

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 11 August 2015.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

ITEM	TITLE	PAGE
1.	WASTE AND RECYCLING SERVICES	3
1.1	Outcome of the 2015 Chemical CleanOut Event	3
2.	ENVIRONMENTAL PLANNING	5
2.1	Outcome of the Public Exhibition of the Australian White Ibis Management Plan - Lake Mandurama	5
2.2	Planning Proposal - Amundsen St Leumeah	35
3.	DEVELOPMENT SERVICES	55
3.1	Development Services Section Statistics June 2015	55
3.2	Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No. 1 - Development Standards (SEPP 1)	57
3.3	Construction of nine two-storey dwellings - No. 17 Lyndia Street, Ingleburn	59
4.	COMPLIANCE SERVICES	118
4.1	Legal Status Report	118
4.2	North Area Alcohol Free Zones	128
5.	GENERAL BUSINESS	143
20.	CONFIDENTIAL ITEMS	143
20.1	Confidential Report Directors of Companies	143

Minutes of the Planning and Environment Committee held on 11 August 2015

Present

Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
Acting General Manager - Mrs L Deitz
Director 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
Manager Sustainable City and Environment - Mr A Spooner
Manager Governance and Risk - Mrs M Dunlop
Executive Assistant - Mrs D Taylor

Apology (Rowell/Thompson)

That the apology from Councillor Greiss be received and accepted.

CARRIED

Also in Attendance

At the conclusion of the City Works Committee meeting the following Councillors attended the Planning and Environment Committee Meeting:

Councillor Borg - until the conclusion of item 3.3
Councillor Brticevic - until the conclusion of item 3.3
Councillor Hawker - until the conclusion of item 3.3
Councillor Mead - for the remainder of the meeting.

Chairperson

In the absence of the Chairperson Councillor Greiss, Deputy Mayor, Councillor Rowell, chaired the meeting.

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

1.1 Outcome of the 2015 Chemical CleanOut Event

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To provide Council with an update on the results of the 2015 Household Chemical CleanOut event.

History

Council, in partnership with the NSW Environment Protection Authority (EPA), hosts an annual Household Chemical CleanOut event. This event provides residents with the opportunity to drop off hazardous household items for safe disposal and recycling free of charge.

Report

The Household Chemical CleanOut event was held on 11 and 12 July 2015 at Council's Waste Depot at Junction Road, Leumeah. As in previous years, the collection and recycling of the chemicals dropped off by residents during the event was facilitated by ToxFree Solutions Limited, a contractor appointed by the EPA.

Council supported the event in several ways, the first of which was to coordinate the promotion of the event throughout the Campbelltown Local Government Area. This promotion included advertising in local newspapers, inclusion on Council's website, insertion of a flyer in Council's rates mail-out, inclusion in the winter edition of Compass and eNewsletters, radio advertising and advertisements on bus shelters.

Council was also responsible for coordinating the Traffic Management Plan required for the changed traffic conditions in place along Junction Road for the duration of the event. In this regard, two qualified traffic marshals were provided by Council to ensure compliance with the Traffic Management Plan during the event, and to monitor traffic flow into and out of the site. A Council Ranger was also provided to liaise with members of the public and ToxFree staff, and to resolve potential conflicts.

The 2015 event saw 1514 residents utilise the service (905 on Saturday and 609 on Sunday). A 34% increase from last year, this represents a record participation rate in the event's history in Campbelltown.

The outstanding attendance rate at this year's event can be attributed to Council's extensive advertising campaign. A survey conducted with participants indicated that the most popular means by which they became aware of the event were:

- Rates mail-out: 39.9% of participants
- Newspaper: 31.1% of participants
- Internet: 12.7% of participants.

Residents dropped of a total of 64,151 kilograms, an average of just over 42 kilograms per drop-off.

The most commonly dropped off products (by weight) included:

- Water-based paints (29.5%)
- Oil-based paints (17.4%)
- Oils (15.9%)
- Lead-acid batteries (12.4%)
- Gas cylinders (10.3%).

While the event was run in a most efficient manner, the unprecedented take-up rate by residents resulted in participants at times experiencing delays of up to 20 minutes, with traffic at times queuing up to the roundabout at Peter Meadows Road. With the Community Recycling Centre's (CRC) anticipated opening in the first quarter of 2016, it is hoped that such queuing will not occur again in the future, as residents will be able to drop their items off at the CRC all-year round, rather than at a one-off annual event.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 August 2015 (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 151

That the Officer's Recommendation be adopted.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

2. ENVIRONMENTAL PLANNING

2.1 Outcome of the Public Exhibition of the Australian White Ibis Management Plan - Lake Mandurama

Reporting Officer

Manager Environmental Planning

Attachments

Draft Australian White Ibis Management Plan for Lake Mandurama, Ambarvale (contained within this report)

Purpose

To advise Council of the outcome of the public exhibition of the draft Australian White Ibis (AWI) Management Plan for Lake Mandurama, Ambarvale and to seek Council's adoption of the AWI Management Plan.

History

At its meeting held on 21 April 2015, Council considered a report on a draft AWI Management Plan for Lake Mandurama, Ambarvale and resolved:

1. That Council support the public exhibition of the draft Management Plan for Australian White Ibis at Lake Mandurama, Ambarvale.
2. That Council support the application for a Section 121 Occupier's Licence to Harm Fauna in New South Wales under the *National Parks and Wildlife Act 1974*.
3. That Council receive a further report on the exhibition of the draft Management Plan which also addresses funding options.

Report

Public Exhibition

The draft AWI Management Plan (the draft Plan) for Lake Mandurama, Ambarvale was placed on public exhibition for one month (from Tuesday 5 May 2015 until Friday 5 June 2015) at the following locations:

- Council's Civic Centre
 - All Council libraries
 - Council's website.
-

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

The exhibition of the Plan was advertised in the public notices section of the Campbelltown Advertiser and the Macarthur Chronicle. Details of the public exhibition were also mailed out to 121 residents who border Lake Mandurama directly and interested residents who enquired about the issue during the preparation of the plan.

Submissions Received

During the public exhibition period Council received three submissions from the community, each of the submissions commented on the increase in number of pest birds and decline of native bird species in the area and welcomed Council responding to the issue. The table below presents an overview of the issues raised in the submissions and how the plan addresses these concerns.

Issue Raised	Management Response as per Plan
AWI are observed removing rubbish from bins in the area making public spaces untidy	All bins within the reserve will be replaced with closed lid bins and the condition of the area will continue to be monitored
Concern about the removal of Willow (<i>Salix</i> spp) from Lake Mandurama Reserve	Some of the Willow may be removed from the area to discourage AWI from nesting at the site. The removal of Willow will be offset through revegetation with native canopy species less suited to roosting. The nesting habits of the AWI will continue to be monitored.
Reducing availability of nesting material from surrounding properties	Education will be undertaken with the surrounding residents, park users and community at large through the installation of signage, production of brochures and updating of Council's website

Licencing

Following the commencement of the public exhibition of the plan during June 2015, Council officers submitted an application to the NSW National Parks and Wildlife Service (NPWS) for an occupier's licence to harm fauna in NSW under Section 121 of the *NSW National Parks and Wildlife Act 1974*. The draft Plan was submitted as an attachment to the application (for consideration by NSW NPWS), providing details of how population management, community education and monitoring activities will be undertaken for consideration by NSW NPWS.

Council has since been advised that its application for a Section 121 Licence to harm fauna under the auspice of the draft AWI Management Plan Lake Mandurama, Ambarvale was successful.

Implementation

The draft Plan proposes management objectives and a range of actions for active management of the AWI population at Lake Mandurama Reserve, Ambarvale. Management actions proposed under the plan include:

- egg oiling during the breeding season and nest burning outside the breeding season to assist in managing the population humanly
 - removing dead carcasses and undertaking nest burning to minimising fowls odours generated by AWI
 - reduce AWI feeding opportunities by replacing all rubbish bins at the reserve with closed lid bins
-

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

- community education through the installation of signage, production of brochures and updating of Council's website
- environmental improvement through removal of exotic vegetation
- monitoring AWI impact, population size and the effectiveness of management actions.

It is envisaged that subject to Council's endorsement, implementation of the actions of the draft Plan will commence promptly to ensure appropriate issues are addressed prior to the AWI breeding season. Council will engage the services of a contractor to undertake on ground activities such as egg oiling and collection and disposal of carcasses under a separate licence held by the contractor.

AWI Management Plan Budget

In order to achieve the activities outlined within the draft Plan, Council will need to allocate sufficient funds towards its implementation. A large number of the actions listed within the draft Plan are already funded through Council's existing operational budget, such as the replacement of the bins at the reserve.

However, some actions will require additional funds, in this regard the amount of \$6,000 has been allocated for feral animal management in the 2015/16 budget. Funding requirements for the implementation of the plan will continue to be reviewed as the plan is delivered.

Conclusion

The draft AWI Management Plan Lake Mandurama, Ambarvale was placed on public exhibition for a period of one month. Three submissions from the community were received during the exhibition period. Council officers are of the view that the draft Plan, in its current form, adequately addresses the issues raised in the submissions and as such no changes to the publicly exhibited management plan are considered necessary.

The draft AWI Management Plan has been developed in consultation with various government agencies and organisations to determine the most effective actions to sufficiently manage the AWI population at the site. The prompt implementation of actions within the draft Plan, will ensure the impact of AWI on the community is reduced, whilst providing best value outcomes for Council and the environment.

The draft AWI Management Plan for Lake Mandurama Reserve, Ambarvale will be reviewed annually upon submission of the NPWS licence application to ensure that it remains relevant and appropriate in regards to best management practices, knowledge and understanding of the species.

Officer's Recommendation

That Council adopt the draft Australian White Ibis Management Plan for Lake Mandurama as attached to this report.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 August 2015 (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 151

That the Officer's Recommendation be adopted.

ATTACHMENT 1



Management Plan for **Australian White Ibis (*Threskiornis molucca*)** Lake Mandurama, Ambarvale



April 2015

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

Table of Contents

1.	Executive Summary
2.	Introduction
3.	AWI Management
4.	AWI Distribution
4.1	AWI in South-Western Sydney
4.2	AWI in Campbelltown
5.	Site Description
6.	Site Significance
6.1	Historical
6.2	Environmental
6.3	Landscape
6.4	Aboriginal significance
6.5	Community and Recreation
7.	Site Issues
8.	Colony composition
9.	Site Management & Actions
9.1	Past Management Actions
9.2	Site Management Objectives
9.3	Site Management Action Plan
10.	Description of Management Actions
10.1	Reduce breeding success
10.3	Reduce Exotic Vegetation
10.4	Reduce Odours
10.5	Maintain Site and Surrounds
10.6	Control AWI Feeding Opportunities
10.7	Community education
10.8	Monitoring of AWI population
10.9	Support Research Opportunities
11.	Review of AWI Management Plan
12.	Glossary
13.	References

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

List of Figures and Tables

Figure 1. Adult AWI and juvenile in nest
Figure 2. AWI sites in the Campbelltown LGA
Figure 3. Management area covered under this plan
Figure 4. Lake Mandurama as a farm dam as pictured in aerial photography from 1956
Figure 5. The series of three dams in the area as pictured in aerial photography from 1972
Figure 6 Lake Mandurama as pictured from Cleopatra Drive from wooden boardwalk

Table 1. Licence requirements for AWI management
Table 2. AWI issues identified at Lake Mandurama Reserve
Table 3. Results of AWI colony counts undertaken at Lake Mandurama Reserve
Table 4. AWI Action Plan for Lake Mandurama Reserve

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

1.Executive Summary

The Australian White Ibis (AWI) is a common native avian species, it is therefore protected in New South Wales (NSW) under the NSW *National Parks and Wildlife Act 1974*. The eastern seaboard of Australia is considered an important refuge for AWI populations displaced from traditional inland breeding sites through years of drought and ecologically damaging water management practices.

During 2014 the AWI population at Lake Mandurama Reserve, Ambarvale significantly increased affecting the local environment, public amenity and prompting management action response from Council.

Council has developed this Management Plan for AWI at Lake Mandurama Reserve, Ambarvale to ensure that it is meeting legislative requirements for managing a native species in an urban area and to assist in managing:

- AWI in the area in a strategic and sustainable way
- conflict between AWI and the local community
- impacts of AWI on the local environment.

This plan identifies the site management objectives and makes recommendations for active management of the AWI population at Lake Mandurama Reserve, Ambarvale. Management actions proposed under this plan include population reduction through egg oiling and nest burning, community education, environmental improvement through removal of exotic vegetation and monitoring to understand the AWI population, their impacts and the effectiveness of management actions.

This management plan is proposed to be implemented over the next three years at the conclusion of this time its need and appropriateness will be determined. In the interim it will be reviewed on an annual basis and/or when significant changes in legislation or management direction warrant a review.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

2. Introduction

The AWI is distinguishable by its almost entirely white body plumage and black head and neck. The head is featherless with a long black down-curved bill around 16 centimetres in length. Adult birds have a tuft of cream plumes on the base of the neck. During the breeding season the skin on the under-surface of the wing changes from dull pink to dark scarlet. Young birds are similar to adults with slightly smaller, shorter bills.

In flight, flocks of AWI form distinctive V-shaped flight patterns. Breeding season usually occurs from June to February, with between one and three clutches per season. AWI nest in large colonies, often with the Straw-necked Ibis. Eggs incubate for 23 days on average.

The AWI can be observed in all but the driest habitats. Traditional breeding locations for this species were inland wetlands such as the Macquarie Marshes, however modifications to the hydrology of these wetlands over the last two decades have resulted in dramatic reductions in populations in these areas and populations have increased in the Eastern seaboard. Natural preferred habitats include swamps, lagoons, floodplains and grasslands, but it has also become a successful inhabitant of urban parks and gardens.

The AWI traditionally diet on both terrestrial and aquatic invertebrates, however they are increasingly feeding on human food waste. Many AWI populations have learnt to exploit human food waste in urban environments. As a result AWI are becoming more common in urban areas and less common in their natural habitat.



Figure 1. Adult AWI and juvenile in nest

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

3.AWI Management

Since 2004 AWI have expanded their roosting and nesting sites in the Sydney Region. The large number of AWI in urban areas has affected public amenity, aircraft safety, water quality and biodiversity, creating conflict with local communities and prompting the need for management of AWI in the Sydney Region.

During 2009/10 relevant government organisations including local Councils, NSW NPWS and the Centennial Parklands Trust formed an AWI Regional Task Force with the aim of developing a Sydney Regional Ibis Management Plan. This document is now in the form of a working draft plan awaiting adoption by the NSW Government.

The working draft Sydney Regional Ibis Management Plan categorises colonies of AWI into three different types based on their population size with corresponding different management strategies and licensing requirements applicable for each colony category (see Table 1).

As AWI are a native species a licence is required under the *National Parks and Wildlife Act 1974* before any intervention can be undertaken. Where local government authorities, private organisations or landholders determine the need to manage breeding AWI colonies, a Section 121 Occupier's Licence to Harm Fauna in NSW must be obtained from NSW National Parks & Wildlife Service (NPWS). In addition a Section 120, General Licence must be obtained for anyone carrying out works resulting in harm.

For colonies of greater than 50 birds the landowner must also prepare a detailed site management plan.

Table 1. Licence requirements for AWI management

Colony Category	Population size	Management/licensing requirements
Small colony	<50 individuals	<ul style="list-style-type: none"> • A Section 120 General Licence under the <i>National Parks and Wildlife Act 1974</i> for persons harming protected fauna (for contractors undertaking works) • A Section 121 Occupier's Licence under the <i>National Parks and Wildlife Act 1974</i> for landholders, authorising works to be undertaken on specific lands
Medium-large colony	>50 individuals	<ul style="list-style-type: none"> • A Section 120 General Licence under the

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

		<p><i>National Parks and Wildlife Act 1974</i> for persons harming protected fauna (for contractors undertaking works)</p> <ul style="list-style-type: none"> • A Section 121 Occupier's Licence under the <i>National Parks and Wildlife Act 1974</i> for landholders, authorising works to be undertaken on specific lands • Development of a Site Management Plan for the species
Refuge colony	Specific colonies determined by the NSW Government eg Lake Annan, Lake Gillawarna	<ul style="list-style-type: none"> • A Section 120 General Licence under the <i>National Parks and Wildlife Act 1974</i> for persons harming protected fauna (for contractors undertaking works) • A Section 121 Occupier's Licence under the <i>National Parks and Wildlife Act 1974</i> for landholders, authorising works to be undertaken on specific lands • Development of a Site Management Plan for the species, specifying that at least 50% of active nests will be left undisturbed during control activities.

The working draft Sydney Regional Ibis Management Plan recommends that a Sydney Region population of at least 6,500 AWI individuals be maintained. If the population falls below this number the management strategies for colonies will be reviewed.

4.AWI Distribution

4.1 AWI in South-Western Sydney

Within the South Western Sydney Region large AWI colonies are present at:

- Spring Farm ARRT Facility
- Lake Annan in Mt Annan, Camden.
- Lake Gillawarna, Georges Hall
- Eastern Creek ARRT facility, Eastern Creek.

As waste processing facilities close down or modify their practices the AWI move looking for sources of food and suitable habitat in different areas, thus establishing new colonies which commonly result in community and environmental conflicts.

4.2 AWI in Campbelltown

Within Campbelltown emerging colonies of AWI have been observed at Lake Mandurama Reserve, Ambarvale and Eagle Farm Reserve, Eagle Vale.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

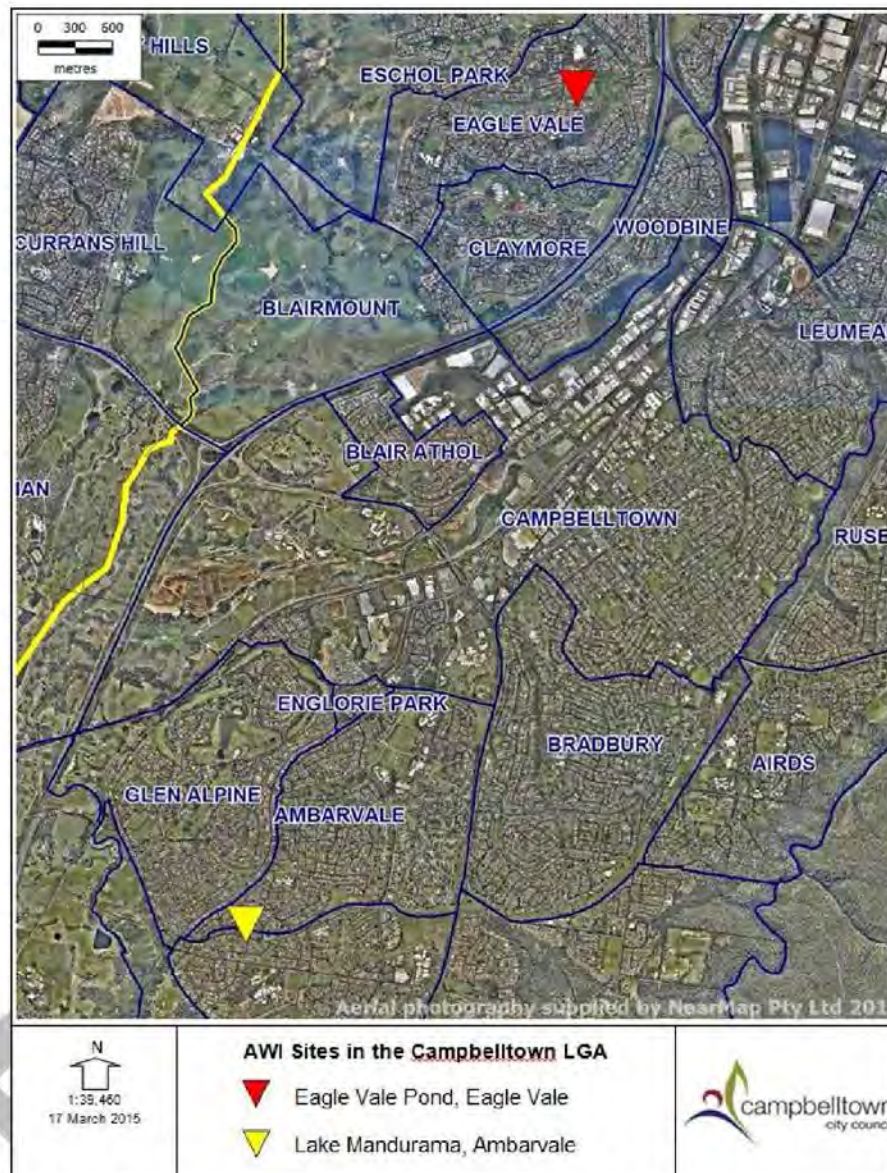


Figure 2. AWI sites in the Campbelltown LGA

AWI have been known to roost within Lake Mandurama Reserve, Ambarvale in small numbers alongside a range of other bird species over the past few years. Until 2014 there have been no recorded effects on the environment, surrounding residents and park users.

However during 2014 population numbers were observed to significantly increase, prompting concern from local residents and park users regarding the damage to vegetation in the area, the loud noises emanating from the nesting birds and the odours generated from concentrated fouling in nesting areas.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

5.Site Description

This Management Plan applies to the area of Lake Mandurama and the surrounding reserve (Lot 1552 DP 709072). A map identifying the area covered by the Plan is provided in Figure 3 below. The area covered by the Plan encompasses 35,900m² and is herein referred to as Lake Mandurama Reserve.

Lake Mandurama Reserve is located in the suburb of Ambarvale approximately five kilometres from the Campbelltown CBD. The lake was constructed in or around the 1950s as a farm dam. In the early 1990s it was converted into water quality control pond, in-line with Spring Creek, to capture run-off from construction in the surrounding suburb. The lake is 1.5 hectares in size and contains a refuge island which is around 1000m² in area.

The lake is adjacent to a passive recreational space which is part of the reserve, which includes a small playground and park area. The site is in close proximity to residences and is bordered by, Cleopatra Drive, Crisparkle Drive, Haredale St, Darnay Place and Jasper Place.



Figure 3. Management area covered under this plan

6.Site Significance

6.1 Historical

The waterbody now known as Lake Mandurama was constructed in or around the 1950's to serve as a farm dam for Bishop's Farm (see Figure 4), which encompassed the area.

The suburb itself was named after the old Ambarvale farm which despite popular belief, actually stood on the other side of Appin Road where the suburb of St Helens Park is now. Still, as Ambarvale was one of the oldest property names to be used south of Campbelltown, the Council decided to apply to use the name and the Geographical Names Board approved it in 1976. It was March 1972, that the state government had first approved the farm land for urban development and, by the end of 1975, the first homes were under construction.

Figure 4. Lake Mandurama as a farm dam as pictured in aerial photography from 1956



In the early 1970's a series of three dams was established on the site and surrounds, in line with what is now called Spring Creek. Council's photography from 1972 shows three dam walls with the largest occurring adjacent to what is now known as Crisparkle Drive (see Figure 5).

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

Figure 5. The series of three dams in the area as pictured in aerial photography from 1972



In the early 1990's the lake was utilised to ameliorate impacts from construction of the surrounding suburb, to trap sediment and assist in protecting water quality of the creek and downstream river. The refuge island was installed at this time to provide a refuge for fauna and to add additional lake edge for macrophyte plants to assist in preventing erosion and to aid water purification.

6.2 Environmental

Lake Mandurama Reserve is home to a significant variety of plants and animals. Plant species found within the area include: She-Oak (*Casuarina Glauca*), Spiny Headed Mat Rush (*Lomandra longifolia*), Honey Myrtle (*Melaleuca decora*), Sydney Green Wattle (*Acacia parramattensis*), Water Gum (*Tristaniopsis laurina*), various Eucalyptus spp as well as exotic species such as Willow Spp and African olive. Within the lake there are naturally occurring pockets of reeds (*Juncus*, *Baumea*) which provide ideal roosting habitat for birds. Additionally in 2013 Council constructed floating reed beds within the lake to assist in water filtration, species planted include: *Baumea articulate*, *Phragmites australis*, *Schoenoplectus validus*, *Eleocharis sphacelata*, *Cyperus exaltus* and *Carex appressa*.

In regard to fauna, the area is predominately populated by bird species, including: Black Swans (*Cygnus atratus*), Purple Swamp Hens (*Porphyrio porphyrio melanotus*), Masked Lapwing Plovers (*Vanellus miles*), Domestic Goose (*Anser anser domesticus* or *Anser cygnoides*), Australian Wood Duck (*Chenonetta jubata*) and Little Black Cormorants (*Phalacrocorax sulcirostris*).

The small refuge island within the lake is vegetated with a range of trees and shrubs and offers protection from predators to a range of birds particularly during breeding season for roosting. The

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

island was strategically placed at the inflow of the dam in a central location to disperse the flow of water and reduce short circuiting of the water movement around the lake.

The lake forms part of the highly modified headwaters of Spring Creek, it now serves as a stormwater quality improvement device for the surrounding catchment (60 hectares). Overflow water from the lake immediately proceeds downstream through two water quality improvement devices (one currently under construction), to a modified channel and ultimately to Spring Creek and the Georges River. Water quality monitoring is undertaken routinely within the lake and the results indicate that water quality within the lake is variable but is generally indicative of a small waterbody in an urban catchment.

6.3 Landscape

The site is surrounded by residential housing, suburban roads and a series of detention basins downstream. The natural soil at the site has been highly disturbed, particularly at the time the lake was constructed. Plantings on the refuge island are representative of the Ecological Community of River Flat Eucalyptus Forest, however noxious and exotic weed species have become established on the island also. The surrounding landscape of the site is open parkland with the dominant tree species of the areas bordering the lake being *Eucalyptus Spp* and *Casurina Glauca*. A small remnant of Cumberland Plain Woodland ecological community has been mapped approximately 180 metres upstream of the lake.

6.4 Aboriginal significance

Council is still awaiting confirmation of the aboriginal cultural and heritage significance of the site from the Tharrawal Aboriginal Land Council. As outlined previously, this area has been heavily developed for residential purposes and associated landscaping. However, it is not intended as part of this plan to disturb the soil. If in the future soil disturbance is required consultation and guidance will be sort from the NSW government.

A search of the OEH Aboriginal Heritage Information Management System was undertaken on Tuesday 10 March 2015, it was noted that no aboriginal sites or places were recorded or declared in or near Lake Mandurama Reserve, Ambarvale (Lot 1552 DP 709072).

6.5 Community and Recreation

Recreational use of the reserve is limited to the boardwalk and the perimeter of the lake for passive activities including walking, sitting, and bird watching. There is children's playground equipment within the reserve and a concrete path around the southern and eastern perimeter of the lake. Due to the relative inaccessibility of the refuge island from the mainland there is no recreation activity on the island. The area is predominately used by local residents within walking distance. Aspect depictions of the lake and reserve are provided in Figures 6 and 7.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan -
Lake Mandurama



Figure 6 Lake Mandurama as pictured from Cleopatra Drive from wooden boardwalk

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2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

7. Site Issues

As stated previously, until 2013 AWI inhabited Lake Mandurama Reserve in small numbers (<10). Since 2013 this number has steadily increased, with counts of around 75 birds recorded on some occasions (see section 8 - Colony Composition).

A significant number of nests have been observed in the trees on the refuge island, particularly in *Willow spp.* AWI have also been observed on the mainland around the perimeter of the lake and in particular foraging through the bins at the reserve and on the floating reedbed, which has been decimated over the last 12 months.

AWI appear to be attracted to the area as it provides safe roosting opportunities, on the refuge island and the floating reed bed as well as ample food sources.

Since AWI numbers have increased at the site recreational activities have been detrimentally impacted by the damage caused to the general appeal of the reserve including aesthetics of vegetation and grassed areas within the reserve and foul smells associated with defecation and breeding. Whilst water quality results do not presently indicate any recent adversarial impacts from the AWI it is anticipated that over time nutrient levels will increase. Community feedback about the AWI has been negative, Council has received a significant number of complaints from park users and local residents either not wanting to use the reserve or concerned about the direct and indirect impact to their properties.

The following table outlines issues that have been identified as associated with AWI and their current applicability to Lake Mandurama Reserve.

Table 2. AWI issues identified at Lake Mandurama Reserve

Potential issues with AWI	Relevant to site?	Comments
Smell	✓	Offensive odours have been experienced at the site, assumed to be associated with bird defecation and decaying organic matter from rotting carcasses/eggs.
Noise	✓	Noise levels have increased at the site. Calls from the birds are observed primarily around sunrise and sunset.
Water quality	✗	Water quality monitoring is undertaken on a monthly basis. To date no impacts attributed to the bird population have been observed.
Fauna displacement	✗	Avifauna such as Cattle Egret, Little Black Cormorant, Black Swans and Purple Swamp Hens and Masked Lapwing Plovers still co-exist and breed on the island and in the reed pockets within the lake.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

		Previous numbers are unknown.
Vegetation destruction	✓	Vegetation on the island is being intensively used by AWI to make nests. Many of the larger trees have been stripped bare of foliage. Some residents have reported that AWI have collected large quantities of twigs from their gardens to aid nest building.
Public nuisance	✓	AWI have been observed foraging in local bins. Their presence has been a deterrent to the public using recreational facilities based on perceived aggressiveness and threatening size, particularly towards young children.
Public health	✓	Faecal matter and decaying organic matter poses a risk to public health, in particular children. Increase in nutrients within the lake may result in blue-green algae blooms.
Public image	✓	The presence of AWI (and associated problems) is contributing to a declining image of Lake Mandurama and its public amenity.
Ecological sensitivity	✓	The site is located approximately two kilometres upstream of the natural waters of Spring Creek. At this location the creek is bordered by Shale Sandstone Transition Forest (a critically endangered ecological community). A remnant patch of Cumberland Plain Woodland is also mapped approximately 150 metres upstream. It is possible that water quality impacts from the colony could negatively impact on these ecological assets however given the distance and opportunities for water quality treatment it is unlikely.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

8.Colony composition

AWI colony counts are designed to determine the number of AWI colonising at a given site. Council commenced colony counts in September 2014 at Lake Mandurama Reserve. All counts were undertaken from the perimeter of the lake due to WHS restrictions and available equipment. The results of colony counts undertaken to date are provided in Table 3.

Table 3. Results of AWI colony counts undertaken at Lake Mandurama Reserve

Date	Time started	Time finished	Total chicks on-site (a)	Total adults on-site (b)	# AWI flying in (c)	# AWI flying out (d)	Total adults (b+c-d=e)	Colony population (a+e)
8/9/14	nr	nr		62				62
9/9/14	nr	nr		55				55
18/9/14	4.30pm	6.00 pm	12	42	nr	nr	42	54
3/10/14	1.30pm	2.30pm	11	47				58
15/10/14	3.30pm	4.30pm	11	51				62
4/11/14	6.00pm	7.30 pm	9	39	19	4	54	63
19/11/14	11.30am	12.30pm	13	46				59
4/12/14	11.30am	12.30pm	11	52				63
23/12/15	6.30pm	8.00pm	15	44	18	6	56	71
12/1/15	6.45pm	8.15pm	12	48	18	5	61	73
28/1/15	11.30am	12.30pm	11	61				72

nr = not recorded / not observable

9. Site Management & Actions

Council recognises that the AWI colony at Lake Mandurama Reserve is not a geographically isolated issue but part of a South-Western Sydney region-wide AWI population. The working draft Sydney Regional Ibis Management Plan did not acknowledge the Lake Mandurama colony, however based on the colony categorisation under the plan, the colony would be considered a medium colony (greater than 50 individuals).

Due to the environmental damage, public health and nuisance issues arising from the AWI colony at Lake Mandurama, the 'do nothing' approach is not considered adequate. Moreover, as indicated above, the population dramatically increased in one season, it is uncertain if this trend will continue, particularly as a result of changes and reductions in other food resources. If an increase in population does continue it would most likely result in even more significant environmental and social impacts.

9.1 Past Management Actions

In response to resident's feedback Council has undertaken regular colony population counts of the AWI population at Lake Mandurama. Council has also consulted with other affected Council's such as Bankstown, Camden and Fairfield to assist in determining the most effective management actions.

Council's outdoor staff undertake regular maintenance activities of the reserve and grassed areas surrounding Lake Mandurama which also includes the collection of any dead birds, however the data regarding numbers of carcasses removed is unavailable. Once collected the dead birds are taken to a Council facility for collection and disposal by a specialised contractor.

9.2 Site Management Objectives

This site specific management plan aims to enable Council to effectively mitigate site specific negative impacts associated with AWI by providing comprehensive and clear guidelines for on-site management. Objectives of this plan are:

1. Manage the AWI colony within Lake Mandurama Reserve, in order to achieve/ restore a sustainable balance between the environment, recreational users, and local residents.
 2. Increase community understanding of AWI.
 3. Address environmental impacts to Lake Mandurama Reserve from AWI.
 4. Manage public health impacts of the AWI colony at Lake Mandurama Reserve.
-

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan -
Lake Mandurama

5. Monitor the AWI colony at Lake Mandurama Reserve to ensure appropriate and effective management practices are employed for the colony.

9.3 Site Management Action Plan

With the above objectives in mind a series of management strategies and corresponding actions have been developed to assist in achieving these objectives. These actions will be delivered over the three year life of the management plan and their effectiveness will be monitored and reviewed on an ongoing basis.

These strategies and actions are specified in the action plan in Table 4 below. Further details about each of the actions are provided in Section 10.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

Table 4. AWI Action Plan for Lake Mandurama Reserve

Objective #	Management Strategy	Management Action	Timeframe	Responsibility	Comment
1	Reduce breeding success	Undertake egg oiling program during breeding season	Fortnightly during breeding season (July – February)	Council to engage contractor	Section 120 and 121 licences to be obtained. Ensure chicks are not present or adjacent to nests.
		Undertake nest burning outside breeding season	April – June each year	Council to coordinate RFS and SES to undertake pile burns on the island.	Application to be made to EPA for an ecological burn. Ensure animals are not present in nests
2	Reduce exotic vegetation	Undertake bush regeneration and weed treatment, particularly on refuge island	April – Dec 2015	Council to engage contractor	To be removed during non-breeding season
3	Reduce odours	Remove decaying egg/ carcasses routinely	Fortnightly inspections and removal during breeding season (July – February)	Council to engage contractor	
		Undertake nest burning outside breeding season	March – June each year	Council to coordinate RFS and SES to undertake pile burns on the island.	Application to be made to EPA for an ecological burn. Ensure animals are not present in nests
4	Maintain site and surrounds	Manage litter and food waste within the area through inspections, rubbish removal, bin clearing and grass mowing	Bins are emptied on a daily basis and park maintenance (mowing) undertaken on a monthly basis.	Council	
5	Control AWI feeding opportunities	Replace bins within Lake Mandurama Reserve with steel caged, covered waste bins	April – Dec 2015	Council	
		Encourage residents not to over-fill household bins	Ongoing	Council	Through comprehensive education campaign
6	Revegetation of native species	Removal of exotic vegetation.	April - Dec 2015	Council or Council Contractor	
		Planting of native species	Spring and Autumn as needed annually	Council or Council Contractor	Using species representative of River Flat Eucalypt Forest

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

		Protection of vegetation on floating reed bed	June – August 2015	Council	Explore deterrence options such as bird spikes, cages
7	Undertake community education campaign	Design and install signage around the perimeter of lake discouraging litter and feeding of birds	June – Dec 2015	Council	
		Design and distribute brochures for community on AWI, their impacts and appropriate behavioural practices	June – Dec 2015	Council	
		Update Council's website to include information about AWI, their impacts and appropriate behavioural practices	June 2015	Council	
8	Monitor AWI population	Undertake population counts of AWI colony at Lake Mandurama Reserve	Population counts undertaken fortnightly during breeding season (June – February) and monthly during the rest of the year	Council Council contractor	
		Participate in statewide surveys to assist in national management of species	October/ November annually	Council	Survey of Lake Mandurama Reserve colony undertaken annually in conjunction with statewide survey
9	Support research opportunities	Investigate research opportunities to achieve a better understanding of AWI.	Ongoing	Council	Participate in proposed University of Wollongong "Waterbird parasites and pathogens: disease threats in urban wetlands project" if project proceeds

10. Description of Management Actions

A detailed description of each of the management actions is provided below. These should only be performed by adequately trained personnel wearing the necessary personal protective equipment (PPE) and in accordance with protocol and procedures to be developed under an operational plan.

If at any time, an AWI (of any age) is harmed while performing any of these management actions, they must be immediately taken to a wildlife carer or a registered veterinary.

10.1 Reduce breeding success

Egg oiling - involves the coating of unhatched eggs with household cooking oil. The oil blocks air exchange through the pores of the egg preventing it from hatching. Egg-oiling is viewed as an environmentally safe and socially preferable to culling adult birds. Studies have shown that egg-oiling is 98-100% effective at preventing eggs hatching. Oiling can be conducted at any time during the 23 day incubation period and in 30% of cases parent AWI continued to brood the eggs for up to 54 days longer than the normal incubation period. This time spent brooding on unviable eggs reduces the opportunity for further egg laying.¹

Egg-oiling is considered to be a humane method of euthanasia and has been deemed an acceptable method by ecological authorities both nationally and internationally. Locally, egg oiling has been previously undertaken by both Bankstown, Camden and Fairfield Councils and they found it to be an effective management strategy. Thus far each council has engaged the services of a qualified contractor to undertake the oiling exercise.

Nest Burning - burning of AWI nests aims to reduce the availability of nesting habitat by destroying unused nests outside of the breeding season with all material piled in strategic locations on the island for pile burning in accordance with the RFS Guidelines for Pile Burning. Nest burning also reduces the amount of odour that is generated from the area, which will provide long term benefit to local residents. The nests that are heavily contaminated with faecal material and abandoned will be targeted as a priority.

Due to the disturbance and loss of nesting materials (once an ecological burn has been implemented), the AWI are likely to disperse and look for food and nesting materials in nearby locations.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

To assist residents in this regard, an education campaign will be implemented simultaneously to provide residents with simple ideas how they can discourage AWI from visiting their properties, cleaning up vegetation debris from their front yards and making them less attractive to the AWI. This is described in more detail within Section 10.7 – Community Education.

10.3 Reduce Exotic Vegetation

Regular inspections and surveys at Lake Mandurama have identified AWI to be predominately nesting within exotic vegetation such as *Willow Spp.* Removal of exotic vegetation including *Willow Spp.*, African Olive and African Boxthorn from the refuge island will assist in promoting native biodiversity and reducing favourable nesting habitat.

Vegetation removal and weed treatment will be undertaken in a mosaic pattern to ensure that habitat remains for the AWI and other avifauna and to promote the resilience of the remaining native vegetation. Any exotic tree species supporting active AWI nests will be left in situ to ensure that they have the best chance of survival. All exotic species larger than 100mm in diameter that are not in risk of falling into the water will be drilled and injected with Glyphosate herbicide to ensure that they can still provide habitat for fauna species in the short term whilst native species are encouraged to fill the void. All weed species less than 100mm diameter will be cut and painted using Glyphosate herbicide and left on island as habitat piles or placed in open locations for pile burning whilst nest burning is undertaken.

10.4 Reduce Odours

AWI nests are associated with foul odours as they are heavily contaminated with decaying organic material (eg eggs) and faecal matter. In addition when AWI breeding colonies reach high densities, on-site mortality of individuals of any age is inevitable. The resulting carcass decomposition adds to the odour associated with AWI breeding colonies.

Nest burning will assist in removing organic material and faecal matter thereby reducing odours. Prompt removal of decaying carcasses will help to reduce these odours and can be performed while on-site for other activities such as breeding restriction.

Inspection for carcasses and subsequent removal will be undertaken on a fortnightly basis, whilst other management activities are conducted.

10.5 Maintain Site and Surrounds

Council will endeavour to manage litter and waste at Lake Mandurama Reserve and surroundings to ensure that the availability of unnatural food sources for AWI is kept to a minimum. This includes ongoing regular mowing of grassed areas and regularly emptying bins to prevent overflow.

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

10.6 Control AWI Feeding Opportunities

One of the main sources of food and attraction to the site for AWI is human food waste. Currently the bins provided for the public at Lake Mandurama Reserve are not enclosed allowing birds (especially AWI) to forage for food in the bins. The current general waste bins at the reserve will be replaced with steel caged, covered waste bins to reduce access to the bins from animals other than humans.

10.7 Community education

Community education is an integral part of successful AWI management as many common practices such as feeding wildlife and incorrect disposal of rubbish greatly contribute to increased feeding opportunities. The community education campaign developed under the management plan will address community understanding of the species, human relationship and behavioural change. Education around conservation of native species is also important as many members of the general community may not be aware that AWI are a native species and may not understand why they have taken refuge in urban areas similar to Lake Mandurama Reserve within the Sydney Basin.

A public education campaign will be developed to address issues including:

- Biology of the species
- Impacts of the species
- Council's management actions
- Overfilling of household bins
- Bird feeding and rubbish dumping
- Management of vegetation on private property, to reduce foraging for nesting material.

Actions implemented through the education campaign will include:

- Development and distribution of education material such as brochures, stickers for bins, schools packages and media articles
 - Installation of signage around the reserve area
 - Update of Council's website with recommended behavioural practices for the public to discourage the presence and breeding of AWI
 - Issue of a media release on an annual basis prior to the breeding season to encourage residents to report AWI breeding sites and to increase awareness of the issues associated with urban AWI populations.
-

2.1 Outcome Of The Public Exhibition Of The Australian White Ibis Management Plan - Lake Mandurama

Creating community awareness of public feeding and general AWI issues can also be integral in communicating important and useful information about foraging, roosting and breeding sites within the area. It will also aid in community acceptance of this Management Plan.

10.8 Monitoring of AWI population

Monitoring of the Lake Mandurama Reserve AWI colony and reporting to the NPWS is required under the conditions of the Section 121 Occupier's Licence under the *National Parks and Wildlife Act 1974*. In addition it is appropriate to evaluate and assess the effectiveness of management actions prescribed within this management plan.

As indicated in the action table Council will engage a contractor to undertake egg oiling and decaying egg and carcass removal on a fortnightly basis during breeding season. The contractor will also collect and record data relating to their activities including roost counts, egg counts, the number of eggs oiled, number of carcasses removed and general population counts. This will be supplemented by monthly population counts by Council staff throughout the year.

An annual census of the colony is to be undertaken in conjunction with the OEH annual community survey of the AWI population across Australia to be held October/November each calendar year. This helps to accurately calculate the population within the Sydney Basin and guide statewide management direction which may impact on licence conditions.

10.9 Support Research Opportunities

Council will endeavour to support research opportunities through local schools, TAFE and universities as they arise. This will greatly assist in better understanding the species whilst also helping to guide appropriate management actions into the future.

11. Review of AWI Management Plan

This AWI Management Plan for Lake Mandurama Reserve, Ambarvale will be reviewed annually to ensure that it remains relevant as management techniques, knowledge and ability advance in management of the species. This will also include a review of the efficiency and effectiveness of the management actions specified within Section 9 of this plan.

Significant legislative or policy changes affecting the management of native species and/or changes in recommended practices for the management of native species will also trigger a review of this plan.

12. Glossary

Phrase/Word	Definition
AWI	Australian White Ibis
Dispersal	The moving of individuals away from each other or away from a particular site.
Foraging	The process of searching for and obtaining food or materials for nests.
Roosting	The process of birds congregating overnight at a specific place for rest and protection from predators.
NPWS	NSW National Parks and Wildlife Service
OEH	Office of Environment and Heritage

13. References

Eco Sure (2009), *Sydney Basin Australian White Ibis Regional Management Plan*, Prepared for NSW National Parks and Wildlife Service.

Camden Council (2013), *Australian White Ibis Management Plan for Australian White Ibis at Lake Annan, Mt Annan*.

Martin, JM, French, K, Major, RE (2007), 'The pest status of Australian white ibis (*Threskiornis molucca*) in urban situations and the effectiveness of egg-oil in reproductive control', *Wildlife Research*, 34(4), pp319-324.

2.2 Planning Proposal - Amundsen St Leumeah

Reporting Officer

Manager Environmental Planning

Attachments

1. Location Plan (contained within this report)
2. Landscape Concept Plan and draft indicative allotment layout (contained within this report)
3. Draft Planning proposal (contained within this report)

History

The land contained within the planning proposal is located at the southern end of the area generally known as 'The East Edge Scenic Protection Lands' which is an area located adjacent to the eastern boundary of the Campbelltown Urban Area, and is separated from an extensive regional open space network (that runs along the Georges River) by a reservation for the Georges River Parkway.

There have been numerous representations to Council in the past about the possibility of rezoning the East Edge Scenic Protection Lands to allow for further subdivision.

On 10 May 2004, Council notified the (then) Department of Planning (DoP), of its intention to prepare a Local Environmental Plan (LEP) to rezone the East Edge Scenic Protection Lands, and sought the DoP's requirements in relation to the Local Environmental Strategy (LES).

In a letter dated February 2006, the DoP advised that:

"the Department would not support a Local Environmental Plan based on a Local Environmental Study that was limited to investigating only one option – that of reducing the subdivision standard to one hectare, unless this was found to be the only one that satisfactorily addressed all issues."

Council subsequently advised the affected land owners of the DoP's response. The land owners raised concerns about the cost of a full LES, which would be significantly higher than that of an LES to only investigate the one hectare option.

On 26 October 2006, senior representatives from Council and the DoP met with the Minister for Planning to discuss the possibility of limiting the scope of the LES to investigate the one hectare only option. The Minister confirmed the Department's position, that any LES for the land would need to consider a range of options (including urban). Council was also invited to work collaboratively with the DoP to refine the scope of the LES but on the basis of a range of options being considered.

At its meeting on 21 November 2006, Council considered a report on the matter and resolved:

- "1. That Council refund the landowners (who made contributions towards the preparation of the Natural Conservation Assessment Study of the Edge Scenic Protection Lands) to the amount of the remaining funds held by Council.
2. That Council not proceed with the Draft LEP amendment seeking the proposed rezoning of the Edge Scenic Protection Lands.
3. That Council investigate the alignment of the urban zoned boundary as it affects the western edge of the Edge Scenic Protection Lands, as part of the Comprehensive LEP, noting that the extent of any potential options for zoning alterations will be minor.
4. That the development of the Campbelltown Comprehensive LEP include consideration of urbanising suitable portions of the Edge Scenic Protection Areas for ecologically sustainable developments west of the western edge of Bensley Road forming the boundary between potentially urbanised land and the environmental protection zone.
5. That Council inform interested parties of the decision."

Following the meeting, a Rescission Motion was lodged. At the following Council meeting on 12 December 2006, the Rescission Motion was carried and a further amendment was moved via a Notice of Motion:

"That a decision in this matter be deferred and that in accordance with the usual practice for the LEP this matter be the subject of a workshop by Councillors where all land uses in the Campbelltown area be considered and report back to Council."

On 30 January 2007, a presentation was made to Councillors about the Preliminary Findings of the Draft Campbelltown Local Planning Strategy. The Edge Scenic Protection Lands were discussed as part of this presentation.

On the 18 October 2011, Council considered a report on the "Draft Visual and Landscape Analysis of the Scenic Hills and the East Edge Scenic Protection Lands" which indicated:

"In some places in the East Edge Scenic Protection Lands, a further increase in the density of development may also be possible providing that the detailed subdivision design and subsequent siting of buildings will not compromise the bushland qualities of the landscape, especially when other issues such as bushfire protection for any dwellings is addressed."

On the 10 April 2012, Council considered a report titled "Supplementary Report on Future Planning Directions for the East Edge Scenic Protection Lands" which specifically discussed the subject site. In this regard the report stated:

"Landscape Unit E-LU5 contains some land (particularly in the north western part of the landscape unit) that is of low conservation value, as the land is largely cleared. A landowner in this area who has land fronting Amundsen Street, Leumeah, and a property developer with an interest in that land, have made regular enquiries about the possible future rezoning of the land for residential use over at least the last five years. This land is mostly clear of vegetation as the land was previously used for farming. The assumption could be made that the land is therefore suitable for urban development, however, this land is located on the ridgeline and it therefore visually prominent. Most parts of the land also drain towards the Georges River. These are some of the reasons why residential zoning, urban development or subdivision to 4000m², is not appropriate in other parts of the Edge Lands.

However, it could be argued that the part of the land with direct frontage to Amundsen Street (namely part of Lot 1 DP 795498 and part of Lot 2 DP 126471) could be potentially be suitable for some increase in development density. The existing lots are respectively 1.84 hectares and 2.4 hectares in size.

This site is generally cleared and a significant portion drains away from the Georges River (directly). Land on the opposite side of Amundsen Street is developed for urban housing.

It is considered from initial investigation that some additional new lots may potentially be able to be created on that part of the land which drains away from the Georges River towards Amundsen Street and where no significant vegetation exists.

Any such development proposal for that part of the land would need to be more fully investigated and achieve a master planned outcome including:

- drainage of stormwater from development to Amundsen Street and away from the Georges River
 - connection to mains sewer
 - no new dwellings or outbuildings to be located on that part of the land, east of the ridgeline that traverses the site
 - that part of the site between the ridgeline and Hansens Road to be revegetated with appropriate endemic species reflective of existing endangered ecological communities in the locality, in accordance with a vegetation rehabilitation/management plan, taking appropriate account of the management of bushfire risk
 - a limit on the height of any future development to one storey only
 - the design, siting and finish (materials and colours) of buildings and structures undertaken in such ways to minimise the visual prominence of development.
-

As Lots 1 and 2 were previously used for farming, an appropriate site contamination assessment would need to be carried out to establish whether or not any parts of the land need to be remediated. Such assessment would need to be carried out as part of the more detailed site investigation.

If Council were to support the investigation of additional limited development on the existing cleared land fronting Amundsen Street, in the terms described above, it would need to be made clear that such development is not a precedent for its consideration of other proposals for further encroachment into other parts of the Edgelands, for further subdivision and urban development.

Any such detailed investigation would need to be at no expense to Council and be submitted for formal consideration as soon as possible to enable co-ordination with Council's consideration of the preparation of the Comprehensive LEP."

Council subsequently resolved:

"That Council advise the owners of Lot 1 DP 795498 and Lot 2 DP 126471, Amundsen Street Leumeah, that it is prepared to consider the submission of a detailed investigation into the possible future development (for residential purposes) of part of the land, but only in accordance with the terms set out in the above report, and that such submission shall be received by Council by no later than 30 June 2012."

Since that time Council staff have been working with the land owner and their consultants to identify the suitability and capability of the land for further residential development. While a preliminary submission was received within the specified timeframe, it was considered prudent to consider additional key constraints on the land being the heritage significance of the old farmhouse and the impact on the visual landscape, prior to preparing a more detailed planning proposal.

Detailed technical reports on these matters were completed in November 2013 and November 2014 respectively and form part of the submitted preliminary planning proposal recently lodged to rezone Lot 1, DP 795498, Lot 2, DP 126471, No 82 - 102 Amundsen Street Leumeah and Lot 1, DP 709918, No. 86 Amundsen Street Leumeah, to permit the development of the site for residential purposes. A location map of the proposed site is provided in Attachment 1.

As investigations into the suitability and capability of this land were progressing independently of the CLEP 2014, it was decided that the most effective way to progress this matter was by way of a separate planning proposal. Subsequently this site was listed as a 'Deferred Matter' in the draft CLEP 2014. Consequently Council received a preliminary planning proposal on behalf of the land owners in December 2014 and staff have since worked with the applicant to progress the planning proposal to this stage.

Councillors received a briefing on the proposed rezoning at Council's briefing night on 28 July 2015.

Report

Property Description: Lot 1, DP 795498, Lot 2, DP 126471, No 82 - 102 Amundsen Street Leumeah

Owner: Mrs Jessie Maude Newham and Mrs Edith Marie Clarke

Property Description: Lot 1, DP 709918, No. 86 Amundsen Street Leumeah

Owner: Mr William Leslie Toole and Mrs Alexandra Toole

Applicant: Michael Brown Planning Strategies

Council has received a preliminary planning proposal, on behalf of the two property owners, to rezone land at Amundsen Street Leumeah, to permit the development of the site for residential purposes.

The Site

The subject site includes Lot 1, DP 795498, and Lot 2, DP 126471, No 82 - 102 Amundsen Street Leumeah, owned by Mrs J. Newham and Mrs E. Clarke, and Lot 1, DP 709918, No. 86 Amundsen Street Leumeah, owned by Mr W. Toole and Mrs A. Toole. The site is bounded by Leumeah Rd to the south, Hansens Rd to the east, Amundsen Street to the west and residential development within the suburb of Leumeah to the north as shown in Attachment 1.

The land uses that abut the site include Biehler Reserve on the southern side of Leumeah Road; three large residential lots (ranging in size from 10,400m² to 20,000m²) on the eastern side of Hansens Road; 13 rear facing standard residential lots set back approximately 15 metres from Amundsen Street to the west (these premises front Wyangala Crescent) and the Leumeah Baptist Church to the north. The total area of the subject site is 4.36 hectares.

Historically the site has been predominantly used for agricultural and grazing purposes and more recently for horse agistment. The site contains three main dwelling houses, one of which was the original farmhouse and has been the subject of a heritage assessment.

The site is currently vegetated with open grassland with some scattered trees located along the eastern boundary. The terrain is undulating and is dominated by a ridgeline along the western side of the site and a 2m-3.5m deep cutting abutting the Leumeah Road boundary.

Zoning

The current zoning of the subject site is 7(d4) - Environmental Protection, 2ha minimum under the provisions of Campbelltown (Urban Area) LEP 2002. The draft CLEP 2014 lists the site as a 'Deferred Matter'. The preliminary planning proposal aims to rezone the subject land to a residential zone and provide for subdivision into approximately 36 residential allotments (zoned R2 – Low Density Residential) with a range of allotment sizes from 500m² to 720m² and two allotments (zoned R5 – Large lot Residential) of 9778m² and 9435m². The proposal only seeks to amend the zoning of No.86 Amundsen Street with no plans being made for subdivision of this 1574m² lot at this stage. The proposal would result in a net increase of 35 lots with an estimated population of approximately 123 people.

Key Planning Issues

Visual

The site was identified in the draft report entitled “Visual Analysis of Campbelltown’s Scenic Hills and East Edge Scenic Protection Lands” prepared in 2011 for Council by Paul Davies Pty Ltd in association with Geoffrey Britton (the Visual Study). The site is part of Unit 5 (E-LU5) in the Visual Study.

As mentioned above Council considered a report on the Visual Study at its meeting on 10 April 2012 and indicated that any such development proposal for that part of the subject land would need to be more fully investigated and achieve a master planned outcome including:

- drainage of stormwater from development to Amundsen Street and away from the Georges River
- connection to mains sewer
- no new dwellings or outbuildings to be located on that part of the land, east of the ridgeline that traverses the site
- that part of the site between the ridgeline and Hansens Road to be revegetated with appropriate endemic species reflective of existing endangered ecological communities in the locality, in accordance with a vegetation rehabilitation/management plan, taking appropriate account of the management of bushfire risk
- a limit on the height of any future development to one storey only
- the design, siting and finish (materials and colours) of buildings and structures undertaken in such ways to minimise the visual prominence of development.

With the above criteria in mind the applicant commissioned a detailed visual and landscape assessment of the land by HLS Pty Ltd (Landscape Architects) to conduct a site specific analysis of the site. The assessment recommends that the inclusion of the following design recommendations in the development will ensure that any visual effects will be minimised.

- Ensure Hansens Road is retained as a “Rural Road Construction standard” on the western verge, to maintain trees and reduce adverse visual impacts
 - Ensure driveway locations and crossovers to the bushland interface lots are located to minimise vegetation removal. (It should be noted that only one access from Hansens Road is proposed)
 - Installation of a rural style (post and rail or similar) fence, max 1200mm high, from the Hansens Road Roundabout splay, along the length of the Hansens Road frontage
 - Preparation of a landscape plan for each future rural residential dwelling providing for a bushland setting and planting at the frontage of each dwelling
 - Planting of the 8m wide dense native vegetation strip with canopy trees across the site for visual amenity value, plus a 7m wide cleared zone against rear fences. Plant at a density of 1/3m² as per section “7.1 Suggested Plant List”
 - Retention of a 30m wide vegetation zone along the Hansens Road frontage of the “bushland interface” lots
 - Planting of a 15m wide canopy zone with trees at 1/3m², on the roundabout splay to maintain views through trees to larger lot housing beyond, typical of the “bushland interface” within the unit
-

- Trees to be protected as per AS 4970-2009 Protection of Trees on Development Sites.
- Engage an Arborist to investigate health and determine Tree Protection Zones of two remaining large Eucalypts near the building envelope in larger lots to assist in locating buildings outside TPZs of large healthy trees
- In larger lots, site future dwellings within the nominated building zone, amongst the isolated scattered trees to enable the retention of all trees
- Buildings in larger lots are to be single storey, built in recessive colours to integrate with the bushland, with no high contrast colours or materials
- Planting of a 3m wide native screen planting strip at the top of the earth bank cutting along Leumeah Road to create a permanent screen in this location to replace short-lived wattles. Fence the developed side of the strip with 1800mm high lapped and capped timber fence for safety reasons
- Increase the planting in the 15m wide verge on the western side of Amundsen Street, within an 8m zone, 7m from rear fences, to fill gaps in the scattered tree planting and to create a softer ridgeline. This will also provide some screening between new residential lots and the rear of existing lots on Wyangala Crescent
- Where possible, minimise vegetation clearing for visual reasons. Plant at a density of $1/25\text{m}^2$ (at 5m intervals) as per section 7.1
- Locate services outside of the existing vegetated western verge of Hansens Road
- Minimise clearing for overhead electricity and telecommunication lines where lines cross the verge
- A maximum built height of 8.5m is recommended for those dwellings on the ridgeline, to ensure their visual impacts are minimised with screening by the proposed 15m high canopy trees.

These recommendations were used to produce a Landscape Concept Plan which resulted in the development of a draft indicative allotment plan (both in attachment 2), which will be refined and potentially modified based on the results of the required additional studies should the preliminary planning proposal progress.

Considering Council's criteria and the recommendations of the site specific visual and landscape analysis the following assessment can be made:

Stormwater Drainage – whilst this is discussed in further detail below, it is considered that the proposal can achieve Council's criteria and would be subject to further detailed analysis should the preliminary planning proposal progress.

Connection to mains sewer - whilst this is discussed in further detail below, it is considered that the proposal can achieve Council's criteria and would be subject to further detailed analysis should the preliminary planning proposal progress.

No structures east of the ridgeline – whilst it is proposed that approximately half of the standard residential allotments and two large lot residential allotments will be located beyond the ridge line the visual and landscape analysis recommends significant vegetative screening and building height controls to address any impacts. A building height of 8.5m is proposed, however this will not limit the height of a residential building to one storey as required by Council and a more appropriate building height would be 6.5m. These matters can be further refined should the preliminary planning proposal progress.

Revegetation of the site east of the ridgeline – The visual and landscape study recommends revegetation with appropriate endemic species reflective of existing endangered ecological communities in the locality. The location of vegetation on site will need to be further addressed as part of the management of bushfire risk which is recommended to be a required additional report should the preliminary planning proposal progress.

Building height of one storey – as discussed above a building height of 6.5m rather than the proposed 8.5m would be required to achieve this criteria and this will be refined should the preliminary planning proposal progress.

Building design, siting and finish – the visual and landscape assessment requires a landscape plan for each large residential allotment, a building height of one storey with recessive and no high contrasting building colours to be used. These controls along with a number of other building standards recommended by the visual and landscape assessment will (should the preliminary planning proposal progress) be incorporated into a site specific Development Control Plan for the site.

Therefore it is considered that given the above the issues of visual and landscape impacts can be addressed by way of additional controls which will be formalised and incorporated in future LEP and DCP amendments should the preliminary planning proposal progress.

Flora and Fauna

The site has been used for agricultural purposes for many years, and particularly for horse agistment and cattle grazing, which has resulted in only scattered canopy trees associated with Shale Sandstone Transition Forest on the eastern side of the ridge. It is proposed to retain (and supplement) as much existing significant vegetation as possible via the creation of the proposed large lots. While there have been no sighting of threatened species at the site there is the potential for Koalas and the Cumberland Plain Land Snail to exist on site.

At this stage, no assessment of potential threatened species has been undertaken; however, it is recommended that the Gateway Determination require a flora and fauna study to be completed.

Transport and Access

The draft indicative allotment layout proposes access to the majority of lots within the site via Amundsen Street which is a local road. The section of Amundsen Street which abuts the subject site currently contains a bitumen road without formalised kerb and gutter. The upgrade of this section of Amundsen Street will take place as part of any future subdivision applications of the land should the planning proposal progress.

Heritage - Non Indigenous

The subject lands are not listed as containing a heritage item, however, the farmhouse on Lot 2 DP 126471 No 102 Amundsen Street has some historical connections with the development of the area. In this regard John Oultram (Council Heritage and Design Consultant) undertook an assessment of the dwelling. The following summarises that assessment:

- The property is not representative of the early development of the area being built in 1928
- The property is representative of the type of Inter War smallholding found in many areas of outer Sydney that were purchased by local workers for hobby farms
- The house is of very limited significance
- The property would not meet the threshold for listing as a heritage item in the LEP
- The house and property have no features of note that would require retention.

The report recommends that, if the cottage is to be demolished:

1. It be the subject of archival photographic recording in accordance with the Heritage Branch guidelines for digital capture.
2. An oral history be taken from the current occupier of the property detailing its later history, development and use.
3. These records (and a copy of this report) be lodged with a suitable archive (e.g. the Local History Library).

Given the above it is considered subject to the above recommendations being implemented by the applicant that non-indigenous heritage is not a constraint to the future rezoning of the land.

Heritage - Indigenous

At this stage detailed investigation into indigenous heritage have not been undertaken however further investigation and consultation with Aboriginal stakeholders would be required as part of the preparation of documentation to support the proposed rezoning of the site, should Council decide to support the proposal. A search of the Office of the Environment and Heritage Aboriginal Heritage Information Management System has shown that there are no records of Aboriginal sites or places in or near the site.

Servicing

Initial investigations have indicated that the adjacent residential areas are serviced with water, sewer, stormwater drainage and electricity. However, further confirmation would be required prior to the rezoning of the subject land. With the exception of the two large residential lots, which are suitably sized to accommodate stormwater disposal on site, all of the remaining lots fall way from the Georges River.

Community Infrastructure

Given the minimal impact in population resulting from the proposed rezoning it is considered that the additional demand on services could be accommodated within the existing community services/facilities in adjoining suburbs (e.g. schools and playing fields).

Land Contamination

At this stage detailed investigation into land contamination have not been undertaken however further investigation would be required to confirm that there is no contamination on the site and confirm its suitability for residential development, should Council decide to support the proposal.

Conclusion

The rezoning of the subject site presents an opportunity for the delivery of additional residential land within the Campbelltown LGA.

The planning proposal process under which this rezoning is being considered, is designed to ensure that preliminary information provided in support of the planning proposal (rezoning), is provided to a level that enables the Council to make a decision on whether or not the proposal has sufficient merit for progression through to the Department of Planning and Environment's Gateway Panel.

The Gateway Panel's purpose is to make a decision (determination) on whether or not the draft planning proposal lodged by the Council has sufficient merit to move to stage 2 of the process, being the detailed assessment and exhibition stage. As this planning proposal is in the first stage of the planning proposal assessment process, Council needs to be initially satisfied that the proposal has sufficient merit, before such a proposal is forwarded to the Gateway for its determination.

In this regard, based on the information provided by the applicant to date, Council officers have deemed it appropriate to prepare a draft planning proposal for Council's consideration and subject to the endorsement of the Council, its lodgement with the Department of Planning and Environment for determination by the Gateway Panel (see draft planning proposal at Attachment 3).

On receipt of a draft planning proposal, the Gateway Panel will consider the draft proposal and will determine whether or not the draft proposal should proceed to full assessment and exhibition, and if so, under what circumstances. If the draft planning proposal is supported by the Gateway Panel and it determines that the proposal can proceed to the next stage, then the Gateway determination will advise what further studies are required, which State or Commonwealth Public Authorities will need to be consulted, and the times within which the various stages of the procedure for the making of the proposed rezoning plan (LEP) are to be completed, including the sequencing of the public exhibition. These studies will need to address in detail, the key planning issues discussed in this report, e.g. flora and fauna, bushfire risk, indigenous heritage, contamination and any additional matters required by the Gateway Panel.

Where the draft planning proposal is supported by both the Council and the Gateway Panel, subject to the applicant satisfying the conditions of any Gateway approval, a further report will be prepared for Council's consideration prior to the public exhibition of any planning documentation for this proposed rezoning.

Officer's Recommendation

1. That Council forward the draft planning proposal for the rezoning of Lot 1, DP 795498, Lot 2, DP 126471 and Lot 1, DP 709918, Amundsen Street, Leumeah, to the Department of Planning and Environment for a Gateway Determination.
2. That Council advise the applicant of Council's decision.

Committee's Recommendation: (Oates/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 18 August 2015 (Hawker/Thompson)

That the Officer's Recommendation be adopted.

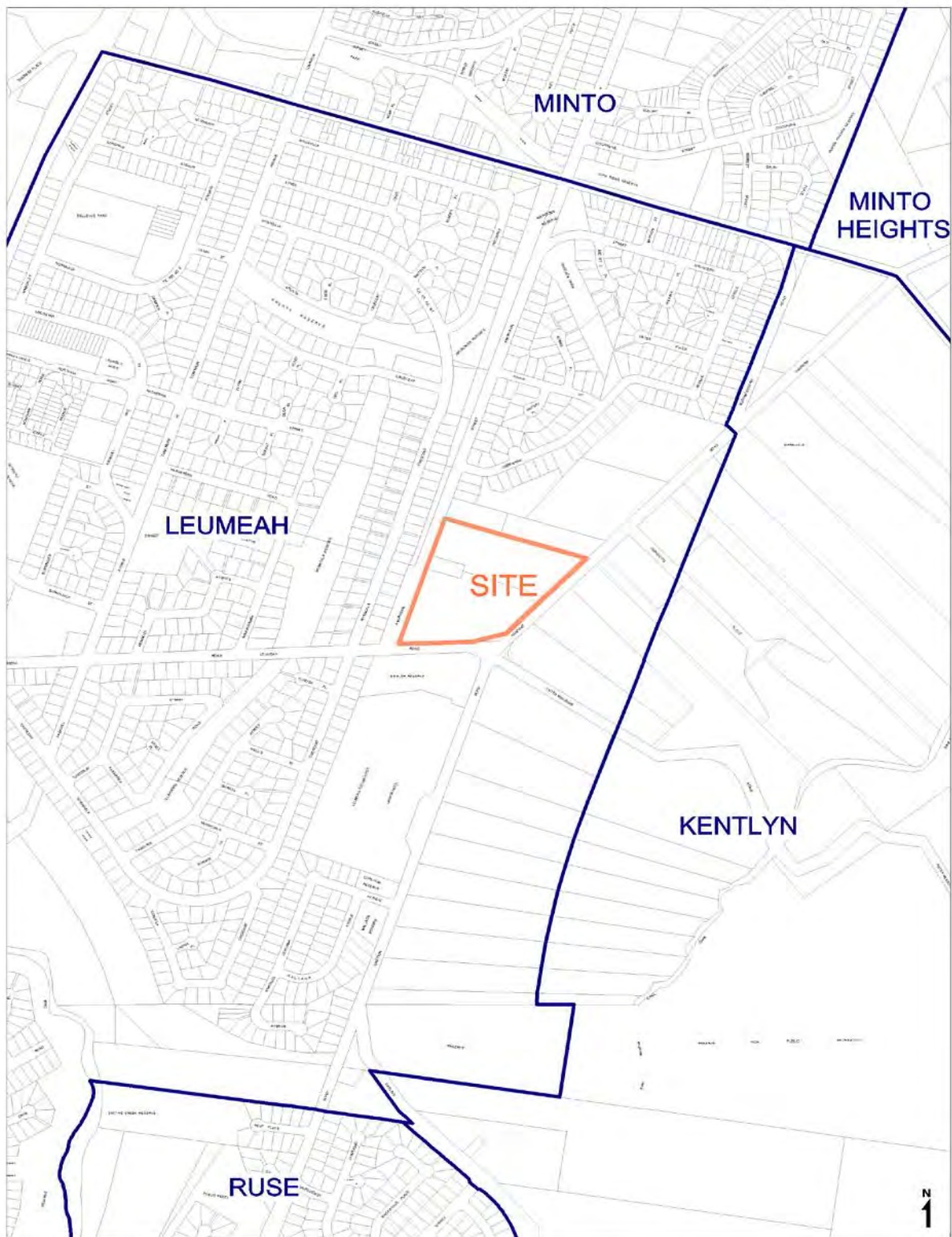
Council Resolution Minute Number 152

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: Nil.

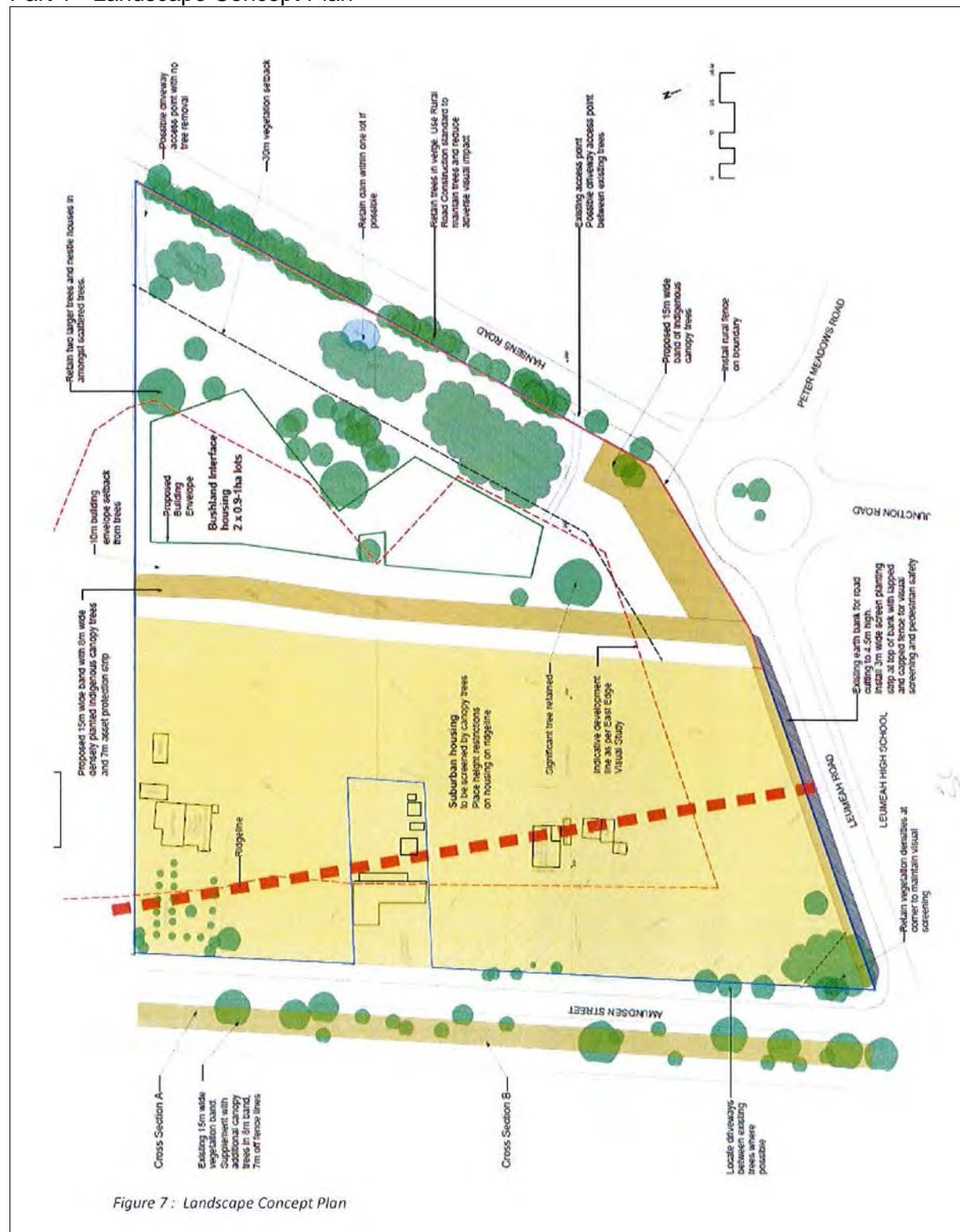
ATTACHMENT 1



Location Plan

Proposed Rezoning of Land - Amundsen Street LEUMEAH

Part 1 - Landscape Concept Plan



DISCLAIMER

THIS MAP AND INFORMATION HEREON IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A GUARANTEE OF ACCURACY. THE INFORMATION HEREON IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE INFORMATION HEREON IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE INFORMATION HEREON IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED.

LEGEND

MAXIMUM BUILDING HEIGHT

1 8m

2 10m

3 12m

4 14m

5 16m

6 18m

7 20m

8 22m

9 24m

10 26m

11 28m

12 30m

13 32m

14 34m

15 36m

16 38m

17 40m

18 42m

19 44m

20 46m

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279 564m

280 566m</

ATTACHMENT 3

Planning Proposal

Subject: 1. Draft Campbelltown (Urban Area) Local Environmental Plan 2002 – Amendment No 29 – Leumeah or
2. Draft Campbelltown Local Environmental Plan 2014 – Amendment No. 1

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to enable 43,624m² of environmental protection land at Leumeah to be developed for approximately 35 residential allotments.

Part 2 – Explanation of the Provisions

The planning proposal applies to land at Leumeah known as Lot 1, DP 795498, Lot 2, DP 126471 and Lot 1, DP 709918, Amundsen Street, Leumeah. A location map is shown at attachment 1.

The subject site is currently zoned Environmental Protection under the provisions of Environmental Planning Instrument (EPI) *Campbelltown (Urban Area) Local Environmental Plan 2002* (CLEP 2002) with a minimum residential subdivision standard of 2 hectares. A copy of the existing zoning map is shown at attachment 2.

The main EPI for the Campbelltown Local Government Area is *Campbelltown (Urban Area) Local Environmental Plan 2002* (CLEP 2002) which is currently being incorporated into the draft *Campbelltown Local Environmental Plan 2014* (CLEP 2014). The subject site is currently listed as a 'Deferred Matter' under the draft CLEP 2014.

Depending on the timing of the completion of the draft CLEP 2014 this planning proposal may become an amendment to CLEP 2014.

A number of detailed technical studies would be required to be prepared to inform a final planning proposal. These would include the following matters:

- Flora and fauna
- Transport and access
- Indigenous heritage
- Bushfire risk
- Contamination
- Geotechnical conditions
- Infrastructure, Stormwater and Sewer Services

The outcome of these studies would be used to define the zone boundaries and applicable planning controls within the subject site, and the final planning proposal would include the proposed amendments to CLEP 2002 or draft CLEP 2014 that would be required to accommodate these changes.

Part 3 – Justification

Section A – Need for the planning proposal

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

While the planning proposal is not a result of any strategic study or report, it will however deliver on a number of outcomes consistent with both state and local government planning documents including:

- Conservation and enhancement of the natural landscape
- Utilization and embellishment of existing physical and human infrastructure
- Contributing housing stock to help meet housing targets provided in the Sydney Metropolitan Strategy
- Promoting housing choice and diversity thereby responding to the needs of Campbelltown's community.

As noted in Part 2 further technical studies will be prepared to ensure that the subject site is capable of being developed for residential purposes.

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

Council is towards the end of the process of preparing a comprehensive local environmental plan (CLEP 2014) under the provisions of the Standard Instrument – Principal Local Environmental Plan, to cover the entire Campbelltown Local Government Area. As sufficient information to justify the change in zoning of the land was not available at the time of advertising the CLEP 2014 it was considered that the best means of achieving the rezoning of the land was via an independent planning proposal. Depending on timing of the progress of CLEP the proposal is to either amend *Campbelltown (Urban Area) Local Environmental Plan 2002* or CLEP 2014.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The planning proposal would result in a modest increase in the supply of new housing located on the eastern boundary of the Campbelltown urban area, and within close proximity to the major regional city centre of Campbelltown/Macarthur. This is compatible with the State Government's desire for the release of additional residential land on the fringes of existing urban areas.

There will be no need for new infrastructure to service the proposed additional 35 residential allotments beyond that provided by the developer. This development will therefore be at no cost to Government at any level.

It is anticipated that the net community benefit of the planning proposal in providing much needed housing for the population growth of Sydney would outweigh any implementation and administration costs involved.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies).

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 (MPS) recognises that there will be a need for 770,000 additional homes by 2036.

Draft South West Subregional Strategy

The draft South West Subregional Strategy (SWSS) aims to provide 24,653 additional dwellings by 2031, with 4,700 of these dwellings proposed to be developed in greenfield sites within the Campbelltown LGA.

A Plan for Growing Sydney (New Metro Plan)

This Plan was announced on 14 December 2014 and contains a number of key actions, goals and directions to drive Sydney's growth to 2031.

Of relevance to this planning proposal is Goal 2: A city of housing choice, with homes that meet our needs and lifestyles. Under Goal 2 there are four Directions as follows:

Direction 2.1: Accelerate housing supply across Sydney

Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs

Direction 2.3: Improve housing choice to suit different needs and lifestyles

Direction 2.4: Deliver timely and well planned greenfield precincts and housing

As this planning proposal aims to provide 35 residential allotments on the eastern boundary of the Campbelltown urban area, it is considered that it is consistent with the aims of the MPS, draft SWSS and the New Metro Plan.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is not inconsistent with the *Campbelltown 2025 Looking Forward* long term town planning strategy, nor with the draft *Local Planning Strategy*, as the planning proposal seeks a rezoning outcome that is consistent with the surrounding land uses. The planning proposal is also not inconsistent with Campbelltown's draft *Community Strategic Plan 2012 - 2022*, which contains an objective of a strong local economy.

Council's Residential Strategy accompanies a suite of planning documents to support draft CLEP 2014. The Strategy has the following recommendations:

"The Residential Strategy Review and this emergent Strategy indicate that future dwelling targets for 2031 can be achieved with current zonings, their minor rationalisation and the release of identified greenfields and incremental phasing of new centres and transit focused infill growth nodes."

Additionally, the need for diverse housing forms, adaptable housing and more affordable housing should be acknowledged.”

It is considered that the proposed development of the land is consistent with the above recommendations as this Planning Proposal seeks to rezone for a range of residential purposes via a minor rationalisation of existing zones using a master planning approach.

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

It is considered that the planning proposal is consistent with all applicable state environmental planning policies (SEPPs) being:

SEPP No 55 – Remediation of Land

SEPP No 60 – Exempt and Complying Development

SEPP Affordable Rental Housing 2009

SEPP, Building Sustainability Index – BASIX 2004

SEPP Exempt and Complying Development Codes 2008

SEPP Housing for Seniors or People with a Disability 2004

Deemed SEPP No 2 (SREP 2) – Georges River Catchment

However, please note that the technical studies required to be prepared to inform the final planning proposal for public exhibition purposes, would address the issue of consistency with all relevant SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

It is considered that the planning proposal is either consistent or justifiably inconsistent with all applicable s117 directions being:

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036).

Please also note that the technical studies required to be prepared to inform the final planning proposal for public exhibition purposes would address the issue of consistency with all relevant s117 directions.

Section C – Environmental, social and economic impact.

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

The ecological values of the subject site are highly degraded due to extensive clearing, and continuing agricultural activities. However, the site does exhibit some canopy trees consistent with Shale Sandstone vegetation, which is proposed to be retained and supplemented with additional plantings. Whilst there have been no sightings of threatened species on site there is the potential for Koalas and the Cumberland Plain Land Snail to exist on site. These issues would be addressed in the relevant technical studies required for the final planning proposal.

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

Other likely environmental effects such as bushfire hazard would be addressed within the relevant technical studies required for the final planning proposal.

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

The planning proposal aims to provide additional housing within easy access of the regional city centre of Campbelltown/Macarthur. It also aims to provide additional housing adjacent to existing residential areas within easy access to public transport services / routes, and community facilities and amenities. With the limited number of additional lots created it is considered that the additional demand on services could be accommodated within the existing community services/facilities in adjoining suburbs (e.g. schools and playing fields).

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Initial investigations have noted that the adjoining residential areas adjoining this site can be serviced with water, sewer, stormwater drainage, electricity and telecommunication facilities. However, the relevant technical studies required for the final planning proposal would address availability of adequate public infrastructure to service the proposed future development of this site.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This issue should be addressed when Council receives the gateway determination as part of the community consultation phase of the planning proposal.

Part 4 – Community Consultation

It is considered that a public exhibition period of a minimum of 28 days should be undertaken, however ultimately this will be a matter for the Gateway Determination.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics June 2015

Reporting Officer

Acting Manager Development Services

Attachments

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 August 2015 (Rowell/Kolkman)

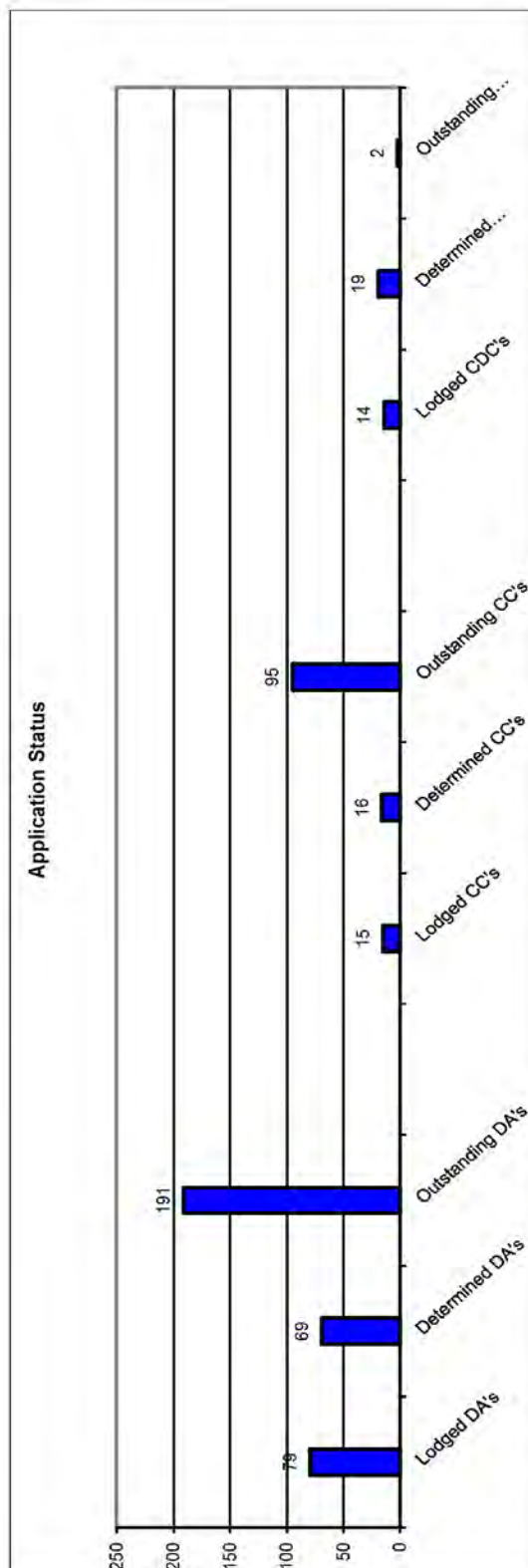
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 151

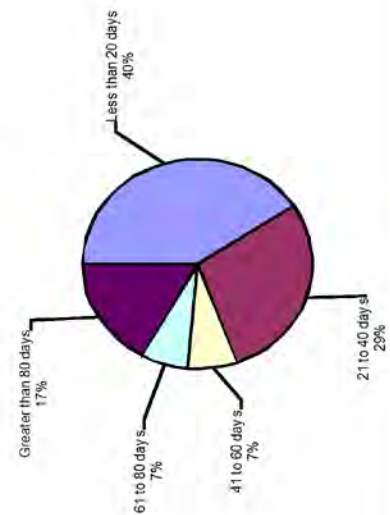
That the Officer's Recommendation be adopted.

ATTACHMENT 1

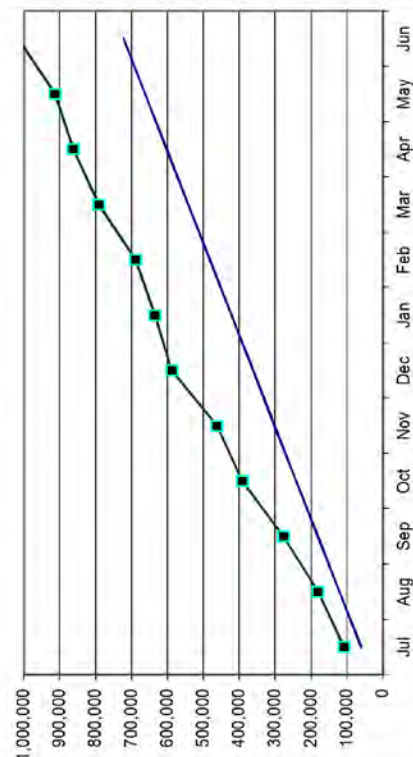
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – June 2015



Development Application Monthly Processing Times



Development Application Income



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

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

Reporting Officer

Acting Manager Development Services

Attachments

SEPP 1 variations approved for the period April to June 2015 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 April 2015 to 30 June 2015 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 applications).

Report

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

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 August 2015 (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 153

That the Officer's Recommendation be adopted.

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

ATTACHMENT 1

SEPP 1 Variations 1 April to 30 June 2015

Council DA reference number	Lot number	DP number	Apartment/Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined
31222014/DA-1	301	808825		8	Williamson Road	INGLEBURN	2565	12: Industrial	LEP 2002	4(a) - General Industry Zone	Clause 37 Setbacks within industrial areas	The buildings are within the required 30m setback area but are proposed to be heavily screened by prolific landscape treatment including tree and shrub plantings on an earth mound. In the scale of the locality and the physical structure of the buildings within the required setback, the variation was not considered to be significant.	50%	Council	8/05/2015
23272014/DA-C	503	714753		6	Grange Road	LEUMEAH	2560	12: Industrial	LEP 2002	4(b) - Industry B Zone	Clause 37 Setbacks within industrial areas	Building is partially completed and has never been occupied. The variation is required for functionality and safety to allow the adaption and use of the building. The variation does not increase floor space, bulk or scale of building.	8.30%	Council	21/04/2015

3.3 Construction of nine two-storey dwellings - No. 17 Lyndia Street, Ingleburn

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Shadow diagrams (contained within this report)
5. Elevations (contained within this report)
6. Colour perspective drawing (contained within this report)
7. Floor plan (distributed under separate cover – confidential for privacy reasons)

Purpose

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

This development application is required to be reported to Council due to the number of objections received in response to the public exhibition and notification of the application.

Property Description	Lot 36 DP 13118 No. 17 Lyndia Street, Ingleburn
Application No	2775/2014/DA-MAH
Applicant	Multiplan Constructions Pty Ltd
Owner	Mr Ramy Maher Youssef and Mrs Nevine Magdy Youssef
Provisions	Campbelltown 2025 - Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 Seniors Living Policy: Urban Design Guidelines for Infill Development Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	19 November 2014

History

An inspection was undertaken of the subject site on Tuesday 28 July 2015 by Councillors and Council officers which both the applicant and objectors were invited to attend. The inspection was attended by representatives of the applicant as well as those objecting to the application. A number of issues were raised at the inspection. All of the issues raised form part of the assessment of this proposal.

The application is now presented to Council for its consideration.

Report

This application has been made pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. It proposes the construction of nine two-storey dwellings, with two dwellings (units 4 and 6, making up 21.6% of the proposed gross floor area) to be used for the purpose of affordable housing and be managed by a registered community housing provider for 10 years. The application proposes a common driveway from Lyndia Street that accesses the nine proposed dwellings. Eight of the proposed dwellings have three bedrooms and one has four bedrooms. All of the proposed dwellings would have their own courtyards, and a communal open space area would be provided towards the rear of the site. Landscaping is proposed to be provided within the front setback of the development, within the rear courtyards of the dwellings, along the common driveway, and adjacent to the front entries of dwellings.

The subject site is located on the north-western side of Lyndia Street, and is rectangular in shape. The site has an area of 1821m², with a frontage of 20.115 metres. It is adjoined to the north, west and south by single dwellings in Lyndia and Desmond Streets. Further to the north-east of the site (within Michael Place) is a multi-dwelling development containing 15 dwellings.

1. Vision

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

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

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

The strategic directions relevant to this application are:

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

The application is consistent with the above strategic directions as the proposal would provide a housing product that would enable the City to grow by providing affordable housing opportunities as well as providing employment opportunities within the construction industry.

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

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

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

2. Planning Provisions and Assessment

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

2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

This application proposes an 'infill' affordable housing development under the provisions of the Affordable Housing SEPP. The aims of the SEPP are as follows:

Aims of Policy

- (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.
-

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

The application is consistent with objectives (b), (d), (e) and (f), as it would facilitate the delivery of new affordable rental housing to be managed by a registered community housing provider, in a location that is highly accessible to nearby local business centres.

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. Under the Affordable Housing SEPP, a household is taken to be a very low income household, low income household or moderate income household if the household:

- (a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- (b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

Development Standards for In-fill Affordable Housing

Control	Required	Proposed	Compliance
Development to which Division applies	<p>This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if the development concerned is permitted with consent under another environmental planning instrument, and the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <i>Heritage Act 1977</i>.</p> <p>Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area - accessible area means land that is within either:</p> <ul style="list-style-type: none"> 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates 	Multi-dwelling housing is permissible with consent under the CLEP	Yes
		The site does not contain any heritage items	Yes
			Yes

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> 400m walking distance of a bus stop used by a regular bus service (within the meaning of the <i>Passenger Transport Act 1990</i>) that has at least one bus per hour servicing the bus stop between 6.00am and 9.00pm each day from Monday to Friday (both days inclusive) and between 8.00am and 6.00pm on each Saturday and Sunday. 	The site is within 300m of a bus stop on the 873 (Ingleburn to Minto) route on Chester Road. This route operates within the times specified. The site is therefore within an accessible area.	
Floor Space Ratios	<p>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>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 a bonus over that of:</p> <p>(If the existing maximum floor space ratio is 2.5:1 or less)</p> <p>...0.5:1 if the percentage of the gross floor area of the development that is used for affordable housing is 50% or higher...</p> <p>OR</p> <p>where the gross floor area to be used for affordable housing is less than 50%, the maximum floor space ratio that applies to the land = the maximum floor space ratio that applies to the land (0.55:1 or 55%) + the gross floor area of the proposed affordable housing (0.216:1 or 21.6%)</p>	<p>The application indicates that 21.6% of the gross floor area is to be used for the purposes of affordable housing.</p> <p>The existing maximum floor space ratio that applies to the site is 0.55:1 (dwelling house)</p> <p>The existing maximum floor space ratio = 0.55:1</p> <p>Doesn't apply as the gross floor area = 21.6%</p> <p>As the gross floor area of the development that will be used for affordable housing is 21.6%, and the maximum applicable floor space ration for the site is 55%, then a maximum allowable floor space ratio of 76.6% or 0.766:1 (0.55:1 + 0.216:1) applies to the development.</p>	Yes

Control	Required	Proposed	Compliance
		The proposed development has a floor space ratio of 0.52:1.	Yes
Standards that cannot be used to refuse consent	A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
	Site area If the site area on which it is proposed to carry out the development is at least 450m ² .	The subject site has an area of 1821m ² .	Yes
	Landscaped area If at least 30% of the site area is to be landscaped.	30.3% is proposed to be landscaped	Yes
	Deep soil zones If, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:		
	<ul style="list-style-type: none"> 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), and 	The area available for deep soil planting is greater than 15% of the site area.	Yes
	<ul style="list-style-type: none"> each area forming part of the deep soil zone has a minimum dimension of 3m, and 	Areas forming part of the deep soil zone are at least 3m wide.	Yes
	<ul style="list-style-type: none"> if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area. 	The deep soil zones are spread throughout the site within the dwellings' courtyards.	Satisfactory
	Solar access 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.	All of the proposed dwellings receive the minimum solar access required.	Yes
	Parking If at least 0.5 parking spaces	14 parking spaces are required based on the	Yes

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Control	Required	Proposed	Compliance
	<p>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>Dwelling size If each dwelling has a gross floor area of at least:</p> <p>95m² in the case of a dwelling having three or more bedrooms</p>	<p>number of bedrooms within the proposed dwellings. 14 parking spaces have been provided.</p> <p>All proposed three bedroom dwellings are greater than 95m²</p>	Yes
Design Requirements	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	Assessment of the proposal against the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development is outlined later in this report. The proposal is consistent with the provisions of these standards	Yes
Subdivision	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority	Strata subdivision of the multi-dwelling development is proposed.	Yes

Character of Local Area

Under the provisions of the Affordable Rental Housing SEPP, a consent authority must not consent to a development for the purpose of in-fill affordable housing unless it has taken into consideration whether the design of the development is compatible with the character of the local area. Accordingly, an assessment of the proposal in terms of various aspects of its built form is outlined below:

- **Building height** – All of the proposed dwellings would be two-storeys in height, which is consistent with the height of several existing dwellings and multi-dwelling developments within the surrounding locality as well as the maximum storey limit permitted under the Campbelltown (Sustainable City) Development Control Plan 2014 for multi-dwelling developments. In addition, the maximum building height above natural ground level would be 7.4 metres, which is less than the maximum building height permitted (9.5 metres) under the Campbelltown (Sustainable City) Development Control Plan 2014 for dwellings and multi-dwelling developments. The height of the proposed development is not inconsistent with that of surrounding dwellings and the height of future dwellings anticipated by the applicable DCP height controls, and is considered to be satisfactory.

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

- Building bulk and scale/site coverage – The scale of the overall development as measured by its floor space ratio is compliant with the provisions of the Affordable Housing SEPP, which allows the proposed infill affordable housing development to achieve the maximum floor space ratio applicable to residential development permissible on the land, plus a maximum bonus of up to 0.5:1. In this case, the floor space ratio applicable to the proposed development is 0.766:1 (see table above). The proposed development has a floor space ratio of 0.52:1, which is far less than that allowed. The proposed development would be comprised of two separate buildings, with three breaks in the first floor component of the development, which would ensure that the visual bulk of the development is minimised. Under the Campbelltown (Sustainable City) Development Control Plan 2014, there is no site coverage ratio for a multi-dwelling development, however were a multi-dwelling development proposed on the site that was not proposed under the Affordable Housing SEPP, no development standard would prevent such a development from having a site coverage ratio as per that of the proposed development. The proposed site coverage ratio is similar to that of existing multi-dwelling developments within the vicinity of the site. In this regard, the bulk, scale and site coverage of the proposed development is considered to be compatible with the existing and future character of the local area.
 - Setbacks – The front, side and rear setbacks of the proposed development are entirely consistent with those specified by the Campbelltown (Sustainable City) Development Control Plan 2014 for multi-dwelling developments, and entirely consistent with (or greater than) those of surrounding multi-dwelling developments. In this regard, the proposed development has a front setback of 5.5 metres, side setbacks of at least 1.5 metres, a ground floor rear setback of 5 metres, and a first floor rear setback of 10.05 metres. Accordingly, the setbacks of the proposed development are consistent with the character of the local area.
 - The proposed setbacks allow for adequate spatial relief between the proposed dwellings and adjoining dwellings, noting that some of the dwellings adjoining the subject site have lesser rear setbacks (to the subject site) than what is currently required than the SCDCP. The proposed setbacks also allow for adequate spatial relief between the proposed dwellings and the street, as well as adequate solar access to the proposed and adjoining open space areas and adequate landscaping within the setback and private open space areas. In this regard, the setbacks of the proposed development are considered to be compatible with the existing and future character of the local area.
 - Architectural style/materials – The proposed dwellings would be constructed predominantly of brick and rendered brick, which would be visually compatible with the surrounding residential development, which contains a wide range of architectural styles and several examples of brick and rendered bricks dwellings. The proposed dwellings would have pitched roofs, which is compatible with those of surrounding dwellings. An architectural outcome similar to that proposed under this application would not be unexpected were a multi-dwelling development to be constructed on the site without the use of the Affordable Housing SEPP provisions. In this regard, the architectural style of the proposed development is considered to be compatible with the existing and future character of the local area.
-

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

- Landscaping/Fencing – The proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed to be provided within the front, side and rear setback areas of the development, as well as a strip of landscaping spanning the full length of the site along the proposed common driveway. This is considered to be consistent with or greater than the landscaping provided by other developments in the vicinity of the site, and appropriate for the site in question.

Affordable Housing – 10 Year Restriction

Under the provisions of the Affordable Rental Housing SEPP, a consent authority must not consent to a development for the purpose of in-fill affordable housing unless conditions are imposed by the consent authority to the effect that:

- For 10 years from the date of the issue of the occupation certificate:
 - The dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
 - all accommodation that is used for affordable housing will be managed by a registered community housing provider.
- 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 *Conveyancing Act 1919*, that will ensure that the above requirements are met.

Accordingly, a condition will be imposed on the development consent requiring 21.6% of the gross floor area to be used for the purposes of affordable housing, and managed by a registered community housing provider, for a period of 10 years from the date of the issue of the occupation certificate. A condition of consent will also require the registration of a restriction on the title of the land that will ensure that these requirements are met.

2.2 Seniors Living Policy: Urban Design Guidelines for Infill Development

An assessment of the proposal against these guidelines (as required by the provisions of the Affordable Housing SEPP) is presented below:

Design Principle and Better Practices Required	Proposed
Responding to Context	
Street Layout and Hierarchy What is the pattern and hierarchy of streets in the local area? Are there opportunities for introducing new streets or lanes? How does the built form vary between different types of streets? What are the patterns of planting in the streets and gardens? What are the typical front setbacks and building heights? Where are there anomalies to any of these patterns and why?	The site is large in the context of surrounding allotments, and there are other large allotments that could have a similar form of development constructed on them.

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<p>Block and Lots</p> <p>What are the predominant block and lot patterns? How have these changed over time (for example by subdivision and amalgamation)?</p> <p>What are the typical lot sizes, shape and orientation?</p> <p>Which lots are better for intensification and which are not?</p> <p>Is amalgamation necessary to support future development?</p> <p>Are there any corner sites, sites with two street frontages, or sites that are relatively wide or shallow and are therefore more suitable for intensification?</p>	<p>The subject site is large in comparison to surrounding sites, however there are other large sites in the surrounding area that have not been subdivided. In the surrounding area there are large sites that have had medium density developments constructed on them.</p>
<p>Built Environment</p> <p>Look for buildings that have a good relationship to the street or characteristics that contribute positively to neighbourhood character. Do buildings have a consistent scale and massing?</p> <p>Is there a regular rhythm of spaces between them? What are the atypical buildings?</p> <p>Should particular streetscapes and building types be further development or discouraged?</p>	<p>A two-storey development is in keeping with the character of the surrounding developments. The proposed front setback is 5.5 metres, which is similar to that of adjacent properties. The middle units (2-7) have been provided with gaps in the two-storey component to reduce massing.</p>
<p>Trees</p> <p>Where are the significant trees and landscapes in the neighbourhood?</p> <p>Are there street trees, and if so what species and spacing?</p> <p>What are the patterns of planting in the front and rear gardens?</p> <p>Could new development protect and enhance existing vegetation?</p>	<p>A flora and fauna assessment has determined that the existing trees on the site are not significant enough to warrant being retained. The proposed landscaping would enhance the development and consists of locally endemic species.</p>
<p>Policy Environment</p> <p>What are the key characteristics of an area as identified by the Council?</p> <p>How might these be accommodated in the design of new development for the area?</p> <p>Are there any special character areas, view corridors, vistas, landscaped areas, or heritage buildings or precincts that should be considered?</p>	<p>The proposed development is consistent with the applicable DCP setback and height controls, and similar in character to recently constructed surrounding multi-dwelling development.</p>
<p>Site Planning and Design</p>	
<p>Objectives:</p> <ul style="list-style-type: none"> To minimise the impact of new development on neighbourhood character To retain existing natural features of the site that contribute to neighbourhood character To provide high levels of amenity for new dwellings To maximise deep soil and open space for mature tree planting, water percolation and residential amenity To minimise the physical and visual dominance of car parking, garaging and vehicular circulation 	<p>The proposed development would be consistent with the existing neighbourhood character, which contains multi-dwelling developments. Retaining existing vegetation would not be practical or necessary.</p> <p>Proposed dwellings would have high level of amenity - north facing private yards with ample solar access and landscaping.</p> <p>Ample amount of open space and deep soil zones would be provided.</p> <p>Most car parking would be screened by landscaping and buildings.</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<ul style="list-style-type: none"> To provide housing choice through a range of dwelling sizes. 	A range of dwelling sizes is proposed
General <ul style="list-style-type: none"> Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the maximum development yield Cater for the broad range of needs from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned car parking. This can also provide variety in massing and scale of built form within the development. 	<p>Private and common open space is sufficient. Setbacks to neighbouring properties are satisfactory.</p> <p>Mix of dwelling sizes provided. All proposed dwellings have car parking.</p>
Built Form <ul style="list-style-type: none"> Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a street Parts of the development towards the rear of the site should be more modest in scale to limit the impacts on adjoining properties Design and orient dwellings to respond to environment conditions: <ul style="list-style-type: none"> Orient dwellings on the site to maximise solar access to living areas and private open space Locate dwellings to buffer quiet areas within the development from noise. 	<p>Two dwellings face the street, which is the maximum number of dwellings that could be located at the front of the site.</p> <p>Rear portion of development is two storeys – consistent with height limit.</p> <p>Solar access to dwellings is compliant with ARH SEPP.</p> <p>The development would not be adversely affected by noise.</p>
Trees, Landscaping and Deep Soil Zones <ul style="list-style-type: none"> Maintain existing patterns and character of gardens and trees: <ul style="list-style-type: none"> Retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid-block deep soil planting Retain large or otherwise significant trees on the other parts of the site through sensitive site planning Where it is not possible or desirable to retain existing trees, replace with new mature or semi-mature trees. Improve amenity by increasing the proportion of the site that is landscaped area by: <ul style="list-style-type: none"> Increasing the width of the landscaped areas between the driveways and boundary fences, and between driveways and new dwellings Providing pedestrian paths Reducing the width of driveways Providing additional private open space above the minimum requirements Providing communal open space Increasing front, rear and/or side setbacks Providing small landscaped areas between 	<p>There are no existing trees that are located in what would be the front setback or rear setbacks of the development.</p> <p>It is not practical to retain existing trees on the subject site. The trees are not significant enough to warrant them being retained.</p> <p>Existing trees are inconveniently located and not significant, and cannot be retained.</p> <p>Several new mature and semi-mature trees to be provided.</p> <p>Adequate landscaping is to be provided between driveways and fences and between driveways and dwellings.</p> <p>Pedestrian access along driveway is adequate. Driveway widths are not excessive.</p> <p>Private open space for some units is above the minimum requirements.</p> <p>Communal open space is to be provided.</p> <p>Front setbacks compliant with DCP.</p> <p>Adequate landscaping provided between</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<p>garages, dwelling entries, pedestrian paths, driveways, etc.</p> <ul style="list-style-type: none"> Provide deep soil zones for absorption of run-off and to sustain vegetation, including large trees: <ul style="list-style-type: none"> It is preferable that at least 10% of the site area is provided as a single area at the rear of the site, where there is opportunity to provide a mid-block corridor of trees within a neighbourhood Where the pattern of neighbourhood development has deep soil planting at the front of the site, it may be desirable to replicate this pattern. Minimise the impact of higher site cover on stormwater runoff by: <ul style="list-style-type: none"> Using semi-pervious materials for driveways, paths and other paved areas Using on-site detention to retain stormwater. 	<p>garages, dwelling entries, pedestrian paths, driveways, etc.</p> <p>Adequate deep soil zones provided.</p> <p>5% of the site area would be provided as a single area at the rear of the site.</p> <p>Deep soil zones are provided within the front setback, and within rear courtyards.</p> <p>Adequate amount of pervious area on the site to limit stormwater runoff.</p> <p>On-site detention not required.</p>
<p>Parking, garaging and vehicular circulation</p> <ul style="list-style-type: none"> Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approached to garages Where possible maintain existing crossing and driveway locations on the street. 	<p>10 car parking spaces to be provided in garages and four uncovered, including two visitor spaces.</p> <p>Better solar access outcome from new driveway location and building locations.</p>
Impacts on Streetscape	
<p>Objectives:</p> <ul style="list-style-type: none"> To minimise impacts on the existing streetscape and enhance its desirable characteristics To ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scale appropriately in relation to the existing streetscape To minimise dominance of driveways and car park entries in the streetscape To provide a high level of activation and passive surveillance to the street. 	<p>Streetscape presentation satisfactory – integrates with existing development.</p> <p>Setbacks and landscaping would be consistent with DCP and sympathetic to adjoining development.</p> <p>Landscaping would screen driveways and parking areas. Driveway contains bend to avoid gun barrel effect.</p> <p>Proposed front dwelling faces street and adequately activates street frontage.</p>
<p>General</p> <ul style="list-style-type: none"> Respond to the desired streetscape character by: <ul style="list-style-type: none"> Locating and designing new development to be sympathetic to existing streetscape patterns (building siting, height, separation, driveway locations, pedestrian entries, etc.) Providing a front setback that relates to adjoining development. 	<p>Proposed development would be sympathetic to existing streetscape patterns (building siting, height, separation, driveway locations, pedestrian entries etc).</p> <p>Front setback would be equal to or greater than those of adjoining developments.</p>
<p>Built Form</p> <ul style="list-style-type: none"> Reduce the visual bulk of a development by: <ul style="list-style-type: none"> Breaking up the building massing and articulating building facades Allowing breaks in rows of attached dwellings 	<p>Massing is broken up by providing gaps in two storey component and having two separate buildings.</p> <p>Breaks proposed in two storey component of front building, and break provided between front and back buildings.</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<ul style="list-style-type: none"> Using variation in materials, colours and openings (doors, windows and balconies) to order building facades with scale and proportions that respond to the desired contextual character Setting back upper levels behind the front building façade Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses Reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof elements Using a roof pitch sympathetic to that of existing buildings in the street Avoiding uninterrupted building facades including large areas of painted render. 	<p>Variety of colours and materials is proposed, and openings provide sufficient fenestration.</p> <p>This is not required by the DCP.</p> <p>Second storeys within roof space and dormer windows are not prevalent within the existing streetscape.</p> <p>The roof form has sufficient articulation.</p> <p>The roof pitch of the dwellings would be consistent with buildings in the street. Building form would be broken up – two separate buildings are proposed, and gaps in the two-storey component.</p>
<p>Trees, Landscaping and Deep Soil Zones</p> <ul style="list-style-type: none"> Retain existing trees and planting in front and rear setbacks and the road reserve. Where this is not possible or not desirable use new planting in front setback and road reserve, and plant in front of front fences to reduce their impact and improve the quality of the public domain. 	<p>There are no existing trees that are located in what would be the front setback or rear setbacks of the development. New planting is proposed to take place within the front setback of the development and within the courtyards of the dwellings.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> Clearly design open space in front setbacks as either private or communal open space Define the threshold between public and private space, for example by level change, change in materials, fencing, paving and/or signage Design dwellings at the front of the site to address the street Provide a high quality transition between the public and private domains by: <ul style="list-style-type: none"> Designing pedestrian entries where possible to be directly off the street For rear residents, providing a pedestrian entry that is separate from vehicular entries Designing front fences to provide privacy where necessary, but also to allow for surveillance of the street orienting mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings Locating and treating garbage storage areas with switchboards so that their visual impact on the public domain is minimised. 	<p>Open space within front setback would belong to front dwelling.</p> <p>Change between private and public space defined by fence.</p> <p>The front dwelling faces Lyndia Street.</p> <p>Entries to individual dwellings from street not practical due to site shape. Unit 1 would have its own entry.</p> <p>This would not be practical.</p> <p>Front fence would allow for privacy but also for surveillance and good aesthetic outcomes</p> <p>Waste storage areas would be screened by landscaping.</p>
<p>Parking, garaging and vehicular circulation</p> <ul style="list-style-type: none"> Avoid unrelieved, long, straight driveways that are visually dominated by: <ul style="list-style-type: none"> Varying the alignment of driveways to avoid a 'gun barrel' effect Setting back garages behind the 	<p>Bend in driveway eliminates gun barrel effect.</p> <p>Garages would not be visible from the street.</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<p>predominant building line to reduce their visibility from the street</p> <ul style="list-style-type: none"> - Considering alternative site designs that avoid driveways running the length of the site • Minimise the impact of driveways on streetscape by: <ul style="list-style-type: none"> - Terminating vistas with trees, vegetation, open space or a dwelling, not garages or parking - Using planting to soften driveway edges - Varying the driveway surface material to break it up into a series of smaller spaces (for example delineate individual dwellings) - Limiting driveway widths on narrow sites to single carriage width with passing points - Providing gates at the head of driveways to minimise visual pull of the driveway • Where basement car parking is proposed, minimise the impact of the entry by: <ul style="list-style-type: none"> - Reducing the width where possible to single vehicle width rather than double - Locating it to one side of the site, not at the centre where it is visually prominent - Recessing it from the main building façade - Where a development has a secondary street frontage, providing vehicular access from the secondary street - Providing security doors to avoid the appearance of a 'black hole' in the streetscape - Returning façade material into the visible area of the car park entry. • Locate or screen all parking to minimise visibility from the street. 	<p>The full length of the driveway would not be visible from the street.</p> <p>Landscaping within the front setback would obscure view of the full driveway length.</p> <p>Proposed planting softens driveway edges. Not necessary.</p> <p>The driveway width is appropriate as its full length is obscured by landscaping. Gates at head of driveway not necessary, however front fencing is proposed.</p> <p>No basement car parking is proposed.</p> <p>No car parking would be visible from the street.</p>
Impacts on neighbours	
<p>Objectives:</p> <ul style="list-style-type: none"> • To minimise impacts on the privacy and amenity of existing neighbouring dwellings • To minimise overshadowing of existing dwellings and private open space • To retain neighbours' views and outlook to existing mature planting and tree canopy • To reduce apparent bulk of development and its impact on neighbouring properties • To provide adequate building separation. 	<p>Privacy/amenity satisfactory – setbacks are sufficient.</p> <p>Overshadowing of adjoining dwellings would be minimal.</p> <p>Existing trees would not be retained as they are not significant enough.</p> <p>Bulk would be broken up by having two distinct buildings and gaps in the two storey component of the front building.</p> <p>Adequate building separation proposed.</p>
<p>Built Form</p> <ul style="list-style-type: none"> • Design the relationship between buildings and open space to be consistent with the existing patterns in the block: <ul style="list-style-type: none"> - Where possible maintain the existing orientation of dwelling 'fronts' and 'backs' - Where the dwelling must be orientated at 90 degrees to the existing pattern of 	<p>Surrounding multi-dwelling developments have similar building/open space relationships.</p> <p>Not possible as the site is a different size and alignment to all adjoining properties.</p> <p>No overlooking impacts would be apparent, as privacy screening angled upwards would be</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<p>development, be particularly sensitive to the potential for impact on privacy of neighbours.</p> <ul style="list-style-type: none"> • Protect neighbours' amenity by carefully designing bulk and scale of the new development to relate to the existing residential character, by example: <ul style="list-style-type: none"> – Setting upper storeys back behind the side or rear building line. • Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure • Design second storeys to reduce overlooking of neighbouring properties, for example by: <ul style="list-style-type: none"> – Incorporation them within the roof space and providing dormer windows – Offsetting openings from existing neighbouring windows or doors. • Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks. 	<p>implemented on first floor windows.</p> <p>The bulk and scale of the development would be reduced by having gaps in the two storey component of the building.</p> <p>Roof form would be broken up by the gaps in the two storey component of the building.</p> <p>No overlooking impacts would be apparent, as privacy screening angled upwards would be implemented on first floor windows.</p> <p>No unrelieved walls would face side and rear boundaries.</p>
<p>Trees, Landscaping and Deep Soil Zones</p> <ul style="list-style-type: none"> • Use vegetation and mature planting to provide a buffer between new and existing dwellings • Locate deep soil zones where they will provide privacy between new and existing dwellings • Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings • For new planting, if possible, use species that are characteristic of the local area. 	<p>Satisfactory landscaping provided to all boundaries.</p> <p>Deep soil zones would allow planting of large trees to improve privacy.</p> <p>Satisfactory landscaping provided within setbacks.</p> <p>Most species are from Campbelltown Native Gardening Guide.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> • Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation • Design dwellings so that they do not directly overlook neighbours' private open space or into existing dwellings • When providing new private open space minimise negative impacts on neighbours, for example by: <ul style="list-style-type: none"> – Locating it in front setbacks where possible – Ensuring that it is not adjacent to quiet neighbouring uses, for example bedrooms – Designing dwellings around internal courtyards – Provide adequate screening • Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation. 	<p>Shadowing impact of proposal on neighbouring properties would be minimal.</p> <p>Adequate distance between proposed and existing dwellings would be provided.</p> <p>Adjustable upward facing/horizontal louvered screens would prevent overlooking.</p> <p>Open space location is determined by unit locations.</p> <p>Satisfactory landscaping provided within setbacks.</p>
<p>Parking, garaging and vehicular circulation</p> <ul style="list-style-type: none"> • Provide planting and trees between driveways and side fences to screen noise and reduce 	<p>Landscaping to be provided near driveway and along property boundaries.</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
visual impacts <ul style="list-style-type: none"> Position driveways so as to be a buffer between new and existing adjacent dwellings. 	The driveway would form a buffer between new and existing adjacent dwellings.
Internal Site Amenity	
Objectives: <ul style="list-style-type: none"> To provide quality useable private and communal open spaces for all residents To provide dwellings that have distinct identity and safe entries To provide safe and distinct pedestrian routes to all dwellings and communal facilities To ensure adequate solar access to living areas and private open space To reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development. 	Communal open space is useable, private and contains facilities. All dwellings would have safe entries. Pedestrians would access the dwellings via the driveway. Each dwelling would have adequate solar access to living areas and private open space. Car parking spaces would not be visible from the street. A bend has been proposed in the driveway to eliminate gun barrel effect.
Built form <ul style="list-style-type: none"> Design dwellings to maximise solar access to living areas and private open spaces In villa or townhouse style developments, provide dwellings with a sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation Provide buffer spaces and/or barriers between the dwellings and driveways, or between dwellings and communal areas Use trees, vegetation, fencing, or screening devices to establish curtilages for individual dwellings Design dwelling entries so that they are clear and identifiable from the street or driveway Provide a buffer between public/communal space and private dwellings Provide a sense of address for each dwelling Dwellings are orientated to not look directly into other dwellings. 	Each dwelling would have adequate solar access to living areas and private open space. Variety of colours and materials are proposed to be used. Variation to building form between dwellings is proposed. Buffer planting to be provided between the dwellings and the driveway. Vegetation and fencing establishes curtilages of dwellings. Dwelling entries are clear and identifiable from the driveway. Landscaping and fencing provided as buffer. Sense of address provided for each dwelling by using different styles. Fences would prevent overlooking between dwellings.
Parking, Garaging and Vehicular Circulation <ul style="list-style-type: none"> Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths: <ul style="list-style-type: none"> Where this is not possible use physical separation, planting, screening devices or louvres to achieve adequate privacy. Avoid large uninterrupted areas of hard surface (driveways, garages, walls). Small areas of planting can break these up and soften their 'hard edge' appearance Screen parking views and outlooks from dwellings Reduce the dominance of areas for vehicular circulation and parking by considering: <ul style="list-style-type: none"> Single rather than double width areas with passing bays 	Some bedrooms are located adjacent to the driveway, however there would be a landscape buffer between the bedrooms and driveway. Sufficient planting would be provided to break up hard edges. Views of parking spaces from dwellings would be screened by landscaping. Double aisle required due to number of dwellings proposed. Communal parking provided in addition to

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<ul style="list-style-type: none"> Communal car courts rather than individual garages Single rather than double garages Tandem parking or a single garage car port in tandem The provision of some dwellings without any car parking for residents without cars. 	<p>single garages. No double garages. All single garages – no double garages. Tandem parking provided for units.</p> <p>All dwellings have car parking.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> Provide distinct and separate pedestrian and vehicular circulation on the site: <ul style="list-style-type: none"> Where this is not possible shared driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely Provide pedestrian routes to all public and semi-public areas including lobbies, dwelling entries, communal facilities and visitor parking spaces. Ensure that adequate consideration is given to safety and security by: <ul style="list-style-type: none"> Avoiding ambiguous spaces in building and dwelling entries that are not obviously designated as public or private Minimising opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts and foyers and at the entrance to or within indoor car parks Clearly identifying thresholds between public and private spaces (for example by level change, change in materials, fencing, planting and/or signage). Provide private open space that: <ul style="list-style-type: none"> Is generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen) Is orientated predominantly north, east or west to provide solar access Comprises multiple spaces for larger dwellings Uses screening for privacy but also allows casual surveillance when located adjacent to public or communal areas (including streets and driveways) Provides both paved and planted areas when located at ground level Retains existing vegetation where practical Uses pervious pavers where private open space is predominantly hard surfaced, to allow for water percolation and reduced runoff. Provide communal open space that: <ul style="list-style-type: none"> Is clearly and easily accessible to all residents and easy to maintain Incorporates existing mature trees and vegetation to provide additional amenity for 	<p>A vehicle and a wheelchair would be able to pass along the main driveway section.</p> <p>Sufficient pedestrian access is available to all dwellings and communal open space.</p> <p>Satisfactory – no ambiguous spaces proposed.</p> <p>No concealment opportunities proposed.</p> <p>Distinction between public and private spaces is obvious.</p> <p>Private open space is adjacent to living areas and complies with guidelines.</p> <p>Private open space is oriented to the north or west. Some dwellings have larger courtyards.</p> <p>Private open space areas would be screened by fences.</p> <p>Paved and planted areas would be provided.</p> <p>Not practical to retain existing vegetation. Private open space is predominantly grass.</p> <p>Easily accessible to all residents and easy to maintain. Landscaping provided in communal open space area</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Design Principle and Better Practices Required	Proposed
<ul style="list-style-type: none"> all residents <ul style="list-style-type: none"> - Includes shared facilities such as seating areas and barbeques to permit resident interaction. • Site and/or treat common service facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any communal open space. 	<p>Play equipment to be provided.</p> <p>Waste storage areas have satisfactory appearance from communal areas, and would be screened by landscaping.</p>

The table above demonstrates that the proposal is consistent with the Seniors Living Policy: Urban Design Guidelines for Infill Development.

2.3 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) - Residential B Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as multi-dwelling housing and is permissible with Council's development consent within the zone.

The proposal is consistent with several zone objectives, particularly:

- (a) To make general provision for land to be used for housing and associated purposes
- (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
- (d) To allow development which:
 - (i) Is compatible with residential use
 - (ii) Is capable of visual integration with the surrounding buildings
 - (iii) Serves the needs of the surrounding population without conflicting with the residential intent of the zone
 - (iv) Does not place demands on services beyond the level reasonably required for residential use.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

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

2.4 Draft Campbelltown Local Environmental Plan 2014

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

Zoning

The draft zoning of the subject property under the Draft CLEP 2014 is R2 – Low Density Residential. Multi-dwelling housing is permissible within the R2 zone.

The objectives of the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale
- To minimise overshadowing and ensure a desired level of solar access to all properties
- To facilitate diverse and sustainable means of access and movement.

Height of Buildings

Under the draft CLEP 2014, the maximum building height applying to the subject site is 8.5 metres. The proposed development would comply with this draft standard.

Minimum lot size for residential development and certain other development

Under the draft CLEP 2014, multi-dwelling housing in the R2 zone would require a minimum lot size of 1,000m². The subject site would comply with this standard as it has a site area of 1,821m².

Floor space ratio

The proposed floor space ratio under the draft CLEP for multi-dwelling housing in the R2 zone is 0.45:1. However, the floor space ratio for in-fill developments under the Affordable Housing SEPP would prevail over the draft CLEP's floor space ratio standards.

The above assessment shows that the proposed development is consistent with the draft standards of the draft CLEP 2014.

2.5 Campbelltown (Sustainable City) Development Control Plan 2014

Part 2 - Requirements Applying to All Types of Development

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

Views and Vistas – The proposed development would not affect any of Campbelltown's important views and vistas.

Sustainable building design – A BASIX certificate has been submitted in respect of the proposed development, and rainwater tanks are included as part of the proposal. BASIX commitments have been shown on the plans. The relevant energy, water and thermal comfort targets would be met by the proposed development.

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Landscaping – The landscape plan submitted makes provision for an adequate amount of landscaping within the front setback of the development, within the courtyards of the dwellings and along the common driveway. The proposed landscaping incorporates a mixture of plants and trees. The majority of the species to be used have been selected from the Campbelltown Native Gardening Guide.

Cut, fill and floor levels – The amount of cut and fill would not exceed 1.0 metre above or below natural ground level, consistent with the requirements of the SCDCP. The proposed development would be constructed at or near natural ground level throughout the site.

Waste Management – The application was referred to Council's Waste and Recycling Services section for assessment of the waste management and disposal aspects of the proposed development. Council's Waste Officer advised that the site has insufficient street frontage for kerbside presentation of both general waste bins and recycling/organics bins for the number of dwellings proposed. Accordingly, Council's garbage truck will need to access the complex to collect general waste, which would be stored in two 1,100 litre waste bins. Residents would present their own recycling and organics bins to the street on alternate weeks for collection. A bin storage facility is proposed to be located towards the front of the site, which would be screened by landscaping. The applicant will be required to demonstrate that the driveway would be of sufficient thickness to accommodate a Council garbage truck without damaging the concrete, and provide public indemnity insurance to Council, indemnifying Council in respect of any damage to the concrete attributable to Council's garbage trucks. Recommended conditions of consent addressing these matters have been included in Attachment 1.

Stormwater – The proposed dwellings would drain to the kerb in Michael Place via an easement that passes through Nos. 7 and 9 Michael Place. The application was referred to Council's Flooding Engineers and Development Engineers, and was found to be satisfactory subject to the imposition of certain conditions of consent, which have been included within the recommended conditions in attachment 1.

Part 3 - Dwelling Houses, Narrow Lot Dwellings, Multi Dwellings and Residential Subdivision

Part 3 - Dwelling Houses, Narrow Lot Dwellings, Multi Dwellings and Residential Subdivision of the SCDCP sets out development standards for certain residential development within the City of Campbelltown. An assessment of the proposed development against the relevant development standards is detailed below:

Control	Required	Proposed	Compliance
Streetscape design requirements	Building design to complement character of streetscape.	Building design complements character of streetscape (including other two storey dwellings).	Yes
	Built form relates to natural landform / setting.	Built form relates to natural landform / setting.	Yes
	On-site parking to reduce visual prominence.	Garages not considered to be visually prominent.	Yes

Control	Required	Proposed	Compliance
	Garage doors to be no wider than 50% of the width of the building.	Garage doors not visible from street.	Yes
Architectural requirements for multi dwellings	A distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development.	The front dwelling facing Lyndia Street has a high quality design with a range of building elements, which would harmonise with surrounding development.	Yes
	Incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines.	Variations in roof heights and distinct breaks in the first floor component break up ridge lines.	Yes
	Incorporation of façade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements.	Each dwelling has architectural differences when viewed from the common driveway.	Yes
	Provision of windows and active spaces in the building ends, to provide additional security and visual interest.	The proposed dwellings have a sufficient amount of windows to create visual interest and passive surveillance.	Yes
Building Height	Must not exceed two storeys.	Proposed development is two storeys.	Yes
	Height shall not exceed 7.2m at the upper most ceiling measured from existing ground level.	Maximum height to upper most ceiling from ground level would be 5.6m.	Yes
	Height shall not exceed 9.5m at the upper most roof height measured from existing ground level.	Maximum height to upper most roof height from ground level is 6.8m.	Yes
Car Parking and Access	Minimum of one undercover garage space per dwelling.	All dwellings have an undercover garage space.	Yes
	One visitor space for every two units (six required for 11 dwellings).	Two designated visitor car parking provided.	No, however the proposal complies with the car parking provisions of the Affordable Rental

Control	Required	Proposed	Compliance
	<p>Parking space dimensions of 2.5m by 5.5m, with end spaces having a width of 2.7m.</p> <p>Garage space – minimum dimensions of 3m X 6m.</p> <p>Driveway grades to comply with AS2890.1.</p> <p>Minimum driveway width at street kerb for access to three or more dwellings – 5m.</p> <p>Multi dwellings shall not incorporate vehicular access that utilises any gate structure /mechanism other than access to basement car parking.</p> <p>Driveways longer than 30m in length as viewed from the street shall be avoided.</p>	<p>All spaces are 2.5m wide. End spaces have width of 2.7m.</p> <p>All dwellings have 3m X 6m garages.</p> <p>Capable of complying.</p> <p>5m (to be widened to 5.5m for two-way access).</p> <p>No gates proposed.</p> <p>The driveway contains a bend so as not to appear longer than 30m when viewed from the street.</p>	<p>Housing SEPP</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Visual privacy	<p>Windows of habitable room/balcony shall not directly face adjoining balcony/window/open space within 6m.</p> <p>Any window of a habitable room located on an upper level shall:</p> <ol style="list-style-type: none"> be offset by 2m to limit views between balconies and windows; or have a sill height of 1.7m above the floor level; or be splayed to avoid direct views between windows; or have fixed translucent glazing in any part of the window within 1.7m of the floor level 	<p>All first floor north-facing bedrooms would be fitted with external louvered privacy screens, that are only able to be angled upwards or horizontally (not downwards) to prevent overlooking of adjoining properties.</p> <p>The proposed balconies of dwellings 1 and 9 face towards the street and do not directly overlook adjoining properties.</p>	<p>Yes</p>

3.3 Construction Of Nine Two-Storey Dwellings - No. 17 Lyndia Street, Ingleburn

Control	Required	Proposed	Compliance
Solar access	Living areas to have northern orientation.	Living areas have northern orientation	Yes
	20m ² of private open space to receive three hours of solar access on 21 June between 9.00am and 3.00pm.	Open space of all dwellings to receive compliant solar access.	Yes
	Development shall have regard to the solar access of adjoining properties.	All adjoining dwellings would continue to receive ample solar access to their living areas and open space areas.	Yes
Floor Space Ratio	0.45:1	0.52:1	No, however the proposal complies with the maximum floor space ratio of 0.776:1 applicable under the Affordable Rental Housing SEPP
Bedroom to floor space ratio	0.4:1	All dwellings <0.4:1	Yes
Landscaping	No more than 30% of the area forward of the building alignment shall be hardstand area.	27% hardstand	Yes
	Minimum 20% of site area available for deep soil planting.	Greater than 20% of the site area would be available for deep soil planting.	Yes
Allotment size/location	Min. 700m ²	1821m ²	Yes
	Not within 50m of cul-de-sac head	Not within 50m of cul-de-sac head	Yes
Allotment width	Min. of 22.5m at 5.5m back from front boundary.	20.115m	No
	Min. 10m at street kerb between extended side boundaries.	Greater than 10m	Yes
Density	Two dwellings for the first 700m ² and one dwelling per 300m ² thereafter (minimum of 3,400m ² required for 11 dwellings).	1821m ²	No, however the proposal complies with the minimum site area and maximum floor space ratio applicable under the Affordable Rental Housing SEPP
Setback from Primary Street Boundary	5.5m	5.77m	Yes
Garage Setback	6m	6m	Yes
Side setbacks	0.9m ground floor	1.5m	Yes
	1.5m first floor	1.5m	Yes

Control	Required	Proposed	Compliance
Rear setback	5m ground floor 10m first floor	Minimum of 5m Minimum of 10m	Yes Yes
Private Open Space	Located behind primary building setback.	Provided behind prescribed building alignment.	Yes
	Minimum area of 60m ² per unit.	All dwellings except one have less than 60m ² of open space.	No
	Minimum width of 3m.	Min. width > 3m for each unit.	Yes
	Minimum levelled area of 5m x 5m.	Minimum area of 5m x 5m not provided for most dwellings.	No
	Direct access from living room.	All dwellings have direct access from living rooms.	Yes
	Any communal open space or recreation facility shall be designed and constructed to:		
	i. Ensure safe access by the occupants	Safe access provided	Yes
	ii. Prevent access by members of the public	Not visible from the street – far from street	Yes
	iii. Provide for the safety and wellbeing of children.	Play equipment provided. Natural surveillance possible.	Yes
Waste Storage	Development incorporating more than six dwellings shall make provision for an appropriately sized communal waste facility that is centrally located and provides convenient access for occupants and collection contractors.	Communal waste facilities are proposed for general waste, and the dwellings would store their own recycling and organic waste bins. The communal waste bins will be collected onsite.	Yes
	Bin storage areas must be:		
	• Behind primary building alignment	Behind primary building alignment	Yes
	• No more than 25m from the street	Less than 25m from street	Yes
	• Covered, contain a	Condition of consent	Yes

Control	Required	Proposed	Compliance
	hose connection and impervious floor connected to sewer <ul style="list-style-type: none"> • More than 3m from opening in dwelling or property boundaries • Designed to complement the development • Sufficient to accommodate a 140L bin and two 240L bins. 	for communal waste facility to be covered and contain a hose and sewer connection. More than 3m from proposed dwellings, however located adjacent to property boundary. Condition of consent to use same bricks as the dwellings Sufficient space to accommodate three bins per dwelling is provided.	No, however bin storage room location selected to satisfy Council's waste collection requirements Yes Yes
Subdivision of multi dwelling housing	Must be strata title.	Strata subdivision of the proposed dwellings is proposed.	Yes

Private Open Space

The SCDCP states that each dwelling in a multi-dwelling development shall have a minimum area of 60m², and shall include a minimum area of 5.0 metres x 5.0 metres. The subject proposal fails to comply with these standards. In this regard, only one of the nine proposed dwellings would have a private open space area that is greater than 60m², and only two of the nine proposed dwellings would have an area of 5.0 metres x 5.0 metres within their private open space areas.

The Affordable Rental Housing SEPP contains no development standard in respect of the minimum size or width of private open space for multi-dwelling developments. However, the Urban Design Guidelines for Infill Development, which the SEPP requires that Council consider, refer to the private open space requirements of the Housing for Seniors of People with a Disability SEPP (a minimum of 15m² per dwelling with a minimum area of 3.0 metres x 3.0 metres). In this regard, compliance with the lesser standards of the Urban Design Guidelines for Infill Development would appear to be consistent with the objectives of the Affordable Housing SEPP, as less private open space would be likely to make a dwelling more affordable. As the proposed development complies with the private open space standards referred to by the Urban Design Guidelines for Infill Development, Council should not insist on the proposed development achieving compliance with the private open space standards of the SCDCP, and it is considered in this instance that the proposed variation should be accepted.

Allotment Width

The SCDCP states that a multi-dwelling development containing three or more dwellings shall only be permitted on a site that has a width at the front building line of 22.5 metres. The subject site has a width of 20.115 metres, and therefore fails to comply with the subject development standard. It should be noted that the Affordable Rental Housing SEPP has no site width standard for in-fill multi-dwelling housing.

Council's site width standard aims to ensure that a multi-dwelling development has sufficient space for a common driveway, a row of dwellings, and the private open space areas to be sited in a linear configuration that is perpendicular to the street. The site width control is particularly important, given that Council's private open space standard for multi-dwellings requires each dwelling to have an area of 5.0 metres x 5.0 metres. However in the present case, where affordable housing is proposed under the Affordable Rental Housing SEPP, the Urban Design Guidelines for Infill Development refer to the private open space requirements of the Housing for Seniors of People with a Disability SEPP (minimum of 15m² with a minimum area of 3.0 metres x 3.0 metres). As the required width of private open space is less than that stipulated under Council's DCP, the site width becomes less critical. The application demonstrates that the site is capable of accommodating a common driveway, a row of dwellings, and private open space for each dwelling that complies with the relevant numerical standards, in a configuration that allows for ample solar access, landscaping and adequate vehicular manoeuvring. Therefore, it is considered not unreasonable to vary the allotment width requirement in this instance.

Part 11 – Vegetation and Wildlife Management

The proposed development involves the removal of 13 trees from the site. An arborist report submitted with the application identifies 18 trees as part of the assessment that could be impacted by the proposal (13 on the subject site, two within the Lyndia Street road reserve, and three located in the adjoining residential properties). The report contains recommendations for minimising impacts on the trees to be retained.

In accordance with Part 11 of the SCDP 2014, the removal of, or impact on, native flora or fauna requires that a Flora and Fauna Assessment be prepared by an appropriately qualified person in accordance with the Office of Environment and Heritage's Threatened Species Survey and Assessments Guidelines and Field Survey Methods and submitted to Council for assessment. A Flora and Fauna Assessment was prepared by the applicant's environmental consultant and submitted to Council for review.

The flora assessment determined the site consisted of two vegetation communities, Landscape Gardens, and Cumberland Plain Woodland (CPW) Canopy Only.

The CPW (Canopy Only) vegetation community occurs mostly in the north-western portion of the subject site. CPW is listed as a Critically Endangered Ecological Community (CEEC) under the *Threatened Species Conservation Act* (TSC 1995) and also under the *Environment Protection and Biodiversity Conservation Act* (EPBC 1999). This vegetation community consists of a total of eight trees that are representative of CPW. Shrub and ground layers indicative of CPW have been cleared and are not present at the site. The habitat assessment determined that the subject site does not provide suitable or likely habitat for any threatened flora species. The flora assessment concludes that the loss of the eight trees representative of CPW at the subject site would not be considered to cause a significant impact upon the CEEC, and that a species impact statement is not required for the proposal.

The fauna assessment was undertaken based on desktop analysis, threatened species records and habitat attributes observed during the flora assessment. Particular attention was given to search for potential threatened fauna species habitat, including Cumberland Plain Land Snail habitat, presence of hollow bearing trees, and any other likely important habitat in the immediate surrounds.

The fauna assessment found the following potential habitat present on site:

- One hollow bearing tree present with one small hollow with an opening of approximately 5cm observed in a broken branch
- Nectar producing tree species, principally Ironbarks, Redgums and Grey Box.
- Six *E. tereticornis* koala feed species. (It was noted that these were not accessible to Koala due to urban development and fencing)

Threatened fauna species considered to have potential suitable habitat present within the site included Grey-headed Flying-fox (potential), Little Lorikeet (low), Swift Parrot (low), and the Eastern Bentwing-bat (unlikely).

The fauna assessment determined that there was no likely breeding or otherwise important habitat present for the above considered threatened fauna species, and concluded that there would be no likely significant impact on any threatened fauna species with potential to occur on site.

The Flora and Fauna Assessment recommends that any landscaping on site should include species native to the CPW CEEC and include ground covers to limit erosion and to encourage local fauna use. It also recommends that the removal of the single hollow bearing tree be undertaken under the guidance of a fauna ecologist or experienced wildlife carer so that any fauna, if present, may be effectively recovered and relocated. The recommendations of the flora and fauna assessment report have been incorporated into the recommended conditions of consent in Attachment 1.

The Flora and Fauna Assessment was reviewed by Council's Environmental Planning section and was found to be satisfactory.

3. Public Participation

The application was notified to nearby and adjoining residents for two separate 14 day periods (one for the original proposal and one for the amended plans). Council received written individual submissions from the occupants of 58 properties. Council also received a petition against the proposal with 102 signatures from the residents of 60 properties, many of whom also wrote an individual submission. The submissions and petition raised the following issues:

Issue - The proposed development has insufficient car parking. Each proposed dwelling could have two or more cars. Residents of the development will have to park on the street, and this would cause traffic congestion and safety problems.

Comment - The Affordable Housing SEPP specifies that Council cannot refuse a development application on the basis of car parking if at least 1.5 parking spaces are provided for each dwelling containing three or more bedrooms. Based on the nine dwellings proposed, each with three or four bedrooms, 14 car parking spaces are required, and 14 car parking spaces are proposed to be provided. Council therefore cannot insist on additional on-site car parking being provided.

Issue - The proposed development would cause an increase in traffic, which would affect the safety of children walking to school. Children will no longer be able to play in the street.

Comment - The increase in traffic volumes from the proposed development would not be so great as to affect safety, and would still be within the levels expected for a local road. An equivalent increase in traffic volumes within the vicinity of the site could occur as a result of several smaller permissible developments. The likely increase in traffic movements expected as a result of the development is not a sufficient reason for refusal.

Issue - The proposed driveway is dangerous as it has only a single lane for entering and exiting the development.

Comment - A recommended condition of consent would require the front portion of the driveway to be widened to 5.5 metres, in order to allow two-way vehicular access into and out of the site.

Issue - Construction of the development would create safety issues for children walking past the site to school.

Comment - The developer would be required to secure the site with fencing in accordance with the relevant legislation.

Issue - The frontage of the site is too narrow and there is insufficient space for the waste bins to be presented for kerbside collection.

Comment - The application was referred to Council's Waste and Recycling Services section for assessment of the waste management and disposal aspects of the proposed development. Council's Waste Officer advised that the site has insufficient street frontage for kerbside presentation of both general waste bins and recycling/organics bins for the number of dwellings proposed. Accordingly, Council's garbage truck will need to access the complex to collect general waste, which would be stored in two 1,100 litre waste bins. Residents would present their own recycling and organics bins to the street for collection. A bin storage facility is proposed to be located towards the front of the site, which would be screened by landscaping. There is sufficient width at the kerb for the presentation of nine bins, which is the maximum number of bins that would be required to be presented at the kerb at any one time.

Issue - The proposed children's playground (common open space area) within the development is too small. The children may therefore play in the street, which increases the chance of a car accident.

Comment - There is no minimum size applicable for a common open space area. The size of the proposed common open space area is sufficient to allow play equipment to be installed.

Issue - There is environmentally sensitive vegetation on the site, which provides habitat for wildlife. The removal of the vegetation would remove the habitat and harm the wildlife.

Comment - The flora assessment submitted with the application determined that the site contains Cumberland Plain Woodland (CPW) Canopy Only. The CPW (Canopy Only) vegetation community occurs mostly in the north-western portion of the subject site. CPW is listed as a Critically Endangered Ecological Community (CEEC) under the *Threatened Species Conservation Act* (TSC 1995) and also under the *Environment Protection and Biodiversity Conservation Act* (EPBC 1999). This vegetation community consists of a total of eight trees that are representative of CPW. Shrub and ground layers indicative of CPW have been cleared and are not present at the site. The habitat assessment determined that the subject site does not provide suitable or likely habitat for any threatened flora species. The flora assessment concludes that the loss of the eight trees representative of CPW at the subject site would not be considered to cause a significant impact upon the CEEC, and that a species impact statement is not required for the proposal.

The fauna assessment found the following potential habitat present on site:

- One hollow bearing tree present with one small hollow with an opening of approximately 5cm observed in a broken branch
- Nectar producing tree species, principally Ironbarks, Redgums and Grey Box
- Six *E. tereticornis* koala feed species. (It was noted that these were not accessible to Koala due to urban development and fencing).

Threatened fauna species considered to have potential suitable habitat present within the site included Grey-headed Flying-fox (potential), Little Lorikeet (low), Swift Parrot (low), and the Eastern Bentwing-bat (unlikely). The fauna assessment determined that there was no likely breeding or otherwise important habitat present for the above considered threatened fauna species, and concluded that there would be no likely significant impact on any threatened fauna species with potential to occur on site.

The Flora and Fauna Assessment recommends that any landscaping on site should include species native to the CPW CEEC and include ground covers to limit erosion and to encourage local fauna use. It also recommends that the removal of the single hollow bearing tree be undertaken under the guidance of a fauna ecologist or experienced wildlife carer so that any fauna, if present, may be effectively recovered and relocated. The recommendations of the flora and fauna assessment report have been incorporated into the recommended conditions of consent in Attachment 1.

Issue - The development would cause privacy problems. The windows of the development would look into the yards of dwellings, and there are no privacy screens proposed. The number of first floor windows should be reduced. The proposed privacy louvres would be insufficient.

Comment - The south-facing first floor windows of the development would be far enough away from the adjoining properties so as to mitigate overlooking concerns over the properties to the south of the site. The first floor north-facing bedrooms would all be fitted with external louvred privacy screens, that are only able to be angled upwards or horizontally (not downwards) to prevent overlooking of adjoining properties.

Issue - The proposed development would increase the noise levels to neighbouring properties, because of the density of the development.

Comment - There is no evidence to suggest that the density of the proposed development would increase the noise levels within the vicinity of the site to levels that would affect the amenity of surrounding residents.

Issue - The density of the proposed development is out of character with the area. The other multi-dwelling complexes in the area are all single storey and do not have such a high density. There are not many other two storey dwellings in the street.

Comment - There are at least five two-storey dwellings within the vicinity of the site, and two-storey multi-dwelling complexes can be found in Jaclyn street, Chester Road, and backing onto Drumalbyn Street. The density of the development (number of dwellings) is a function of the development's compliance with the relevant development standards contained within the Affordable Rental Housing SEPP.

Issue - The proposed development may lead to vandalism of existing properties and crime in the area. Additional security would need to be provided to existing homes.

Comment - There is no evidence to suggest that the proposed development would lead to vandalism of existing properties and crime in the area.

Issue - The proposed development would cause depreciation in the value of surrounding properties.

Comment - There is no evidence to suggest that the proposed development would cause depreciation in the value of surrounding properties.

Issue - The development would create a fire hazard as the fire brigade would not be able to access the property in the event of a fire.

Comment - The maximum width of a NSW fire truck is 2.5 metres, and it requires a minimum carriageway width of 4.0 metres for general appliance access. Both Lyndia Street and the proposed common driveway would be able to accommodate a fire truck for general appliance access. The truck requires a minimum width of 6.0 metres in order to extend its stabilisers for aerial appliance access. The proposed development would contain several areas that are greater than 6 metres wide and could therefore accommodate a fire truck for aerial appliance access.

Issue - People may use the proposed common driveway to look over back fences into the pools of other properties. Higher fencing is required.

Comment - It is unlikely that people would trespass into the common driveway for the purpose of looking into neighbouring properties, and it is beyond the scope of the assessment of this application to deal with such matters.

Issue - The setback of the development to adjoining properties is insufficient.

Comment - The side setbacks of the proposed development are entirely consistent with those specified by the Campbelltown (Sustainable City) Development Control Plan 2014 for multi-dwelling developments, and entirely consistent with (or greater than) those of surrounding multi-dwelling developments. In this regard, the proposed development has side setbacks of at least 1.5 metres to the northern property boundary, and the majority of the proposed development would have a side setback greater than 1.5 metres. The proposed setbacks allow for adequate spatial relief between the proposed dwellings and adjoining dwellings, noting that some of the dwellings adjoining the subject site have lesser rear setbacks (to the subject site) than what is currently required than the SCDCP.

Issue - Time restrictions for the common open space area are requested, as well as not having items that would allow children to climb over the boundary fence.

Comment - Council does not impose conditions with such specificity concerning the manner in which communal open space may be used. In the event that concerns relating to noise pollution and trespassing arise, they would need to be addressed by the Police.

Issue - Placing large numbers of disadvantaged people in one place would decrease social cohesion.

Comment - It should be noted that only two of the proposed dwellings would be used for the purpose of affordable housing for a period of 10 years, to be managed by a registered community housing provider (not Housing NSW). All of the other dwellings would be privately owned. It should also be noted that people who reside in affordable housing are not necessarily socioeconomically disadvantaged, with affordable housing generally targeted at key workers/families such as emergency services, teachers and Council workers.

Issue - Overcrowding within the proposed development would negatively affect the amenity of children living within the complex.

Comment - Children living within the proposed dwellings would all have access to a private courtyard as well as a communal open space area.

4. Conclusion

The proposed development has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal has been found to satisfy the relevant State Environmental Planning Policies and the relevant provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposal is generally compliant with the relevant provisions of Campbelltown (Sustainable City) Development Control Plan 2014, and where non-compliances are present, these are considered to be justified. It is considered that the overall social and economic impacts of the proposed development would be positive, and that potential impacts on the natural and built environments have and will be mitigated through design measures. The application was publicly exhibited and notified on two occasions to a significant number of surrounding residents. Written submissions from 58 households were submitted as well as a petition with signatures from 60 households, raising a number of issues. It is considered that all of the matters raised in the submissions have been addressed through design measures and operational conditions of consent. The site's location, zoning and configuration make it suitable for the proposed development, and the proposal is considered to be in the broad interests of the general public. Accordingly, this report recommends the approval of the application.

Officer's Recommendation

That development application 2775/2014/DA-MAH for the construction of nine two-storey dwellings at No. 17 Lyndia Street Ingleburn be approved, subject to the conditions detailed in Attachment 1 of this report.

Committee Note: Mr Hitchcock, Mr Shirley, Mr Pearce, Mr Ogdon, Mr Carruthers and Mr Willis addressed the Committee in opposition to the development.

Mr Zappia and Mr Youssef addressed the Committee in favour of the development.

Committee's Recommendation: (Oates/Lound)

That development application 2775/2014/DA-MAH for the construction of nine two-storey dwellings at No. 17 Lyndia Street Ingleburn be refused for the following reasons:

- i. It is an inappropriate development that seriously impinges on the amenity and quality of life of the existing neighbouring residents and is out of character in this street
- ii. Insufficient parking allocation for residents and visitors which will impact on the surrounding streets on a daily basis possibly creating safety issues
- iii. Inadequate provision for waste storage and collection
- iv. Does not meet community expectations and standards in terms of bulk, scale and height, visual and environmental amenity
- v. Only 1/5 of this development will be for affordable housing.

CARRIED

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

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

Council Meeting 18 August 2015 (Oates/Glynn)

That development application 2775/2014/DA-MAH for the construction of nine two-storey dwellings at No. 17 Lyndia Street Ingleburn be refused as the development proposal:

- i. is an over development of the site that will result in a significant adverse impact on the amenity and quality of life of the existing neighbouring residents
 - ii. fails to provide sufficient on site visitor parking which will result in an adverse impact on the amenity and safety of the local street network
 - iii. fails to provide adequate facilities for the storage and collection of waste bins
 - iv. is inconsistent with community expectations and standards in terms of bulk and scale, visual and environmental amenity
 - v. is not considered to be an affordable housing development as it offers only two of the nine proposed dwellings for affordable housing
 - vi. is not sited on an allotment of sufficient width to adequately support such a development
 - vii. is inconsistent with the desired character of the area
 - viii. is not in the public interest.
-

Council Resolution Minute Number 153

That the above Council Resolution be adopted.

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

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

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Drawing/Document No.	Prepared By	Date
1339-DA-01 to DA-03 inclusive (all Issue C)	Planspec Building Design	April 2015
1339-DA-07 Issue B	Planspec Building Design	April 2015
1339-DA-09 Issue A	Planspec Building Design	August 2015
1407/SW1.1-B and 1407/SW1.2-B	AJC Design	April 2015
3938 Sheet 1 of 1	Monaco Designs PL	May 2015
Colour and Materials Schedule	Planspec Building Design	April 2015
Arboricultural Impact Assessment	Urban Forestry Australia	January 2015
Flora and Fauna Assessment	Travers Bushfire and Ecology	April 2015

2. Flora and Fauna

The applicant must ensure that all recommendations made by Urban Forestry Australia in the Flora and Fauna Assessment report dated April 2015 are implemented in the design and construction stages of the project, including but not limited to avoiding any level changes in areas in close proximity to potentially sensitive offsite trees (Tree 13 and Tree 14), and that landscaping and other works are done in accordance with the arboricultural recommendations made in the report (installation of appropriate protective devices such as fencing and mulching).

3. Affordable Housing

For 10 years from the date of the issue of the occupation certificate:

- Dwellings 4 and 6 (comprising 21.6% of the gross floor area of the development) shall be used for the purposes of affordable housing
 - All accommodation that is used for affordable housing shall be managed by a registered community housing provider
-

- The operator of the site shall provide Council with an annual Tenancy Audit Report at the end of each financial year. The Tenancy Audit Report shall review the Affordable Rental Housing tenants to ensure that the occupancy of dwellings 4 and 6 satisfy the State (Affordable Rental Housing) 2009 requirements criteria.

4. Building Code of Australia

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

5. Contract of Insurance (residential building work)

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

This clause does not apply:

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

6. Notification of *Home Building Act 1989* Requirements

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

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

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

7. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

- a. All landscaped areas on site should, where possible, include species native to the Cumberland Plain Woodland Critically Endangered Ecological Community, including ground covers to limit erosion and to encourage local fauna use.
- 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.

8. Removal of Hollow-Bearing Tree

The removal of the single hollow-bearing tree (Tree No.0 on the tree plan) must be undertaken under the guidance of a fauna ecologist or experienced wildlife carer such that any fauna, if present, may be effectively recovered and relocated.

9. External Finishes

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

10. Privacy Screens

The first floor window privacy screens identified on the approved plans shall be designed so that views out of the windows are only horizontal or upward. The depth of the louvres shall be such that downward views out of the windows are not possible. The louvres shall be moveable and shall only be able to be moved to a horizontal or upward-facing position.

11. Garbage Room

The garbage storage room identified on the approved plans shall comply with the following requirements:

- a. The room shall be fully enclosed including a roof and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- b. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- c. A hose cock shall be provided within the room.
- d. Garbage rooms shall be vented to the external air by natural or artificial means.
- e. The finishes/materials of the garbage storage room shall be the same as those used for the construction of the dwellings.

12. Fencing

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

13. 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.

14. Driveway

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

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

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

15. 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.

16. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

17. Rubbish/Recycling Bin Storage

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

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

18. Shoring and Adequacy of Adjoining Property

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

- a. Protect and support the adjoining premises from possible damage from the excavation, 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.

19. Rain Water Tank(s)

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

20. Construction Certificate

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

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

21. Garbage Bin Collection

The two 1100 litre garbage bins are to be collected onsite and shall not be transported to the street, roadway or footpath for collection.

22. Evidence of Public Indemnity Insurance

Each year the body corporate must furnish Council with a copy of its reviewed public indemnity insurance policy, valid for the next 12 months, to satisfy Council that in the event of a claim arising, a suitable public indemnity insurance policy is in place to respond to the claim.

23. 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.

24. Car Parking Spaces

14 car parking spaces, two of which are to be marked as visitor spaces, shall be designed, sealed and line marked, in accordance with Australian Standards 2890 (as amended).

25. Storage of Recycling and green Waste Bins

Dwellings 1, 7 and 8 shall store their recycling and green waste bins on their respective premises when not awaiting collection and not within the communal garbage room.

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.

26. Utility Servicing Provisions

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

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

27. Sydney Water Stamped Plans

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

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

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

or telephone 13 20 92.

28. Design of Common Driveway

The applicant shall engage a suitably qualified structural engineer to design the proposed driveway. The structural engineer shall certify that the driveway has been designed taking into account the use of the driveway by a 24 tonne waste collection vehicle. The structural details of the driveway shall be shown on the engineering drawings and submitted to Council for approval prior to Council or an accredited certifier issuing a Construction Certificate.

29. Waste Management Plan

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

30. Geotechnical Report

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

31. Soil and Water Management Plan

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

32. Stormwater Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the stormwater system in the existing drainage easement at the rear northern corner of the subject property. All proposals shall comply with the Campbelltown (Sustainable City) DCP - Volumes 1 and 3.

33. Existing Drainage

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details and related calculations for the analysis of the existing drainage system in the drainage easement at the northern corner of the subject property where it is proposed to discharge stormwater, to determine whether the existing system has sufficient capacity to adequately convey the increased flows. In case the capacity of the existing drainage system is not adequate to accommodate the additional stormwater flows, the applicant shall reconstruct the existing drainage system in accordance with the approved design plans. All proposals shall comply with the Campbelltown (Sustainable City) DCP - Volumes 1 and 3.

Written approval from Council shall be required for any proposed work on public land. Inspection of such works shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

34. Dilapidation Report

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

35. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

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

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the Campbelltown City Council Section 94A Development Contributions Plan.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the Consumer Price Index - All Groups (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
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- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the Consumer Price Index All Group Index Number for Sydney have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

37. Telecommunications Infrastructure

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

38. 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.

39. 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.

40. Toilet on Construction Site

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

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

41. 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.

42. Vehicular Access during Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

43. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

44. 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.

45. Demolition of Existing Dwelling

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

46. Demolition Works

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

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

47. Fencing

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

48. 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.

49. 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.

50. 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.

51. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

52. 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.

53. Excavation and Backfilling

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

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

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

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

54. Dust Nuisance

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

55. Certification of Location of Building during Construction

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

56. Certification of Levels of Building during Construction

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

57. Certification of Location of Building upon Completion

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

58. Public Safety

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

59. Compliance with Council Specification

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2
- c. 'Soils and Construction (2004) (Bluebook)
- d. Relevant Australian standards and State Government publications.

60. Footpath

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

61. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

62. Industrial / Commercial Driveway and Layback Crossing

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

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

63. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

64. 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".

65. Public Indemnity Insurance – Waste Collection

The applicant shall indemnify Council and its contractors and agents against any claims, proceedings, actions or demands arising from or in relation to any damage howsoever caused to the road surface, paving or drainage within the Development by the operation by Council or its contractors or agents in the collection of domestic waste except to the extent that such damage results from any misconduct or negligent act or omission of Council or its contractors or agents.

Prior to the issue of an occupation certificate, the applicant shall provide Council with a copy of its public liability insurance policy valid for 12 months to satisfy Council that in the event that such a claim arises, a public liability insurance policy is in place to respond to any claim arising. Each year the body corporate must furnish Council with a copy of its renewed public liability insurance policy valid for the next 12 months to satisfy Council that in the event that such a claim arises, a public liability insurance policy is in place to respond to any claim arising.

66. 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.

67. 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.

68. Subdivision Certificate

Prior to the principal certifying authority issuing a subdivision certificate, a final occupation certificate is required to be issued for all buildings on the land.

69. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing any occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans for drainage works in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume3 (as amended).

70. Restoration of Public Roads

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

71. Public Utilities

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

72. 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.

73. 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.

74. Council Fees and Charges

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

75. 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.

76. 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.

77. 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. 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*:

- i. for 10 years from the date of the issue of the Occupation Certificate, dwellings 4 and 6 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.

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. 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 3. Retaining Walls

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

Advice 4. Filling on Site

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

Advice 5. Buried Waste

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

Advice 6. 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 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. Strata Linen Plan and Copies

Should Council be nominated as the principal certifying authority for the strata subdivision, an original linen plan (and if required an original 88B Instrument) together with four copies of each shall be submitted to Council prior to the release of the subdivision certificate.

Advice 9. Linen Plan Checking Fee

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

Advice 10. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

Advice 11. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by 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 12. Rain Water Tank

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

Advice 13. Dial before you Dig

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

Advice 14. Telecommunications Act 1997 (Commonwealth)

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

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

End of Conditions

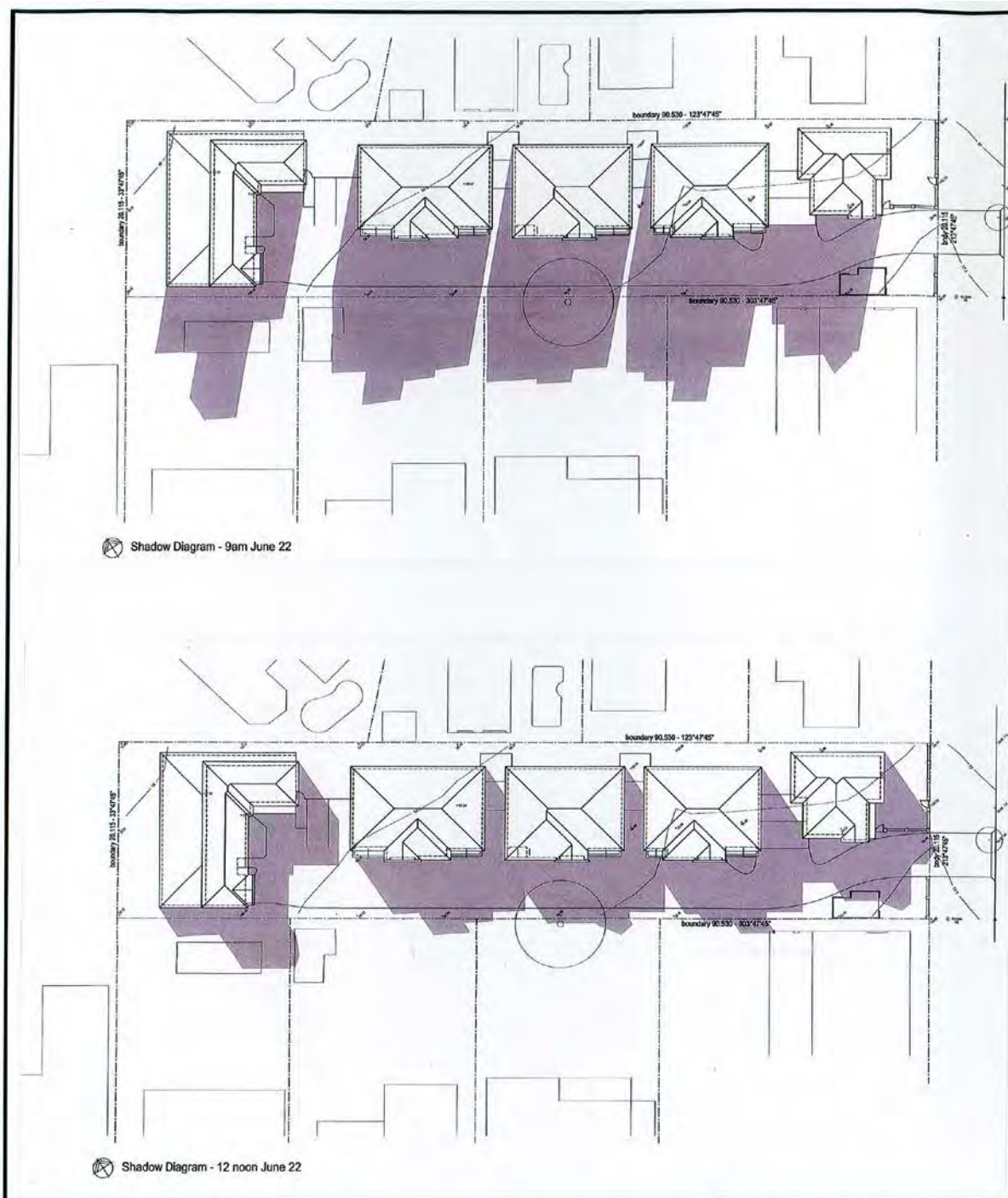
ATTACHMENT 2**LOCALITY PLAN****SUBJECT:**

DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF
NINE TWO STOREY DWELLINGS AND STRATA SUBDIVISION.
LOT 36 DP 13118 - No. 17 LYNDIA STREET, INGLEBURN.

ATTACHMENT 3



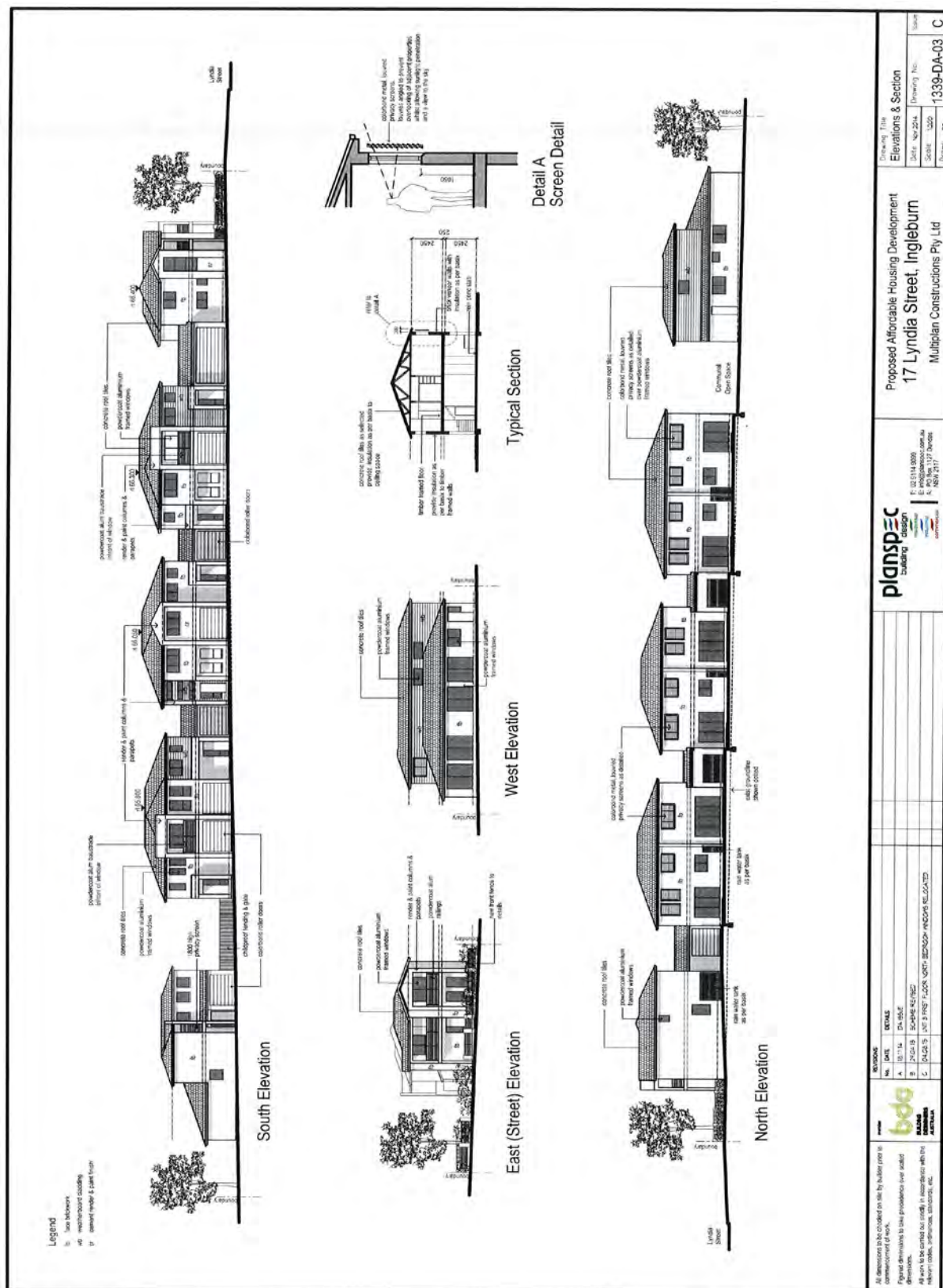
ATTACHMENT 4



SHADOW DIAGRAM

SUBJECT: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF
NINE TWO STOREY DWELLINGS AND STRATA SUBDIVISION.
LOT 36 DP 13118 - No. 17 LYNDIA STREET, INGLEBURN.

ATTACHMENT 5



ATTACHMENT 6



Coloured Perspective Drawing

ATTACHMENT 7

Floor plan – Confidential for privacy reasons.

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 2015-2016 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: (Thompson/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 18 August 2015 (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 151

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 24/07/2015)	3
Total completed Class 1 DA appeal matters (as at 24/07/2015)	0
Costs from 1 July 2015 for Class 1 DA appeal matters:	\$35,879.07

1 (a)	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</p>

2015 for directions hearing commencing on-site.	
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1 (b)	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:	\$3,249.53
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>
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1 (c)	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:	\$3,722.13
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 24/07/2015)	1
Total completed Class 1 and 2 appeal matters (as at 24/07/2015)	0
Costs from 1 July 2015 for Class 1 and 2 appeal matters:	\$0.00

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 – see item 1(b) of this report.

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 24/07/2015)	0
Total completed Class 4 matters (as at 24/07/2015)	0
Costs from 1 July 2015 for Class 4 matters	\$0.00

4. Land and Environment Court Class 5 - Criminal enforcement of alleged pollution offences and various breaches of environmental and planning laws

Total ongoing Class 5 matters before the Court (as at 24/07/2015)	0
Total completed Class 5 matters (as at 24/07/2015)	0
Costs from 1 July 2015 for Class 5 matters	\$0.00

5. Land and Environment Court Class 6 - Appeals from convictions relating to environmental matters

Total ongoing Class 6 matters (as at 24/07/2015)	0
Total completed Class 6 matters (as at 24/07/2015)	0
Costs from 1 July 2015 for Class 6 matters	\$0.00

6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences

Total ongoing Appeal matters before the Court (as at 24/07/2015)	0
Total completed Appeal matters (as at 24/07/2015)	0
Costs from 1 July 2015 for District Court matters	\$0.00

7. Local Court prosecution matters

The following summary lists the current status of the Division's legal matters before the Campbelltown Local Court.

Total ongoing Local Court Matters (as at 24/07/2015)	8
Total completed Local Court Matters (as at 24/07/2015)	0
Costs from 1 July 2015 for Local Court Matters	\$0.00

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 – Listed for hearing on 28 August 2015
Progress:	<p>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.</p> <p>On 30 June 2015 the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 28 August 2015 for hearing.</p>

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:	Ongoing – Listed for hearing on 31 August 2015
Progress:	Matter was before the Court for first mention on 7 July 2015, where the defendant entered a not guilty plea. The Registrar adjourned the

	proceedings to 31 August 2015 for hearing.
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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:	Ongoing – Listed for hearing on 21 August 2015
Progress:	Matter was before the Court for first mention on 7 July 2015, where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 21 August 2015 for hearing.

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.

File No:	LP29/15 – Penalty Notice Court Election
Offence:	Park contrary to control sign / road marking.
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 4 August 2015.

File No:	LP30/15 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area.
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 11 August 2015.
File No:	LP31/15 – Penalty Notice Court Election
Offence:	Stop in bus zone (school zone).
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 4 August 2015.
File No:	LP32/15 – Penalty Notice Court Election
Offence:	Disobey no parking control sign (school zone).
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 11 August 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 24/07/2015)	1
Costs from 1 July 2015 for advice matters	\$1,500.00

9. Legal Costs Summary

The following summary lists the Planning and Environment Division's net legal costs for the 2015/2016 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$35,879.07	\$0.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$0.00	\$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
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$0.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$1,500.00	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$37,379.07	\$0.00
Overall Net Costs Total (GST exclusive)	\$37,379.07	

4.2 North Area Alcohol Free Zones

Reporting Officer

Manager Compliance Services

Attachments

Maps of Alcohol Free Zones for Claymore (as amended), Glenfield, Ingleburn, Macquarie Fields, Minto, Minto (Zone 2) (as amended), Raby and St Andrews (contained within this report)

Purpose

To obtain Council's approval to re-establish and amend eight Alcohol Free Zones that are located within the north area of the Campbelltown City LGA and that are due to expire on 24 December 2015, including a proposed extension of the Claymore and Minto (2) zones.

History

The *Local Government Act 1993* (the Act) provides Council with the ability to establish an Alcohol Free Zone (AFZ) to promote the safe use of roads, footpaths and public car parks (including privately owned shopping centre car parks) without interference from anti-social behaviour caused by people consuming alcohol in public/semi-public areas. The object of an AFZ is to enable early intervention by the enforcement authority (i.e. NSW Police) to prevent incidents involving serious crime resulting from the consumption of alcohol in public/semi-public places.

Any person living or working within the Local Government Area (LGA), the local police or a local community group can make an application for an AFZ. Once established, an AFZ prohibits the drinking of alcohol within the specified zone. A proposal to establish an AFZ must, in all cases, be supported by evidence that the consumption of alcohol has compromised the public's use of those footpaths, roads or car parks. The maximum duration of an AFZ is four years although it may be re-established upon following the same procedure that was used to establish the zone.

Report

The management and operation of an AFZ is a collaborative approach between Council and Police Local Area Commands. Council's role is to administer the establishment and sign posting of the zones, whilst the Police have responsibility for enforcement.

The procedure that Council must follow prior to resolving to declare an AFZ, is outlined in the *The Local Government Act 1993* and is summarised as follows:

1. Publish a notice in one or more local newspapers advising of Council's intention to establish the alcohol free zone and inviting public submissions. The minimum period for lodging representations is 14 days after publication of the notice.
2. Consider any submissions received, and where it is decided to declare the zone, advise:
 - The Anti Discrimination Board
 - The Officer in charge of the Police Station nearest to the zone
 - The liquor licensees and secretaries of registered clubs whose premises adjoin or are adjacent to the proposed zone
 - Any known group that might be affected by the creation of the AFZ
 - Council must give each of the abovementioned notified organisations or persons at least 30 days to make written submissions.
3. Consider any submissions received and where it is decided to proceed with the declaration, notify that decision (whether as originally proposed or as amended), in a local newspaper at least seven days in advance of the proposed date of commencement.
4. Signpost the area in accordance with the Act.

Re-establishment of existing Alcohol Free Zones

The following zones that are subject of this report are proposed to be re-established. The specific streets covered by the zones are shown in Attachment 1 to this report and are listed below:

Claymore:

Dobell Road (between Gould Road and western boundary of Claymore Public School)
Gidley Crescent (between Dobell Road and southern boundary of Davis Park)
Gould Road (between Boyd Street and Dobell Road)

Glenfield:

Belmont Road (between Railway Parade and Hosking Crescent)
Hosking Crescent
Magee Lane
Railway Parade (between Chesham Parade and Belmont Road)
Trafalgar Street (between Railway Parade and Baldwin Avenue)
Waterloo Place

Ingleburn:

Boots Lane
Cambridge Street
Carlisle Street (between Cambridge Street and Suffolk Street)

Cumberland Road (between Cambridge Street and Suffolk Street)
Ingleburn Road (between Macquarie Rd and Suffolk Street)
Macquarie Road (between Ingleburn Road and Oxford Road)
Nardoo Street (between Oxford Road and Suffolk Street)
Norfolk Street
Oxford Road (between Ingleburn Road and Lionel Street)
Palmer Street (between Norfolk Street and Suffolk Street)
Salford Street
Suffolk Street

Macquarie Fields:

Berrigan Crescent
Brooks Road (between Victoria Road and Parliament Road)
Clematis Place
Eucalyptus Drive (between Hibiscus Crescent and Rosewood Drive and between Rosewood Drive and Maple Place)
Harold Street (between Parliament Road and Victoria Road)
Maple Place
Mulga Place
Risdoni Way
Rosewood Drive (between Harold Street and Eucalyptus Drive)
Rubida Way
Saligna Way
Victoria Road (between Brooks Road and Mary Street)

Minto:

Burrows Lane
Erica Lane
Kent Street (between Stafford Street and Redfern Road)
Minto Road (between Stafford Street and Redfern Road)
Pembroke Road (between Stafford Street and Redfern Road)
Redfern Road
Ruth Place
Stafford Street
Surrey Street (between Stafford Street and Redfern Road)
Susan Place
Unnamed lane 6.1w (between Erica Lane and Surrey Street)
Unnamed lane 6.1w (between Ruth Place and Redfern Road)
Somerset (from Wiltshire Street north 200m)

Minto (Zone 2):

Ben Lomond Road (from Pembroke Road to Selwyn Avenue)
Selwyn Avenue
Perisher Circuit
Snowy Avenue
Longhurst Road (from Selwyn Avenue to Ben Lomond Road)
Curruthers Street
Trickett Street

Gawler Avenue
Glass House Street (from Trickett Street to Ellery Street)
Gardiner Street
Patching Close
Smart Close
Tate Place
Edward Edgar Street
Blane Street
Norman Dunlop Crescent
Jenner Street
Lind Street

Minto (Zone 2) Continued:

Lemon Tree Crescent
Harrison Place
Ellery Street
Woodroffe Street
Guernsey Avenue (from Longhurst Road to Durham Street)
Durham Street (from Guernsey Avenue to Pembroke Road)
Pembroke Road (from Durham Street to Ben Lomond Road)
Monaghan Street
Brookfield Road
Car Parks of Minto Marketplace

Raby:

Hurricane Drive (between Thunderbolt Drive and Sunderland Drive)
Shuttleworth Avenue
Spitfire Drive
Sunderland Drive
Thunderbolt Drive (between Hurricane Drive and Shuttleworth Avenue)

St Andrews:

Ballantrae Drive (between Arisaig Place and St Andrews Road)
Stranraer Drive (between Ballantrae Drive and Aberfeldy Crescent)
Cupar Place
Deveron Place

Requests to vary existing Alcohol Free Zones

An email was received from a member of a local community group requesting that the Claymore Alcohol Free Zone be extended to include the following locations:

- Claymore Community Centre and Gumnut building (Gould and Dobell Roads, Claymore, between Fullwood Place and Abrahams Way)
- Mission Australia (Lot 507 Dobell Road, behind Claymore Shopping Centre)

The email states that the abovementioned buildings are targeted areas for vandalism as they are not in sight from the main roads, and that staff at the Claymore Community Centre are cleaning up broken bottles on a weekly basis.

As noted earlier in the report, the Local Government Act provides Council with the capacity to establish AFZ's for the safe use of roads, footpaths and public car parks. In addition, where public housing open space is adjacent to a public place which is to be declared an Alcohol Free Zone, the public space may be included in the AFZ by the Council, providing Council obtains the consent of the NSW Land and Housing Corporation and the NSW Police.

In view of the above request it is proposed the current zone be amended to extend the zone along Dobell Road to the intersection of Fullwood Place, Claymore (as shown in the AFZ map at attachment 1). In addition, it is considered the request to extend the zone marginally along Gould Road from the intersection of Boyd Street to Abrahams Way and along Boyd Street to Leigh Crescent will be of limited effect and that as a preferred alternative, consideration be given to including the adjoining public housing open space in lieu (as shown in the AFZ map at attachment 1). NSW Police and NSW Land and Housing have both indicated their support for the proposed alternative extension of the existing Claymore AFZ.

Further, an Alcohol Free Zone application was received from a person working in the Macquarie Fields area, requesting that an AFZ be created to include Saywell Road (adjoining the property at 46 Saywell Road and in the vicinity of Atchison and Parliament Roads).

The Alcohol Free Zone application states that there is an issue with staff from the office at 50 Saywell Road being harassed by a local person who is loitering and drinking alcohol near the BWS retail liquor outlet which is at the rear of the office where the toilets are located.

This application refers to an isolated situation and as the Police have general powers to deal with matters of harassment and move persons on if causing public nuisance, Council may wish to consider whether the establishment of an AFZ to create a new zone in Macquarie Fields, in such circumstances, is warranted.

It is intended to seek further comment from NSW Police Macquarie Fields LAC as to the merits of this application or otherwise, and details of the response is intended to be provided at or prior to the Planning and Environment Committee Meeting of 11 August, 2015.

In addition, a general business item was raised in the City Works Committee Meeting of 12 May 2015, suggesting that consideration be given to making Redfern Park Minto an Alcohol Free Zone in light of anti-social behaviour and vandalism in the vicinity. The Crime Coordinator of the NSW Police Macquarie Fields Local Area Command has since reviewed reports held by Police regarding incidents in the vicinity of Redfern Park and confirmed their support of extending the zone to include Redfern Park. Accordingly, it is recommended that the Minto (Zone 2) AFZ be extended to include Redfern Park, Minto.

Conclusion

The abovementioned zones are due to expire on 24 December 2015 and accordingly, in the interest of continuing to promote the safe use of the roads, footpaths and car parks within the zones and reduce the potential for alcohol related incidents, it is proposed these zones be re-established and extended as proposed in the body of the report and as shown on the attached plans (Attachment 1).

Further, it is recommended that Council proceed to publicly notify its intention to re-establish the AFZ's that are the subject of this report, including the proposed extension of the Claymore zone, and the Minto (Zone 2) AFZ as outlined above in the body of the report.

The creation of a new zone in Macquarie Fields to include Saywell Road (adjoining the property at 46 Saywell Road and in the vicinity of Parliament and Atchison Roads) is not recommended as it relates to an isolated situation and the police have sufficient powers to move on a person that is causing public nuisance.

Officer's Recommendation

1. That a notice be placed in a local paper inviting submissions from any person or group, in response to Council's intention to re-establish and amend Alcohol Free Zones over the streets, car parks, public housing open areas and footpaths detailed in Attachment 1 to this report for the proposed Alcohol Free Zones of:
 - (a) Claymore (as amended)
 - (b) Glenfield
 - (c) Ingleburn
 - (d) Macquarie Fields
 - (e) Minto
 - (f) Minto Zone 2 (as amended)
 - (g) Raby
 - (h) St Andrews.
2. That all submissions received during the exhibition period be reported to Council.
3. That the creation of a new zone in Macquarie Fields to include Saywell Road (adjoining the property at number 46) and in the vicinity of Atchison and Parliament Roads not be recommended as it relates to an isolated situation which is able to be regulated separately by the NSW Police; and the applicant be informed of the reasons for this accordingly.
4. That should no submissions be received during the exhibition period, advice be given and comment be sought on Council's intention to re-establish and or amend Alcohol Free Zones over the areas specified in Recommendation 1 above to:
 - (a) The Anti Discrimination Board
 - (b) The Officer in charge of the Police Station nearest to the zone
 - (c) The liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone
 - (d) Any known group or organisation that might be affected by the creation of the Alcohol Free Zone.
5. That a further report be provided to Council on the re-establishment and amendment of the Alcohol Free Zones specified in Recommendation 1 at the completion of the period for comment by the organisations/groups listed in Recommendation 4.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

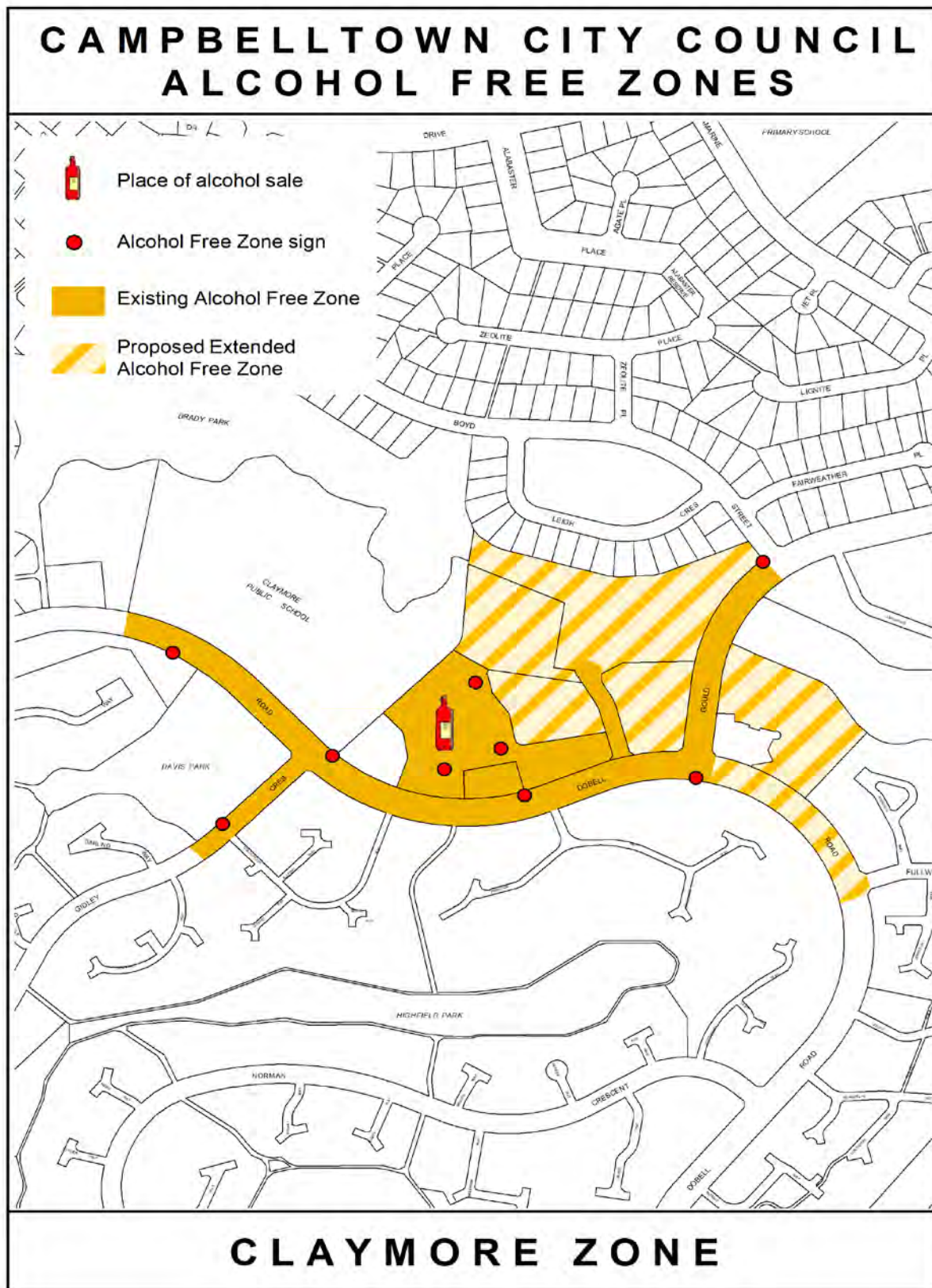
Council Meeting 18 August 2015 (Rowell/Kolkman)

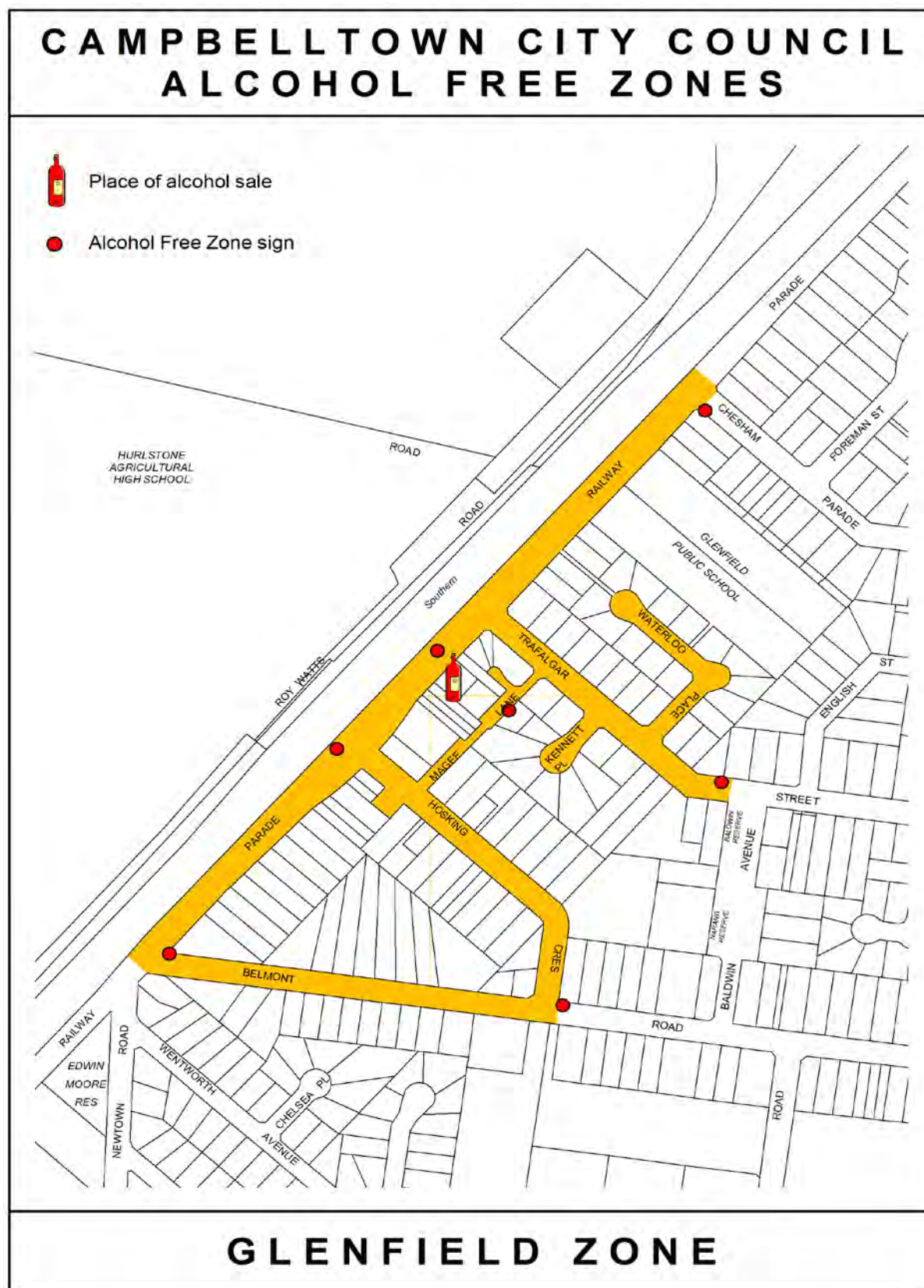
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 151

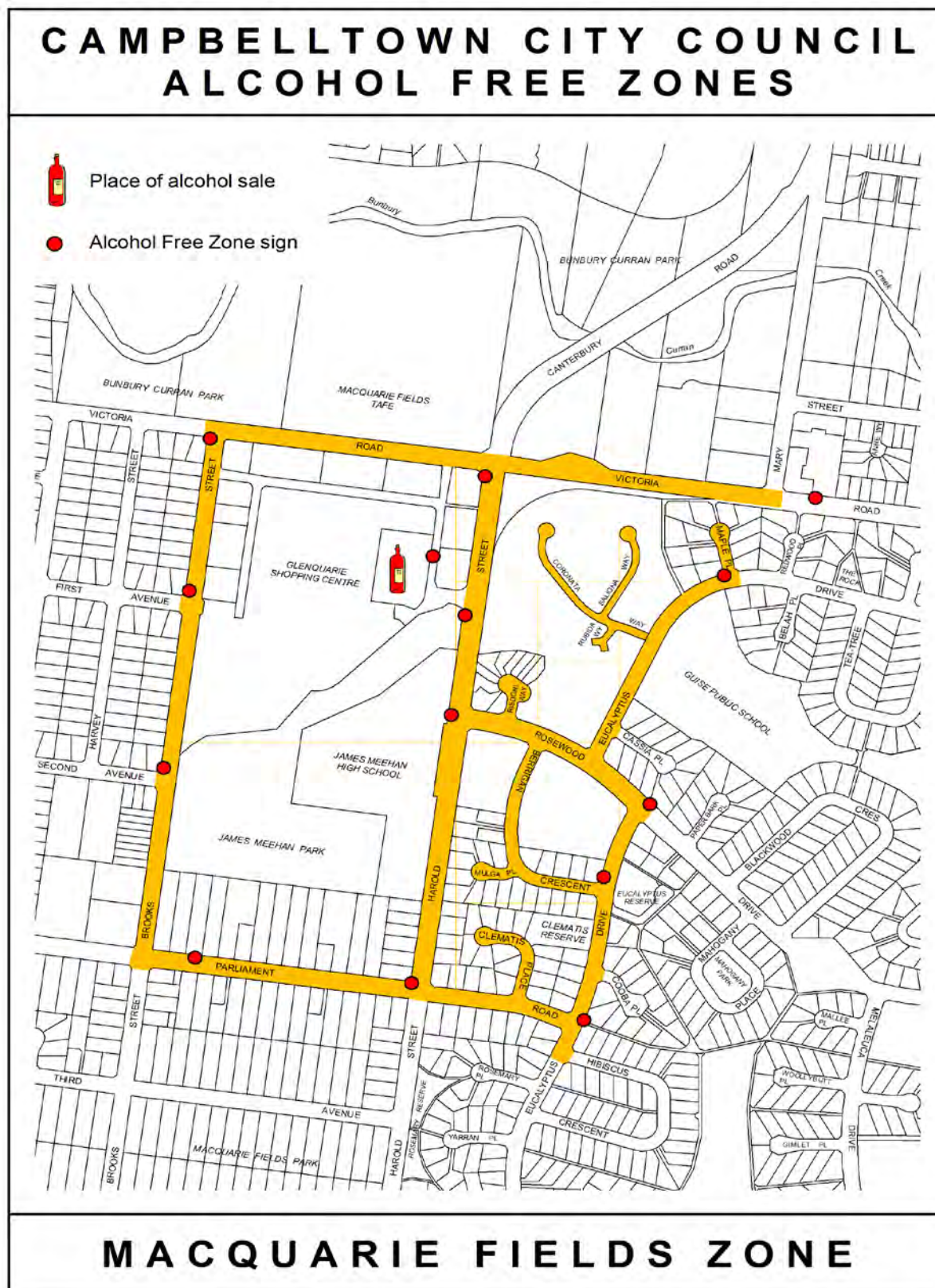
That the Officer's Recommendation be adopted.

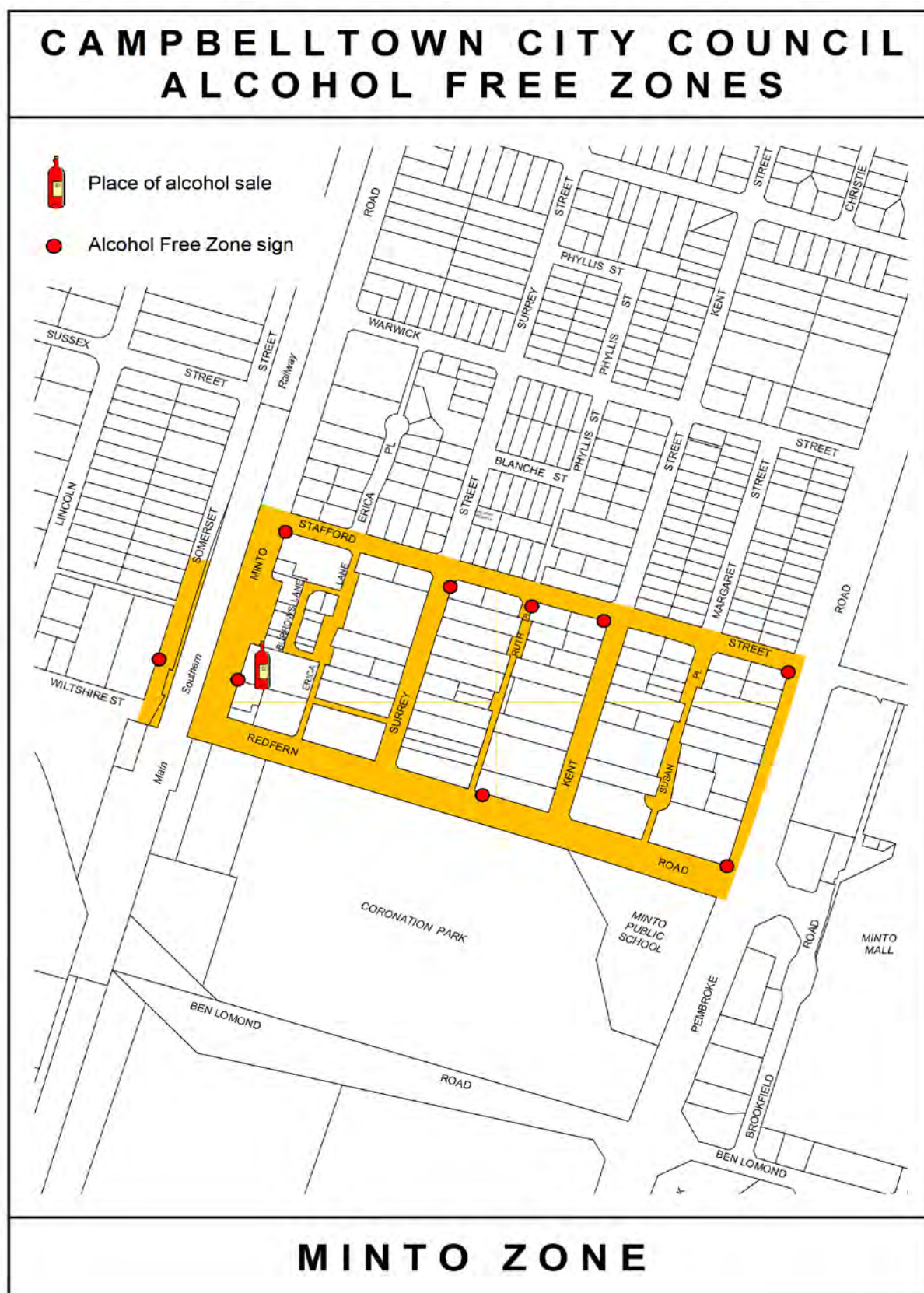
ATTACHMENT 1

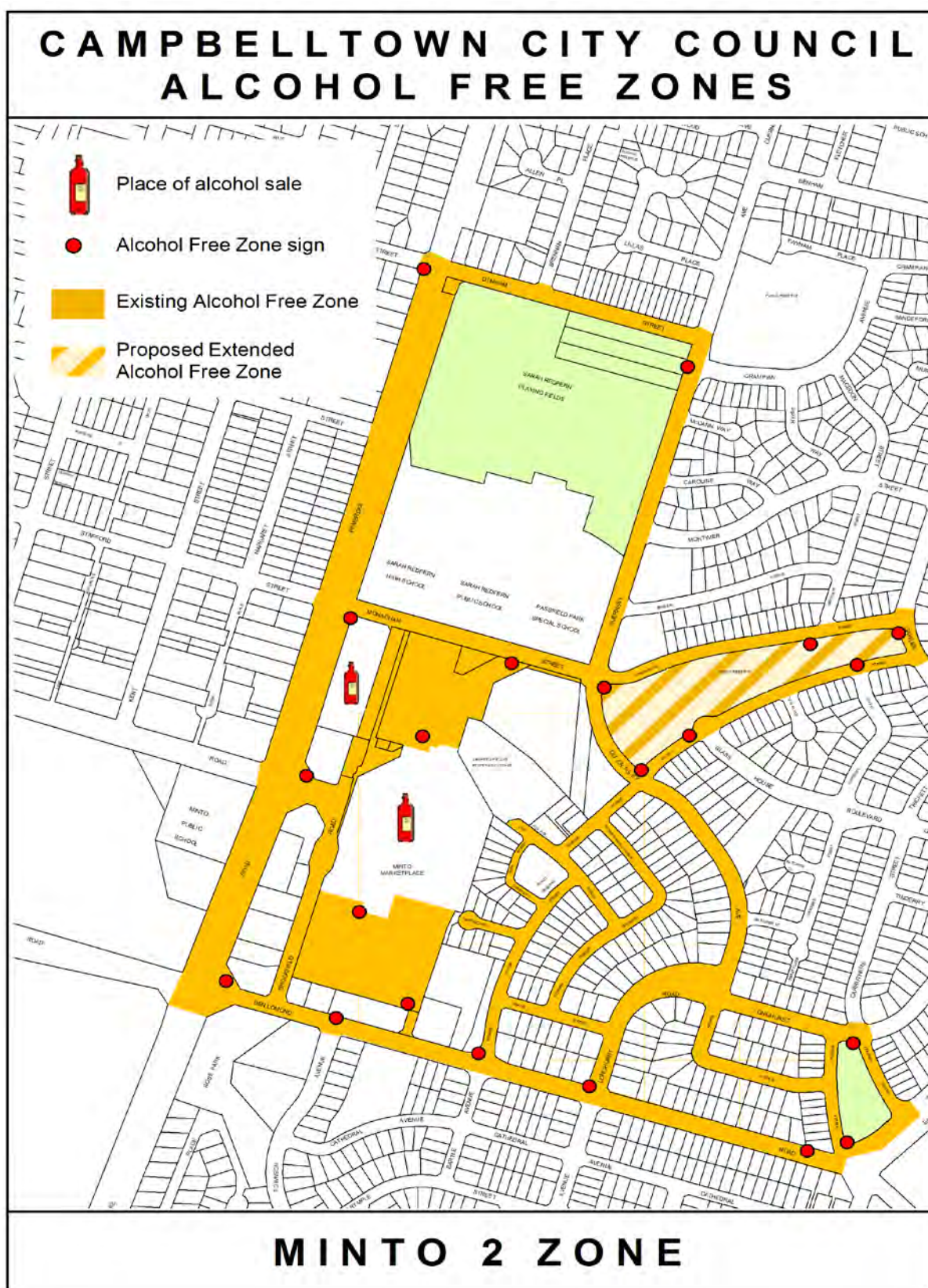




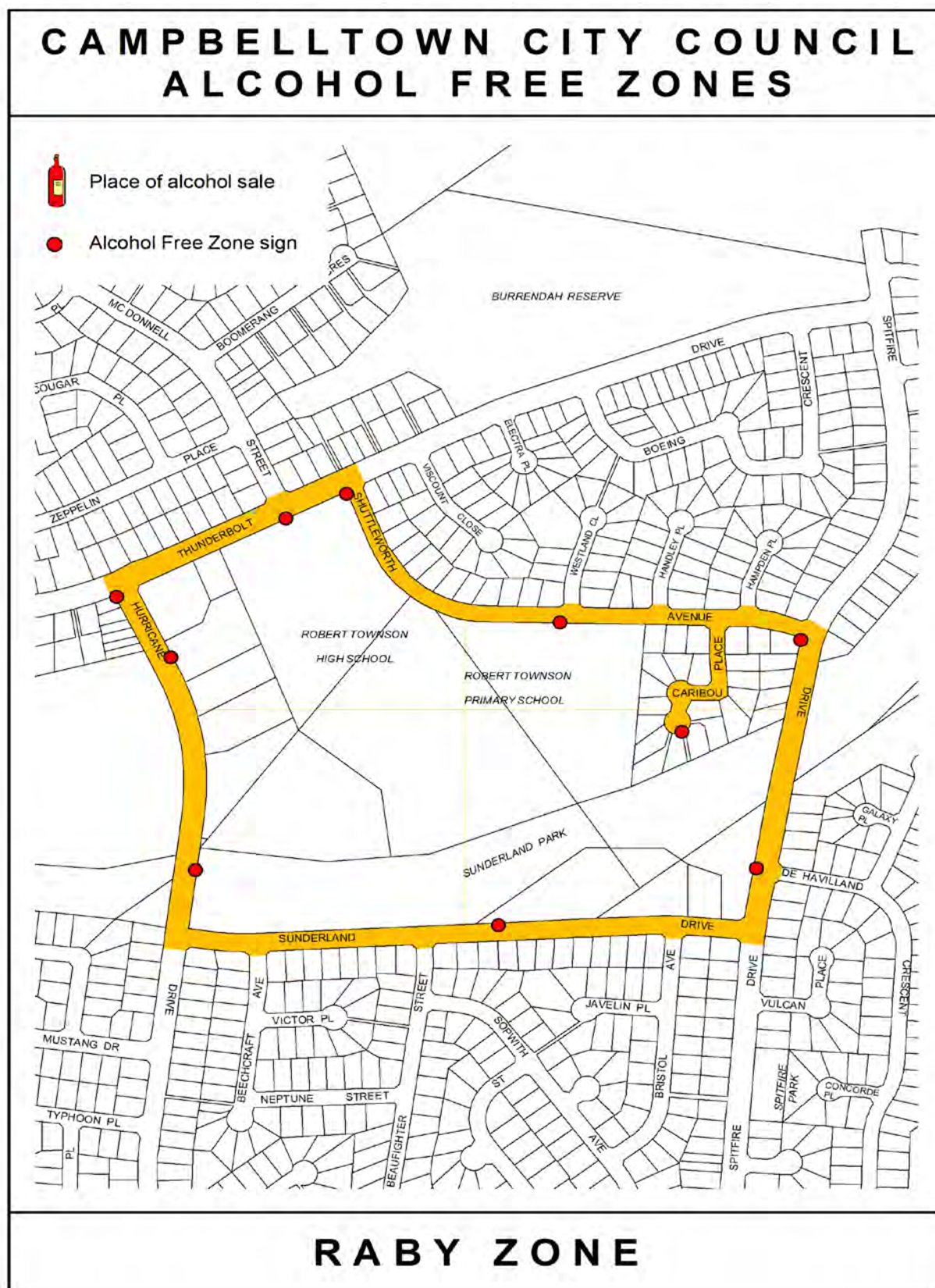


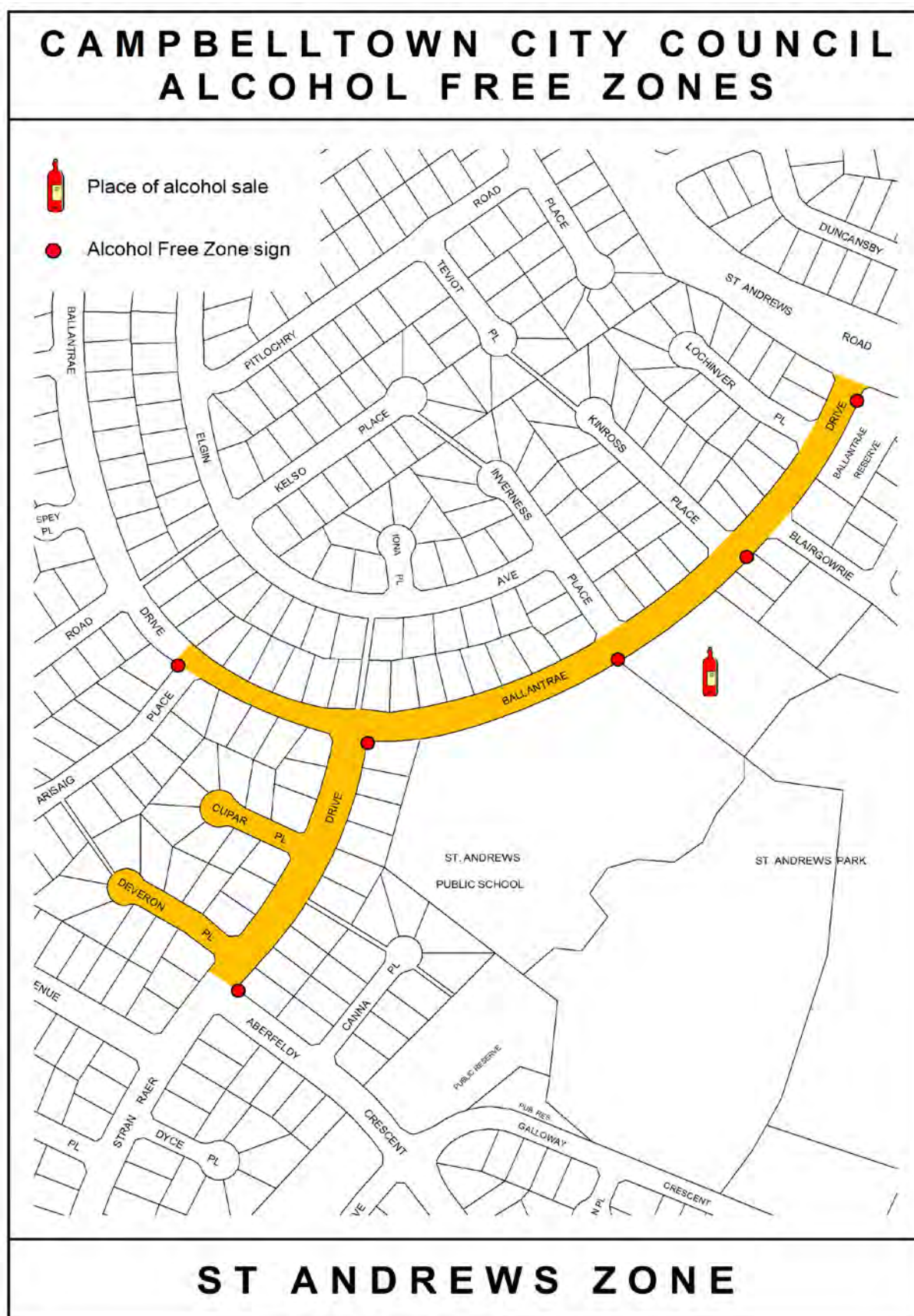






4.2 North Area Alcohol Free Zones





5. GENERAL BUSINESS

Nil.

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: (Thompson/Matheson)

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 8.48pm.

T Rowell
CHAIRPERSON
