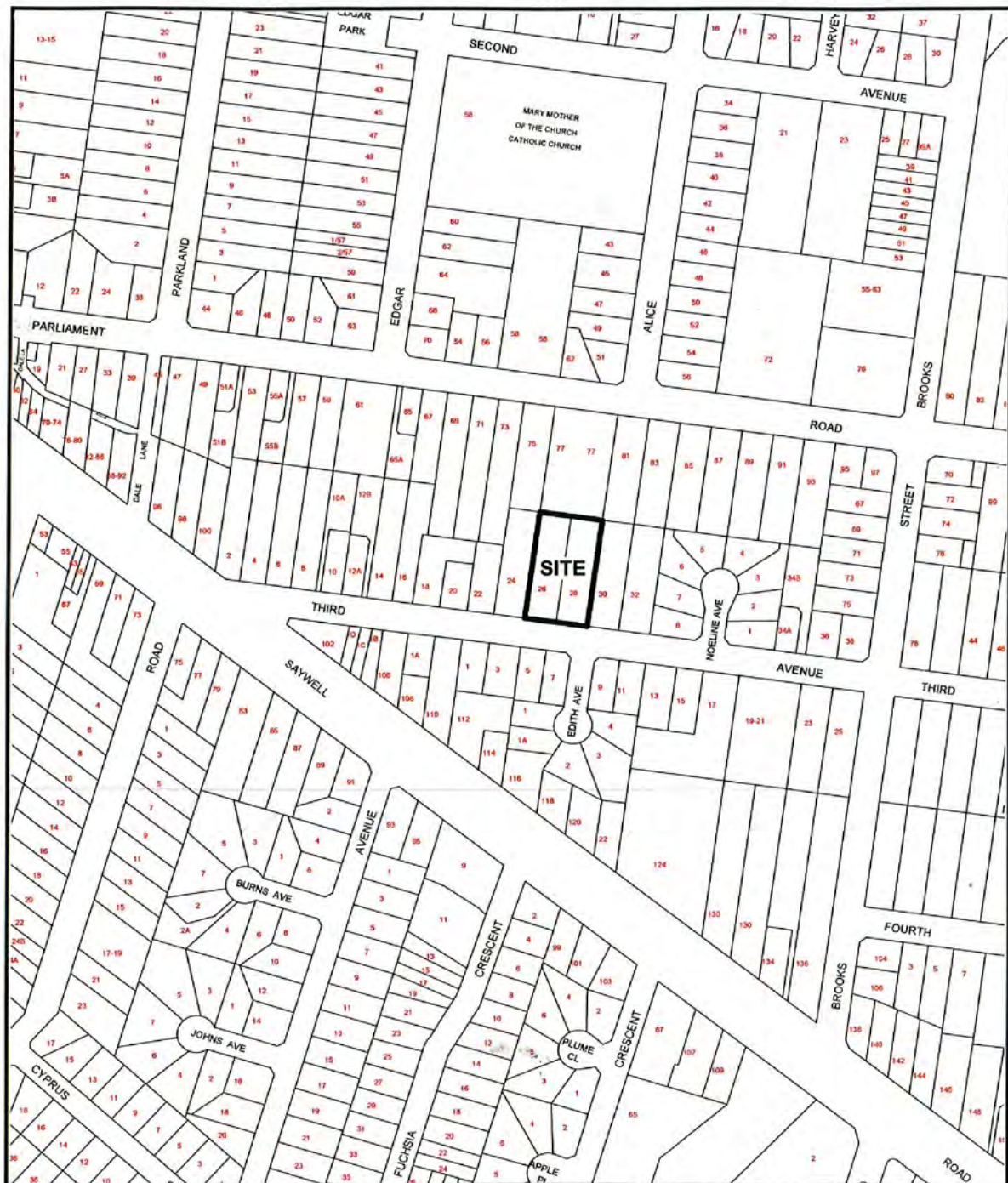
Advice 13. Telecommunications Act 1997 (Commonwealth)

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

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

End of Conditions

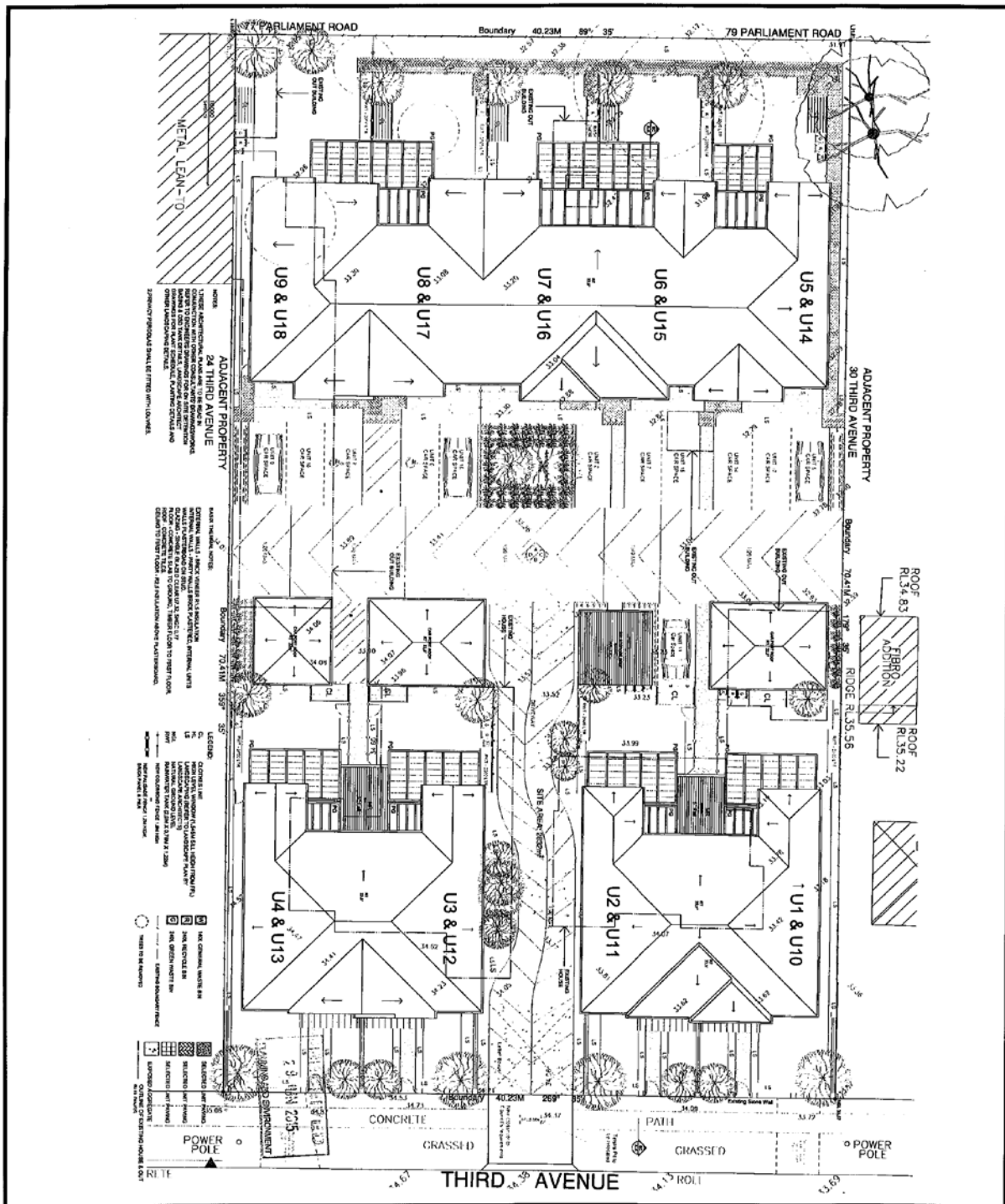
ATTACHMENT 2



LOTS 23 & 22 SEC 26 DP 1391 - Nos. 26 & 28 THIRD AVENUE MACQUARIE FIELDS.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

ATTACHMENT 3



SITE PLAN

SUBJECT: CONSTRUCTION OF 18 AFFORDABLE RENTAL HOUSING DWELLINGS.

LOTS 23 & 22 SEC 26 DP 1391 - Nos. 26 & 28 THIRD AVENUE MACQUARIE FIELDS.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields



NORTH ELEVATIONS

SUBJECT: CONSTRUCTION OF 18 AFFORDABLE RENTAL HOUSING DWELLINGS.

LOTS 23 & 22 SEC 26 DP 1391 - Nos. 26 & 28 THIRD AVENUE MACQUARIE FIELDS.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

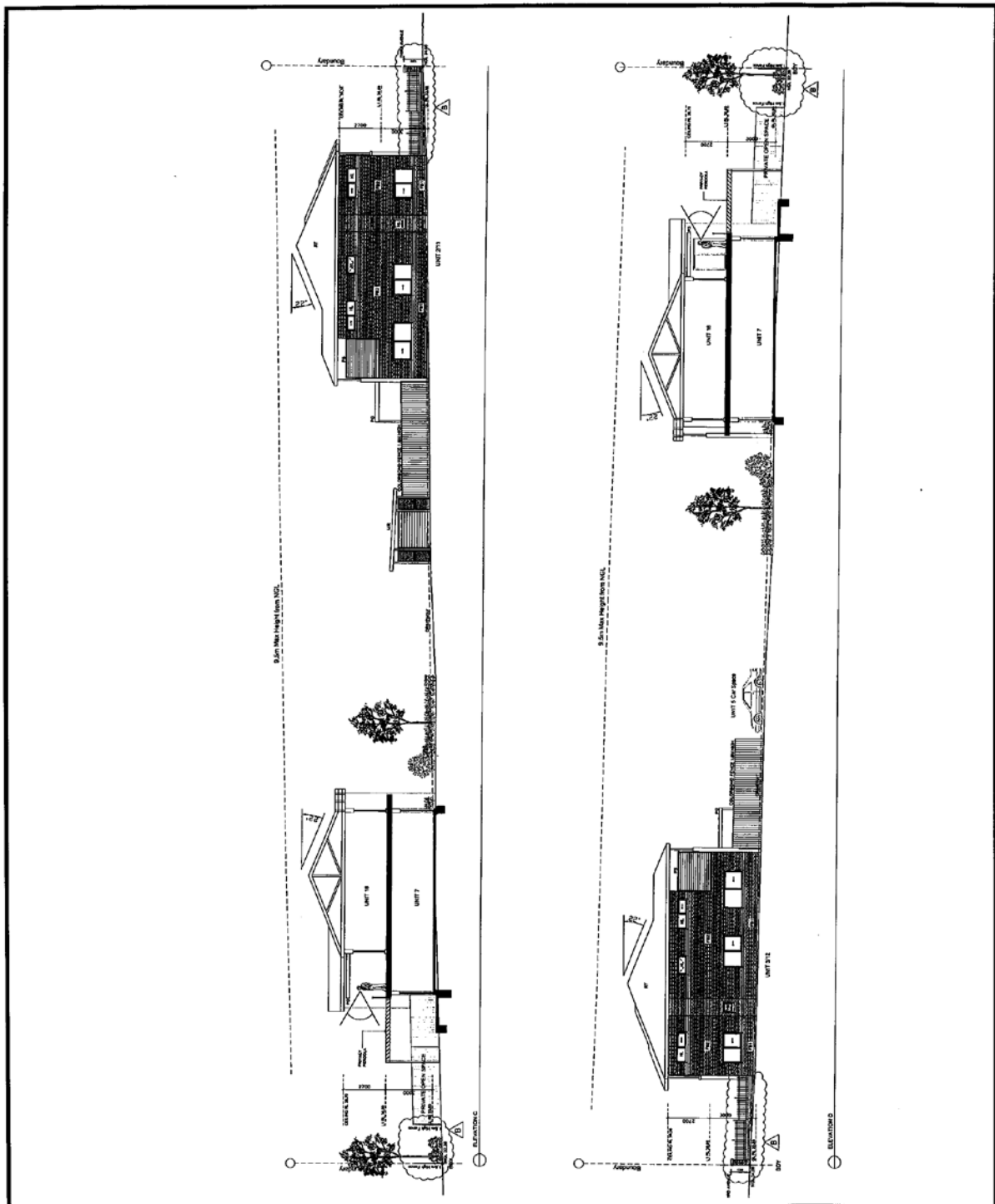


A & B ELEVATIONS

SUBJECT: CONSTRUCTION OF 18 AFFORDABLE RENTAL HOUSING DWELLINGS.

LOTS 23 & 22 SEC 26 DP 1391 - Nos. 26 & 28 THIRD AVENUE MACQUARIE FIELDS.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields



C & D ELEVATIONS

SUBJECT: CONSTRUCTION OF 18 AFFORDABLE RENTAL HOUSING DWELLINGS.

LOTS 23 & 22 SEC 26 DP 1391 - Nos. 26 & 28 THIRD AVENUE MACQUARIE FIELDS.

3.2 Demolition Of Existing Structures, Removal Of 12 Trees, Construction Of 18 Dwellings
And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front
Fencing - Nos. 26 And 28 Third Avenue, Macquarie Fields

ATTACHMENT 5

Landscape Plan - Confidential – for privacy reasons as this plan contains copies of the floor plan, these are not available to the public

ATTACHMENT 6

Floor Plans - Confidential – for privacy reasons these are not available to the public

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/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 July 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 133

That the Officer's Recommendation be adopted.

ATTACHMENT 1

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
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Total ongoing Class 1 DA appeal matters (as at 19/06/2015)	3
Total completed Class 1 DA appeal matters (as at 19/06/2015)	3
Costs from 1 July 2014 for Class 1 DA appeal matters:	\$110,493.20

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: \$44,888.29

Status: Completed – appeal dismissed and DA refused.

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.

The matter was before the Court for hearing on 9 and 10 June 2015 where on completion the Commissioner reserved judgement.

On 17 June 2015 the Commissioner handed down judgement dismissing the applicant's appeal and refusing Development Application 1416/2014/DA-C for the construction of a new building and the expansion of an existing childcare centre to cater for 130 children.

1 (b)

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:	\$16,908.65
Status:	Ongoing – listed for directions hearing on 4 and 5 August 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 Collis 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 14 May 2015 for section 34 conciliation conference.</p> <p>On 14 May 2015, no agreement was reached at the conciliation conference; accordingly, the Commissioner made certain procedural directions and adjourned the proceedings to 21 May 2015, and then further adjourned the proceedings to 2 June 2015 for callover hearing listing before the Registrar.</p> <p>On 2 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 4 and 5 August 2015 for directions hearing commencing on-site.</p>

1 (c)	FLIP OUT (CASTLE HILL) PTY LTD
Issue:	An appeal against Council's refusal of development application No. 2014/2013/DA-C that sought consent for construction of fitout and use of premises for recreation facility.
Property:	Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.
Property Owner:	Mr Vijay Sood and Mrs. Nutan Sood
Council File:	Development Application No: 2014/2013/DA-C
Court Application:	Filed on 19 May 2015 - File No. 10429 of 2015
Applicant:	Flip Out (Castle Hill) Pty Ltd

Costs Estimate:	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing – listed for conciliation conference on 7 August 2015.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2014/2013/DA-C that sought consent for construction of fitout and use of premises for recreation facility. The matter was listed for first directions hearing on 17 June 2015.</p> <p>On 17 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 7 August 2015 for section 34 conciliation conference.</p>

1 (d)	Anne McCusker and Flossiy Rutter T/as Garden Homes
Issue:	An appeal against Council's refusal of development application No. 1603/2014/DA-DW that sought consent for construction of a single storey dwelling.
Property:	Lot 9 DP 242894, Lot 2 DP 629721, 512 Appin Road Gilead.
Property Owner:	Mr Gregory James Messer, Mr David James Messer, and Mr Stephen Wayne Messer
Council File:	Development Application No: 1603/2014/DA-DW
Court Application:	Filed on 25 May 2015 - File No. 10449 of 2015
Applicant:	Anne McCusker and Flossiy Rutter T/as Garden Homes
Costs Estimate:	\$22,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	New matter – listed for directions hearing on 24 July 2015.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1603/2014/DA-DW that sought consent for construction of a single storey dwelling. The matter was listed for first directions hearing on 23 June 2015.</p> <p>On 23 June 2015 the Registrar made certain procedural directions and adjourned the proceedings to 24 July for 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 19/06/2015)	1
Total completed Class 1 and 2 appeal matters (as at 19/06/2015)	1
Costs from 1 July 2014 for Class 1 and 2 appeal matters:	\$2,970.40

2 (a) FLIP OUT (CASTLE HILL) PTY LTD

Issue: An appeal against Council's order 1 & 12 in the table to section 121B of the Environmental Planning and Assessment Act 1979 requiring the occupier Flip Out (Castle Hill) Pty Ltd to cease use of the property at 31 Mount Erin Road, Campbelltown, as a recreation facility and to restore the property to the condition it was prior to the unauthorised occupation.

Property: Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.

Property Owner: Mr Vijay Sood and Mrs. Nutan Sood

Council File: Council Order 503/2015/N-EPA

Court Application: Filed on 19 May 2015 - File No. 10427 of 2015

Applicant: Flip Out (Castle Hill) Pty Ltd

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

Costs to date: \$0.00

Status: Ongoing – appeal adjourned until further direction pending outcome of appeal in respect of Development Application 2014/2013/DA-C.

Progress: The Applicant filed an appeal in the Land and Environment Court of NSW against Council's order 1 & 12 in the table to section 121B of the Environmental Planning and Assessment Act 1979 requiring the occupier Flip Out (Castle Hill) Pty Ltd to cease use of the property at 31 Mount Erin Road, Campbelltown, as a recreation facility and to restore the property to the condition it was prior to the unauthorised occupation. The matter was listed for first directions hearing on 17 June 2015.

On 17 June 2015, the parties, by consent, notified the Court that agreement had been reached to seek adjournment of the proceedings pending the outcome of the appeal in respect of Development Application 2014/2013/DA-C. The Registrar made those directions.

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 19/06/2015)	0
Total completed Class 4 matters (as at 19/06/2015)	2
Costs from 1 July 2014 for Class 4 matters	\$88,858.78

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 19/06/2015)	0
Total completed Class 5 matters (as at 19/06/2015)	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 19/06/2015)	0
Total completed Class 6 matters (as at 19/06/2015)	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 19/06/2015)	0
Total completed Appeal matters (as at 19/06/2015)	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 19/06/2015)	4
Total completed Local Court Matters (as at 19/06/2015)	67
Costs from 1 July 2014 for Local Court Matters	\$13,227.55

File No:	LP16/15 – Penalty Notice Court Election
Offence:	Deposit litter (cigarette butt) from vehicle.
Act:	<i>Protection of the Environment Operations Act</i>
Final Costs:	\$1,885.00 – Brief prepared by Council’s Legal and Policy Officer who instructed external solicitor to appear for Council.
Status:	Completed
Progress:	<p>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.</p> <p>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.</p> <p>The matter was before the Court for hearing on 28 May 2015, where the defendant maintained a not guilty plea. After hearing evidence from witnesses for both the prosecution and the defence and submissions by both parties, the Magistrate ruled that he was not satisfied to the relevant criminal standard of ‘beyond reasonable doubt’ and accordingly dismissed the offence.</p>

File No:	LP22/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign – school zone.
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed
Progress:	<p>Matter was before the Court for first mention on 26 May 2015, where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without penalty.</p>

File No:	LP23/15 – Penalty Notice Court Election
Offence:	Stop on/near pedestrian crossing.
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police

	Prosecutor.
Status:	Ongoing
Progress:	Matter was before the Court for first mention on 16 June 2015, where the defendant did not enter a plea. The Registrar adjourned the proceedings to 30 June 2015 for plea mention.

File No:	LP24/15 – Penalty Notice Court Election
Offence:	Stand vehicle in area longer than allowed.
Act:	<i>Local Government Act 1993</i>
Final Costs:	\$0.00 – Matter 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 16 June 2015, where the defendant, Shahana Parven, entered a guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without penalty. Instead the defendant was placed on a 12-month good behaviour bond.

File No:	LP25/15 – 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 – Matter 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 16 June 2015, where the defendant, Gregory Crawford, entered a guilty plea. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without penalty. Instead the defendant was placed on a 12-month good behaviour bond.

File No:	LP26/15 – Penalty Notice Court Election
Offence:	Stop on/near pedestrian crossing.
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police

	Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 7 July 2015.
File No:	LP27/15 – Penalty Notice Court Election
Offence:	Double Park.
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 7 July 2015.
File No:	LP28/15 – Penalty Notice Court Election
Offence:	Deposit litter (cigarette butt) from vehicle.
Act:	<i>Protection of the Environment Operations Act</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New matter
Progress:	Listed for first mention on 21 July 2015.

8. Matters referred to Council's solicitor for advice

Matters referred to Council's solicitors for advice on questions of law, the likelihood of appeal or prosecution proceedings being initiated, and/or Council liability.

Total Advice Matters (as at 19/06/2015)
Costs from 1 July 2014 for advice matters

13
\$76,472.70

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	\$110,493.20	\$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	\$88,858.78	\$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	\$13,227.55	\$3,750.00
Matters referred to Council's solicitor for legal advice	\$76,472.70	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$292,022.63	\$3,750.00
Overall Net Costs Total (GST exclusive)	\$288,272.63	

5. GENERAL BUSINESS

5.1 Affordable Housing SEPP

Councillor Oates referred to the Affordable Housing SEPP and asked how Council polices affordable housing properties with regards to occupancy and rental prices in terms of development applications made under the Affordable Housing SEPP that come before Council.

Councillor Oates asked the Acting Director Planning and Environment how Council determines if the properties that are being approved do become affordable housing sites and how do other Councils monitor and control affordable housing.

Committee's Recommendation: (Oates/Greiss)

That a report be presented outlining how Council monitors and controls Affordable Housing properties in terms of occupancy and rental pricing.

CARRIED

Council Meeting 21 July 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 133

That the Officer's Recommendation be adopted.

Confidentiality Motion: (Kolkman/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: (Kolkman/Thompson)

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 8.44pm.

G Greiss
CHAIRPERSON
