

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

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 10 November 2015

Present

Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
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 Compliance Services - Mr P Curley
Manager Waste and Recycling Services - Mr P Macdonald
Acting Manager Development Services - Mr B Leo
Manager Environmental Planning - Mr A Spooner
Manager Property Services - Mr J Milicic
Manager Governance and Risk - Mrs M Dunlop
Executive Assistant - Mrs K Peters

Apology

(Rowell/Thompson)

That the apology from Councillor Lound and Matheson be received and accepted.

CARRIED

Also in Attendance

Koshigaya Exchange Employee - Masakazu Higuchi

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Naming of a reserve on Atlantic Boulevard, Glenfield

Reporting Officer

Manager Environmental Planning

Attachments

Location plan (contained within this report)

Purpose

To seek Council's endorsement to publicly exhibit the proposed name of Budbury Reserve, for a reserve located on Atlantic Boulevard in Glenfield.

History

Following a request from the executive committee of the Vista community scheme, Council at its meeting of 18 December 2012 (Planning and Environment Committee Item 2.5 - Naming of a reserve within the 'Vista' development, Glenfield), resolved to exhibit Yandel'ora Reserve as the proposed name for this reserve for a period of 28 days following its transfer into Council ownership. The name had been suggested to the executive committee of the Vista community scheme as a possible reserve name by the then chief executive officer (CEO) of the Tharawal Local Aboriginal Land Council (TLALC). Yandel'ora was understood to mean 'may there be peace between peoples' in the local aboriginal dialect. However, as there had recently been a change of CEO at the TLALC, Council also resolved to write to the TLALC seeking formal endorsement of the name Yandel'ora Reserve.

Before this proposed reserve name was placed on public exhibition, correspondence was received from the Geographical Names Board of NSW (GNB) indicating that it was unlikely that the Board would approve this name due to the presence of an existing Yandel'ora Reserve in the suburb of Mount Annan within the adjoining Camden local government area. The proposed reserve name was therefore amended to Yandel'ora Park to address the issue of uniqueness.

Council, at its meeting of 21 May 2013, considered a further report on this matter (Planning and Environment Committee Item 2.5 - Naming of a reserve within the 'Vista' development, Glenfield), and resolved to exhibit Yandel'ora Park as the proposed name for this reserve for a period of 28 days.

Council also wrote to the TLALC on 3 June 2013 and this naming proposal was placed on public exhibition on 12 June 2013. On 11 July 2013 Council received correspondence from the acting CEO of the TLALC stating that the land council strongly opposed the proposed reserve name. In light of this objection, and in accordance with the GNB guidelines for place naming which state that the Board will not consider any naming proposals which have Aboriginal origins without the agreement of the local Aboriginal land council, Council was unable to proceed with this naming proposal and requested that the TLALC suggest an alternative name for use in the naming of this reserve.

On 26 June 2015, Council received correspondence from the CEO of the TLALC suggesting 'Budbury' be considered as an alternative name for this reserve.

Report

The reserve which is the subject of this naming proposal comprises Lot 2 in DP 1149933 and is located on Atlantic Boulevard in Glenfield, as shown in the attachment. Ownership of this reserve was transferred to Council on 26 February 2013.

As suggested by the TLALC, the proposed name for this reserve is Budbury Reserve. Budbury was a famous Dharawal Cubbitch Barta man who was closely associated with Charles Throsby's property of 'Glenfield'. In her book 'Campbelltown - The Bicentennial History', Carol Liston states that in 1814, Budbury acted as a guide for John Warby and later as an interpreter for a group of local farmers near Camden. With rising tensions between European settlers and the local Aboriginal people in February 1816, Budbury and a number of other Dharawal people took refuge at Glenfield. A few months later Budbury, along with Bundle from the Dharawal and John Warby, acted as guides for Captain James Wallis who was in command of a group of soldiers sent to the Airds and Appin Districts.

From the beginning Wallis found Warby an unwilling and uncooperative guide. Warby then refused to take responsibility for Budbury and Bundle and, after a forced march through the rain, allowed both Dharawal guides to 'escape' with their blankets. Following the Appin Massacre on 17 April 1816, Wallis sent a detachment of soldiers to ambush Budbury, his former Dharawal guide, but the country was so rugged that they had little chance of catching up with him. By 1821 Budbury was considered by the Europeans as the leader of the aboriginal people of the Cowpastures and he was a familiar visitor to the Macarthurs at Camden Park. He is formerly recorded in 1833, aged 45, on a roll-call of Dharawal people at Campbelltown and in the Cowpastures who received blankets.

As the reserve subject of this report is located within the original boundary of the 'Glenfield' property, Budbury Reserve is considered by Council staff to be an appropriate name. It is therefore recommended that this proposed reserve name be publicly exhibited by Council for 28 days to allow for community feedback.

Should no objections be received during this period, it is also recommended that Council complete the next step in the formal naming process by forwarding an application to the GNB to have Budbury Reserve assigned as the geographical name for the subject reserve. Should any objections be received during the exhibition period, a further report will be presented to the next available Council meeting.

Officer's Recommendation

1. That Council endorse the name Budbury Reserve for the reserve within the Vista community development on Atlantic Boulevard, Glenfield, for public exhibition for a period of 28 days.
2. That should no objections to this naming proposal be received during the public exhibition period, Council submit an application to the Geographical Names Board of NSW to have the name Budbury Reserve assigned as the geographical name for this reserve.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 209

That the Officer's Recommendation be adopted.

ATTACHMENT 1



2.2 Proposed Road Names for use within the Claymore Urban Renewal Project

Reporting Officer

Manager Environmental Planning

Attachments

List of proposed road names for use within the Claymore Urban Renewal project area (contained within this report)

Purpose

To seek Council's endorsement to publicly exhibit proposed road names to be used within the Claymore Urban Renewal project area.

History

The Claymore Urban Renewal Project was approved by the then Minister for Planning and Infrastructure on 24 May 2013. Council has now received a request from UrbanGrowth NSW, on behalf of Housing NSW, seeking approval for the use of particular road names in the naming of the new roads which will be created by this renewal project.

Report

It has been Council's protocol for some time to select specific themes in an effort to harmonise road names within suburbs and development areas.

Council at its meeting on 19 October 1976 approved 64 road names for use within the suburb of Claymore, drawn from the theme of the names of Australian artists. All of these approved road names were subsequently used in the naming of streets within the Claymore area. Urban Growth NSW has requested that this theme be continued in the naming of new streets proposed to be created by this current renewal project. Additional proposed road names drawn from this theme are shown in the attachment to this report.

These proposed road names comply with the requirements of the NSW Address Policy and the NSW Addressing User Manual which were adopted by the Geographical Names Board of NSW on 31 March 2015.

Division 2 of Part 2 of the Roads Regulation 2008 (the Regulation) outlines the procedure that Council must follow when naming public roads under its control. In accordance with these procedures, Council must publicly exhibit the proposed road names in local newspapers for a period of 28 days and notify Australia Post, the Registrar General, the Surveyor General and all emergency services specified by the Regulation of its intention to name new roads.

Subject to Councils endorsement to public exhibit the proposed road names, should no objections be received from the public or authorities prescribed in the Regulation as a result of the exhibition of this proposal, it is recommended that Council complete the road naming process by publishing a notice of these new road names in the NSW Government Gazette. Should any objections be received during the exhibition period, a further report will be presented to the next available Council meeting.

Officer's Recommendation

1. That Council approve the proposed road names listed in the attachment to this report for use within the Claymore Urban Renewal Project area.
2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the Roads Regulation 2008.
3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of the new road names in the NSW Government Gazette.

Amendment: (Oates/Kolkman)

1. That Council approve the proposed road names (including first and surname) listed in the attachment to this report for use within the Claymore Urban Renewal Project area.
2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the Roads Regulation 2008.
3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of the new road names in the NSW Government Gazette.

LOST

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Amendment: (Oates/Borg)

1. That Council approve the proposed road names (including first and surname) listed in the attachment to this report for use within the Claymore Urban Renewal Project area.
2. That Council publicly exhibit its proposal to use these road names for a period of 28 days by placing advertisements in local newspapers and notifying the authorities prescribed by the Roads Regulation 2008.
3. That should no objections to the proposal to use the exhibited road names be received during the exhibition period, Council publish notice of the new road names in the NSW Government Gazette.

Council Resolution Minute Number 209

That the above amendment be adopted.

A **Division** was called in regard to the Resolution for Item 2.2 - Proposed Road Names for use within the Claymore Urban Renewal Project with those voting for the Motion being Councillors Borg, Brticevic, Chanthivong, Dobson, Glynn, Hawker, Kolkman, Lound and Oates.

Voting against the Resolution were Councillors Greiss, Matheson, Mead and Rowell.

ATTACHMENT 1

List of proposed road names

Road Name	Origin
Arkley	Howard Arkley (5 May 1951 – 22 July 1999) Australian artist born in Melbourne known for his airbrushed paintings of houses, architecture and suburbia.
Crowley	Grace Crowley (28 May 1890 – 21 April 1979) Born at Forrest Lodge, Barraba, in north-western New South Wales, she had an extraordinary career spanning over five decades. She was best known for her cubist paintings of the 1920s and 1930s.
Dowie	John Dowie (15 January 1915 – 19 March 2008) Australian painter, sculptor and teacher, he was born in the suburb of Prospect in Adelaide, South Australia, and studied architecture at the University of Adelaide.
Glover	John Glover (18 February 1767 – 9 December 1849) An English-born Australian artist during the early colonial period of Australian art. He has been dubbed "the father of Australian landscape painting".
Hart	Pro Hart (30 May 1928 – 28 March 2006) Australian artist, born in Broken Hill, New South Wales, who was considered the father of the Australian Outback painting movement and his works are widely admired for capturing the true spirit of the outback.
Hester	Joy Hester (21 August 1920 – 4 December 1960) Australian artist who played an important role in the development of Australian modernism.
Jackson	James R Jackson (1882-1975) Australian painter, best known for his paintings of views of Sydney harbour and the Great Depression.
Lawrence	George Lawrence (1901–1981) Regarded as one of the foremost painters in the impressionist style.
Minns	Benjamin Edwin Minns (17 November 1863 – 21 February 1937) Recognised as one of Australia's foremost water-colourists, he also drew for the Sydney Mail and regularly contributed to The Bulletin.
Molvig	Jon Molvig (27 May 1923 – 15 May 1970) An Australian expressionist artist, considered a major developer of 20th-century Australian expressionism.
Officer	Edward Officer (19 September 1871 – 7 July 1921) An Australian artist and inaugural president of the Australian Art Association.
Olley	Margaret Olley (24 June 1923 – 26 July 2011) One of Australia's most loved artists, she was the subject of more than 90 solo exhibitions. Her work concentrated on still life and in 1997 a major retrospective of her work was organised by the Art Gallery of New South Wales. She received the inaugural Mosman Art Prize in 1947.

2.3 Greater Macarthur Land Release Investigation

Reporting Officer

Manager Environmental Planning

Attachments

1. Greater Macarthur Vision to 2036 (contained within this report)
2. Menangle Park and Mount Gilead Structure plan (contained within this report)
3. Land suitability for the Menangle Park and Mount Gilead Priority Precinct (contained within this report)
4. Biodiversity Constraints (contained within this report)

Purpose

The purpose of this report is to:

1. provide Council with an overview of the Greater Macarthur Land Release Investigation (including the Preliminary Strategy and Action Plan) and the potential implications for the Campbelltown Local Government Area (LGA) and Council
2. seek Council's in principle support for the Greater Macarthur Land Release Investigation, and in particular the preliminary Strategy and Action Plan, subject to a number of matters being addressed
3. endorse the matters raised in this report for inclusion within a Council submission to the NSW Department of Planning and Infrastructure on the Greater Macarthur Land Release Investigation documentation that has been publicly exhibited

History

In December 2014, the NSW Government released 'A Plan for Growing Sydney' which identifies how Sydney can create additional housing stock, (33,200 new homes annually to meet projected population growth to 2036). This metropolitan planning strategy also addresses employment opportunities and infrastructure delivery, while seeking to protect the significant and iconic natural environment and improving the liveability of the city.

As part of meeting this challenge, the NSW Government has indicated that it will maintain its continued investment in the North West and South West Priority Growth Areas along with priority urban renewal precincts and prioritise increasing the rate of housing delivery in new urban release areas.

Within 'A Plan for Growing Sydney', the Greater Macarthur was identified as a potential area where urban development could potentially occur in order to cater for the growing population of Sydney. This metropolitan strategy committed the NSW Government to examine in more detail the suitability of urban development in the Greater Macarthur.

NSW Department of Planning and Environment has progressed work on this initiative since the release of 'A Plan for Growing Sydney' late last year, and on 22 September 2015 a preliminary assessment of the suitability and infrastructure capacity of the Greater Macarthur area was released for public comment.

The Greater Macarthur Land Release Investigation - Background

The Greater Macarthur Land Release Investigation (the Investigation) identifies certain land that is suitable for future urban development, the infrastructure required to support sustainable growth, and how the Greater Macarthur could be connected to jobs and other services within the greater metropolitan Sydney area. The Investigation documentation includes a 'Preliminary Strategy and Action Plan' to assist in the delivery of new urban development within the Menangle Park/Mt Gilead Priority Precinct as well as the Wilton Priority Precinct.

A range of technical studies have been undertaken as part of the Investigation supporting the declaration of Menangle Park/Mt Gilead and Wilton as Priority Precincts. These studies include:

- Biodiversity Assessment
- Bushfire Preliminary Asset Protection Zone Assessment
- Economic and Employment Analysis
- Heritage Analysis
- Housing Market Needs Analysis
- Resource Mining Framework
- Services Infrastructure Assessment
- Social Infrastructure Assessment
- Water Management Assessment
- Strategic Transport Plan

The Greater Macarthur Land Release Investigation has recognised immediate opportunities to deliver up to a total of 34,700 homes in the Menangle Park/Mt Gilead Priority Precinct and within a new town at Wilton.

Beyond 2036 it is noted that there may be potential to accommodate further opportunities to provide an additional 33,100 homes and strategic employment opportunities, supported by the construction of the Outer Sydney Orbital, an upgraded Hume Highway interchange and Maldon-Dombarton freight rail line.

The NSW Government has indicated that a coordinated approach to land use planning and infrastructure delivery will be required to achieve the desired outcomes for Menangle Park/Mt Gilead and for the proposed new town at Wilton. The planning vision for Greater Macarthur will be implemented by:

- identifying Menangle Park, Mt Gilead and Wilton as Priority Growth Areas by including them in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP)
-

- investigating the declaration of Menangle Park, Mt Gilead and Wilton as Special Infrastructure Contribution Areas (SIC) to coordinate the funding and delivery of infrastructure that is necessary to support growth in these areas
- continuing to work closely with Wollondilly Shire Council, Campbelltown City Council, and across NSW Government agencies to facilitate outcomes that deliver new communities with homes, jobs, infrastructure and services while protecting the environment and natural resources.

Councillors were provided with a briefing on the Greater Macarthur Land Release Investigation (the investigation) by the Director Strategy on 29 September 2015.

On 23 October 2015, Council staff met with representatives of NSW Planning and Environment for the inaugural meeting of the Greater Macarthur Steering Group, which will oversee planning for the implementation of the Menangle Park and Mt Gilead Priority Growth Areas. Council is represented on the Steering Group by the Director Strategy, Acting Director Planning and Environment and the Manager Sustainable City and Environment. At this meeting Council staff secured an extension of time until 18 November 2015 to lodge Councils submission to the public exhibition of the investigation.

This report provides an outline of the investigation documentation and expresses in principle support for the Preliminary Strategy and Action Plan that deal specifically with the Menangle Park/Mt Gilead Precinct, subject to a range of matters raised in the report being addressed by the NSW Government. The report concludes by recommending that Council make a submission to the NSW Department of Planning and Environment.

Report

Whilst the Greater Macarthur Land Release Investigation (the investigation) discussed the attributes of the Menangle Park, Mt Gilead and Wilton as Priority Areas, this report will focus on those areas located within the Campbelltown Local Government Area i.e. Menangle Park and Mt Gilead. The vision for Greater Macarthur to 2036 is shown in attachment 1.

Menangle Park and Mt Gilead Priority Precinct – Structure Plan

The Menangle Park/Mt Gilead Priority Precinct (the precinct) has an area of approximately 3,601ha and is characterised by relatively flat terrain with a flood plain associated with the Nepean River covering the south-west portion of the precinct. The precinct is also characterised by gorges adjoining the Nepean River and its tributaries, and rolling hills in the eastern portion of the precinct. The Menangle Park and Mt Gilead Structure Plan (the plan) is shown in attachment 2.

The investigation has identified that the precinct has the opportunity to be released for urban development for the following reasons:

- it is an extension of Sydney's metropolitan urban area south of Campbelltown
 - the land in the Precinct is relatively unencumbered by constraints to development
 - there are less requirements for substantial transport and utility infrastructure upgrades when compared to other parts of the Greater Macarthur Area, as the precinct could connect to the existing transport and service infrastructure at Campbelltown
-

- it has relatively direct access to the Campbelltown - Macarthur Regional City and other strategic employment areas in Western Sydney
- the location of the precinct makes it suitable for a range of employment generating uses, including retail and subregional industries
- there is significant private sector interest, with planning proposals at advanced stages
- Sydney Water is progressing servicing strategies for these planning proposals and the proponents have made some 'in principle' commitments to fund and/or deliver other required infrastructure

The precinct has a total of 849ha of land suitable for residential development, with a further 363ha which is currently encumbered but could possibly be developed, subject to further examination in accordance with the principles outlined in the Investigation. These combined areas are anticipated to accommodate approximately 18,100 new dwellings (suitable land 12,700 and encumbered land 5,400). The precinct has a total of 15ha of unencumbered land suitable for employment uses, with a further 9ha of encumbered land with potential to be developed for employment related purposes.

It is proposed that the precinct will contain four centres being:

- Mt Gilead – a local centre with approximately 10,000-20,000sqm of employment Gross Floor Area (GFA)
- Menangle Park – a local centre with approximately 20,000-30,000sqm of employment GFA
- Glenlee – a village centre with approximately 5,000sqm of employment GFA
- Gilead – a village centre with approximately 5,000-10,000sqm of employment GFA.

Land suitability for the Menangle Park/Mt Gilead Priority Precinct (upon which the above estimates have been based) is shown in attachment 3. The extent and density of future potential urban development is subject to further detailed transport assessment.

The Preliminary Strategy and Action Plan list the following actions to deliver future urban development in the precinct:

- upgrade the Hume Highway between Picton Road and Raby Road
- rezoning land for 4,900 homes through the Mt Gilead and Menangle Park planning proposals by the end of 2015, with the first new houses possible within two years
- upgrades to Appin Road to provide direct connections to Campbelltown-Macarthur Regional City Centre
- construction of the Spring Farm Link Road and new access ramps to the Hume Highway, to help ease congestion on Narellan Road
- provision of a north-south bus priority corridor to promote public transport links to the Campbelltown – Macarthur Regional City Centre
- further investigation of the extension of the Sydney Trains electrified rail network to Menangle Park to integrate this area with the suburban rail network
- further release of land to provide up to 13,200 homes, in addition to the homes proposed for Mt Gilead and Menangle Park by current planning proposals

The investigation acknowledges that infrastructure requirements will need to be delivered through an appropriate mechanism, which could take the form of a Special Infrastructure Contribution (SIC) at no cost to government or a series of planning agreements entered into between the Minister for Planning and the relevant proponents.

The exhibited documentation indicates that the preferred rezoning process is a state-led rezoning through an amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the SEPP) as this process:

- a. gives the precincts priority growth area status and makes use of the established Growth Centres implementation process administered by the Department of Planning and Environment;
- b. enables opportunity for a whole precinct to be comprehensively planned, rather than relying on individual planning proposals;
- c. provides the potential for acceleration of housing supply through fast tracking preparation of the SEPP amendment; and
- d. allows the State Government to coordinate agency input on complex planning issues such as mining, transport and infrastructure.

There are four existing planning proposals currently being dealt with by Council that deal with land that is located within the Menangle Park/Mt Gilead Precinct being:

- Menangle Park Urban Release Area which proposes 3,400 residential lots – this proposal came off public exhibition in February 2013 and has not progressed due to unresolved funding issues relating to regional infrastructure including the Spring Farm Link Road, on and off ramps to the M31 and the upgrade of Menangle Road
- Part of the Glenlee Employment Lands Planning Proposal which is a proposed rezoning of 110ha of land currently zoned non-urban (the site is split across Campbelltown and Camden LGAs) – technical studies are being prepared to enable this proposal to progress to public exhibition
- The Mt Gilead Urban Release Area which proposes 1,700 residential lots – this proposal came off public exhibition on 30 June 2015 and has not progressed due to issues relating to regional infrastructure (Appin Road)
- The South Campbelltown Urban Release area which proposes up to 12,000 residential lots – this proposal was deferred by Council at its meeting on 6 May 2014 pending the outcome of the Greater Macarthur Land Release Investigation.

Menangle Park/Mt Gilead Priority Precinct - Investigation of Existing Values and Constraints

The investigation's Preliminary Strategy and Action Plan includes a structure plan for the Menangle Park/Mt Gilead Priority Precinct which was based on the findings of a number of technical studies examining the existing values and constraints within the investigation area. A brief summary of these investigations is provided below:

Waterways and Flooding

The investigation identified land at Menangle Park that is within the 100 year Average Recurrence Interval

Comment: It is noted that flood impact on future urban areas has been considered as part of the previous detailed investigations for the Menangle Park Urban Release Area.

Biodiversity and Bushfire

The Investigation categorised 'biodiversity constrained' land into a number of categories (see attachment 4) which include:

- waterways
- high Constraint Biodiversity
- moderate Constraint Biodiversity
- ecologically Endangered Community
- bio-banking Sites
- Hawkesbury Nepean Corridor and Priority Conservation Lands.

Comment: After reviewing these constraint categories, it is recommended that the Hawkesbury Nepean Corridor and Priority Conservation Lands as shown in attachment 4 be expanded to include all existing east-west fauna corridors between the Georges and Nepean Rivers to the south of Noorumba Reserve in order to ensure the long-term protection of current significant vegetation corridors. The proposed widths of these corridors should also be reviewed and adjusted as necessary to ensure they are sufficient to enable safe migration of Koala and other fauna between the two river systems.

Mining

The investigation quantifies the existing and proposed long-wall mining and existing coal seam gas extraction activity within the precinct.

Comment: The only current remaining long-wall mining activity within the Campbelltown LGA (Longwall 38) is located just outside the investigation study area at Wedderburn. Mining of Longwall 38 is expected to be completed by early 2016.

The existing and active coal seam gas wells within the LGA are located within the Menangle Park Urban Release Area. The Investigation identifies the following as encumbered land for development:

- land within 200 metres of an existing coal seam gas well
 - Rosalind Park Gas Plant.
-

Comment: The inclusion of a 200 metre development exclusion zone around existing coal seam gas wells provides direction to Council as to the management of potential land use interface issues, and assists with the resolution of this matter that was being dealt with as part of the Menangle Park Urban Release Area planning process. Previous advice from State Government agencies on how to manage the interface between existing coal seam gas wells and future encroaching urban development in Menangle Park was to 'assess the impact like any other industrial development.' Unfortunately a range of separation distances have been published within existing Guidelines and State Environmental Planning Policies varying from between 5 to 50 metres. Therefore, in light of the NSW Government's support of a 200m exclusion zone as part of the Investigation, it is suggested that the NSW Government amend all existing documents containing separation distances between existing Coal Seam Gas Wells and future residential development to one consistent standard.

There are three active coal seam gas wells within the Menangle Park Urban Release Area and the land on which they are located is currently proposed to be zoned RE1 – Public Recreation under a draft LEP amendment. As a result of the adoption of a 200m exclusion zone, a slight amendment to the land use zoning map would be required to ensure a 200m radius is provided between these wells and the adjoining proposed R2 – Low Density Residential zone.

Agriculture

Agriculture is a prominent land use in the study area. The Office of Environment and Heritage (OEH) has developed a Land and Soil Capability Assessment Scheme to facilitate the assessment of land and soils for agricultural uses.

The capability of land to sustain a range of land uses and management is ranked in eight classes. "Class 1" and "Class 2" land are the highest value agricultural lands as they can be used for intensive vegetable production.

Comment: There is no Class 1 land located within in the precinct. The Class 2 land in the precinct is currently being used for grazing and the irrigation of modified pastures and not for any higher value activities such as vegetable production. The proposed Menangle Park Urban Release Area draft LEP amendment and Mt Gilead Urban Release Area Planning Proposal both considered the impacts of urban development upon agricultural land as part of their detailed investigations. Any further proposals within the precinct will need to consider the impact of development upon agriculture.

Heritage

The investigation area contains a number of significant heritage items and conservation areas with Aboriginal and European significance at both a state and local level. It is important that the values of these items and conservation areas are conserved in order to preserve the character of the area and its history. Where particular heritage items or conservation areas are considered to have high significance, future development is required to:

- a. integrate with the character of these items/areas;
- b. incorporate adaptive reuses; or
- c. provide sufficient curtilage to avoid diminishing their significance.

Comment: The existing planning proposals before Council for Menangle Park and Mt Gilead have considered in detail both Aboriginal and European heritage and the specialist supporting studies suggest that these lands can be developed in a sympathetic nature. Site specific heritage impact assessments will be required to be undertaken for all further proposals and at development application stage to determine the appropriate treatment of heritage items and conservation areas.

Landscape Character

The investigation classified the land within the study area into ten distinctive landscape units based on topography; vegetation; drainage patterns; geology; and land use patterns. These areas were assessed on their scenic quality and 'absorptive' capability, with the absorptive capability of the land being a test of how well a landscape setting is able to accommodate change or development, and is generally applied at a broader scale as opposed to localised visual modifications.

There are three distinct landscape units occur within the part of the Menangle Park/Mt Gilead Priority Precinct. Menangle Park contains Unit 2 – Scenic Hills and Unit 7 – Open Pastoral Valley while Mt Gilead is wholly classified Unit 8 - Open Pastoral Uplands.

Comment: The scenic quality and adsorptive capability of these landscape units ranges from low to moderate and are characteristic of previously cleared and altered landscapes. With the exception of parts of landscape Unit 2, these areas could be developed without specific restriction of visual qualities. This issue has been considered as part of detailed investigations into the Menangle Park Urban Release Area and will be considered for any future proposals.

Air Quality

The investigation documentation states that photochemical smog (ozone) and particle pollution currently continue to exceed national air quality standards in the Sydney basin, including in the Macarthur region, with poor air quality on 4 to 11 days per year over years 2010 to 2014.

Comment: Despite this and noting that air quality issues were the major reason why earlier and previous iterations of the Macarthur South Urban Land Release did not proceed, the Investigation does not appear to have included a detailed air quality assessment. In addition, the cumulative impact of other urban release areas and the proposed Western Sydney Airport upon the formation, distribution and dispersion of ozone needs to be understood.

The investigation proposes to manage air quality issues through the establishment of a priority growth area air technical working group consisting of representatives from the Department of Planning and Environment, the NSW Environment Protection Authority and the Office of Environment and Heritage to inform ongoing planning decisions.

Therefore it is not considered unreasonable to request further information from the NSW Government to help determine what current baseline air quality data and resources will be available for the priority growth area air technical working group to determine future air quality impacts and mitigation strategies appropriate for the Greater Macarthur Land Release.

Existing and Planned Service Infrastructure Capacity

There is currently capacity within the existing infrastructure to service the proposed Menangle Park/Mt Gilead Planning urban land releases, however further investigations and funding will be required to service the remainder of the precinct with water, sewer, electricity, gas, telecommunications, schools, health and medical facilities, emergency services, cultural facilities, justice services, cemeteries, sporting and recreation facilities.

Key Transport Infrastructure

The investigation documentation relevant to the Menangle Park/Mt Gilead Priority Precinct highlight the need for major (regional) transport infrastructure to deliver urban growth which includes:

- construction of the Spring Farm Link Road and new access ramps to the Hume Hwy to help ease congestion on Narellan Road, and linking Spring Farm to Appin Road
- upgrades to Appin Road to provide direct connections to Campbelltown/Macarthur (to 4 lane arterial standard between Rosemeadow and the southern edge of the precinct at Mt Gilead)
- upgrade of Menangle Road
- upgrade of the Hume Hwy between Picton Road and Raby Road
- construction of a bus priority corridor
- investigation of the feasibility of the electrification of the Southern Highlands Railway Line to Menangle Park.

Comment: The recognition of the need to provide the above transport related infrastructure in order to deliver planned urban growth within Menangle Park/Mt Gilead is welcomed. This recognition acknowledges the importance of providing efficient, convenient and safe connectivity between these new urban areas and the Campbelltown/Macarthur Regional City Centre and other metropolitan destinations, where key and higher order facilities such as public hospitals, tertiary education facilities, retail shopping facilities, sport and cultural infrastructure are located. These connections are also critical for access to strategically significant employment opportunities for the residents of new dwellings proposed for the Menangle Park/Mt Gilead Precinct.

Without the provision of this level of enhanced accessibility, many thousands of proposed new households could be argued to be disadvantaged.

Council staff have also identified that there may be an opportunity to co-ordinate the proposed investigation of the electrification of the T2 Southern Railway Line from Macarthur Station to Menangle Park Station with the Government's current considerations relating to the potential extension of the South west Rail Link from Narellan to the T2 Southern Line. Therein lies some potential for planning for improved connectivity between the Menangle Park/Mt Gilead Precinct and Campbelltown/Macarthur, the proposed Western Sydney Airport and the Broader Western Sydney Employment Area.

Additional and Principal Comments on the Menangle Park/Mt Gilead Priority Precinct Structure Plan

Structure Plan's inconsistency with existing planning proposals

The Menangle Park/Mt Gilead Structure Plan as shown in attachment 2 is not consistent with the detailed planning work already undertaken as part of the draft LEP amendment for the Menangle Park Urban Release Area and the Mt Gilead and Glenlee Planning Proposals. For example the Glenlee Planning Proposal seeks rezoning of land for employment/industrial purposes, while the Menangle Park and Mt Gilead Structure Plan shows this land as 'developable land' (residential).

Further the structure plan shows a proposed town centre and proposed bus priority corridor over land in Mt Gilead which is proposed under the current Planning Proposal to be zoned residential and open space.

These anomalies need to be addressed by the structure plan.

Rezoning Process

The investigation indicates that the preferred rezoning process is a state-led rezoning through an amendment to State Environmental Planning Policy (Sydney Region Growth Centres), 2006, however this does not acknowledge that the Menangle Park draft LEP amendment and the Mt Gilead Planning Proposal are at an advanced stage and (subject to regional infrastructure funding resolution) could be rezoned sooner via the existing planning proposal process.

Commitment to Fund Regional Infrastructure

The investigation indicates that the preferred approach to funding the nominated range of infrastructure requirements will need to be delivered through an appropriate mechanism, which could take the form of a SIC at no cost to government or a series of planning agreements entered into between the Minister for Planning and the relevant proponents.

The Preliminary Strategy and Action Plan states:

"A Special Infrastructure Contribution will create a framework to share the costs and co-ordinate delivery of major new transport and community infrastructure"

Whilst it is understood that a SIC levy on new development and VPAs are amongst a range of options to fund the required infrastructure upgrades, Council must be assured that the appropriate level of infrastructure is in place, where it is needed, in a timely manner. Indeed, the Preliminary Strategy and Action Plan further states:

“Before rezoning takes place, an appropriate mechanism will need to be in place to secure infrastructure needed to support growth”.

At this stage, no such ‘appropriate mechanism’ has been confirmed to fund the delivery of the required regional level infrastructure.

In this regard, the proponents of the Mt Gilead Planning Proposal have recently lodged a Regional Voluntary Planning Agreement with the NSW Department of Planning and Environment to fund the portion of the required Appin Road upgrade attributable to its development. However to date, it is understood that the NSW Government/Department of Planning and Environment has not committed to either funding or delivering the balance of the cost of the required upgrading works to Appin Road.

Without this matter being resolved the Mt Gilead Urban Release Area should not be rezoned. A similar scenario can be put forward for the Spring Farm Link Road and its significance in terms of progressing the Menangle Park Urban Release Area rezoning.

At the least, Council is encouraged to seek a formal commitment by the NSW Government confirming that it will ensure the timely delivery of the required key infrastructure items for the Menangle Park/Mt Gilead Precinct, as listed in the Investigation documentation.

Greater Macarthur Strategic Transport Plan

While the Investigation was placed on public exhibition on 29 September 2015, one of the major contributory studies the Greater Macarthur Strategic Transport Plan was not released for public comment until 27 October 2015. While this reduced time frame has not allowed a detailed assessment of this document it is apparent that there are anomalies between its findings and the Investigations actions. For example the Investigation lists as one of its actions to ‘Further investigate the extension of the Sydney Trains electrified rail network to Menangle Park to integrate this area with the suburban rail network’, however the Greater Macarthur Strategic Transport Plan indicates that the extension is not feasible.

Notwithstanding this initial indication, a new station at Menangle Park on an electrified system is seen to be a logical and strategically critical component of the Glenfield to Macarthur Urban Renewal Corridor considerations, with associated higher urban densities in close proximity to employment land at Glenlee and a potential junction to connect the T2 and T5 lines with the proposed expanded Southwest Rail Link to Narellan and onto the Western Sydney Airport.

Air Quality

Further information is required from the NSW Government to determine what current baseline air quality data and resources are available for the priority growth area air technical working group to determine future air quality impacts in the absence of a detailed technical report.

Biodiversity

The Hawkesbury Nepean Corridor and Priority Conservation Lands as shown in attachment 4 should be expanded to include all existing east-west fauna corridors between the Georges and Nepean Rivers to the south of Noorumba Reserve in order to ensure the long-term protection of current vegetation corridors. The proposed widths of these corridors should also be reviewed and adjusted as necessary to ensure they are sufficient to enable safe migration of Koala and other fauna between the two river systems.

Coal Seam Gas

The NSW Government amend all existing documents containing separation distances between existing coal seam gas wells and residential areas to one consistent standard.

Economic Development and Employment Development

There is a significant dependence upon new households settling within the Macarthur Urban Investigation Area (both the Menangle Park/Mt Gilead and Wilton Precincts), accessing the majority of their employment needs in areas outside of the Investigation area. Such an example is the Campbelltown/Macarthur Regional City Centre.

Hence there is a need for Council to secure arrangements with the NSW Government to ensure efficient, convenient and safe connectivity between these new neighbourhoods and the Campbelltown/Macarthur Regional City Centre. Notwithstanding, it is considered a matter of the highest priority that a higher level of attention is paid to the planning for and support of the creation of new jobs and further sustainable employment growth within the Campbelltown/Macarthur Regional City Centre. Consistent with the policy position set out in 'A Plan for Growing Sydney', it is recommended that Council seek the assistance of the Government in preparing an economic and employment development strategy specifically for the Macarthur Urban Investigation Area, which includes as a centrepiece, the generation of new knowledge jobs around the proposed education/health precinct at Campbelltown/Macarthur.

Conclusion

The nomination of new areas for future urban development within the Greater Macarthur Land Release Area will stand to strengthen the significance of The Macarthur Region as a metropolitan scale urban growth area.

The Greater Macarthur Urban Land Release project, if planned and managed appropriately, supported by integrated infrastructure planning, funding and delivery will add value to the future capacity of Campbelltown-Macarthur to develop as a true Regional City Centre, growing as a major focus of higher level services and facilities – both private and public, and as the major transport node and employment/economic hub for South West Sydney.

Connectivity of new residential neighbourhoods with employment opportunities and higher level services and facilities will be a critical challenge.

The success and longer term sustainability of the Greater Macarthur Land Release depends to no small degree on the commitment by the NSW Government to assure the community that the required regional level infrastructure as set out in the Investigation documentation, will be in place, where it is needed and in a timely manner, and to demonstrate that these outcomes will be secured by an appropriate funding and delivery mechanism.

The creation of employment opportunities for the residents of the Greater Macarthur Land Release Areas must be a major priority for Government to address, and in partnership with Council. The enhanced support of Government by working closely with Council and key business and institutional stakeholders to bring to life the educational/health precinct at Campbelltown/Macarthur is one significant opportunity that should be seriously examined with a view to job creation, to offset the traditional jobs deficit ordinarily and historically created through the 'greenfield' model of urban development.

It is recommended that Council endorse a submission to the NSW Department of Planning and Environment that offers Council's support in principle for the proposed Greater Macarthur land release project including in particular, the Preliminary Strategy and Action Plan as it relates to the Menangle Park/Mt Gilead Priority Precinct, subject to the matters raised in this report being satisfactorily addressed.

Officer's Recommendation

1. That Council express in principle support for the Greater Macarthur Land Release Investigation, subject to the matters outlined in the report being addressed.
2. That Council forward a submission on the Investigation (and its supporting documents) to the NSW Department of Planning and Environment consistent with the matters outlined in the report.

Committee Note: Ms Maroun and Mr Lonza addressed the Committee.

Amendment: (Kolkman/Oates)

1. That Council express in principle support for the Greater Macarthur Land Release Investigation, subject to:
 - a) the early implementation of a fully funded infrastructure plan
 - b) a job creation strategy to cater for the increased population.
2. That Council requests a specific timeline for the provision of infrastructure and the job strategies as outlined in a) and b) above.
3. That Council forward a submission on the investigation (and its supporting documents) to the NSW Department of Planning and Environment consistent with the matters outlined in the report.

LOST

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Amendment: (Kolkman/Oates)

1. That Council express in principle support for the Greater Macarthur Land Release Investigation, subject to:
 - a) the early implementation of a fully funded infrastructure plan
 - b) a job creation strategy to cater for the increased population.
2. That Council requests a specific timeline for the provision of infrastructure and the job strategies as outlined in 1. a) and b) above.
3. That Council forward a submission on the investigation (and its supporting documents) to the NSW Department of Planning and Environment consistent with the matters outlined in the report.

Council Resolution Minute Number 209

That the above amendment be adopted.

ATTACHMENT 1

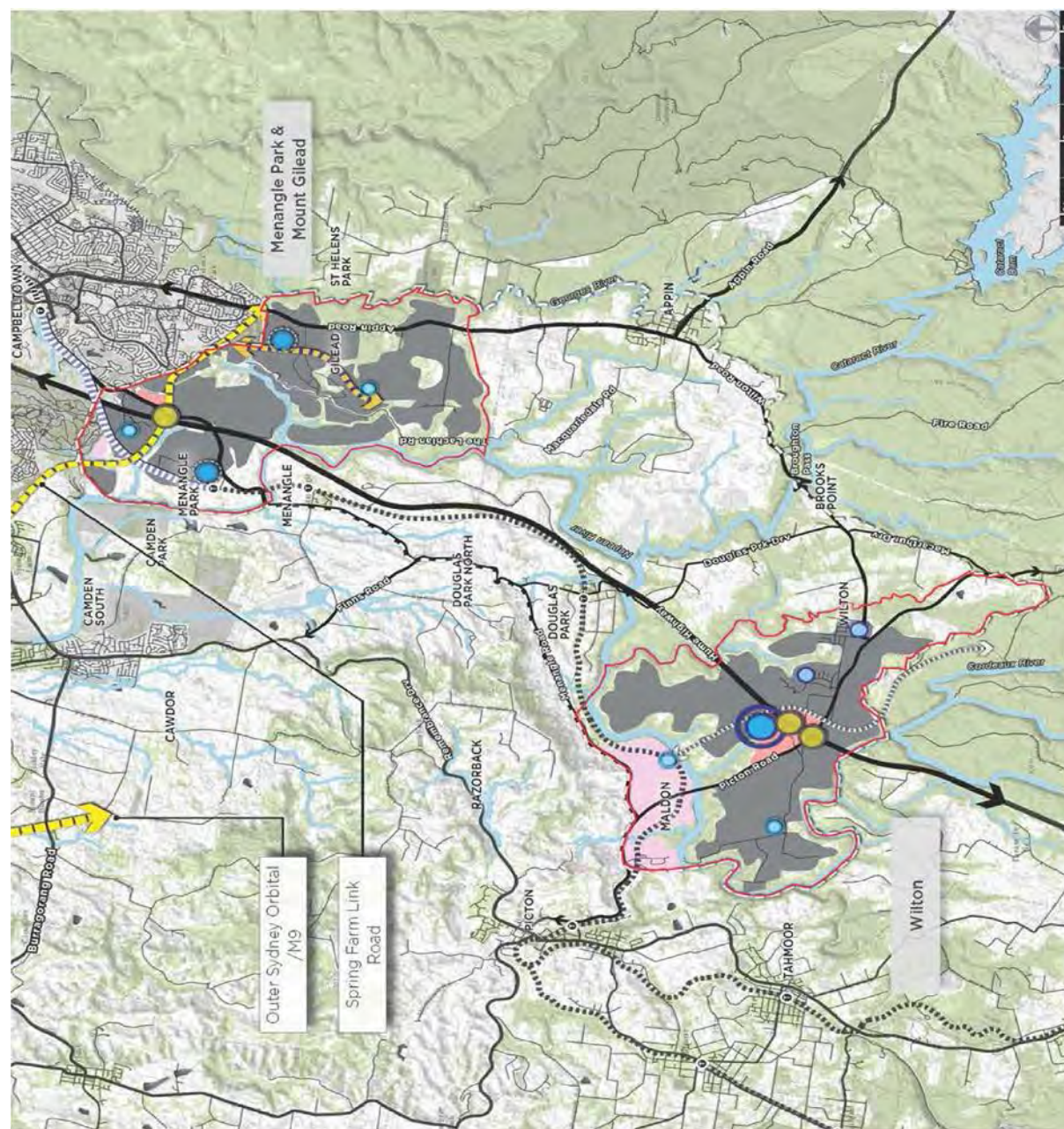
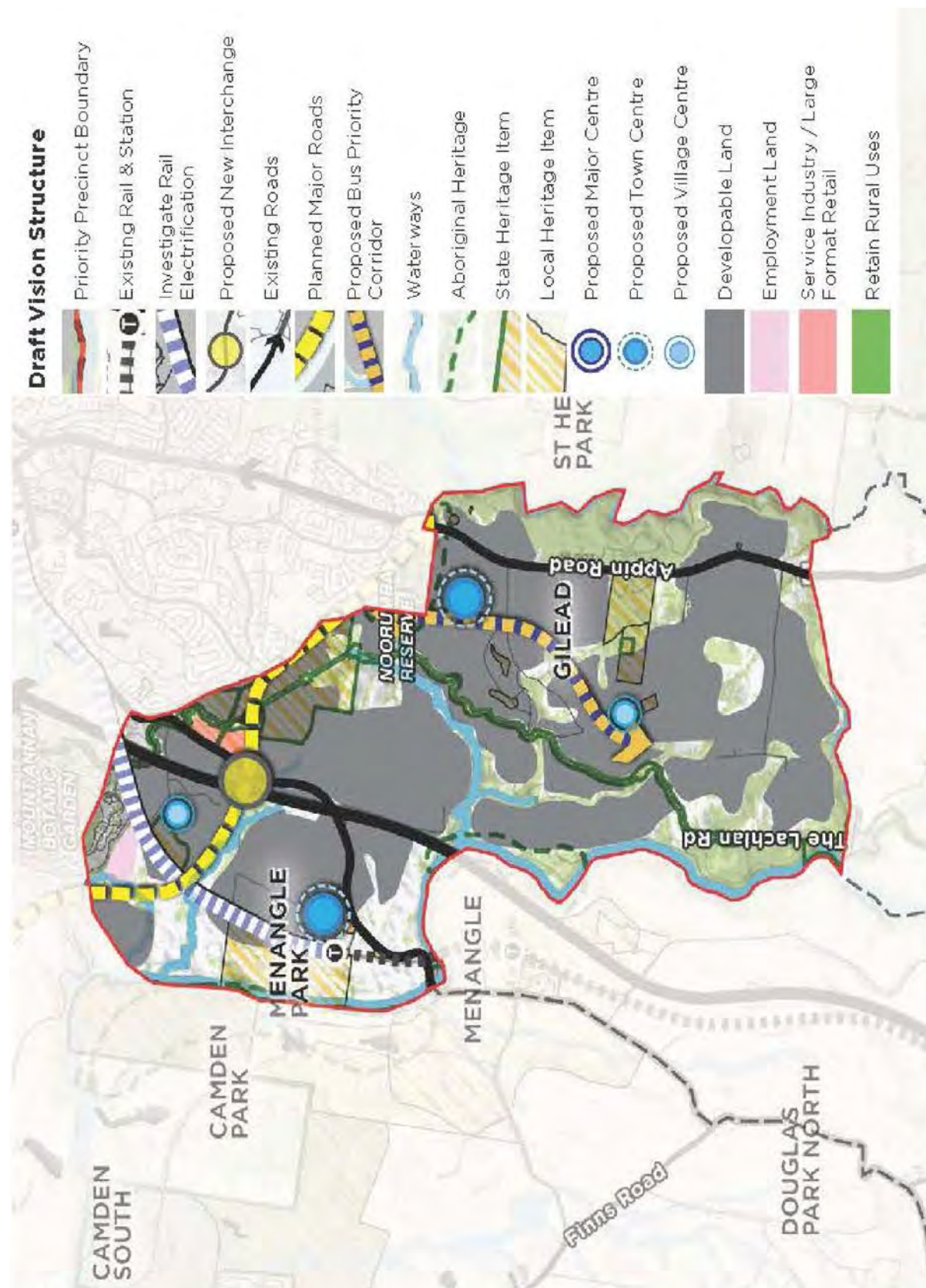


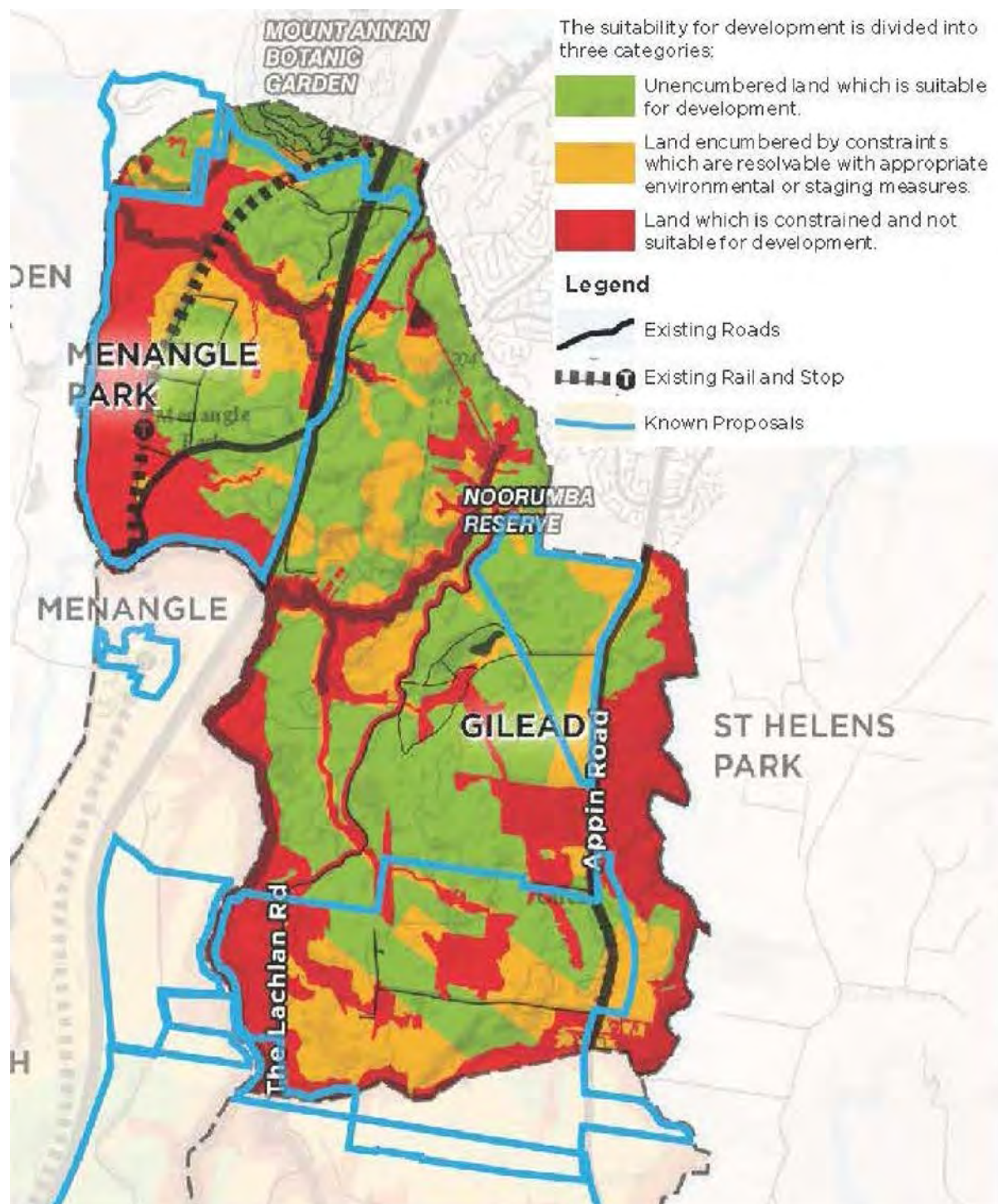
Figure 1 Greater Macarthur Vision to 2036



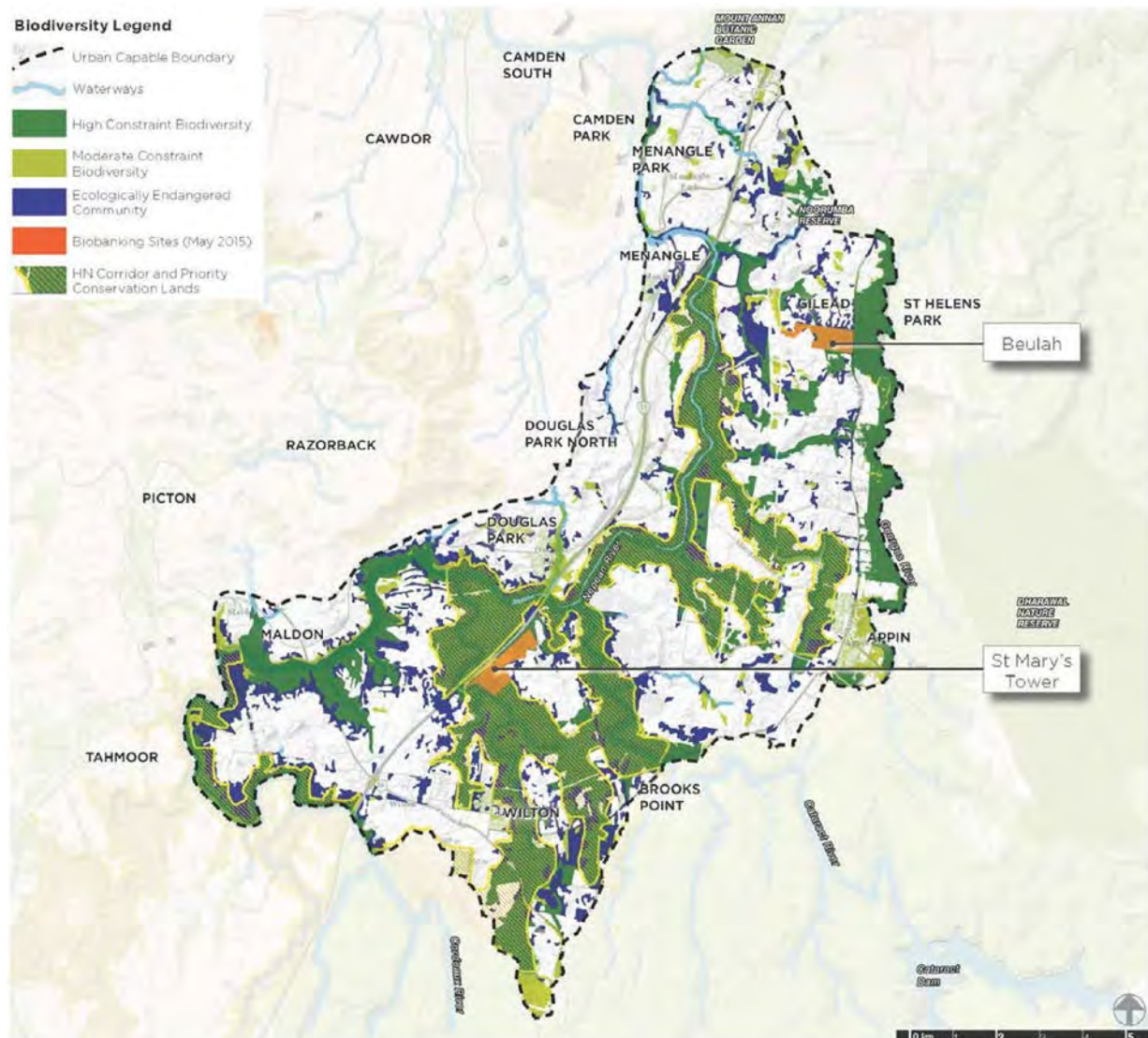
ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



2.4 Trial Indian Myna Bird Action Program

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To update Council on the outcomes of the trial Indian Myna Bird Action Program and to seek Council's approval to continue with the delivery of the program.

History

Council at its meeting held 1 July 2014, Council considered a report regarding the proposal for a trial Indian Myna Bird Action Program. The report reviewed the effectiveness of Council's previous Indian Myna trap lending program and through the initiation of the trial Indian Myna Bird Action Program, proposed alternative opportunities for the control of Indian Myna birds and ongoing community education throughout the Campbelltown Local Government Area (LGA). The program proposed to incorporate educational workshops for interested community members, focusing on promoting simple methods that can reduce Indian Myna bird breeding and feeding opportunities and demonstrating effective trapping and humane euthanasia methods. In addition Council would work in partnership with three local Men's Sheds, from which traps could be produced and sold.

At this meeting Council resolved:

1. That a trial Indian Myna Bird Action Program, as outlined in the report, be initiated for a 12 month period from September 2014, and at the conclusion of the trial a further report be presented to Council outlining the results of the trial program.
2. That the funds allocated for the Myna Bird Traps be \$600.

Report

Council's trial Indian Myna Bird Action Program was officially launched at Riverfest on 30 August 2014. Following this, the first educational workshop was held on the 24 October 2014. Workshops were held approximately every three weeks alternating between three different venues across the Campbelltown LGA: St Helens Park Community Hall, Hurley Park Community Hall and Glenquarie Neighbourhood Centre.

In accordance with Council's resolution, all materials required for trap construction were provided by Council to the three local Men's Sheds to assist with the establishment of the program. Traps were sold through the workshops at a price of \$50 each which allowed for a small profit for the Men's Sheds to enable them to fund their operations. A total of 170 traps have been sold under the trial program.

To date 435 residents have participated in one of the 18 education workshops delivered under the trial program. At the workshops residents were provided with monitoring and data collection sheets for submission to Council to report on the number of Indian Myna birds captured and euthanised under the program. From the 29 people (~7%) who submitted their monitoring and data collection sheets, it was reported that a total of 449 Indian Myna birds were euthanised. However, it is highly likely that the total number of euthanised Indian Myna birds was far higher given the low percentage of participants who reported on their actions during the period of the program.

As the program has progressed, participation in the workshops has decreased slightly, however Council continues to receive enquiries from residents.

Conclusion

In comparison to Council's previous trap lending program, the trial Indian Myna Bird Action Program has engaged a significantly larger number of community members. Council officers have spent a total of 72 hours facilitating and delivering educational workshops which equates to at least 6.2 Indian Myna birds trapped and euthanised per hour of staff input. This is in comparison to the previous program which resulted in the trapping and euthanasiation of only 0.3 birds for every hour of staff time.

As an additional benefit, the relationship developed between Council and the participating Men's Shed's has been a huge success with future opportunities for collaboration with other community environmental education and sustainability programs being investigated.

Therefore, and in consideration of the above, it is proposed that the program continue with workshops being delivered quarterly or on an as needed basis, where community interest warrants additional workshops. It is envisaged that promotional activities will be undertaken prior to scheduled education workshops to generate interest in the program and maximise the effectiveness of the workshops.

Officer's Recommendation

That the Indian Myna Bird Action Program continue to be implemented into the future on an as needed basis and that information outlining the results of the program be submitted to Council via the annual State of the Environment report.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 209

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics September 2015

Reporting Officer

Acting Manager Development Services

Attachments

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 November 2015 (Greiss/Kolkman)

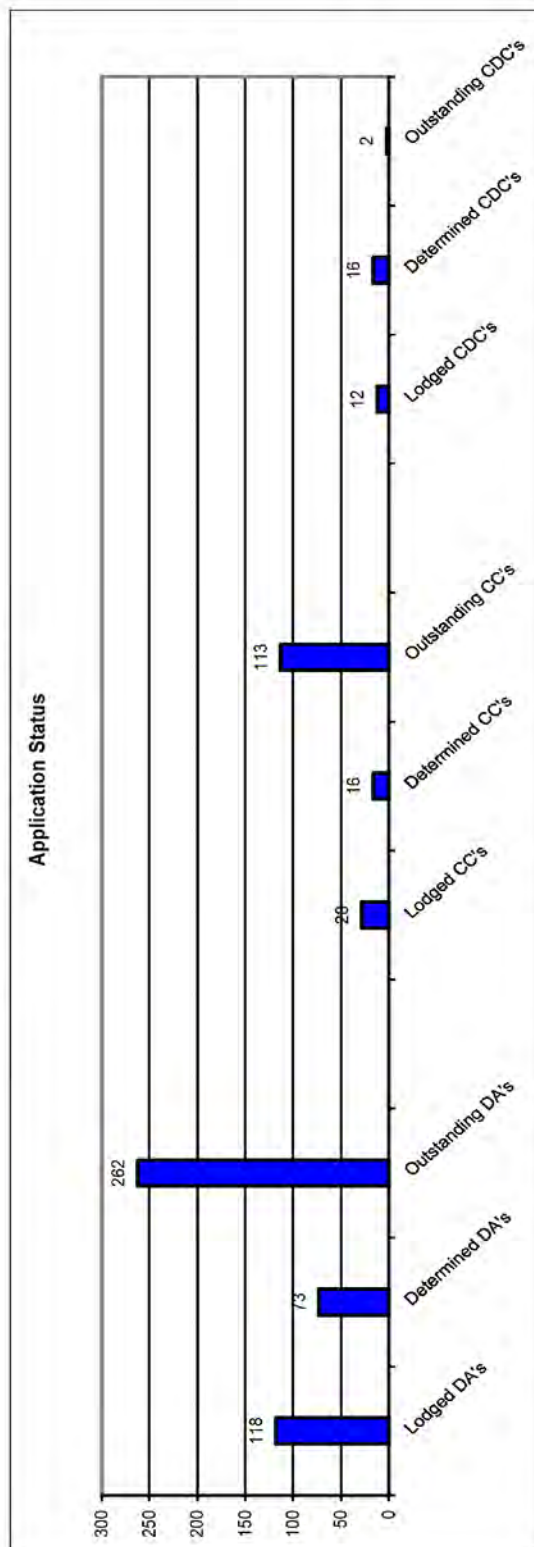
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 209

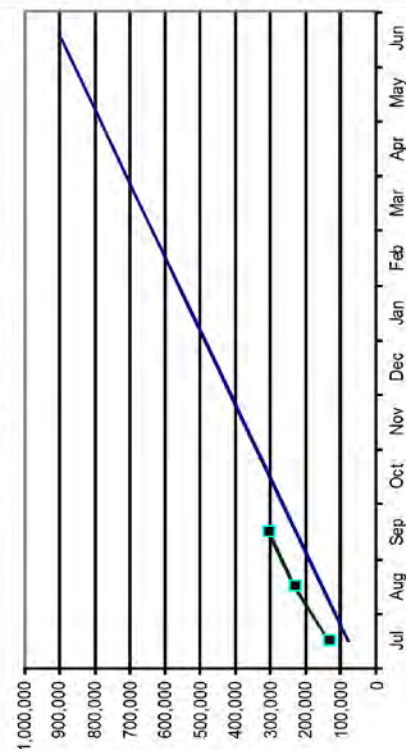
That the Officer's Recommendation be adopted.

ATTACHMENT 1

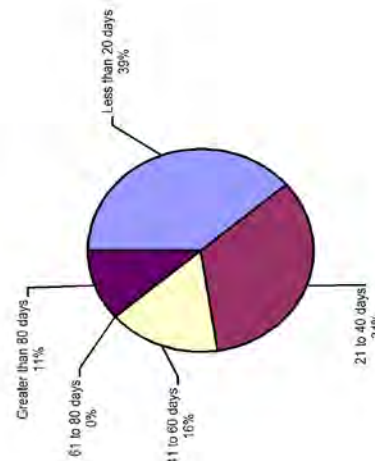
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – September 2015



Development Application Income 2015/2016



Development Application Monthly Processing Times



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 July to end September 2015 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 July 2015 to 30 September 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: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

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

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 209

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 July to 30 September 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 dd/mm/yyyy
Nil															

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

3.3 Construction of a six storey residential flat building containing 69 residential apartments, two levels of basement car parking and associated landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Elevations (contained within this report)
4. Floor plans (distributed under separate cover – confidential – for privacy reasons these plans are not available to the public)
5. Landscaping plan (distributed under separate cover – confidential – for privacy reasons these plans are not available to the public)
6. Notification plan (distributed under separate cover – confidential – for privacy reasons this plan is not available to the public)

Purpose

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

Property Description	Lots 82, 83 and 84 DP 7496, Nos. 37, 39 and 41 Chamberlain Street, Campbelltown
Application No	2946/2014/DA-RA
Applicant	Capital Developments Pty Ltd
Owner	Suzanne Hayden, Lawrence Hayden, Chamberlain Developments Pty Ltd
Provisions	Campbelltown 2025 – Looking Forward State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan
Date Received	4 December 2014

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

Report

Council has received a development application for the construction of a residential flat building containing 69 residential apartments, two levels of basement car parking with 93 car parking spaces and associated landscaping at Nos. 37, 39 and 41 Chamberlain Street, Campbelltown.

The Site and Surrounds

The site is located at Nos. 37-41 Chamberlain Street, Campbelltown. The land has a frontage to Chamberlain Street of 60.345 metres, depth of 45.72 metres and an overall area of 2759sqm. The site currently contains two dwellings and associated outbuildings over the three allotments. No. 41 Chamberlain Street is currently a vacant allotment.

Land to the north contains a six storey mixed used development that includes ground floor commercial activity. Adjoining and nearby land to the south and west of the subject site includes a funeral home at No. 43 Chamberlain Street and low to medium density residential development having one to two storeys in height.

Land across the road from the subject site, to the east and south east, includes a pre-school at No. 36 Chamberlain Street as well as low to medium density residential development. A six storey residential flat building is currently under construction at Nos. 38-42 Chamberlain Street.

The Proposal

The proposed development seeks the demolition of existing dwellings and associated outbuildings to facilitate the construction of a six storey residential flat building comprising 69 apartments and two levels of basement car parking providing 86 resident and seven visitor spaces.

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

- excavation of the site and site works
- construction of a six storey residential apartment building
- 69 residential units comprising:
 - 9 x 1 bedroom units
 - 7 x 2 bedroom adaptable units
 - 53 x 2 bedroom standard units
- car parking for 93 car parking spaces over two basement levels
- central ground floor communal area of 108sqm
- ground floor communal area containing barbeque, cabana and other outdoor furniture
- indoor communal area on top floor of 70sqm

The proposed residential apartments provide a mix of unit types with each apartment being provided with private open space areas through balconies and/or ground level courtyards.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

Each apartment typically contains bedrooms, bathroom/ensuite, kitchen, built-in wardrobes, a linen closet and combined living/dining areas as well as an internal laundry.

The proposed design of the building includes contemporary articulation and façade treatments with a roof feature to add visual interest.

Landscaping is proposed along the perimeter of the building as well as on the street frontages and side and rear boundaries, through the use of trees, shrubs and groundcovers, as well as providing planter beds and turf where required.

Strata subdivision has not been requested at this stage and as such could be the subject of a separate development application to Council.

1. Vision

Campbelltown 2025 Looking Forward

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

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

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

The strategic directions relevant to this application are:

- growing the regional city
- creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic directions as the proposal would provide a housing product that would enable the city to grow by providing 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 proposed development is generally consistent with the relevant 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

2. Planning Provisions

2.1 State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) was gazetted on 26 July 2002 and applies to the development of new residential flat buildings (clause 4(1)(a)). SEPP 65 defines a residential flat building as:

“A building that comprises or includes:

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level)
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops).

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”

The proposed development constitutes a residential flat building for the purposes of SEPP 65.

Clause 30(2) of SEPP 65 requires a consent authority, in determining a development application for a new residential flat building, to take into consideration:

- a) The advice of a Design Review Panel constituted under Part 3 of the Policy
- b) The design quality of the development when evaluated in accordance with the design quality principles (Part 2 of the Policy)
- c) The publication 'Residential Flat Design Code'.

As Council has never established a Design Review Panel, and therefore for the purpose of this application, the Council is only required to consider the design quality principles and the Residential Flat Design Code.

Clauses 9 to 18 contain the design quality principles of the Policy. The following discussion sets out an assessment of the development proposal in terms of these principles and an assessment against the 'Residential Flat Design Code'.

Principle 1 – Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Comment – In precincts undergoing a transformation, the desirable future character of the neighbourhood is considered and complimented by the proposed design.

The objective is to ensure that the design of residential apartments is carried out in a consistent manner with streetscape and residential amenity outcomes as the key focus. Compliance with the planning guidelines will ensure the proposed development is in context with the future character of the region.

The design seeks to provide a fragmented and modulated treatment to the façade and roof profile to maintain a low-scale of development that will remain sympathetic to the established residential bulk and scale of the area, while it is in a state of transition.

Principle 2 – Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment – The height of a development has a major impact on the physical and visual amenity of an area. The height controls are defined by the impact upon the solar access, residential amenity, setting, topography and heritage impacts of the site within its context.

The height proposed should ensure that the development responds to the desired scale and character of the street and local area. The proposed height should allow reasonable solar access to all developments and the public domain. The proposed height is within the maximum height prescribed by the DCP.

Street setbacks establish the front building alignment. The controls over these distances create the proportions of the street and contribute to the public domain by enhancing streetscape.

The street setback also controls the street character and the continuity of street facades. Street setbacks enhance the setting for the building and provide for landscape areas, entrances and deep-soil zones.

The proposed setbacks have been developed to provide a satisfactory distance from surrounding boundaries, to form active street frontages, adequate open space areas for communal recreation spaces and to ensure the development addresses the parameters such as privacy, acoustic transmission control and open space.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

Principle 3 – Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment – The design of the building elements in the articulation zone utilises a segmented contemporary style with a number of building elements being used to provide the strong architectural character proposed for the development. The use of varying setbacks provides vertical segmentation, with balconies, awnings and roof structures providing a contrasting horizontal segmentation.

The segmentation of the façade provides an articulation of the built form and provides for a reduction in bulk and scale of development.

The selection of colours and materials enhances the segmented appearance and provides distinct yet harmonious building facades to inter-relate and provide a dominant façade to the street frontages.

Principle 4 – Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Comment – The proposed density of the development has been determined by a number of design factors contained in the various planning guidelines. Density is the ultimate result of applying the recommended building height, floor space ratio and landscaped areas with the appropriate building separation and setback distances. By complying with the planning controls, the appropriate density is achieved.

Principle 5 – Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

Comment – The proposed building achieves an acceptable level of energy efficiency. Several of the apartments utilise a design enabling cross-ventilation. Energy efficient appliances and water saving devices are also to be fitted. The application was accompanied by a BASIX certificate, which demonstrates that the building reached the required water and energy usage savings. The waste management plan detailed for the site facilitates the collection and storage of recyclables as per Council's policy.

Principle 6 – Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment – A range of deep soil plantings have been catered for across the site, utilising trees with mature heights of up to 20 metres. Planting zones vary across the site based on soil depth dictated by the location of basement beneath parts of the ground floor common areas.

Communal and pedestrian areas are provided with an aesthetic mixture of all-weather hard surfaces, communal lawn, ground covers, shrubs and trees.

Principle 7 – Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment – The design of the proposed residential units generally provides good internal and external amenity by their siting and placement of windows and sliding doors. Balcony areas connect to living areas and are considered satisfactory, providing privacy and solar control by way of being recessed into the main building. SEPP 65 also requires a minimum floor to ceiling height of 2.7 metres, which is standard in all apartments. Solar access has been provided to each of the apartments via balconies accessed via living areas and in some of the units a second balcony is proposed adjacent to a bedroom.

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Principle 8 – Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment – The building presents an active façade to Chamberlain Street, with good views for residents to and from their particular lobby or unit as they access their building from street level.

Basement car parking will be a secure location. Details in relation to the security arrangement will be confirmed prior to issue of a construction certificate.

Principle 9 – Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

Comment – The location of new residential development within a location providing the necessary infrastructure creates a viable choice in the residential market satisfying an established need and demand.

The location of this development provides a number of new dwellings with architectural style and character within a precinct that provides immediate access to community services, retail, recreation and medical services.

The location of the adjoining public open spaces will provide the development with large areas for passive and active recreation activities. The local parks accommodate a number of playing fields, children's play areas, landscaped areas, outdoor dining and seating areas.

Principle 10 – Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

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Comment – From a street presentation perspective, the proposed development comprises a pleasing mix of building elements, textures, materials and colours that would integrate and contribute positively to the Chamberlain Street streetscape. Similarly, the internal design and structure of the development would establish a desirable built form and environment. The proposed development therefore satisfies the required aesthetic design quality principle.

Provisions of Residential Flat Design Code

The proposed development has been evaluated against the various provisions of the Residential Flat Design Code (RFDC) in accordance with Clause 30(2)(c) of SEPP 65.

An assessment summary against relevant portions of the Code is provided below.

It should be noted that the RFDC is a set of guidelines and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met.

Primary development controls

Numeric requirement	Objectives	Comment
Building height No numeric requirement stipulated – use Council's DCP height standard. Design practice notes provided.	To ensure development responds to the desired scale of the area. To allow daylight access to development and the public domain.	Complies with Council's Sustainable City Development Control Plan (SCDCP).
Building depth Generally 18m although buildings may be deeper if adequate light and ventilation is supplied to units.	To ensure the bulk of development is compatible with desired future development. To allow for solar access and natural ventilation. To provide for dual aspect apartments.	The buildings' maximum depth is 18m and therefore complies. However, the Code states that "freestanding buildings may have a greater depth if they achieve satisfactory ventilation and daylight penetration". The building is considered satisfactory in that regard. Apartments are provided with adequate light and ventilation, with most having a north-south orientation.
Building separation Rises with building height – 12m up to four storeys and 18m for up to eight storeys.	To provide for deep soil zones and stormwater management. To control overshadowing of adjacent properties. To provide visual and acoustic privacy.	The building is considered to have an acceptable separation to adjoining residential flat building.

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Numeric requirement	Objectives	Comment
Side and rear setbacks No numeric requirement stipulated. Design practice notes provided.	To provide for deep soil planting areas. To minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. To maximise building separation to provide visual and acoustic privacy.	The proposed development has a minimum rear setback of 6m at ground level and 9m at the sixth floor.
Street setback No numeric requirement stipulated. Design practice notes provided.	To create a clear transition between public and private space. To allow an outlook and surveillance of the street. To allow for streetscape character.	Setback from the street is considered to be acceptable with private balconies and courtyards at ground level.

Site design

Numeric requirement	Objectives	Comment
Deep soil zones No requirement stipulated. Design practice notes provided.	To assist in the management of the water table. To improve the amenity of developments through the retention and/or planting of large and medium size trees.	The plan maximises areas provided for deep soil planting and introduces several large trees to the landscaping of the site.
Fences and walls No numeric requirements stipulated. Design practice notes provided.	To define the boundaries between areas having different functions or owners. To provide privacy and security. To contribute positively to the public domain.	The development proposes a 1.8m high fence on the side and rear boundaries. The fencing and walls are considered appropriate to define the boundaries of the development.
Landscape design No numeric requirements stipulated. Design practice notes provided.	To improve stormwater quality. To improve urban air quality. To add value to residents' quality of life within the development. To improve the solar performance of the development.	A comprehensive landscaping plan has been prepared for the development. The plan maximises areas provided for deep soil planting and would introduce several large trees at the site, which will ultimately assist in improving solar conditions and provide habitat for birds.

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Numeric requirement	Objectives	Comment
<p>Orientation</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<p>To optimise solar access to residential apartments and adjacent buildings.</p> <p>To improve the thermal efficiency of new buildings.</p> <p>To contribute positively to the desired streetscape.</p>	<p>The building is orientated as best as possible having regard to the existing street. A BASIX certificate has been submitted with the application which demonstrates satisfactory energy and thermal comfort savings have been made. Apartments have been provided with balconies and windows to gain access to natural light.</p>
<p>Stormwater management</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<p>To minimise the impact of residential flat development and associated infrastructure on the health and amenity of natural waterways.</p>	<p>An area of deep soil planting is provided in the development. Stormwater capture and management complies with Council's Sustainable City DCP Vol. 3.</p>
<p>Safety</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To ensure that residential flat developments are safe and secure for residents and visitors.</p> <p>To contribute to the safety of the public domain.</p>	<p>Crime Prevention Through Environmental Design (CPTED) principles used throughout the development, including lighting, territorial reinforcement of entry and street areas, safe basement car parking area.</p>
<p>Visual privacy</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To provide reasonable levels of visual privacy.</p> <p>To maximise views and outlook from principal rooms and private open space, without compromising visual privacy.</p>	<p>Balconies have been aligned to reduce overlooking.</p> <p>Fixtures to balconies such as screens are sometimes used to reduce overlooking potential.</p>
<p>Building entry</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To create entrances that provide a desirable residential identity for the development.</p> <p>To orient visitors.</p> <p>To contribute positively to the streetscape.</p>	<p>Separate entries provided for vehicles and pedestrians to increase safety.</p> <p>Visitor entry from street clearly defined and easily accessible.</p>
<p>Car parking</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To minimise car dependency for commuting and to promote alternative means of transport.</p> <p>To provide adequate car parking.</p> <p>To integrate the location and design of car parking with the building and its location.</p>	<p>Car parking would be provided in a two level basement, with minimal impact on the street.</p> <p>The development provides 93 spaces which is considered acceptable in this instance.</p>

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Building design

Numeric requirement	Objectives	Comment
<p>Apartment layout</p> <p>"Rules of thumb" provided for depth, width and area.</p>	<p>To ensure that the spatial arrangement of apartments is functional and well organised.</p> <p>To ensure that apartment layout provides a high standard of residential amenity.</p> <p>To accommodate a variety of household activities and needs.</p>	<p>Single aspect apartments are generally located on the northern facing side of the building to maximise solar penetration.</p> <p>Window location and size maximise solar penetration. Apartments comply with BASIX requirements for energy efficiency and thermal comfort. Apartment sizes generally comply "rule of thumb" requirements. Depth of apartments complies with "rule of thumb".</p>
<p>Apartment mix</p> <p>Design practice notes provided.</p>	<p>To provide a diversity of apartment types, which cater for different household requirements now and in the future.</p> <p>To maintain equitable access to new housing by cultural and socio-economic groups.</p>	<p>Building contains a mix of one and two bedroom units.</p> <p>Complies with Council's SCDGP.</p>
<p>Balconies</p> <p>Design practice notes provided.</p> <p>"Rules of thumb" provided.</p>	<p>To provide all apartments with open space.</p> <p>To ensure that balconies are integrated into the overall architectural form and detail of the building.</p> <p>To ensure that balconies are functional.</p> <p>To contribute to the safety and liveliness of the street by allowing for casual overlooking.</p>	<p>Balconies meet minimum depth requirement in the "rules of thumb".</p> <p>Balconies are all directly accessible from living areas.</p> <p>Balconies would provide casual surveillance of the street.</p>
<p>Ceiling heights</p> <p>"Rules of thumb" provided</p>	<p>To increase the sense of space in apartments.</p> <p>To promote the penetration of light into the depths of apartments.</p> <p>To achieve quality interior spaces while considering the external building form requirements.</p>	<p>The building complies with the "rules of thumb". A minimum ceiling height of 2.7m would be provided to each unit.</p>

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Numeric requirement	Objectives	Comment
<p>Ground floor apartments</p> <p>No numeric requirements stipulated. Design practice notes provided.</p>	<p>To contribute to the desired streetscape of an area and to create active safe streets.</p> <p>To increase the housing and lifestyle choices available in apartment buildings.</p>	<p>Ground floor units provided with terraces and screened from the street by landscaping.</p> <p>Landscaping would provide views to and from the apartment building at street level. Variations in ground height increase privacy and allow for casual surveillance.</p>
<p>Mixed Use</p> <p>No numeric requirements stipulated. Design practice notes provided</p>	<p>Mix of uses that complement and reinforce the character and function of the area.</p> <p>Flexible layouts to promote variable tenancies or uses.</p> <p>Legible circulation systems by isolating commercial service requirements, demarcated residential entries, distinguishing commercial and residential entries for safety reinforcement.</p>	<p>No mixed use/commercial tenancies proposed.</p>
<p>Circulation</p> <p>"Rule of thumb" provided. Design practice notes provided.</p>	<p>To create safe and pleasant spaces for the circulation of people and their personal possessions.</p> <p>To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.</p>	<p>The number of units accessed from each corridor complies with the Code's "rule of thumb" ie. less than 8 units accessed from each corridor.</p> <p>Corridors are wide and would allow for the movement of furniture.</p>
<p>Storage</p> <p>Numeric "rules of thumb" provided. Design practice notes provided.</p>	<p>To provide adequate storage for everyday household items within easy access of the apartment.</p> <p>To provide storage for sporting, leisure, fitness and hobby equipment.</p>	<p>"Rules of thumb" in Code are mirrored in Council's SCDGP. The building complies with the requirements.</p>

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Building amenity

Numeric requirement	Objectives	Comment
Acoustic privacy No numeric requirement stipulated. Design practice notes provided.	To ensure a high level of amenity by protecting the privacy of residents.	Busy, noisy areas have been located adjacent to each other within units. Bedrooms kept away from mechanical plant. Party walls between units minimised as much as possible.
Daylight access Design practice notes provided and rules of thumb.	To ensure that daylight access is provided to all habitable rooms. To provide adequate levels of ambient lighting and minimise the need for artificial lighting during the day. To provide residents with an opportunity to adjust the quantity of daylight to suit their needs.	All living areas provided with windows. Awnings provided to some windows at balconies to provide for shading during summer.
Natural ventilation Rules of thumb provided. Design practice notes provided.	To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air. To provide natural ventilation to non-habitable rooms where possible. To reduce energy consumption.	Majority of units provide cross ventilation opportunities.
Facades Design practice notes provided. No numerical requirements stipulated.	To promote high architectural quality in residential flat buildings. To ensure that new developments have facades which define and enhance the public domain and desired street character. To ensure that building elements are integrated into the façade design.	The buildings have been provided with an array of architectural treatments to enhance its appearance from the street and surrounding properties. Design elements such as varying colours, projecting fin walls, varying materials and balconies have been provided to break up the building mass, along with the separation of the three towers.

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Building performance

Numeric requirement	Objectives	Comment
Energy efficiency No numeric requirement stipulated. Design practice notes provided.	To reduce the necessity for mechanical heating and cooling. To minimise greenhouse gas emissions.	Passive solar design initiatives incorporated into the building. It meets BASIX requirements for water, energy and thermal comfort requirements, which were not in place at the time the Flat Design Code was prepared.
Waste management No numeric requirement stipulated. Design practice notes provided.	To avoid the generation of waste through design, material selection and building practices. To plan for the types and amount of waste to be generated during demolition and construction. To encourage waste minimisation, including source separation, reuse and recycling.	A waste management plan has been submitted with the application. The plan details how collection and disposal of recyclables will be provided in the building. Separation of general waste and recyclables will also be provided to reduce potential contamination of recycling collection.
Water conservation Design practice notes provided. Rules of thumb provided.	To reduce mains consumption of potable water. To reduce the quantity of urban stormwater runoff.	Energy efficient appliances and taps/showerheads to be provided throughout the building. BASIX water reduction targets satisfied.

The building is considered to be generally compliant with the objectives and controls within the SEPP and its accompanying Design Code.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires residential development to nominate and incorporate sustainability commitments to reduce water and energy consumption.

In accordance with the BASIX SEPP mandatory sustainability commitments required in the accompanying BASIX Certificate have been included in the architectural plans. The proposed development will therefore satisfy the BASIX SEPP.

2.3 Campbelltown (Urban Area) Local Environmental Plan 2002

The site is zoned 10(a) Regional Comprehensive Centre under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. "Residential flat buildings" are permissible with Council's consent in the 10(a) zone.

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The proposal is consistent with several zone objectives, particularly:

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

A further objective of the zone is:

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

In this regard, the application is for a permissible residential flat development located in a locality undergoing transition within the regional centre.

2.4 Draft Campbelltown Local Environmental Plan 2014

Council's Draft Campbelltown Local Environmental Plan 2014 has been considered in the assessment of the proposed development. The draft planning instrument was placed on public exhibition between 12 June 2014 and 8 August 2014. The draft instrument is yet to be gazetted.

Under the draft planning instrument the site is zoned R4 High Density Residential. Residential flat buildings are permitted with consent in the zone.

The development is complementary to several zone objectives, including:

- to provide a mixture of compatible land uses
- to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling
- to provide a focal point for commercial investment, employment opportunities and centre-based living
- to encourage the development of mixed-use buildings that accommodate a range of uses, including residential, and that have high residential amenity and active street frontages
- to facilitate diverse and vibrant centres and neighbourhoods.

Accordingly the proposal is considered to be consistent with the draft planning instrument's zone objectives.

Clause 4.3 Heights of Buildings intends to nominate building heights to reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities.

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The draft instrument nominates maximum building height of 19 metres in the zone. The proposed height of the building, excluding the roof feature, is 17.8 metres with the additional height provided by roof feature it equals the maximum building height of 19 metres.

2.5 Campbelltown (Sustainable City) Development Control Plan 2014 (SCDCP)

Part 2 – Requirements Applying to All Types of Development

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

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

Sustainable Building Design – A BASIX certificate has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met.

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

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

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

Retaining Walls – In the case of retaining walls constructed to support proposed basement levels on the allotment, the cut is located a minimum 1200mm from the land's side boundary and 2000mm from the rear boundary. The proposed development is compliant with the SCDCP's minimum control of 450mm.

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

Waste Management – A Waste Management Plan for construction and operation of the development has been submitted and considered satisfactory in this instance.

Part 5 – Residential Apartment Building Development

The below table illustrates the proposal's assessment against the relevant provisions of SCDCP having regard to residential apartment building development:

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			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
5.4.1(a)	Lot Size	2759m ²	Minimum 1250m ²	Yes
5.4.1(b)	Lot Width	60.345m	Minimum 30m	Yes
Schedules of SCDCP	Height	six storeys	six storeys	Yes
5.4.2(a)(i)	Front Setback	Minimum 5.5m	Minimum 5.5m	Yes
5.4.2(a)(ii)	Side and Rear Setback	Minimum 6m	6m from the side and rear boundaries for any residential component	Yes
5.5.1(b)	Mixed Use Buildings	No commercial component	Mixed use development shall incorporate retail and/or commercial uses at least at ground levels	NA
5.4.3(a)	Bedroom configuration	One bedroom units - 9 (13%) Two bedroom units - 60 (87%) Three bedroom units - nil	Minimum 5% units are one bedroom or studio apartments	Yes
5.4.3(b)	Adaptable Dwellings	Seven adaptable apartments - 10%	Minimum of 10% units shall be adaptable	Yes
5.4.3(c)	Apartment size	One bedroom – between 60-64m ² Two bedroom – between 90 -95m ² Three bedroom - nil	One bedroom – min 60m ² Two bedroom - min 90m ² Three bedroom – min 125m ²	Yes Yes NA
5.4.3(d)	Apartments serviced by lobby	Lobbies service no more than six apartments	Maximum eight units per lobby	Yes
5.4.3(e)	Lifts	Lifts provided	Lifts provided for buildings of three or more storeys	Yes
5.4.3 (f)	Lift Access	No lift services more than 50 apartments	No more than 50 dwellings be accessible to a single lift	Yes
5.4.3(g)		Access to lifts considered appropriate Two lifts provided	Access to lifts shall be direct and illuminated	Yes
5.4.3(h)	Landscaped Open Space	25% of site available for deep soil planting	Minimum 15% of total site area must be provided for deep soil planting, or minimum of 25% of required open space area (whichever is greater)	Yes
	Endemic Species	Landscape plan provided	Detailed landscape design and landscape plan provided	Yes

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			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
5.4.3(i)	Incidentals Storage	Storage areas have been located within the basement	Each apartment shall be provided with storage facility within basement or the unit with a minimum capacity of: 6m ³ - studio 8m ³ - one bed unit 10m ³ - two bed unit 12m ³ - three bed unit 15m ³ - four bed unit	Yes
5.4.4(b)	Car Parking Dimensions	Minimum car parking dimensions 2.5m x 5.5m	Minimum of 2.5m x 5.5m	Yes
5.4.4(c)	Driveways	Location of driveway acceptable	Shall be not located within 6m of any un-signalised intersection	Yes
5.4.4(d)	Traffic Impact Assessment Report	Traffic impact assessment report provided	For development incorporating 20 or more dwellings, a traffic impact assessment report shall be provided	Yes
5.4.4(f)	Basement Car Parking	All car parking is provided at basement level	Development containing three or more storeys shall provide all car parking at basement level	Yes
5.4.4(h)	Car Parking - Residential	Proposal contains: Seven visitor spaces on basement 1 36 residential spaces basement 1 50 spaces on basement 2 93 total	One underground space per unit, plus one space for every four dwellings, plus one visitor space for every 10 dwellings	Yes
5.5.4(a)	Car Parking - Retail/Commercial		In addition, the development shall provide one car parking space per 25m ² of leasable at ground level and 35m ² at upper levels for all retail and/or commercial parts of the building (Nil commercial floor space with proposal) Total required = 93.15	
5.4.4(i)	Stacked Parking	No stacked car parking spaces proposed	No required car parking shall be in a stacked configuration	Yes
5.4.4(j)	Bicycle Storage	Appropriate bicycle storage proposed (14 bike storage spaces)	Bicycle storage at a rate of one space per five dwellings	Yes
5.4.5(a)	Orientation	Buildings and apartments orientated in a northerly	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces	Yes

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			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
5.4.5(b)	Solar Access	Adjoining land to south comprises of a funeral home. In the event the building reverts to a dwelling, 20m ² of solar access can be achieved	A minimum of 20m ² of the required private open space on adjoining land shall receive three hours of continuous solar access between 9.00am and 3.00pm on 21 June	Yes
5.4.6(a)	Private Open Space	All apartments have a private courtyard or balcony	Apartments shall be provided with a private courtyard and/or balcony	Yes
5.4.6(b)	Balconies	Apartment balconies have areas of more than 8m ²	Area not less than 8m ² with a depth of 2m	Yes
5.4.7(a)	Ground Level Apartments	Ground level apartments have appropriate level of privacy	Ground level apartments shall be provided with a privacy screen	Yes
5.4.7(b)	Habitable Room	Habitable rooms and their windows are considered to be appropriately sited given the orientation of all apartments	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9m of the proposed window	Yes
5.4.7(c)			Notwithstanding 5.4.7(b) a window may be permitted only where it is <ul style="list-style-type: none"> • Offset by 2m • Has a sill height of 1.7m • Is splayed • Contains translucent glazing • Is screened 	
5.4.7(d)	Balcony Design	It is anticipated that balconies have an appropriate outlook having regard to privacy	Notwithstanding 5.4.7(b), a balcony will be considered where the private open space is screened from view	Yes
5.4.8(a)	Communal recreation facilities	A recreation room is provided for residents of the development	Recreation room and, bbq/outdoor area minimum 50sqm per 50 dwellings or part thereof Communal recreation facilities shall not be located within primary of secondary setback	Yes
5.4.8(b)		A communal recreation area of approximately 108m ² is provided and is not located within primary setback Outdoor bbq area is proposed		Yes

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			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	CONTROL	PROPOSAL	REQUIREMENT	COMPLIES
5.4.9.1(a)	Waste Management	Development provides for general waste bins and bins for recyclable waste	All buildings shall be provided with household garbage bins at the following rates: 240L bins/three dwellings or 1000L bulk bin/12 dwellings All buildings shall be provided with dry recyclable bins at a rate of: 240L bin/three dwellings for fortnightly collection	Yes
5.4.9.1(b)		Compactors also included in waste management system Recyclables: one 240L bin per 6 units (12 bins – collected weekly) General waste: one 240L bin per 3 units (23 bins – collected weekly) Bins to be collected by private contractors. Scope exists on kerb should Council's waste contractor be required to collect bins in the future		
5.4.9.2(a)	Garbage Chutes	Proposal includes garbage chutes to bin storage rooms in basement Garbage chutes and their design considered satisfactory	All buildings with a rise of more than four storeys shall make provision for a household garbage chute on each level which is accessible for all occupants	Yes
5.4.9.2(b)			All garbage chutes shall have input points located within waste service rooms	
5.4.9.2(c)			Garbage chutes should not located adjacent to habitable rooms in each apartment	
5.4.9.2(d)			Garbage chutes shall feed into a garbage container or mechanical compaction located within bin storage room	
5.4.9.3(a)	Bin Storage Room	Waste bin storage rooms have been provided within basement level of development	The development shall make provision for an appropriately sized communal bin storage room	Yes
5.4.9.3(b)		Contains ventilation mechanism	The bin storage room/s shall be appropriately ventilated	Yes

The proposed development generally complies with the provision of SCDP.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

3. Planning Assessment

3.1 Impacts on Natural and Built Environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the development's potential impacts on the natural and built environment.

The scale, density and built form is considered generally satisfactory with respect to the context of the site and the desired future character of the area. The development is considered to be of high architectural quality that will not have any adverse impacts to the existing built environment.

It is considered that the scale and bulk of the development would not result in significant and unreasonable amenity impacts to the locality taking into account existing and future development.

The development application is accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. The report considers the road network in the vicinity of the site, estimated the traffic generation potential and assesses the traffic implications of the development in terms of road network capacity.

In addition, the report considered the geometric design of the proposed car park facilities and their compliance with relevant codes and the adequacy of the number of off-street car parking provided.

The report concludes that the projected increase in traffic activity as a consequence of the development is minimal, is consistent with the zone objectives and would not have an unacceptable impact on traffic implications in the location.

The development is considered to provide a suitable number of on-site car parking spaces for both residents and visitors that is consistent with Council's SCDCP.

3.2 Social and Economic Impacts

It is anticipated that the development would contribute to the wider choice of housing available in Campbelltown and would provide a tangible social benefit. The scale and density of the development respects the identified desired planning outcome and takes advantage of nearby transport, commercial, retail, educational and other support services.

3.3 Site Suitability

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the suitability of the site for the proposed development.

The principal matters for attention are discussed in considering Campbelltown (Sustainable City) DCP and SEPP 65. It is considered that the site is suitable for the development of a residential apartment building given the land's zone and locality.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

4. Public Participation

4.1 Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider submission made to the proposal.

The application was notified and publicly exhibited between 19 January 2015 and 3 February 2015. The application was notified directly to nearby and adjoining owners and via public notice in local print and electronic media.

During this period Council did not receive any submissions objecting to the development.

4.2 The Public Interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider the public interest in consenting to a development application.

The public interest is a comprehensive requirement that requires consent authorities to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs, LEPs and DCPs.

The application is considered to have generally satisfactorily addressed relevant design standard and controls required for such development.

5. Conclusion

Council has received an application for the construction of a residential flat building development at Nos. 37, 39 and 41 Chamberlain Street, Campbelltown. The proposed development's design incorporates 69 residential apartments in a six storey building, two levels of basement car parking for 93 car parking spaces and associated landscaping.

The development would be located in an area currently undergoing transition. Adjoining and nearby land comprises of low density residential housing as well as existing, and currently under construction, residential apartment buildings of similar scale.

The proposed development generally conforms to the requirements of SEPP 65, LEP 2002, draft LEP 2014, Council's Sustainable City DCP and recommended standards of the Residential Flat Design Code (RFDC).

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

It is considered the proposal results in generally acceptable planning outcomes for the site, given the desired character outcomes contained in the various planning controls and design guidelines, and as such, it is recommended that the application be approved subject to conditions.

Officer's Recommendation

That development application 2946/2014/DA-RA for the construction of a residential flat building containing 69 residential apartments, two levels of basement car parking with 93 car parking spaces and associated landscaping at Nos. 37, 39 and 41 Chamberlain Street, Campbelltown be approved, subject to conditions detailed within attachment 1.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

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

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

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 210

That the Officer's Recommendation be adopted.

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

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

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Plans prepared by Design Cubicle (architectural):

Drawing Number DA200, Job No. 140613, Date June 2014, Issue D
Drawing Number DA201, Job No. 140613, Date June 2014, Issue D
Drawing Number DA202, Job No. 140613, Date June 2014, Issue D
Drawing Number DA203, Job No. 140613, Date June 2014, Issue D
Drawing Number DA204, Job No. 140613, Date June 2014, Issue D
Drawing Number DA205, Job No. 140613, Date June 2014, Issue D
Drawing Number DA206, Job No. 140613, Date June 2014, Issue D
Drawing Number DA207, Job No. 140613, Date June 2014, Issue D
Drawing Number DA301, Job No. 140613, Date June 2014, Issue D
Drawing Number DA302, Job No. 140613, Date June 2014, Issue D
Drawing Number DA303, Job No. 140613, Date June 2014, Issue D
Drawing Number DA304, Job No. 140613, Date June 2014, Issue D
Drawing Number DA601, Job No. 140613, Date June 2014, Issue D

Plans prepared by United Consulting Engineers (concept stormwater and drainage)

Drawing Number 14MB6247/D01, Date 19.09.2015, Issue C
Drawing Number 14MB6247/D02, Date 19.09.2015, Issue C
Drawing Number 14MB6247/D03, Date 19.09.2015, Issue C
Drawing Number 14MB6247/D04, Date 19.09.2015, Issue C

Plans prepared by Vision Dynamics (landscape plan)

Drawing Number 14219DA1, Date 1 December 2014, Revision A

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

2. Roof Structure

The skillion roof structure over bedroom 1 of Unit 61 and bedroom 1 of Unit 68 shall be extended to protrude in line with the edge of the balconies on lower levels. These sections of skillion roof shall extend to a distance of 6 metres from the side boundaries. Plans shall be submitted to Council for written approval prior to issue of a construction certificate.

3. Building Code of Australia

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

4. Contract of Insurance (residential building work)

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

This clause does not apply:

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

5. Notification of *Home Building Act 1989* Requirements

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

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
-

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

6. 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.

7. External Finishes

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

8. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- b. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- c. A hose cock shall be provided within the room.
- d. Garbage rooms shall be vented to the external air by natural or artificial means.

9. Fencing

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

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

10. Switchboards/Utilities/Air Conditioning Units

Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

11. Driveway

The gradients of driveway, sight distances at access driveway exit and manoeuvring areas shall be designed in accordance with Australian Standards AS 2890.1 and AS 2890.6 (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.

12. Deliveries during Construction

Where possible, the loading and unloading of all materials and equipment shall be carried out upon the subject site.

If this is not possible due to the construction activities, the creation of a Work Zone may be necessary.

Should this be the case, an application to Council, at least eight weeks prior to the commencement of works, for the creation of a temporary Work Zone will be necessary.

13. Lighting

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

14. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

15. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

16. Flood Level Controls

This site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The fill level control which affects this site is RL 71.3 metres AHD and RL 74.0 metres AHD at Northern end and Southern end respectively. The floor level control which affects this site is RL 71.6 metres AHD and RL 74.3 metres AHD at Northern end and Southern end respectively.

17. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

18. Car Parking Spaces

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

19. Basement Car Parking

The basement car parking area shall be fitted with secure roller shutter device and associated security keys to restrict access to the car park for residents and their visitors.

The ceiling of basement car parking levels is to be finished in white paint to increase the effectiveness of lighting.

20. Basement Parking

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

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

21. Retaining Walls

All retaining walls adjacent to Council property or existing public infrastructure shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines.

Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where retaining structures exceed 600mm in height, they shall be designed by an appropriately qualified engineer. Upon completion, the retaining structures shall again be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design.

22. Basement Storage Compartments

Storage compartments are to be provided within the basement levels in accordance with Council's (Sustainable City) Development Control Plan.

23. Air Conditioning Units

Air conditioning units shall not be affixed to external walls of the building or placed on balconies in such a manner they are visible from a public place.

24. Waste Collection

Kerb side waste collection from Chamberlain Street shall occur twice weekly. At any given time, a maximum of thirty 240L bins, both general waste and recyclable material, shall be placed in front of the subject property adjacent to the kerb for collection by a private contractor.

25. Shoring and Adequacy of Adjoining Property

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

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

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

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

26. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation in accordance with Section 2.4.1 of Campbelltown (Sustainable City) Development Control Plan.

27. Construction Certificate

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

28. 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.

29. Geotechnical Report

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

30. 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

31. Parking Restrictions

Parking restrictions on garbage collection day shall be placed on the front section of Chamberlain Street. Plans shall be submitted to Council's Local Traffic Committee for approval.

32. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for the proposed line marking and/or sign posting and shall include on road parking restrictions for the control of parking on waste collection days.

33. Construction Traffic Management Plans

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

The CTMP's shall include details of, but not be limited to:

- a. the staging and timing of construction works
- b. perimeter fencing and hoarding requirements
- c. details of temporary vehicular entry points to the site
- d. provisions for pedestrian traffic and any diversions that are proposed
- e. hoisting arrangements for cranes, travel towers or lift operations
- f. numbers of vehicles used during the demolition stage, their proposed routes, turning paths and parking arrangements
- g. work zone requirements, if required
- h. traffic control associated with road occupancy and standing plant
- i. waste collection areas.

In preparing the CTMP's, the applicant shall address all relevant NSW road rules.

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with WorkCover Authority requirements and copies shall also be forwarded to Council for its records.

No CTMP's shall be approved unless it is endorsed by Council in writing. Management of the site may be subject to change at the Council's direction.

34. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

Floor levels of the building at Northern end and Southern end shall be at RL 71.6m AHD and RL 74.3m AHD minimum respectively.

Surface levels of all grated pits proposed within the site shall be designed to protect the site from any backwater effect from road drainage system.

Stormwater shall be conveyed from the site to a new grated kerb inlet pit to be constructed on Chamberlain Street, upstream to the proposed vehicular crossing. The new grated kerb inlet pit shall be connected to the existing grated street pit located in front of 31-35 Chamberlain Street via a minimum of 375 mm diameter pipe. All the details of the proposed works in the road reserve shall be submitted with relevant fees to Council for approval.

All proposals shall comply with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

35. Existing Drainage

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details and related calculations for the analysis of the existing drainage system in Chamberlain Street, where it is proposed to discharge stormwater from the proposed development, to determine whether the existing system has sufficient capacity to adequately convey the increased flows.

36. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings in the vicinity of the subject works and for any other infrastructure that may be affected by the works on the subject site.

37. Work on Public Land

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

38. Clearance to the Services

The proposed vehicular crossing shall be located clear of the existing services and drainage pits located on the road reserve to the distances recommended in the Council specifications.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

39. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2014 Volumes 1 and 3 (as amended) and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

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

Prior to Council or an accredited certifier issuing 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
- 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

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.

41. Design for Access and Mobility

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

42. 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.

43. Confirmation of Architectural Design

Prior to Council or an accredited certifier issuing a Construction Certificate, the designing architect shall provide written confirmation that the plans including external colours and finishes schedule submitted for approval to the Principal Certifying Authority for the release of Construction Certificate are in accordance with the approved development consent plans including external colours and finishes schedule. This written confirmation is to be forwarded to Council for written approval prior to release of the Construction Certificate.

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.

44. 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

45. 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.

46. Toilet on Construction Site

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

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

47. Trade Waste

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

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

48. 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 and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

49. 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.

50. Hoarding/Fence

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

A separate land use application under Section 68 of the *Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

51. Sydney Water

Prior to the commencement of any works on the land, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

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

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

or telephone 13 20 92.

52. 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.

53. 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.

54. 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

55. 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.

56. Excavation and Backfilling

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

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

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

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.

57. Fill Compaction Requirements

Any filling carried out on the site shall be compacted to a minimum dry density of 98% Standard Compaction. Density testing, which is to be certified by a qualified geotechnical engineer, shall be undertaken for every 300mm rise in vertical height, with test locations being selected randomly across the site. At least one test shall be taken for every 500m² of the filled area (minimum one test per 300mm layer).

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

58. 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.

59. Floor Level

The floor level of all habitable rooms shall be at RL 71.6m AHD and 74.3m AHD minimum at Northern end and Southern end respectively.

All regraded areas shall be free draining with a minimum grade of 2% falling away from the dwelling. Regraded areas shall not direct flows into adjoining lots.

60. Termite Control

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

61. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

62. Public Safety

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

63. Compliance with Council Specification

All design and construction work shall be in accordance with:

- a. Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)
 - b. Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)
 - c. Soils and Construction (2004) (Bluebook)
 - d. Relevant Australian Standards and State Government publications.
-

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

64. Footpath Kerb and Gutter

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

65. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's Medium Density Vehicle Crossing Specification and the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete. Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

66. 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.

67. Redundant Laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

68. 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

69. Imported 'waste-derived' fill material

The only waste-derived fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- b. any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

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".

70. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate (or subdivision certificate, whichever shall occur first), 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.

71. 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

72. 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.

73. Works as Executed Plans

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

74. Restoration of Public Roads

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

75. 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.

76. House Numbers

Prior to the principal certifying authority issuing an occupation certificate all house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using 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. Line Marking / Sign Posting Documentation (development)

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council, for the Local Traffic Committee's records, two copies of the work as executed plans for the line marking / sign posting, undertaken in relation to the development. The information shown on the plan shall be in accordance with the recommendations of the Traffic Committee and shall note the date/s of installation.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

78. Termite Protection

Prior to the principal certifying authority issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

79. 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.

80. 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.

81. Consolidation of Allotment

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

82. Public Indemnity Insurance – Onsite Waste Collection

The applicant to the development application indemnifies 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.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

83. Confirmation of Architectural Design

Prior to the principle certifying authority issuing an occupation certification, a written End Statement confirming that:

- a. The buildings have been constructed and finished in accordance with the approved development plan, including external colours and finishes shall be provided by the designing architect; and
- b. Written confirmation from the Council that the End Statement has been sighted and accepted by Council's Manager Development Services.

ADVISORY NOTES

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

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

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

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

Advice 2. Tree Preservation Order

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

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

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

Advice 3. Provision of Equitable Access

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

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

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

Advice 4. Smoke Alarms

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

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

Advice 5. 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. Inspections – Civil Works

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

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

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

Advice 8. Inspection within Public Areas

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

Advice 9. Adjustment to Public Utilities

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

Advice 10. Salinity

Please note that Campbelltown is an area of known salinity potential and as such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

Advice 11. Asbestos Warning

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

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

Alternatively, call WorkCover Asbestos and Demolition Team on 8260 5885.

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

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.

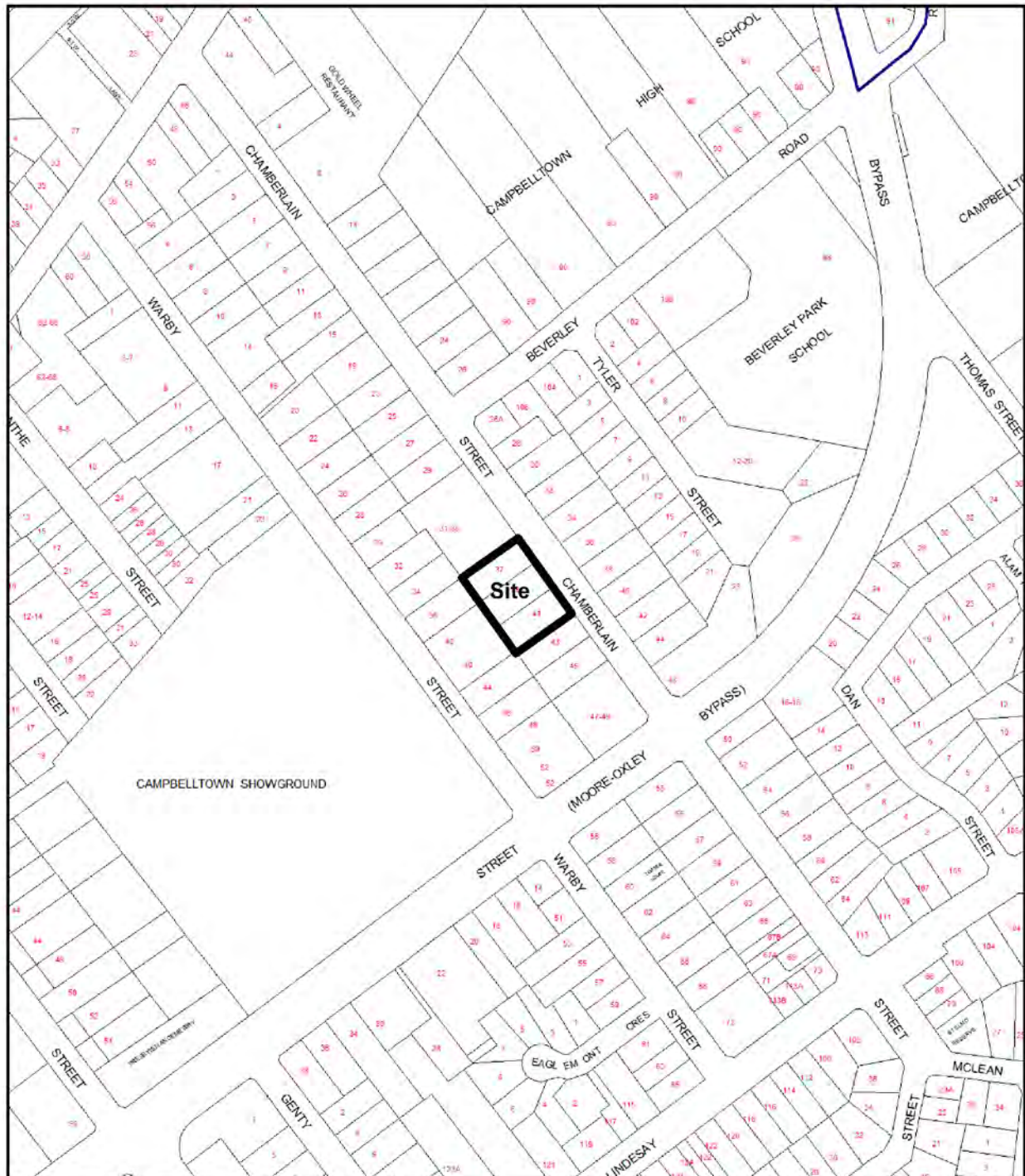
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

END OF CONDITIONS

3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

ATTACHMENT 2

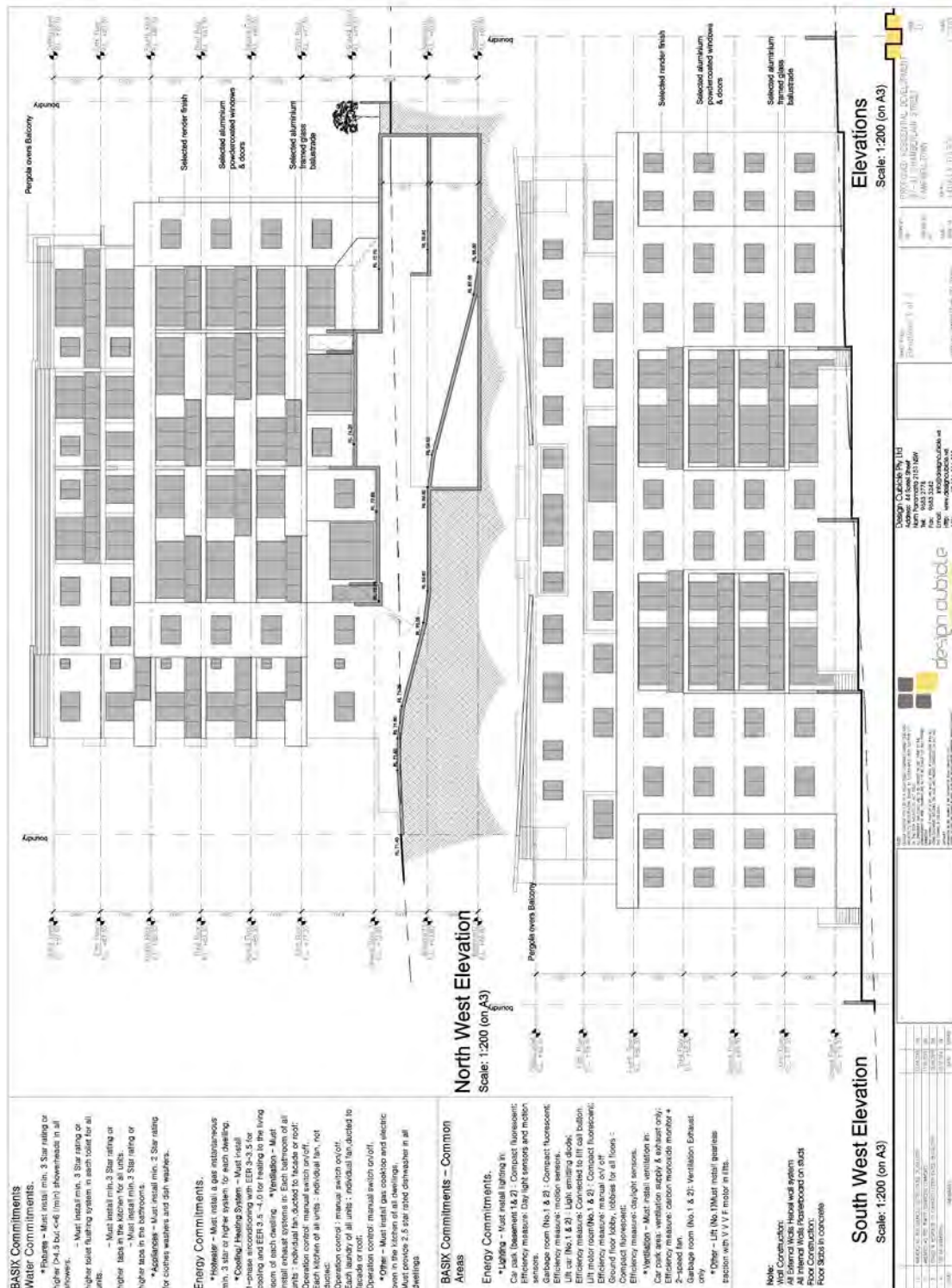
Locality Plan



3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown

ATTACHMENT 3

Elevations



3.3 Construction Of A Six Storey Residential Flat Building Containing 69 Residential Apartments, Two Levels Of Basement Car Parking And Associated Landscaping - Nos. 37-41 Chamberlain Street, Campbelltown



3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

3.4 Use of an existing golf safety screen and alterations to an existing golf tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality/Site plans (contained within this report)
3. Photographs (contained within this report)
4. Report from golf safety screen installer – Country Club International (contained within this report)
5. Notification plan (distributed under separate cover - confidential – for privacy reasons this plan is not available to the public)

Purpose

To assist Council in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Property Description	Part Lot 993 DP 861788 – Campbelltown Golf Course, No. 1 Golf Course Drive, Glen Alpine
Application No.	2620/2015/DA-O
Applicant	Campbelltown Catholic Club
Owner	Campbelltown City Council
Provisions	Campbelltown 2025 Looking Forward Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014 Campbelltown City Council Section 94A Development Contributions Plan
Date Received	18 September 2015

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

History

The subject application was reported to the previous Council meeting where the matter was deferred for an inspection. The inspection was undertaken of the subject site on Tuesday 3 November 2015 by Councillors and Council officers, with both the applicant and objectors invited to attend. The inspection was attended by representatives of the applicant as well as those supporting and objecting to the proposal.

The application is now presented to Council for its consideration.

Background

Development consent is sought for the use of an existing unauthorised golf safety screen and alterations to an existing golf tee (involving minor earthworks).

Since the commencement of the golf course in 1978, there has been a history of golf balls entering neighbouring residential properties alongside the 16th hole. Accordingly, approximately four years ago the tees of the 9th and 16th holes (originally parallel holes) were swapped resulting in these holes being played in a cross over configuration (see attachment 2). The arrangement significantly compromises the playability of the 16th hole and also resulted in a safety risk for golfers when moving across the playing line of either hole.

Following the withdrawal of a development application (DA No. 1692/2014) to establish a new 16th tee approximately 50m forward of the original 16th tee, the Campbelltown Golf Club undertook construction works for a golf safety screen, with a height of approximately 15m and a length of 44m without prior authorisation. The works have now been stopped and the area (including that of the original 16th tee) cordoned off and the 9th tee returned to its original location.

The subject application now seeks approval for the use of the unauthorised safety screen, along with minor earthworks to extend forward and to widen the original 16th tee.

The proposed arrangement would provide for the returning of the 16th tee to its original location, with the currently unauthorised safety screen being more effectively aligned, but higher and longer than the original 16th tee screen.

The currently erected safety screen consists of three poles with transparent polyester netting.

Campbelltown 2025 Looking Forward

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

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

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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

The strategic directions relevant to this application are:

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

The proposed development is generally consistent with these directions.

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 proposed development has been assessed giving regard to Campbelltown 2025 Looking Forward. It is considered that the development application is not inconsistent with the Vision's desired outcomes when giving regard to the nature of development, the site context, design and level of impact anticipated to adjoining development in the locality.

2. Planning Provisions

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

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

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

2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2 (b) Residential, under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002.

The proposal involves relatively minor alterations to an existing golf course which has operated on the site since 1978.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

The proposal is considered to be consistent with the following objective of the 2 (b) Residential zone:

- (e) 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.

The proposal is considered to be not incompatible with the adjacent residential use, and will serve the needs of golfers in the local population without unduly impacting upon local services. Subject to the recommended conditions, the proposal is not expected to increase the overall use or demands upon the site which is not incompatible with the area, and is expected to result in a safer environment for both golfers and neighbouring residents.

2.3 Draft Campbelltown Local Environmental Plan 2014

The subject site is zoned R2 Low Density Residential, under the provisions of draft Campbelltown Local Environmental Plan 2014.

The proposal is consistent with the following objective of the R2 Low Density Residential zone:

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.

It is considered that the proposal is not incompatible with the character of the locality being an interface between residential dwellings and the golf course, and the material used for the screen is not considered to result in a significant adverse impact on the surrounding neighbourhood. The placement of the safety screen will have beneficial impacts for not only golfers but also private residential properties that exist adjacent to the 16th fairway in that the frequency of golf balls entering those private properties will reduce as a result of the screens placement.

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

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

Section	Control	Requirement	Proposed	Compliance
7.5 (2)	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns, riparian land, stored water, including groundwater related ecosystems, and soil stability, in the locality of the development, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the composition of the fill or the soil to be excavated, or both, including potential contaminants, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any environmentally sensitive area including heritage items, archaeological sites, heritage conservation areas, waterways or drinking water catchments. (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	It is considered that the associated earthworks are consistent with these matters.	Yes

2.4 Campbelltown (Sustainable City) Development Control Plan 2014

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2014.

Section	Control	Requirement	Proposed	Compliance
2.7 (a)	Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and / or activities involving the disturbance of the land surface.	Not provided	No. However a condition has been included within the recommendation requiring the provision of such.
2.8.1	Cut and Fill	A Cut and Fill Management Plan shall be submitted with a development application where the development	Cut and fill details have been provided depicting the proposed finished ground levels.	Yes

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

Section	Control	Requirement	Proposed	Compliance
		incorporates cut and / or fill operations.		
6.7	Residential Interface	There are no specific controls which relate to this type of proposed development.	Notwithstanding this, it is noted that the proposal aims to improve the residential interface by improving safety for residents whilst maintaining views.	NA

2.5 Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are not applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan as the value of the development is less than \$100,000 and is not considered to be intensification of the use of the site.

3. Planning Assessment

Appearance, location and height of the safety screen - The safety screen consists of three poles with transparent polyester netting which is of a recessive dark finish.

The safety screen is located in a similar position to the original screen located on the 16th tee, and generally maintains the setback provided to surrounding residential properties. The material of the safety screen is not considered to have a significant adverse impact on the neighbouring residential properties.

Safety - The skewed alignment of the safety screen causes the playing of the 16th hole at an angle further away from the neighbouring residential properties than that of the original screen.

The provision of a longer and higher screen than that previously on site, erected on a more divergent alignment, is considered an improvement from a safety perspective, making for a reduced likelihood of golf balls leaving the course or entering neighbouring properties. Moreover, it is considered that such provides an improvement from a player safety perspective in comparison to the previously utilised crossover arrangement.

Privacy - The returning of the 16th tee to its original location would return privacy levels to the level at which they were for many years.

Views - The safety screen consists of transparent polyester netting, and given its significantly larger dimensions than the original screen, extends well forward of the original safety screen position. However, the netting type used is not considered to have a significant adverse impact on the view lines from the directly adjacent residential properties.

Furthermore, in order to soften the visual appearance of the poles from the adjacent residential properties, it is recommended that landscaping be provided in this area. Accordingly a condition has been included within the recommendation requiring the provision of such.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

4. Public Participation

The application was publicly notified from 25 September 2015 through to 9 October 2015, in accordance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2012. During that time four submissions were received, which raised the following concerns:

Revisiting of the proposed arrangement in the event of an increased number of golf balls entering adjacent properties and the failure of the club to provide a report from golf course architect

Although a formal golfer impact study was not provided with the development application, it is acknowledged that the skewed alignment of the safety screen will cause shots played from the 16th tee to be played at an angle further away from the neighbouring residential properties than which the original screen provided for. Therefore as previously outlined it is considered that the current arrangement reduces the likelihood of golf balls played from the 16th tee leaving the course or entering neighbouring properties.

Quality of the plans and notations on plans in relation to previously proposed screens

Following the notification of the application additional information was provided on behalf of the applicant, which included clarification that the notations on the plans in relation to previously proposed screens, were only for information purposes. The plans provided show the existing safety screen and the area of works for the 16th tee-off area. Notwithstanding this, the conditions included within the draft consent limit the approval to the use of the erected safety screen and alterations to an existing golf tee.

Impact on views, and suggestion of deleting the forward portion of the screen and lower (excavating) the level of the tee

As previously outlined, while the safety screen consists of transparent polyester netting, given it is of a larger dimension than that of the original screen, the safety screen sits within the line of view when viewed from the directly adjacent residence (No. 50 Glen Alpine Drive).

Based on the details of the current development application, the deletion of the forward portion of the screen is not considered appropriate and would have a significantly adverse impact on the effectiveness of the safety screen and its ability to prevent errant golf balls played from the 16th tee, from landing in properties neighbouring the 16th fairway.

That the screen was constructed without approval and the potential structural inadequacies of the screen

Notwithstanding that which has been constructed without prior authorisation, this development application seeks to bring the unauthorised safety screen into order by way of obtaining Council's approval for the use of the safety screen.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

In this regard, an assessment of the development application has been undertaken and it is considered that the safety screen is permissible development and that the use of the safety screen can be approved by Council. However, where the Council issues development consent for the use of the safety screen, it is recommended that the consent be issued on a "Deferred Commencement" basis, subject to the applicant obtaining a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, which will require the formal demonstration of the structural adequacy of the screen.

The failure of the club to consult with adjoining residents and their actions in undertaking unauthorised works

Despite the Catholic Club undertaking building works prior to receiving formal approval, there is no statutory requirement for the Catholic Club to consult with adjoining residents.

5. Conclusion

An assessment of the subject development application has been undertaken and has found that the application has sufficient merit to gain approval. It is considered that the proposal complies with the planning provisions relevant to the proposal and will result in a significant improvement in safety for golfers and residents living adjacent to the 16th fairway.

During the public notification period, Council received four separate submissions, in which various issues of concern were raised. All concerns were considered as a part of the assessment of this development application and although the safety screen is located within a view line across of the golf course when viewed from No. 50 Glen Alpine Drive, it is considered unlikely that the safety screen and tee works will result in a significantly adverse environmental impact on the local area, subject to the confirmation of the screens structural integrity through the obtaining of a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the matters discussed within this report, it is considered that the development application is worthy of approval subject to the recommended conditions contained in Attachment 1.

Officer's Recommendation

That Development Application No. 2620/2015/DA-O, for the use of an existing golf safety screen and alterations to an existing golf tee, at Campbelltown Golf Course, No. 1 Golf Course Drive, Glen Alpine, be approved subject to the attached conditions.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

Committee Note: Mr Price and Mr Ellis addressed the Committee.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted subject to the amendment of condition 4b) as follows:

- 4b) The landscaping is to include dense mature plantings (trees and shrubs), with particular attention given to the screening of the poles when viewed from the adjacent residential properties and to the underside of the netting. Consultation is to be undertaken with the neighbours most affected (Mr Price) regarding the landscaped screening of the poles.

CARRIED

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

Voting against the Committee's Recommendation: nil.

Council Meeting 17 November 2015

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

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 211

That the Committee's Recommendation be adopted.

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

Voting against the Council Resolution was Councillors: Brticevic.

At the conclusion of the discussion regarding Item 3.4, Councillor Borg returned to the Chamber for the remainder of the meeting.

ATTACHMENT 1

Recommended Conditions of Consent

DEFERRED COMMENCEMENT

This is a "Deferred Commencement" consent that is granted subject to conditions under Section 80(3) of the *Environmental Planning and Assessment Act 1979* that the consent is not to operate until the applicant satisfies Campbelltown City Council (Council) as to the matters set out in the Schedule A below. The period within which the applicant must produce evidence to the Council sufficient enough to enable it to be satisfied as to the matters in Schedule A is six months.

If the applicant produces evidence to the Council within the period specified sufficient to enable the Council to be satisfied as to the matters set out in Schedule A below and the Council notifies the applicant in writing that it is satisfied as to the relevant matters, the development consent shall become operative subject to compliance with conditions outlined in Schedule 'B'.

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

SCHEDULE A

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

This development consent shall not operate until such time as the following matters are satisfied to the written approval of Council:

Building Certificate

1. Applicant is to obtain from Council a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, certifying the work undertaken without prior development consent.

SCHEDULE B

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

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.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

1. **Approved Development**

In accordance with the approved plan prepared by SMEC Australia Pty. Ltd, listed below, and all associated documentation supporting this consent, except as modified in red by Council and/or any conditions within.

Drawing No.	Date Received by Council
--------------------	---------------------------------

77918.03.D01 (Revision: A)	8 October 2015
----------------------------	----------------

2. **Safety Screen**

The safety screen and the surrounding grounds are to be frequently maintained and kept to a high visual standard at all times.

3. **Existing Trees**

No approval is issued for the removal or pruning of any trees. Should tree removal or pruning be required, separate approval should be obtained from Council before commencing work.

4. **Landscape Plan**

- a. A Landscape Plan is to be prepared by a suitably qualified person, providing landscaping adjacent to the screen, and approved by the Manager Development Services.
- b. The landscaping is to include dense mature plantings (trees and shrubs), with particular attention given to the screening of the poles when viewed from the adjacent residential properties and to the underside of the netting.
- c. The landscaping is to consist of drought tolerant and locally endemic species approved by Council (i.e. contained within the Native Gardening Guide for the Campbelltown Local Government Area).

5. **Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

6. **No Signage or Banners**

No signage or banners are to be displayed on the safety screen at any time.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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.

7. 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.

8. Erosion and Sediment Control

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

Note: On the spot penalties up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

9. 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.

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.
-

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

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

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *Noxious Weeds Act 1993 (NSW)*.

Advice 3. 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 4. 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 5. Telecommunications Act 1997 (Commonwealth)

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

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

END OF CONDITIONS

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

ATTACHMENT 2

Locality / Site Plans

Campbelltown Golf Course



3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

Locality / Site Plans

Campbelltown Golf Course



Campbelltown Golf Course



3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

ATTACHMENT 3

Photos

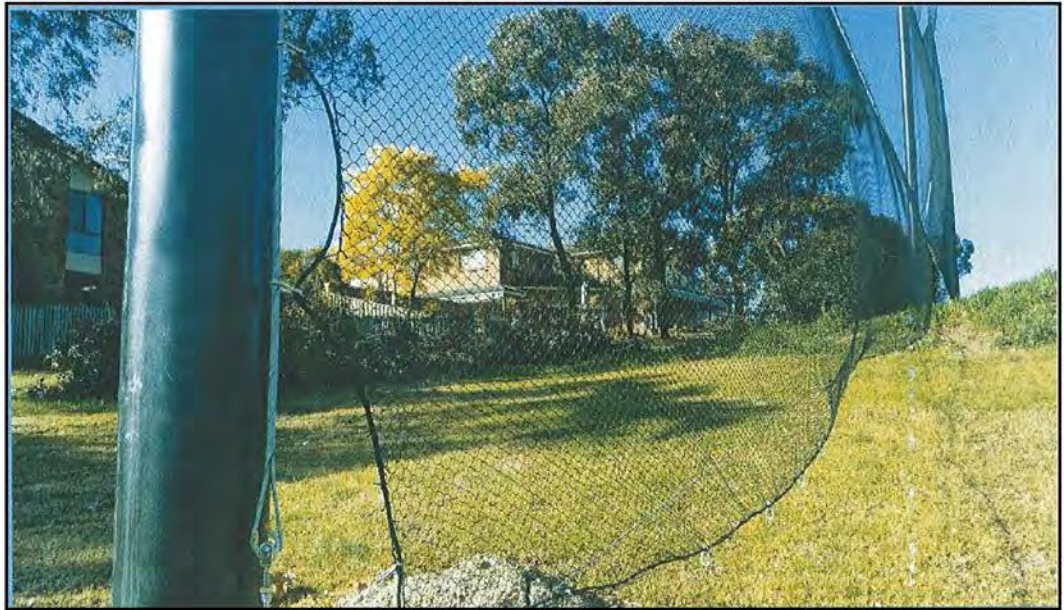
Campbelltown Golf Course



3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

Photos

Campbelltown Golf Course



ATTACHMENT 4

Tender Submission

For

Campbelltown Golf Club

To

**DESIGN AND INSTALL A GOLF
COURSE SAFETY SCREEN**

Presented to

Dave Turner

By



3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

INTRODUCTION

Country Club International was established in 1992 and has been at the forefront of developing designs and systems for high safety screens in Australia, New Zealand and South East Asia – particularly for sports fields, golf courses and ranges.

Much of the technology has originally been based on systems used in USA and Europe where extreme conditions have demanded “world’s best practice” in both design and componentry. In many ways CCI have now taken structural design of safety screens to another level again.

Country Club International are the exclusive importers of Redden #930 multifilament polyester barrier netting – regarded as the lightest and strongest net of its type. At 92% sheer it is also aesthetically better as it is almost translucent.

This quality and strength at such a low wind load rating (8%) has allowed design development to surpass anything ever seen here before, with screens up to 30 metres high – the tallest in Australia – using slender poles and wide pole spacing to significantly reduce the visual impact of the screens...

There is no greater example of Country Club’s motto *“Supplying the best. Nothing less”* than the work now being done by CCI in safety screens for the Golf and Sports industry.



Ringwood Golf Club – Melbourne At 30m tall this is the highest engineered fence in Australasia

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

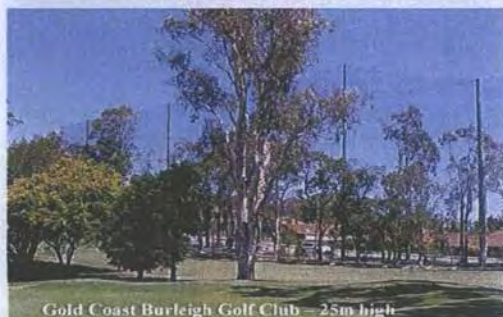
EXAMPLES OF COUNTRY CLUB INTERNATIONAL'S INSTALLATIONS



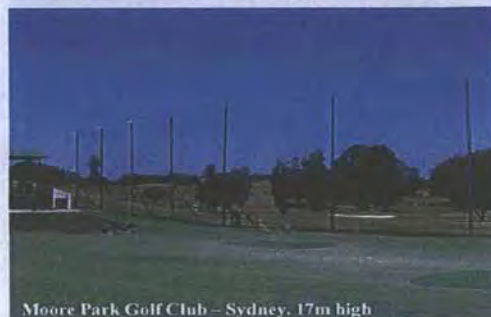
Ryde Parramatta Golf Club – Sydney, 30m high



Wollongong Golf Club – NSW, 20m high



Gold Coast Burleigh Golf Club – 25m high



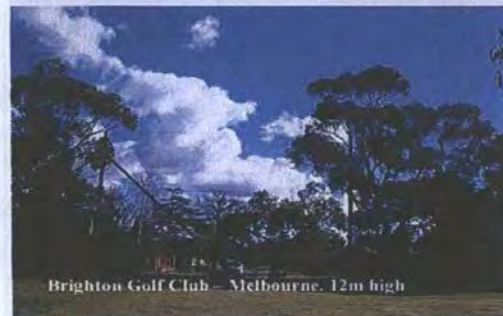
Moore Park Golf Club – Sydney, 17m high



Malvern Valley Golf Club – Melbourne, 18m high



Tempe Golf Range – Sydney, 15m high



Brighton Golf Club – Melbourne, 12m high



Commonwealth Golf Club – Melbourne, 18m high

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

NETTING

To effectively compare alternative fibre components used to manufacture sports netting you need to evaluate each fibre component and their properties using the following criteria in order of importance. This typical value chart was provided by the USA Cordage Institute Technical Service:

1: Resistance to Ultra Violet degradation from sunlight

- The ability of a fibre to retain its inherent qualities (strength and flexibility) after long exposure to sunlight:

BEST	Polyester
GOOD	Nylon
FAIR	Polypropylene

2: Breaking strength (both wet and dry)

- Not only should strength be considered but – more importantly – the ability of a fibre to retain a high percentage of its initial strength after being exposed to UV and water:

Breaking strength – dry (grams per denier)

7.8 – 10.4	Nylon
7.0 – 10.0	Polyester
6.5	Polypropylene

Wet strength compared to dry

100%	Polyester
100%	Polypropylene
85%-90%	Nylon

3: Water absorption

- If the fibre absorbs moisture such as condensation and rainfall, greater stress (weight) is put upon the fibre and structure:

0%	Polypropylene
<1%	Polyester
2%-8%	Nylon

4: Elongated creep under sustained workload

- If a fibre elongates it becomes weaker. Such elongation creates "droop" or "bagging" of the net:

Low	Polyester
Moderate	Nylon
High	Polypropylene

There is no doubt in the industry that polyester is by far the premium fibre to be used for high barrier netting. Cheaper polyethylene and polypropylene can be used to reasonable effect on lower nets but have a history of failure on high nets under adverse conditions. Nylon is simply not in consideration due to its ability to absorb water.



3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

Transparency is directly related to the wind load rating. Redden #930 and #940 polyester is rated at 8%. The result is clear.



Ryde Parramatta Golf Club



Newington Collage Sydney

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

WARRANTY

- Redden #930 has a 10 year pro rated warranty.
- Average field life for #930 has been demonstrated to be in the region of 10 – 15 years.
- All Redden netting is full UV treated.
- Calculated weight is 146 grams per sq.m (0.03 oz per sq. Ft.)
- Wind load rating #930 is 8%
- If the net is cut or damaged it will not unravel
- Redden #930 is a flat rashelle weave (Knotless)
- Porosity is less than 1%
- All cables, fittings and workmanship are covered by this term

MAINTAINENCE

There is little in terms of maintenance other than ensuring nets are clear of debris and are sufficiently clear of trees.

Replacement panels are custom made in the USA and are generally air freighted out due to their low weight.

All rigging is fixed and there is virtually no risk of failure. Components are kept in stock at Country Club at all times.

If required Country Club International would conduct an annual inspection of all netting, rigging and components. This would involve boom lift hire plus riggers – the costs of such to be passed on.



Geelong Baseball Club – 24m high

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

SPECIFICATION OF WORKS

At the request of Campbelltown Golf Club, Country Club International carried out an onsite inspection of the existing Safety Fence on the 16th Tee to provide a solution to stop errant golf balls from exiting the golf course in to the neighbouring properties.

With our experience in supplying and installing safety screens I believe there are two possible options in stopping golf balls from exiting the course.

- A) *Install a safety screen 100+ meters long x 12 meters in height adjacent to the fence line in between the golf course and the neighbouring properties.*
- B) *Remove the existing three chain wire mesh fences as they serve no purpose in solving the issue and are un-safe due to the multiple ricochet points.
Install a safety screen 40 meters long x 12 meters in height angled from the back right corner of the 16th Tee out toward the fairway to direct all shots off the Tee away from the neighbouring properties.*

Fence Location to be right hand side of the 16th Tee Par 4, protecting the neighbouring houses from errant golf balls exiting the golf course off the Tee as pictured below.



- Orange line represents proposed new safety screen.
- Blue line represents existing fence

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine



View from the back of the 16th Tee – Orange line represents proposed fence location. This will direct all Tee shots away from the neighbouring properties and towards the fairway. ALL existing chain wire mesh fences would not be required – therefore removing ricochet points and public liabilities.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

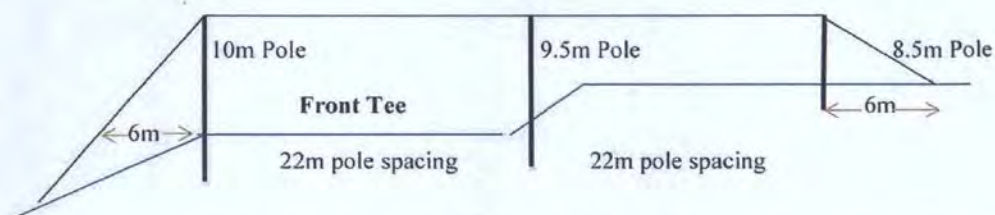
FENCE POSITIONING

Following an onsite meeting this week to mark out the proposed fence location some discussing was had regarding the final positioning of the screen.

With changes proposed to the back tee location and some reshaping of the complex that will create a middle teeing ground, this did pose the possibility for the need to move the screen further forward than originally planned to accommodate shots from this area.

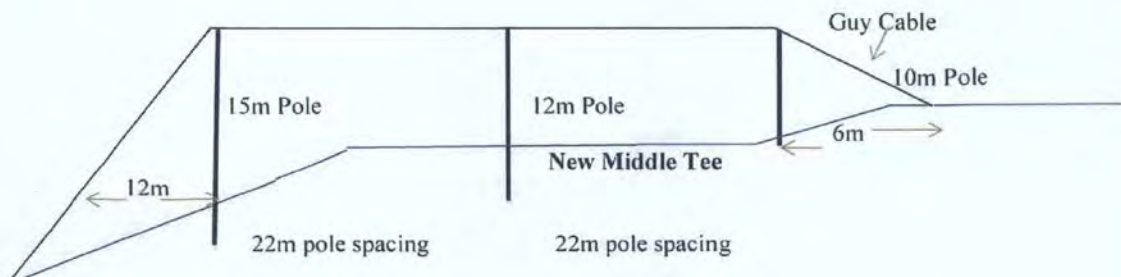
The image below indicates the proposed screen height and pole positioning in relation to our original plan however we would like to extend the spacing between poles to 22 metres and suggest two extra triangular nets be added to the structure.

Original Concept



Given the new teeing complex and slight change to the tee we propose moving the screen further forward in location. The screen would be the same length however given the gradient of the land we would require larger nets and poles to accommodate the area. Poles would be spaced at 22 metres intervals and we suggest two extra triangular nets be added to the structure in the guy cable areas...

New Proposed Concept

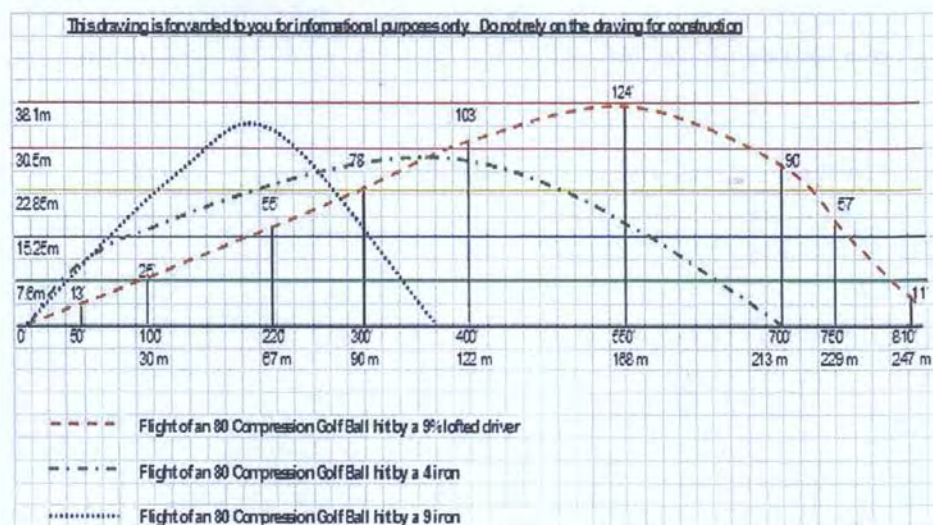


3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

To gather a better understanding of location please refer to the image below.



GOLF BALL TRAJECTORY STUDIES



Golf ball trajectory studies indicate that a well hit drive off a tee can reach 38-42 metres in height depending on atmospheric conditions. Typically, though, most shots are less than this – particularly errant ones as they tend to lose power.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

STRUCTURE

Poles: Steel corrosion proof painted black pole as per engineer's specifications.

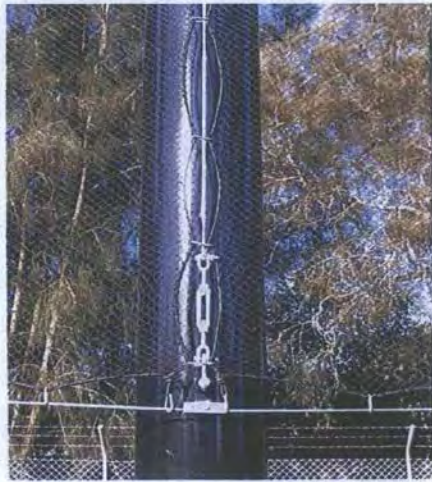
Footings: Cage Bolt Configuration set at 2.5 – 3m depth – 600mm in diameter in 25 mpa concrete.

Netting: The netting would be the latest polyester Redden raschelle flat weave. At 92% sheer it is the lightest and strongest net available for this purpose.

Pole Spacing: 22 metres

Lower Cable: To be set at 300mm from ground level to allow for maintenance. This can be varied at request.

Rigging: Correct cabling is critical to structural rigidity and also how the net hangs as a "flat sheet" rather than a billowing sail. This system has been developed over many years and is world's best practice.



- Wire rope is never used. It will stretch and fray and is most prone to rust. We will use only high tensile galvanised hard drawn cable with the appropriate rated dead ends rather than wire rope, clamps or swages.
- All cable rigging supporting the net panels will be on the face of the poles. This provides the clean sheet effect rather than coming out from centre cables to go around the poles. It also ensures that no gap goes down either edge of the pole.
- Correct 1 bolt clamps, 3 bolt clamps, sheave wheels and turnbuckles are bolted to threaded mounts on the poles for total structural rigidity.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

PRICING

Installation of Safety Screens

Includes but not limited to all items listed, comprising:

- Site surveying including marking location of pier footings.
- Supply & installation of steel cages & cage bolts for footings where necessary.
- Drilling of all holes to be completed by CCI.
- Forming and pouring concrete pier footings
- Fabrication, supply & installation of poles
- Supply & installation of high tensile cable rigging
- Supply & installation of #930 polyester netting
- Site management & inspections
- Labour
- Equipment hire
- Freight & travel.
- As at this stage no Geotechnical Report has been provided the pricing assumes normal stable soil conditions with no rock or sub-terrainian water to interfere with the footings. No allowance has been made for sleeve casings if required due to major ingress of water, any increase in depth due to ground conditions or rock drilling as this will be completed by others.
- Spoil to be left on site – VENM only allowed for. If material is other than VENM then extra/over costs will apply.
- It is ultimately the responsibility of the Client to advise of any underground services that may be in the vicinity of the screen. We have, however, allowed for an independent and qualified company to scan for services below ground.
- All care will be taken of the turf conditions and where possible minimal movement of heavy machinery will occur however there is no allowance for ground matting or turf repair as this will be the responsibility of the club.
- It will be the clubs responsibility to mark and indicate any irrigation or services.
- The site will need to be clear of any trees within the new establishment location and this will be the responsibility of the club.

SUMMARY

In Country Club Internationals professional opinion with the proposed tee reshaping - changes, the golf hole playability, whilst providing the most sufficient protection to the neighbours within the area, we would like to revise our submission to consider the most preferred option to install the Safety Screen 44 metres in length with a maximum height of 15 metres.

We believe this will be the best structure to work within the clubs budget and the most suitable for this situation however would also like to indicate that safety screen's cant not always provide 100% protection in all cases.

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

CORPORATE SUMMARY

Country Club International is committed to Best Practice procedures to ensure professional customer service through Quality Assurance and Environmental Management systems, adopting best Safe Working Practices to the following standards:

ANZS/ISO9001:2000	Quality Management System			
ISO 14001	Environmental Management System			
INSURANCE	Company	Policy Number	Expiry	Cover
Public Liability	QBE Insurance	41 A001354PRL	18.12.2015	\$20million
Corporate Liability	QBE Insurance	41 A001354PRL	18.12.2015	
NSW WorkCover	QBE Insurance	1SFE001674GWC154	15.06.2015	
VIC WorkCover	Allianz	1176978	30.06.2015	

All relevant WHS manuals, policies and documentation are available for inspection.

REFERENCES

Recent references include:-

- Metropolitan Golf Club
- Ryde Parramatta Golf Club
- SEITA (East link Melbourne)
- Wembley Golf Complex
- Barden Ridge Driving Range
- The Australian Golf Club
- Moore Park Golf Club
- Wollongong University
- Malvern Valley Golf Course
- Dorset Golf Course
- City of Greater Geelong (Geelong Baseball)
- AbiGroup (Centenary Park Golf Course)
- Cabramatta Golf Club
- Richmond Soccer Club (VIC)



Moore Park Golf Range – 24m high x 100m long – Completed October 2014

3.4 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

TRADING TERMS

Our standard trading terms for custom work is 50% on placement of order, 25% on delivery of materials and 25% on completion of works.

Country Club International commits to ensure that all works are performed in accordance with all referenced Plans, Specifications and Standards specified in the Scope of Works.

Should the club wish to talk with any of our other recent previous client's then numbers and contact names can be made available upon request.

Yours Sincerely,

Tim Osmand

NSW Sales Representative

Mobile: 0415 193 213

Email: tim@countryclub.com.au

Web: www.countryclub.com.au

Please note: All intellectual property provided herein and in any subsequent correspondence from us or our contractors remains the property of Country Club International and the recipient acknowledges that nothing in any information provided by Country Club International confers or gives rise to any rights in or ownership of the intellectual property on or in favour of the recipient or any third party. The recipient must only use such Company intellectual property for the purposes of assessing the proposed works and for no other purpose whatsoever unless authorized in writing by Country Club International Pty. Ltd.



3.5 2016 Urban Development Industry of Australian Congress - Adelaide

Reporting Officer

Acting Director Planning and Environment

Attachments

UDIA Congress Program (contained within this report)

Report

The Urban Development Industry of Australia Congress (the UDIA Congress) for 2016 will be held in Adelaide for the period 8-10 March 2016. The theme for the three day Congress is 'BUZZAdelaide'. The program includes a number of informative speakers who will discuss the future of development in Australia. The program will include a number of tours of award winning urban developments in and around the Adelaide area.

As usual, the Congress will bring together politicians from all levels of government, developers, academics, practitioners and professionals from around Australia and abroad to hear and discuss leading practices in the development industry. The Congress will examine the challenges and opportunities facing Australia's land development sector and the wider property development industry as a whole. It provides a platform for industry to discuss the big issues and share best practice experiences.

Infrastructure planning and funding, housing supply, affordable housing, integrated land use and transport planning are certain to be major issues that will be raised at the congress. These are all issues that are relevant and critical to the successful future of Campbelltown and in that regard, it is considered important that the Council representatives attend the UDIA Congress as it will provide important first hand insight into how all levels of Government and the private sector are planning for the future growth in housing and population, which directly relate to the future planning outcomes for the Local Government Sector.

Most importantly, 2016 will see for the first time, Campbelltown City Council taking a more active role in the National Congress as it will participate as a Gold Member partner of the Congress. Among other things, Gold membership gives the Council access to a 3x3m marketing stall for the whole period of the Congress, sponsorship of one of the national awards, Council's logo displayed within the Congress program documents and within the official 2016 UDIA National Awards for Excellence award book.

This membership will provide the Council with a significant level of marketing exposure throughout the Congress period which is expected to uncover new and exciting collaborative opportunities from across Australia in areas such as sustainability, economic/business development, tourism and residential development growth.

Having regard to the above, it is considered appropriate and recommended that the General Manager or her nominee, the Director of Strategy, the Acting Director Planning and Environment, the Manager Executive Services and any interested Councillors be authorised to attend the 2016 UDIA Congress in Adelaide.

Councillors are advised of the scheduling conflict with Committee Meetings on 8 March 2016 and the UDIA Congress. To accommodate attendance at the UDIA Congress it is recommended that the March 2016 Committee Meetings be rescheduled to 15 March 2016 and the March Ordinary Council Meeting be rescheduled to 22 March 2016.

Officer's Recommendation

1. That the General Manager or her nominee, the Director of Strategy, the Acting Director Planning and Environment, the Manager Executive Services and any interested Councillors attend the 2016 UDIA Congress in Adelaide.
2. That all associated expenses be paid in accordance with Council's Policy.
3. That the March 2016 Committee Meetings be rescheduled to 15 March 2016 and the March Ordinary Council Meeting be rescheduled to 22 March 2016.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

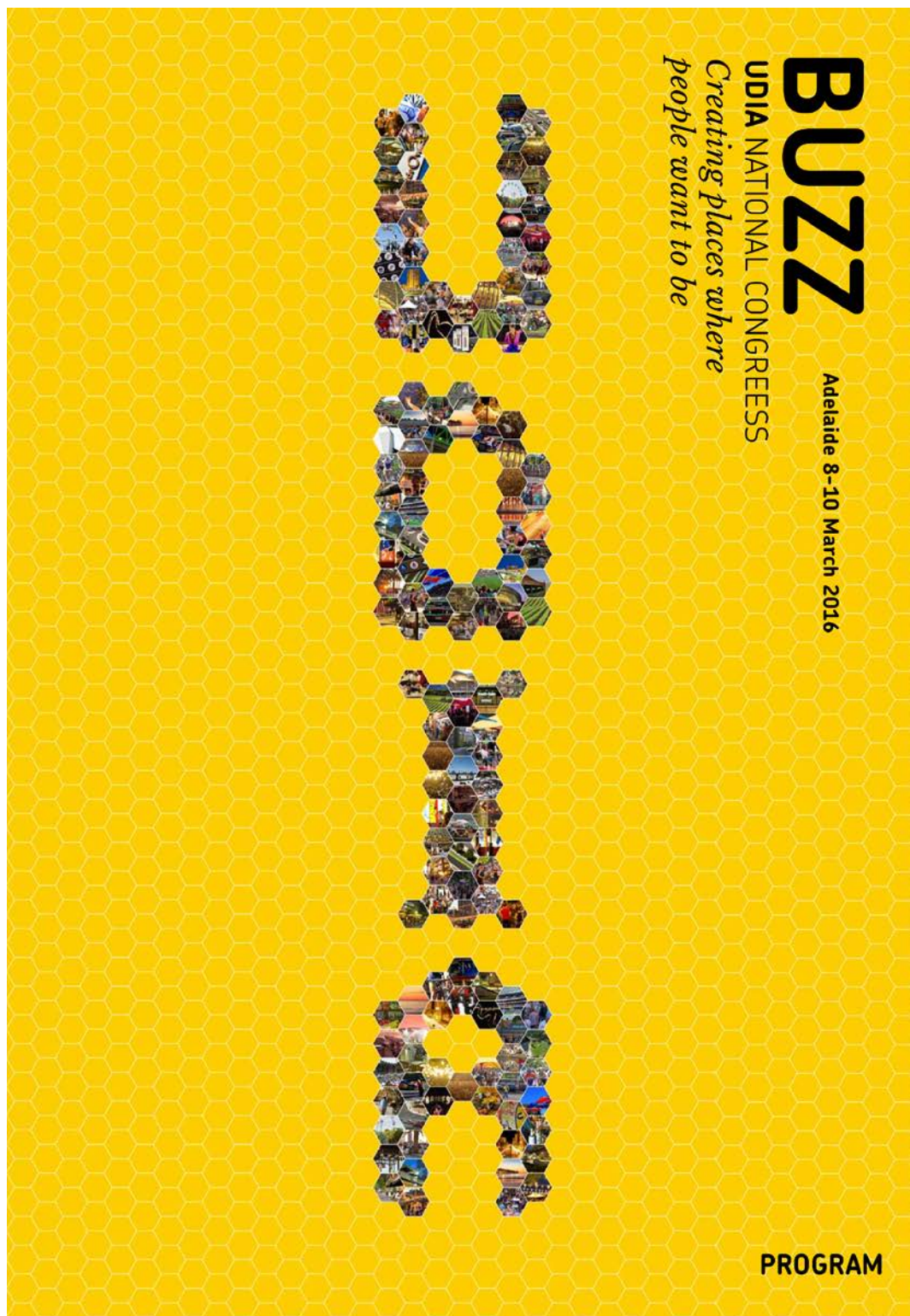
Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 209

That the Officer's Recommendation be adopted.

ATTACHMENT 1



SPONSORS

CONGRESS PARTNERS



PLATINUM PARTNERS



GOLD PARTNERS



SILVER PARTNERS



HOST - The Urban Development Institute of Australia (UDIA)

The UDIA is the peak body representing the property development industry throughout Australia. We are a not-for-profit industry body dedicated to the representation of Australia's development industry.

UDIA is a federation of five state associations which aims to secure the economic success and future of the development industry in Australia. UDIA seeks to create awareness that national prosperity is dependent on our success in housing our communities and building and rebuilding cities for future generations.

Our members cover a wide range of specialist and industry fields, including: Developers, Valuers, Planners, Engineers, Architects, Marketers, Researchers, Project Managers, Surveyors, Landscape Architects, Community Consultants, Environmental Consultants, Lawyers, Sales and Marketing Professionals, Financial Institutions, State and Local Government Authorities, and Product Suppliers.

To register online please visit
www.udiacongress.com.au



Adelaide offers all of the benefits of a large international metropolis without the problems of a huge city. Add its Mediterranean climate, ease of access, affordability, quality accommodation, excellent shopping options, and it's easy to see why conference delegates refer to Adelaide as "the perfect conference city".

Upon arrival at the international airport, delegates can check into their hotel inside half an hour, and enjoy the benefits of being opposite a world class convention centre and only a short distance from beautiful beaches and famous wineries.

Adelaide is the perfect opportunity to relax and play. Discover the local gourmet food and famed regional wines. Enjoy fun social events and adventurous outings. The unique wildlife parks, clean beautiful beaches, vibrant cafés, great dining, riverboats and dolphin cruises make Adelaide a great family holiday destination.

Some of the activities you can enjoy whilst visiting Adelaide include:

- Taking a winery tour of the Barossa Valley, Adelaide Hills or McLaren Vale regions; all which are within an hour's drive of the city-centre and produce some of the world's best wines.
- Visit the Adelaide Zoo and its famous pandas in the city centre, or Monarto Open-Plain Zoo, which is known as Australia's "Little Africa".

- Admire the nation's most comprehensive displays of indigenous culture at the SA Museum and see the nation's finest collection of early European settlement art at the Art Gallery of SA, both conveniently located on North Terrace in the city.
- Take a tram out to historic sea-side Glenelg.
- Visit the world famous Adelaide Central Markets, a foodie delight which is home to hundreds of stalls selling everything from fresh produce to cheese to chocolate and more!
- Hire a free bike to ride around the city.

March in Adelaide is also one of the busiest times of the year with our Congress being run simultaneously with the Adelaide Arts Festival, Fringe Festival, both world-renowned festivals of music, arts, live entertainment, food and fun. The Clipsal 500 V8 race, taking place a week before Congress, also adds to the atmosphere. All events are within walking distance of the conference venue, restaurants, entertainment and accommodation.

For further ideas and general tourism information, please visit www.southaustralia.com.



CONGRESS PROGRAM

OPTIONAL Monday, 7 March 2016

Arrive a day before Congress begins and make the most of what Adelaide has to offer. Delegates can choose from:

Wine tasting in the Barossa

South Australia boasts five of Australia's most awarded wine regions. Travel with colleagues by coach to wineries in the Barossa for lunch.

A round of golf at Royal Adelaide

Join friends and colleagues at the traditional UDIA Congress Golf Classic at this famous golf club.

Cycling tours

Join the UDIA peloton and experience the best of Adelaide by bike! Two supported group ride options are available; choose from a challenging Adelaide Hills loop following several roads used in the Tour Down Under, or a flat beachside loop. Bring your own bike or hire 2016-spec bikes at a discounted rate.

DAY 1 Tuesday, 8 March 2016

9.00am-9.10am	Congress begins	12.50pm-2.00pm	Lunch
9.10am-9.30am	Address from the UDIA National President		A State of Excitement – the economic and cultural BUZZ that is Singapore
9.30am-9.50am	Representative of the Prime Minister of Australia		Celebrating its 50 th Anniversary of Independence in 2015, Singapore is a remarkable story of transformation from post-Colonisation to international powerhouse. What is it about this modern Asian country and its path to renewal.
9.50am-10.30am	Keynote Address: State of the Nation DR PHILIP LOWE, Deputy Governor of the Reserve Bank of Australia	2.00pm-2.40pm	LARRY NG LYE HOCK, Group Director -Architecture & Urban Design Excellence, Urban Redevelopment Authority (Singapore)
10.30am-11.00am	Morning Tea		
11.00am-11.15am	Release of the State of the Land Report <i>Charter Keck Cramer</i>	2.40pm-3.20pm	TBC
	Keynote Address: Planning the waterfront for a liveable city: the Toronto experience	3.20pm-3.50pm	Afternoon Tea
11.15am-12.00pm	Toronto's waterfront has long been held as a shining example of urban renewal. Once a dilapidated working harbour, the innovation and forward thinking have fostered a stunning transformation to a world class precinct with a unique vibe and exciting buzz. The lessons learned are not to be missed!	3.50pm-5.00pm	Panel Session: Delivering new suburban communities: infill to greenfields 3 @ 15 mins. presentations followed by 25 mins. discussion. ALAN ZAMMIT, NW Business Park JAMIE MCCLURG, Commercial & General (West) PETER MILLER, Satterley (Brighton)
	JOHN CAMPBELL, former CEO Toronto City's Waterfront Development Team, will present a fascinating international example of relevance to our own cities challenged by the need to renew.		
	Catalyst for change	6.30pm-8.30pm	Welcome Reception Adelaide Oval
12.00pm-12.50pm	Multi-purpose sports and entertainment infrastructure has the ability to transform cities culturally and economically. Using the Adelaide Oval redevelopment example for context, hear how a unique outcome was influenced by the experiences of the world's most successful venues and has delivered lasting economic benefit.	7.30pm-late	The Laneway Tour Young professionals tour of some city laneway attractions
	ANDREW DANIELS, CEO, Adelaide Oval Stadium Management Authority and ANDREW MCEVOY, Chair, SA Riverbank Authority Board will share their experiences from concept to delivery.		



CONGRESS PROGRAM

DAY 2 Wednesday, 9 March 2016

8.45am-9.00am

HON JOHN RAU
South Australia's Deputy Premier
Policy reform does create change

Bringing our streets and suburbs alive. The local relevance of vibrant and active communities from an international context.

9.00am-9.40am

Join us as we learn about the experiences of Washington DC from keynote speaker **BRIAN O'LOONEY, Design Principal of 'Community Architects', Torti Gallas.** As self-proclaimed 'reformers of suburbs', their application of New Urbanism principles has produced stunning outcomes.

Activation through urban design – case studies from Sydney

9.40am-10.05am

MICHELLE CRAMER from Hames Sharley shares contemporary experiences where good design facilitates the change needed to create the spaces we need, and the 'buzz' our communities demand.

The challenge of facilitating change: funding transformation in our urban core

10.05am-10.30am

KATE ROFFEY, CEO Committee for Melbourne, shares the challenges and successes of public/private partnerships in delivering best practise outcomes for our communities of the future.

Panel discussion: Ingredients for success and the catalysts for change to activate our communities

10.30am-11.00am

Panel Session with Q&A from the floor
BRIAN O'LOONEY
MICHELLE CRAMER
KATE ROFFEY

Administration announcements and summary of the day & evening.

11.00am-11.10am

Administration announcements and summary of the day & evening.

Morning Tea

11.10am-11.40am

Morning Tea

Study Tours

Four project based tours and a wine tasting tour option

TOUR 1: Mt. Barker: the pace of change in the Adelaide Hills
What's buzzing in the Hills?
Adelaide's newest growth node is on the rise with major planning reform paving the way for managed expansion.

TOUR 2: Lightsview & St. Clair (infill development)
What's buzzing in the 'burbs
Outstanding master planning for the rising density our capital cities need. Two quality projects will be viewed; Lightsview – an infill development that has achieved acclaim with National UDIA awards, including the 2014 president's Award; and St Clair to the cities west that showcases a vibrant mix of built form, public realm and transport connectivity.

TOUR 3: Tonsley & Bowden (Brownfield Development)
Innovation in mixed-use development as we view the stunning transformation of Tonsley, the former Mitsubishi Factory, 11km south of the CBD and Bowden; a TOD located on the former Clipsal site at the western edge of CBD.

TOUR 4: CBD walking tour
What's the city buzz? Adelaide hasn't seen so many cranes in the sky for years; new apartments, laneway activation, creation of new medical and education precincts has revitalised several precincts in the CBD. See it all close up...and bring your walking shoes!

TOUR 5: McLaren Vale wineries via Seaford Meadows/Heights
What's buzzing in the Vale
Enjoy the fruits of the South.

7.00pm-9.00pm

Social Night, Adelaide Fringe Club
Rundle Street East, Adelaide CBD.

BUZZADELAIDE

5

Program Brochure

CONGRESS PROGRAM

DAY 3 Thursday, 9 March 2016

8:55am - 9:00am	Administration announcements and summary of the day & evening	11:45am - 1:00pm	Big thinking, big ideas – and the little things that matter! To be confirmed
9:00am - 9:45am	Achieving synergies through the early delivery of public realm: Vitruvian Park (Dallas, USA) case study Join THOMAS LAMBERTH, Vice President, Development, UDR Dallas office, Vitruvian Park (US) as he details the achievement of this 50ha, 6,000 resident, new community.	2:20pm - 3:25pm	Reading the marketing, embracing the market, and delivering what it wants 3 @ 10 mins. presentations followed by 15 mins. Discussion. BRETT WILLIAMS, Connekt (Know the market) BRETT WILLIAMS, Martins Brand House (How to read the market) JOHN ECKERT, AVJennings (Design features of small lot housing)
9:45am - 10:30am	TBC	3:25pm - 4:00pm	Lift me up
10:30am - 11:00am	Morning Tea	4:00pm - 4:10pm	Launch of the 2017 Congress by UDIA (WA)
11:00am - 11:45am	Mayor's Forum – Progressive councils and their role in fostering innovative outcomes in new development Join Lord Mayors MARTIN HAESE (Adelaide) and ROBERT DOYLE (Melbourne) as they detail the strategic direction both Councils have adopted with their progressive view for new development in large cities.	4:10pm - 4:20pm	Congress closing
		7:00pm - Midnight	National Awards Gala Dinner Adelaide Convention Centre



CONGRESS SPEAKERS



DR PHILIP LOWE

DEPUTY GOVERNOR OF THE
RESERVE BANK OF AUSTRALIA

Keynote Address:
State of the Nation

Day 1 - Tuesday 8 March



BRIAN O'LOONEY

DESIGN PRINCIPAL OF 'COMMUNITY
ARCHITECTS', TORTI GALLAS

**Bringing our streets and
suburbs alive. The local
relevance of vibrant and active
communities from an
international context.**

Day 2 - Wednesday 9 March



JOHN CAMPBELL

FORMER CEO TORONTO CITY'S
WATERFRONT DEVELOPMENT TEAM

Keynote Address:
Planning the waterfront for a
liveable city: the Toronto
experience

Day 1 - Tuesday 8 March



MICHELLE CRAMER

DIRECTOR OF HAMES SHARLEY AND
PORTFOLIO LEADER OF URBAN
DEVELOPMENT

**Activation through urban design
- case studies from Sydney**

Day 2 - Wednesday 9 March



ANDREW DANIELS

CEO, ADELAIDE OVAL STADIUM
MANAGEMENT AUTHORITY

**Catalyst for change - the
Adelaide Oval redevelopment
How it has delivered lasting
economic benefit**

Day 1 - Tuesday 8 March



KATE ROFFEY

CEO COMMITTEE FOR MELBOURNE

**The challenge of facilitating
change: funding transformation
in our urban core**

Day 2 - Wednesday 9 March



ANDREW MCEVOY

CHAIR, SA RIVERBANK AUTHORITY
BOARD

**Catalyst for change - the
Adelaide Oval redevelopment
How it has delivered lasting
economic benefit**

Day 1 - Tuesday 8 March



THOMAS LAMBERTH

VICE PRESIDENT, DEVELOPMENT,
UDR DALLAS OFFICE, VITRUVIAN
PARK (US)

**Achieving synergies through the
early delivery of public realm:
Vitruvian Park (Dallas, USA) case
study**

Day 3 - Thursday 10 March



LARRY NG LYE HOCK

GROUP DIRECTOR-ARCHITECTURE &
URBAN DESIGN EXCELLENCE, URBAN
REDEVELOPMENT AUTHORITY
(SINGAPORE)

**A State of Excitement - the
economic and cultural BUZZ that
is Singapore**

Day 1 - Tuesday 8 March



ROBERT DOYLE

LORD MAYOR OF MELBOURNE

**Mayors Forum - Progressive
councils and their role in
fostering innovative outcomes
in new development**

Day 3 - Thursday 10 March

To register online please visit
www.udiacongress.com.au

UDIA SA Contacts

Pat Gerace
Executive Director
E. geracep@udiasa.com.au

Terry Walsh
UDIA National Congress Sponsorship Coordinator
E. walsht@udiasa.com.au

Janine Gill
Events and Member Services Manager
E. gillj@udiasa.com.au

T. +61 8 8359 3000



Congress Organisers

All Occasions Management
12 Stirling Street
Thebarton SA 5031
T. +61 8 8125 2200
F. +61 8 8125 2233
E. conference@aomevents.com

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 Supreme Court
- The District Court
- The Local Court
- Matters referred to Council's solicitor for advice.

A summary of year-to-date costs and the total number of matters is also included.

Note: The year to date cost totals itemised in sections one to seven inclusive of the report do not necessarily correlate with the costs to date total of individual matters listed in each section, as the costs to date total of individual matters shown refer to total costs from commencement of the matter, which may have commenced before 1 July.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 17 November 2015 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 209

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 14/10/2015)	3
Total completed Class 1 DA appeal matters (as at 14/10/2015)	1
Costs from 1 July 2015 for Class 1 DA appeal matters:	\$64,927.80

1 (a)	RAMM INVESTMENTS PTY LIMITED
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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.
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Property:	Lot 101 DP 1044069, 124 Minto Road, Minto.
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Property Owner:	Ramm Investments Pty Limited
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Council File:	Development Application No: 1473/2012/DA-MAH
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Court Application:	Filed on 27 March 2015 - File No. 10275 of 2015
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Applicant:	Ramm Investments Pty Limited
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Costs Estimate:	\$25,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
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Costs to date:	\$21,183.65
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Status:	Ongoing – Proceedings to be discontinued subject to agreement on costs being reached.
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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>
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On 24 April 2015, the Registrar made certain procedural directions and adjourned the proceedings to 14 May 2015 for section 34 conciliation conference.

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 call over hearing listing before the Registrar.

On 2 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 4 and 5 August

2015 for directions hearing commencing on-site.

Matter was before the Court on 31 July for hearing the applicant's Notice of Motion seeking to amend the development application and vacate the hearing dates for 4 and 5 August 2015. The Commissioner ordered that the applicant's Notice of Motion is dismissed; and leave was granted for the applicant to discontinue the proceedings on the basis that the Respondent is not precluded from making an application seeking that the Applicant pays the Respondents costs of the proceedings.

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: \$7,351.03

Status: Ongoing – listed for mention on 8 October 2015.

Progress: 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.

On 17 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 7 August 2015 for section 34 conciliation conference.

Conciliation conference is part-heard and was adjourned for mention on 8 October 2015 to allow the applicant to prepare amended plans addressing the issues discussed during the conference. Given the failure by the applicant to address issues raised during the conciliation conference it was terminated.

The proceedings have been listed for directions hearing on 29

October, 2015.

1 (c)	Multiplan Constructions Pty Ltd
Issue:	An appeal against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for construction of nine two-storey dwellings and associated strata subdivision.
Property:	Lot 36 DP 13118, 17 Lyndia Street, Ingleburn.
Property Owner:	Mr Ramy Maher Youssef and Mrs Nevine Magdy Youssef
Council File:	Development Application No: 2775/2014/DA-MAH
Court Application:	Filed on 22 September 2015 - File No. 10848 of 2015
Applicant:	Multiplan Constructions Pty Ltd
Costs Estimate:	\$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	New matter – listed for call over on 22 October 2015.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for construction of nine two-storey dwellings and associated strata subdivision.</p> <p>On 22 October, the proceedings were adjourned to 23 November, 2015 for a section 34 conciliation conference.</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 14/10/2015)	1
Total completed Class 1 and 2 appeal matters (as at 14/10/2015)	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 14/10/2015)	0
Total completed Class 4 matters (as at 14/10/2015)	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 14/10/2015)	0
Total completed Class 5 matters (as at 14/10/2015)	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 14/10/2015)	0
Total completed Class 6 matters (as at 14/10/2015)	0
Costs from 1 July 2015 for Class 6 matters	\$0.00

6. Supreme Court of NSW – Contractual proceedings with WSN Environmental Solutions concerning South West Sydney Councils Resource Recovery Project

Total ongoing matters (as at 14/10/2015)	1
Total completed (as at 14/10/2015)	0
Costs contribution from 1 July 2015 for this matter	\$33,305.15

6 (a) CAMPBELLTOWN CITY COUNCIL AND OTHERS -v- WSN ENVIRONMENTAL SOLUTIONS PTY LTD.

Issue: Civil commercial proceedings concerning the South West Sydney Councils Resource Recovery Project Contract T05/17 for Processing Waste, Recyclables and Garden Organics with WSN Environmental Solutions Pty Ltd (WSN).

Court Case Number: 371801 of 2014

Case name: Campbelltown City Council and Others (other related Councils under the contract) -v- WSN Environmental Solutions Pty Ltd

Costs to date: \$80,980.89, being Campbelltown City Council's one-quarter part contribution to the overall legal costs.

Status: Remains Ongoing.

Progress: Matter considered before the Supreme Court NSW concerning contractual issues in respect of the South West Sydney Councils Resource Recovery Project Contract T05/17 between the joint party Councils of Campbelltown, Camden, Wollondilly and Wingecarribee for processing waste, recyclables and garden organics with the service contractor WSN Environmental Solutions Pty Ltd.

Matter finalised before the Court of Appeal and costs were awarded in Council's favour. Council's legal representatives to commence process of cost recovery. Details of costs settlement to be advised.

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 14/10/2015)	9
Total completed Local Court Matters (as at 14/10/2015)	21
Costs from 1 July 2015 for Local Court Matters	\$2,149.00

File No: LP33 & 34/15 – Penalty Notice Court Election
Offence: Unregistered dog x 2.
Act: *Companion Animals Act 1998*

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

Status: Completed – Matters withdrawn and dismissed.

Progress: Matter was before the Court for first mention on 18 August 2015, where the defendant did not enter a plea and sought an adjournment pending determination by Council of a representation in respect of the matters before the Court. The registrar adjourned the proceedings to 6 October 2015 for further mention. Subsequently, a further adjournment was granted to 13 October for plea/mention

From inquiries made by Council in respect of the defendant's representation it became evident that the defendant was not the owner of the dogs at the time of the alleged offence and in fact ownership of the dogs had been transferred to other persons.

On 13 October Council advised the Court that by consent application was made for the matters be withdrawn and dismissed.

File No: LP40/15 – Enforcement Order annulled - Penalty Notice referred back to Local Court for Hearing.
Offence: Development not in accordance with consent (restrictions applicable to religious festival events held on the premises at 201 Eagleview Road, Minto)
Act: *Environmental Planning & Assessment Act 1979*
Final Costs: \$3,900.00 – Council's Legal and Policy Officer prepared the brief and instructed external solicitor to appear.

Status:	Completed – matter dismissed without penalty; order made that the defendant pay Council's legal costs.
Progress:	<p>The matter was before the Liverpool Local Court on 19 June 2015 for determination of an annulment application against the penalty notice enforcement order. The Magistrate after hearing submissions granted the application annulling the enforcement order and penalty notice. The defendant entered a not guilty plea to the alleged offence and the Magistrate adjourned proceedings to 27 August 2015 for hearing at the Campbelltown Local Court.</p> <p>The matter was before the Court for defended hearing on 27 August 2015 where the defendant, Shri Shiva Mandir Limited, changed their plea to guilty with explanation. After hearing the evidence and submissions the Magistrate found the offence proved and reserved judgement pending the outcome of the next scheduled festival on the premises (17-27 September) the outcome of which, it is anticipated, will assist the Court in determining the appropriate penalty to be imposed. The Magistrate adjourned the proceedings to 12 October 2015 for sentence.</p> <p>Matter was before the Court for sentence where Council reported that the defendant had satisfactorily complied with their obligations under the development consent in respect to the recently conducted Ganesh Festival held on the premises from 17-27 September 2015, with local residents advising that this festival was much better managed than in the past and had limited impact on them, particularly, the playing of the drums, which although audible, was controlled and caused no real disturbance compared with past experience when the drumming was loud, constant and offensive. Similarly, traffic control arrangements had been put in place, which compared to past events, negated the high traffic volumes and road and parking congestion previously experienced. Taking into account the actions by the defendant in positively demonstrating their ability to meet their obligations under the development consent, the magistrate found the offence proved and determined that the matter be dealt with without penalty; nonetheless, the Magistrate further determined that Council's application seeking an order for its legal costs to be paid by the defendant was appropriate in the circumstance,</p>

	accordingly such order was made in the sum of \$3,900.00.
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File No:	LP42/15 – Penalty Notice Court Election
Offence:	Disobey no parking control sign (school zone).
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – Proved, determined without penalty.
Progress:	The matter was before the Court for first mention on 6 October 2015 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without penalty.

File No:	LP43/15 – Penalty Notice Court Election
Offence:	Stop on path/strip in built-up area.
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – Fine and Court costs imposed
Progress:	The matter was before the Court for first mention on 6 October 2015 where the defendant, Patrizio Michel Frusciante, entered a guilty plea with explanation by written notice of pleading. After hearing the evidence and submissions the Magistrate found the offence proved and imposed a \$106.00 fine and made an order for Court costs in the sum of \$85.00.

File No:	LP44/15 – Penalty Notice Court Election
Offence:	Stand in disabled person parking space without authority displayed.
Act:	<i>Local Government Act 1993</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:	The matter was before the Court for first mention on 13 October, 2015 where the defendant Beejai

	Abrahams entered a plea of guilty and was fined \$250.
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File No:	LP45/15 – Penalty Notice Court Election
Offence:	Stand in disabled person parking space without authority displayed.
Act:	<i>Local Government Act 1993</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 – Hearing listing on 6 November 2015
Progress:	Matter was before the Court for first mention on 6 October 2015 where the defendant entered a not guilty plea. The registrar adjourned the proceeding to 6 November 2015 for hearing.

File No:	LP46/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign.
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 27 October 2015.

File No:	LP47/15 – Penalty Notice Court Election
Offence:	Stand in disabled person parking space without authority displayed.
Act:	<i>Local Government Act 1993</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:	The matter was before the Court for first mention on 13 October where the defendant Mariella Desveaux entered a plea of guilty with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without penalty.

File No:	LP48/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping 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:	The matter was before the Court for first mention on 20 October 2015 where the defendant Andrew Sukkar was fined \$400.

File No:	LP49/15 – Penalty Notice Court Election
Offence:	Disobey no-stopping 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 10 November 2015.

File No:	LP50/15 – Penalty Notice Court Election
Offence:	Not stand vehicle in marked parking space.
Act:	<i>Local Government Act 1993</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 3 November 2015.

File No:	LP51/15 – Charge matter
Offence:	Stop heavy/long vehicle longer than 1 hour
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer.
Status:	New matter
Progress:	Listed for first mention on 24 November 2015.

File No:	LP52/15 – Penalty Notice Court Election
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Offence:	Own dog that attacked animal.
Act:	<i>Companion Animals Act 1998</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 3 November 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 14/10/2015)	3
Costs from 1 July 2015 for advice matters	\$5,717.60

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	\$64,927.80	\$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
Supreme Court hearing and appeal matters	\$33,305.15	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$2,149.00	\$100.00
Matters referred to Council's solicitor for legal advice	\$5,717.60	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$106,099.55	\$100.00
Overall Net Costs Total (GST exclusive)	\$105,999.55	

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Thompson/Kolkman)

That the Committee in accordance with Section 10A of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

CARRIED

20. CONFIDENTIAL ITEMS

20.1 Confidential Report Directors of Companies

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Motion: (Kolkman/Thompson)

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

CARRIED

There being no further business the meeting closed at 8.52pm.

G Greiss
CHAIRPERSON
