

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 9 August 2016.

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 9 August 2016

Present

- Councillor G Greiss (Chairperson)
- Councillor R Kolkman
- Councillor D Lound
- Councillor A Matheson
- Councillor M Oates
- Councillor T Rowell
- Councillor R Thompson
- General Manager - Mrs L Deitz
- Director Strategy - Mr J Lawrence
- Director Planning and Environment - Mr J Baldwin
- Manager Community Resources and Development - Mr B McCausland
- Acting Manager Development Services - Mr B Leo
- Manager Environmental Planning - Mr A Spooner
- Manager Governance and Risk - Mrs M Dunlop
- Executive Assistant - Mrs K Peters

Apology Nil

Also in Attendance

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

His Worship the Mayor Councillor Hawker
Councillor Mead

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Outcome of the Public Exhibition of Amendment to the Campbelltown City Section 94 Development Contributions Plan

Reporting Officer

Manager Environmental Planning

Attachments

Campbelltown City Section 94 Development Contributions Plan (contained within this report)

Purpose

To inform Council of the outcome of the recent public exhibition of the draft Campbelltown City Section 94 Development Contributions Plan.

History

At its meeting on 17 May 2016, Council considered a report on a proposed amendment to the Campbelltown City Section 94 Development Contributions Plan (the plan) which sought Council's approval to extend the physical limits of the plan as it relates to the Bow Bowling area. This was to allow for the provision of recreational facilities within the proposed extended area. After considering the report, Council resolved to publicly exhibit the draft Campbelltown City Section 94 Development Contributions Plan (the draft plan) which showed the extended physical limits of the Bow Bowling area for a period of 28 days.

Report

The draft plan was placed on public exhibition on Tuesday 31 May 2016 until Friday 1 July 2016. Copies of the draft plan were available for inspection at Council's Civic Centre, HJ Daley Library, Eagle Vale Library and Council's website. Notification of the public exhibition was given by means of advertisements in the local newspaper.

No submissions on the draft plan were received.

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Conclusion

Having regard to there being no submissions made during the exhibition period, it is recommended that in accordance with clause 31(1)(b) of the Environmental Planning and Assessment Regulation 2000, Council approve the draft Campbelltown City Section 94 Development Contributions Plan (as shown in the attachment and as exhibited) and give public notice of its approval in the local newspaper within 28 days of Council's decision.

Officer's Recommendation

1. That Council approve the Campbelltown City Section 94 Development Contributions Plan in the form in which it is attached.
2. That in accordance with clause 31 of the Environmental Planning and Assessment Regulation 2000, Council give public notice of the making of the Campbelltown City Section 94 Development Contributions Plan.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 134

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Campbelltown City Council



Campbelltown City Section 94 Development Contributions Plan *Amended April 2016*



2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Contents

1. Part A: Executive Summary

- 1.1 *Works Schedules*
- 1.2. *Development Contributions under This Plan*
- 1.3. *Additional Facilities Provided Under This Plan*

2. Part B: Administration and Operation

- 2.1. *What is the Name of the Plan?*
- 2.2. *Area Plan Applies To*
- 2.3. *What Is The Purpose Of This Development Contributions Plan?*
- 2.4. *Commencement of The Plan*
- 2.5. *Relationship with Other Plans and Policies*
- 2.6. *When Will Contributions Be Payable To Council?*
- 2.7. *Construction Certificates and the Obligation Of Accredited Certifiers*
- 2.8. *Complying Development and the Obligation Of Accredited Certifiers*
- 2.9. *Deferred/Periodic Payments*
- 2.10. *Contributions "In Kind"*
- 2.11. *Exemptions*
- 2.12. *Review of Contribution Rates*
- 2.13. *How Are Contributions Adjusted At The Time Of Payment?*
- 2.14. *Pooling Of Contributions*
- 2.15. *Contributions Register*
- 2.16. *Savings and Transitional Arrangements*
- 2.17. *When Did This Plan Come Into Force?*
- 3.1. *Anticipated Development: Population and Dwelling Structure*
- 3.1 *Anticipated Development: Population and Dwelling Structure*
Eagle Vale/Eschol Park: Lot/Dwelling Projections
Raby: Lot/Dwelling Projections
Rosemeadow: Lot/Dwelling Projections
Ambarvale: Lot/Dwelling Projections
Bow Bowling: Lot/Dwelling Projections

3. Part C: Strategic Plan

- 3.1 *Anticipated Development: Population and Dwelling Structure*
Eagle Vale and Eschol Park
Raby
Bow Bowling
 - 3.2. *Timing of Development*
Eagle Vale and Eschol Park
Raby
Rosemeadow
Ambarvale
Bow Bowling
 - 3.3. *Rationale for New Facilities and Services*
 - 3.4. *Existing Levels of Provision*
 - 3.5. *Demand for New Facilities and Services*
Skate Park - St Helens Park
Stadium Lighting - Campbelltown Sports Stadium
-

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Skate Park - Macquarie Fields

Road Works

Drainage Works

Administration

3.6. *Works Schedule*

3.7. *Timing of Expenditure*

3.8. *Calculation of Contribution Rates*

4. **Part D: Supporting Material**

1. PART A: EXECUTIVE SUMMARY

This Plan is the “Campbelltown City Section 94 Development Contributions Plan 2016”.

The Plan applies to Eagle Vale/Eschol Park, Raby, Ambarvale, Rosemeadow and Bow Bowing, and repeals and supersedes the corresponding Section 94 Plans for those areas.

The contributions from this Plan will provide for passive open space (parks, playgrounds etc) and active open space (playing fields, skate park).

In addition to the facilities originally planned for in the repealed and superseded Section 94 Plans, a series of additional facilities have been identified. The facilities to be provided will contribute towards satisfying the needs of the incoming population into the areas noted above.

The costs and status of required community facilities, open space embellishment, and other works are summarised below.

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

1.1 Works Schedules

Ambarvale

Facility	Name	Stage	S94 \$ IPD Sept 06
Community Hall	Crispsparkle Drive	Completed	
Child Care Centre	Crispsparkle Drive	Completed	
Youth Centre	Off Wickfield Circuit	Completed	
Community Hall	Cnr Woodhouse & Copperfield	Completed	
Upgrade Community Hall	Woodhouse Drive	Completed	
Amenities Building	Cnr Codlin & Jiniwin	Completed	
Amenities Building	Thomas Acres Reserve	Completed	
Local Park 1	Cleopatra Reserve	Completed	
Local Park 1	Lack Reserve	Completed	
Local Park 1	Clerkenwell Reserve	Completed	
Local Park 1	Throsby Park	Completed	
Local Park 3	Shiel Park	Completed	
Local Park 1	Patrick Newman Park	Completed	
Local Park 2	Fred Sheather Park	Completed	
Local Park 1	Copperfield Park	Completed	
Local Park 1	Cargery Reserve	Completed	
Local Park 1	Trotwood Reserve	Completed	
Local Park 2	Startop Reserve	Completed	
Local Park 2	Boythorn Park	Completed	
Local Park 1	Nurra Reserve	Completed	
Local Park 1	Fieldhouse Park	Completed	
Local Park 1	Englorie Park	Completed	
Local Park 1	Thomas Acres Reserve	Completed	
Winter Playing Field	Ambarvale Sports Complex	Completed	
Winter Playing Field	Ambarvale Sports Complex	Completed	
Winter Playing Field	Ambarvale Sports Complex	Completed	
Summer Playing Field	Ambarvale Sports Complex	Completed	
Winter & Summer Field	Thomas Acres Reserve	Completed	
Street Tree Planting		Completed	
Sub Total			\$0

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Rosemeadow

Facility	Name	Stage	S94 \$ IPD Sept 06
Car Parking Rosemeadow Open Space Complex	District Centre	Completed	
Land in District Centre	District Centre	Not Required	
Neighbourhood Centre	Glendower Street	Completed	
Amenities Building (half cost)	Rosemeadow Sports Complex	Completed	
Amenities Building	Oswald Reserve	Completed	
Local Park 1	Haredale Reserve	Completed	
Local Park 1	Mandurama Reserve	Completed	
Local Park 1	Rizal Park	Completed	
Local Park 2	Ceres Reserve	Completed	
Local Park 1	Ophelia Reserve	Completed	
Local Park 1	Desdemona Reserve	Completed	
Local Park 2	Canidius Reserve	Completed	
Local Park 1	Octavia Park	Completed	
Local Park 2	Reserve No.1	Completed	
Local Park 2	Reserve No.2	Completed	
Local Park 1	Reserve No.3	Completed	
Local Park 1	Reserve No.4	Completed	
Local Park 1	Oswald Reserve	Completed	
Winter Playing Field	Oswald Reserve	Completed	
Winter Playing Field	Oswald Reserve		
Summer Playing Field	Oswald Reserve	Completed	
Winter Playing Field	Rosemeadow Sports Complex	Completed	
Winter Playing Field	Rosemeadow Sports Complex	Completed	
Winter Playing Field	Haydon Park	Completed	
Environmental Project	Noorumba Reserve		\$379,797
Street Tree Planting		Completed	
Cycleway	Ambarvale/Rosemeadow	Completed	
Sub Total			\$379,797

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Eagle Vale/Eschol Park

Facility	Name	Stage	S94 \$ IPD Sept 06
Small Hall	Eschol Park Cottage	Completed	
Swimming Pool	Eagle Vale Pool Complex	Completed	
40 Place Child Care Centre	Eagles Nest	Completed	
Neighbourhood Centre	Neighbourhood Centre	Completed	
Amenities Building	Eschol Park No.1 & No.2	Completed	
Amenities Building	Fullwood Reserve	Completed	
Local Park 1	Thomas Clarkson Reserve	Completed	
Local Park 1	Eagle Vale Reserve	Completed	
Local Park 1	Fluorite Park	Completed	
Local Park 3	Talc Reserve	Completed	
Local Park 1	Amber Reserve	Completed	
Local Park 1	ER Jones Reserve	Completed	
Local Park 1	Topaz Gardens	Completed	
Local Park 1	Alabaster Reserve	Completed	
Local Park 2	Brady Park	Completed	
Local Park 1	Fullwood Reserve	Completed	
Local Park 1	Young Reserve	Completed	
Local Park 3	Newbury Reserve	Completed	
Local Park 3	Murch Park	Completed	
Local Park 3	Reserve No.1	Completed	
Local Park 1	Reserve No.2	Completed	
Local Park 1	Reserve No.3	Completed	
Local Park 2	Minchinbury Reserve	Completed	
Local Park 2	Burgundy park	Completed	
Local Park 1	Eagle Creek Reserve	Completed	
Local Park 1	Eschol Park Sports Complex	Completed	
Local Park 1	Sauvignon Reserve	Completed	
Local Park 3	Vale Brook Reserve	Completed	
Local Park 1	Figtree Park	Completed	
Local Park 1	Malbec Reserve	Completed	
Local Park 2	William Fowler reserve	Completed	
Local Park 1	Flying Pieman Park	Completed	

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section
94 Development Contributions Plan

Winter Playing Field	Eschol Park Sports	Completed	
Summer Playing Field	Complex 1	Completed	
Winter Playing Field	Eschol Park Sports	Completed	
Summer Playing Field	Complex 2	Completed	
Winter Playing Field	Eschol Park Sports	Completed	
Summer Playing Field	Complex 3	Completed	
Amenities Building	Eschol Park Sports Complex 3	Completed	
Street Tree Planting		Completed	
Sub Total			\$0

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Raby

Facility	Name	Stage	S94 \$ IPD Sept 06
Swimming Pool	Eagle Vale Pool Complex	Completed	
Neighbourhood Centre	Raby Neighbourhood Centre	Completed	
Amenities	Raby Oval Meeting Room	Completed	
Amenities	Raby Oval Amenities 1	Completed	
Amenities	Raby Oval Amenities 2	Completed	
Local Park 1	Heathfield Park	Completed	
Local Park 1	Blain Park	Completed	
Local Park 1	Jack Donohoe Park	Completed	
Local Park 1	Spitfire Park	Completed	
Local Park 1	Mirage Park	Completed	
Local Park 1	Raby Sports Complex	Completed	
Local Park 1	Koorunga Reserve	Completed	
Local Park - Special	Burrendah Reserve	Completed	
Local Park 1	Manaleuka Park	Completed	
Local Park 2	Wirraway Park	Completed	
Local Park 2	Convair Reserve	Completed	
Winter Playing Field	Raby Sports Complex 1	Completed	
Winter Playing Field	Raby Sports Complex 1	Completed	
Summer Playing Field	Raby Sports Complex 1	Completed	
Winter Playing Field	Raby Sports Complex 2	Completed	
Winter Playing Field	Raby Sports Complex 2	Completed	
Summer Playing Field	Raby Sports Complex 2	Completed	
Street Tree Planting		Completed	
Sub Total			\$0

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Additional Facilities

Facility	Name	Stage	S94 \$
Skate Park	Rosemeadow	Completed	
Stadium Lighting	Campbelltown Sports Stadium	Completed	
Skate Park	Macquarie Fields	Completed	
Sub Total			\$0

Bow Bowling

Facility	Name	Stage	S94 \$ IPD Sept 06
Neighbourhood Centre and Tennis Court Clubroom	Carnarvon Street	Completed	
Local Park 1	Lookout Park East	Completed - in one location (East/West)	
Local Park 1	Lookout Park West	Completed - in one location (East/West)	
Local Park 1	Kuringai park	Completed	
Local Park 2	Bouddi Park North	Not Required	
Local Park 2	Bouddi Park South	Not Required	
Local Park 1	Central Park	Completed	
Bus Shelters x 2		Completed	
Cycleway/Footpath		Completed	
Street Planting		Completed	
Tennis Courts	Central Park	Completed	
Car Park	Central Park	Completed	
Recreation Facility	Central Park		\$85,826
Sub Total			\$85,826

			S94 \$ Grand Total
Total			\$465,623.00

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

NOTE: Park Types applicable to this plan

Type 1 Park: includes an item of playground equipment, a park seat, tree planting, koppe log barriers, water service and ancillary treatment to Council's specification.

Type 2 Park: includes a park seat, tree planting, koppe log barriers, water service and ancillary treatment to Council's specification.

Type 3 Park: includes tree planting, koppe log barriers, water service and ancillary treatment to Council's specification.

1.2. Development Contributions under This Plan

The Section 94 Plans repealed and superseded by the "*Campbelltown City Section 94 Development Contributions Plan*" were all prepared in the early 1990's. In this regard, the majority of new development is practically complete, with very little 'greenfield' development potential remaining in the corresponding catchment areas. As there are sufficient funds available to complete the remaining works included in the superseded Section 94 Plans, along with additional projects identified, no Section 94 contributions are to be levied under this Plan on new development in the defined catchment areas.

1.3. Additional Facilities Provided Under This Plan

As part of a review of its existing Section 94 Plans, Council engaged the consultancy firm PotatoPoint and Cite Urban Strategies Pty Limited to evaluate the current status of the Section 94 Plans. In identifying the remaining works in each of the various Plan areas, it was also determined that on completion of those works, funds would remain available as collected from previous development.

With regard to the remaining funds, Council has identified a series of projects throughout the City to which the funds will be applied, that will benefit the incoming population from whence the development contributions were previously levied. Further details of the additional projects identified by Council are listed in section 3.5 of this Plan.

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

2. Part B: Administration and Operation

2.1. What is the Name of the Plan?

This Plan is the “*Campbelltown City Section 94 Development Contributions Plan*”. This Plan repeals and supersedes the following Section 94 Plans (and/or parts thereof) previously adopted by Campbelltown City Council:

- The following nominated parts of Section 94 Contributions Plan No. 1 - Planning District No. 4 - Neighbourhoods of Eagle Vale/Eschol Park and Raby (Note: The area of Blairmount in the Section 94 Contributions Plan No. 1 - Planning District No. 4, has been repealed).
- Section 94 Contributions Plan No. 2 - Planning District No. 6 - Neighbourhoods of Ambarvale and Rosemeadow (Note: The areas of St. Helens Park and Glen Alpine in the Section 94 Contributions Plan No. 2 - Planning District No. 6, have been repealed).
- Section 94 Contributions Plan No.3 - Bow Bowling Neighbourhood Community Facilities.

The “*Campbelltown City Section 94 Development Contributions Plan 2007*” was made by Council, under the direction of the Minister for Planning, in accordance with Section 94 EAA and Section 94E(1) of the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*

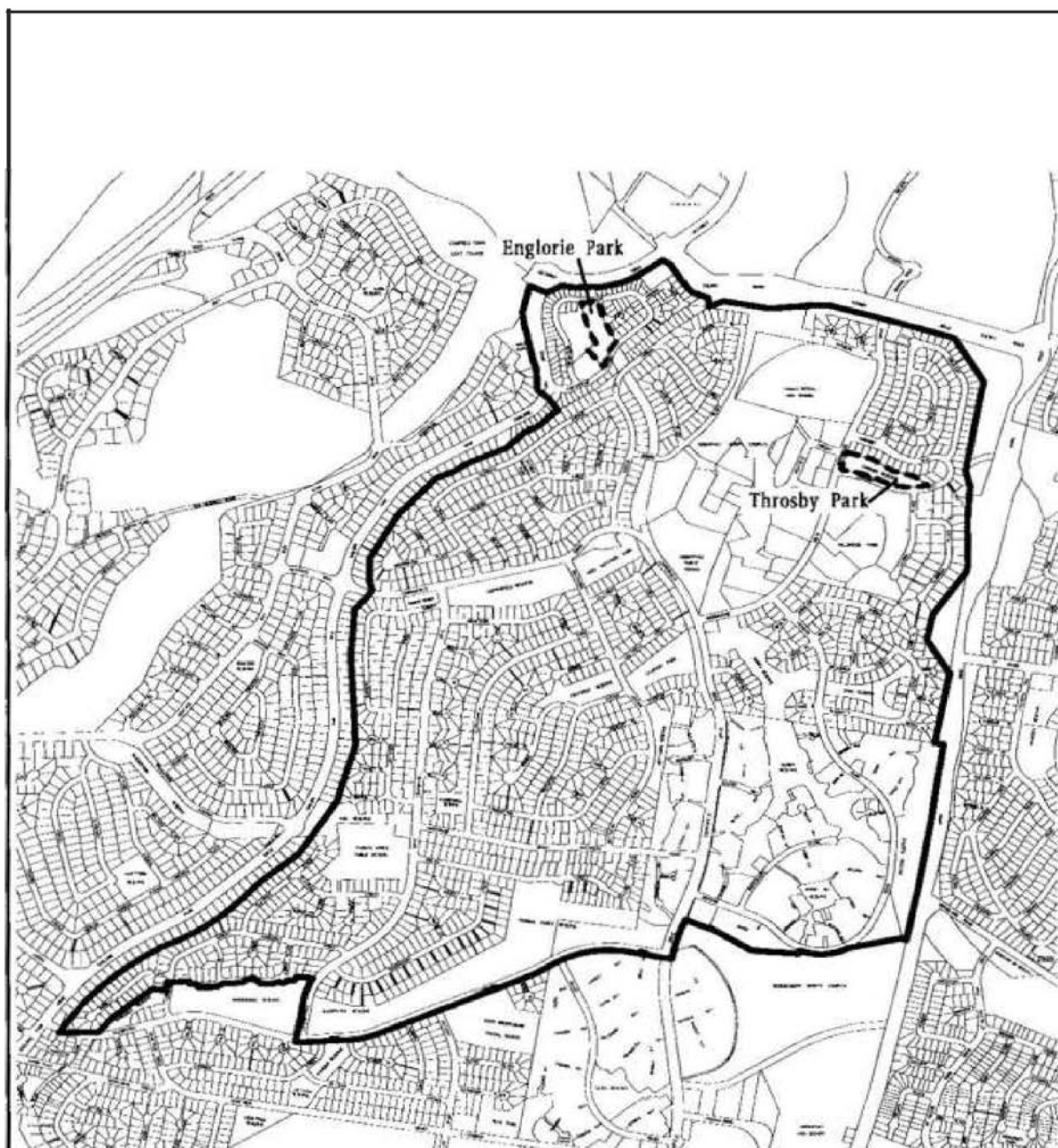
Note: Site of skate Park relocated from Rosemeadow to St Helens Park as per Ministerial Direction dated 8 April 2012, in accordance with Section 94EAA and Section 94E(1) of the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*.

2.2. Area Plan Applies To

This Plan applies to the following catchment areas, as depicted in the Locality Maps.

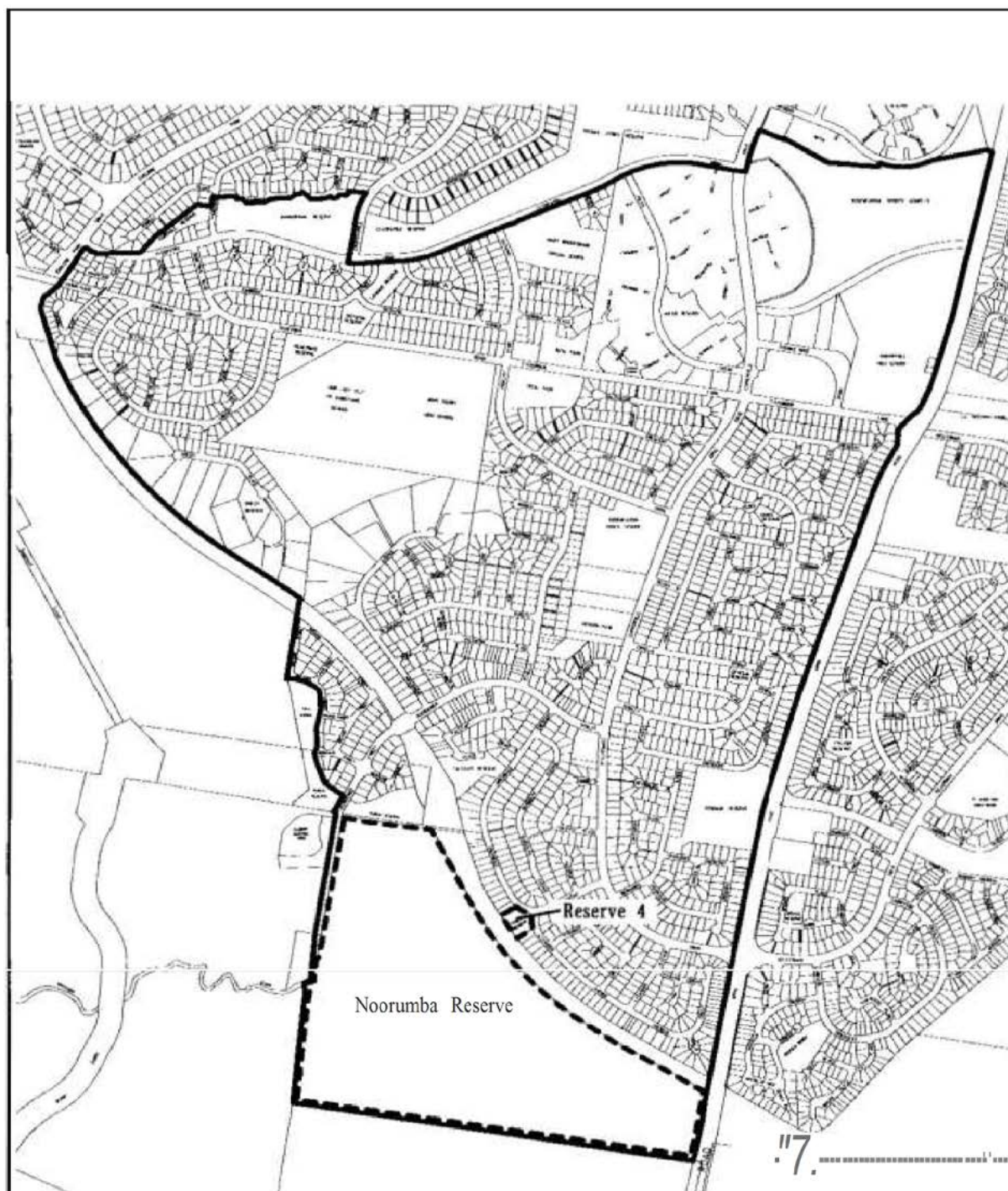
2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section
94 Development Contributions Plan

Maps - Land Area Applying to Contributions



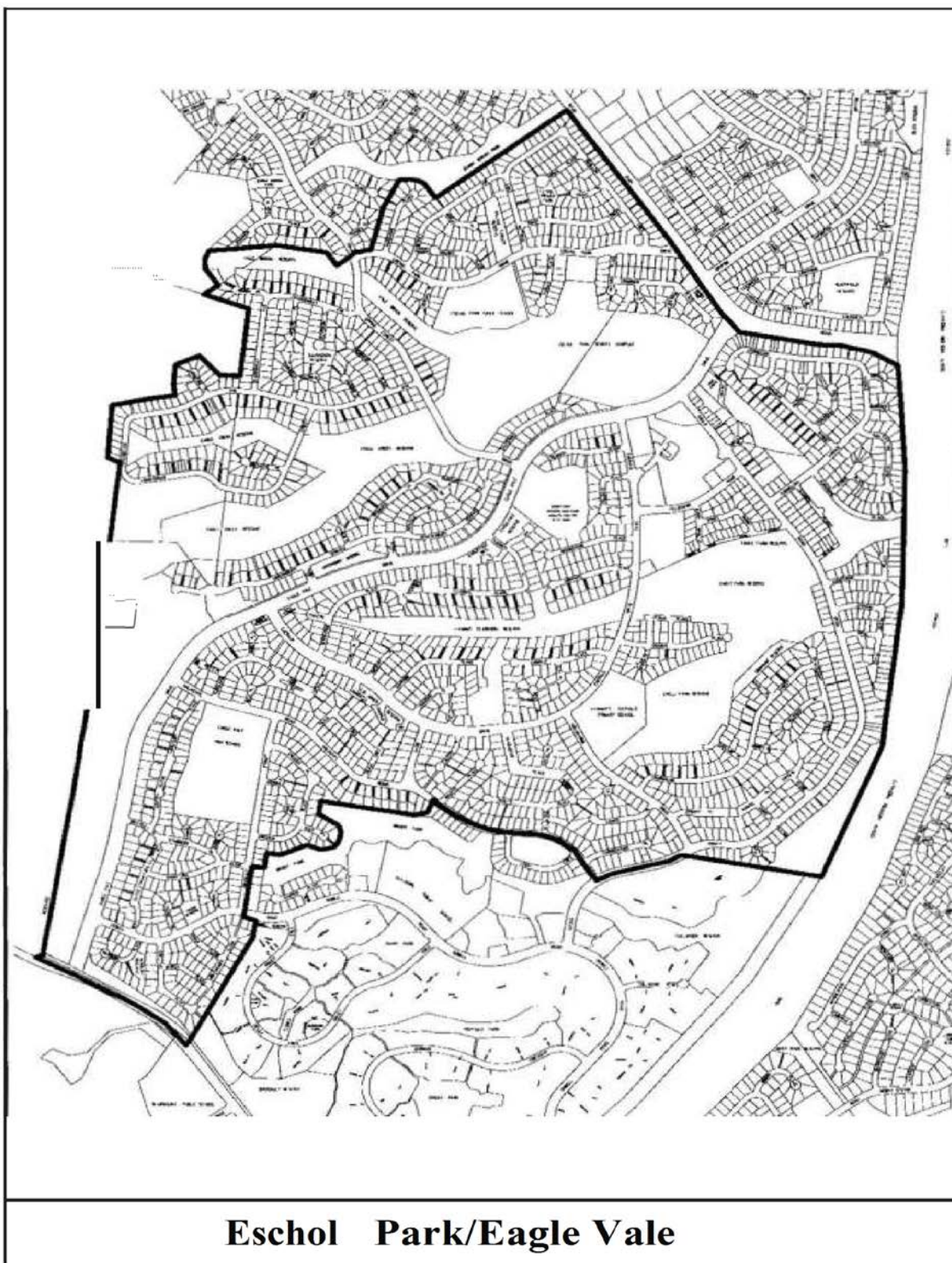
Ambarvale

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section
94 Development Contributions Plan

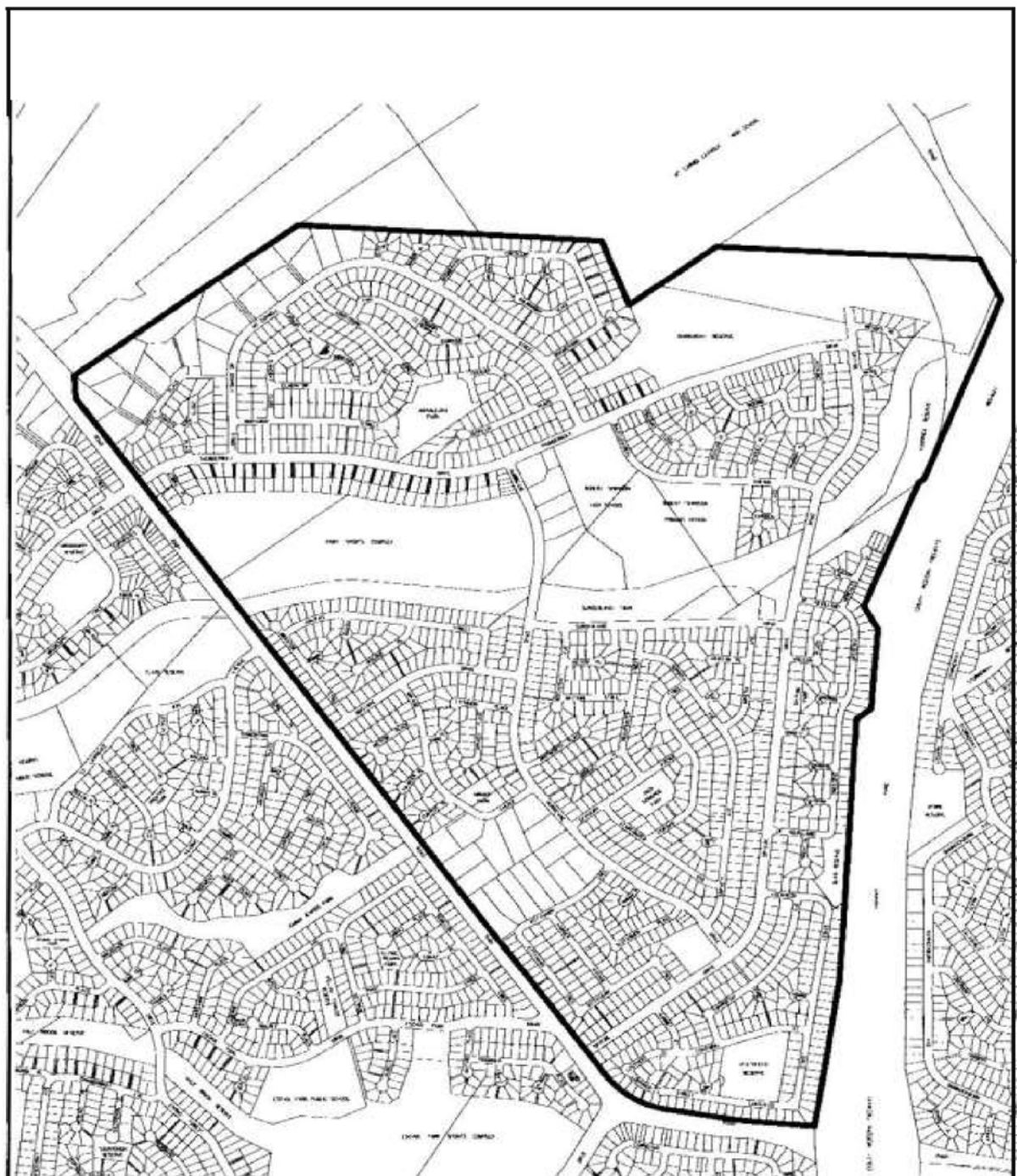


Rosemeadow

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section
94 Development Contributions Plan



2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section
94 Development Contributions Plan



Raby

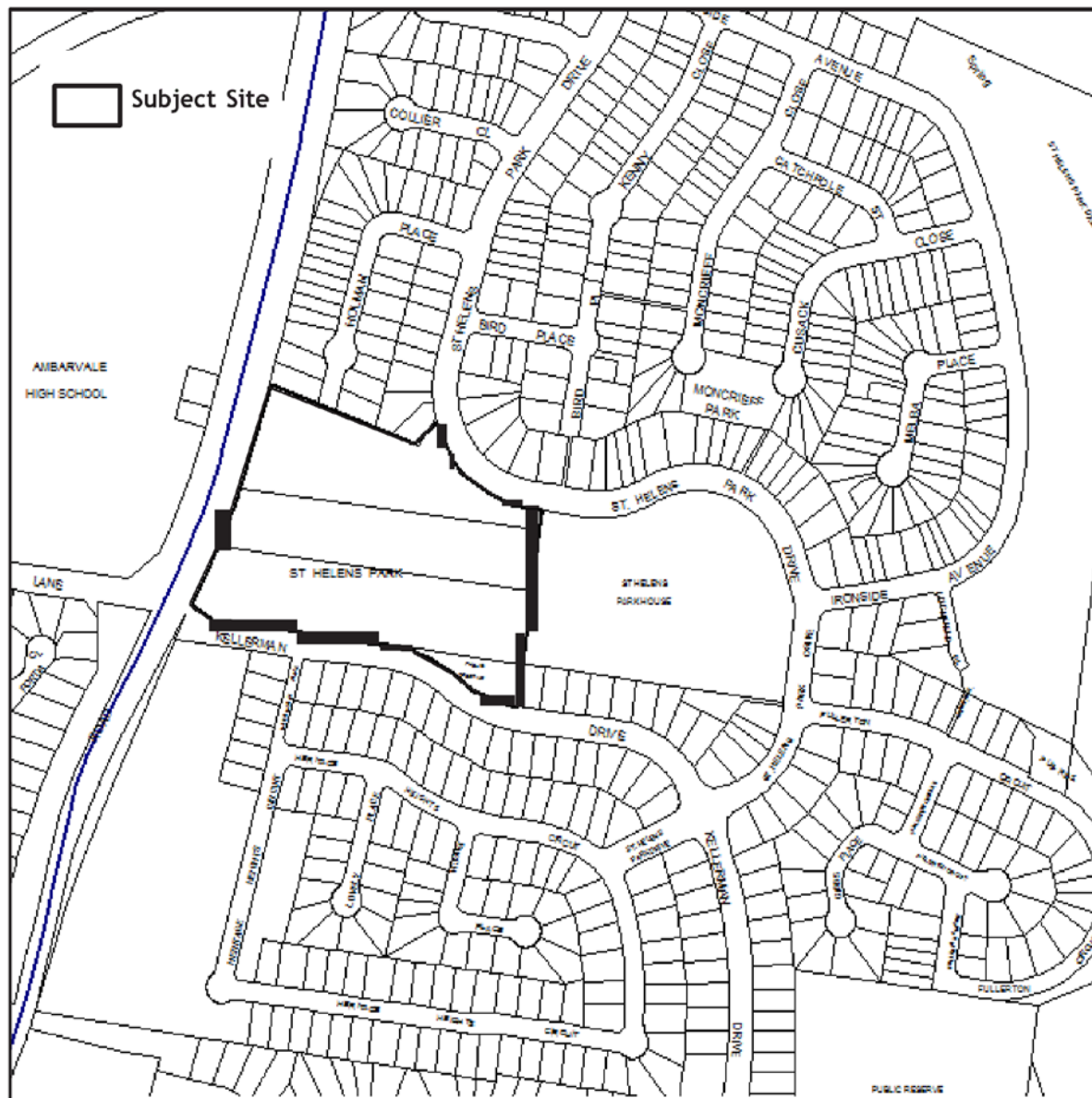
A detailed map of the Bow Bowling area, showing a network of streets and parks. The map is oriented with North at the top. A thick black line outlines the main area of interest. Key streets include Central, Oak, Elm, Maple, Birch, and Pine. Parks shown include Stan Thomson Park, Bow Bowling Park, and Bow Bowling Park. A 'Recreation Facility' is marked with a dot and labeled. A 'Fitness Stations and Cycleway' is indicated by a dashed line. The map also shows surrounding areas like Campbelltown and Essex.

Recreation Facility

Fitness Stations and Cycleway

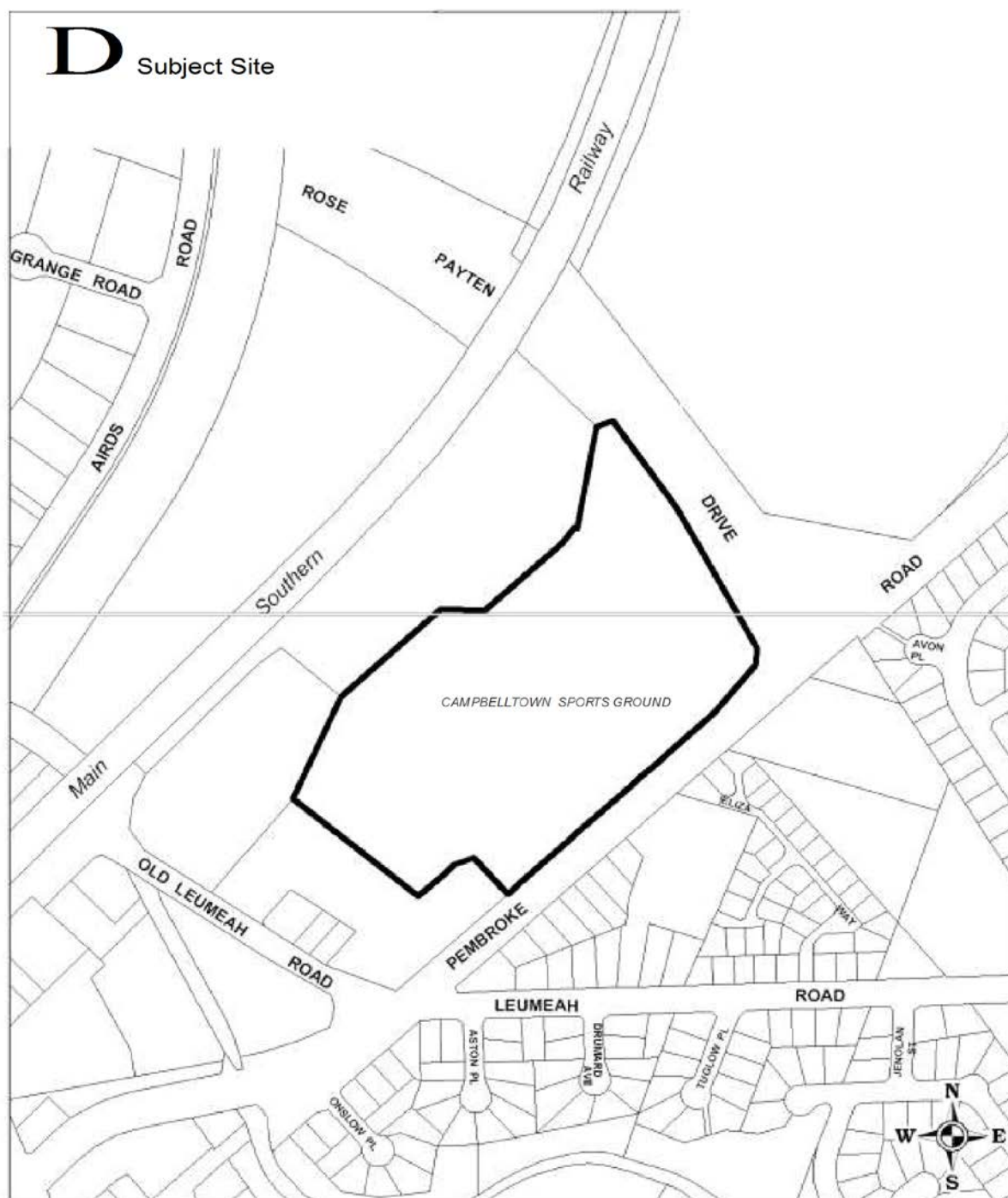
Bow Bowling

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section
94 Development Contributions Plan



Location of Skate Park - Lot 1 DP 810691, Lot 70 DP 1068130, Lot 703 DP 833443, St Helens Park
(Corner of Appin Road and St Helens Park Drive, St Helens Park)

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section
94 Development Contributions Plan



Location of Stadium Lights - Campbelltown Sports Stadium

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan



Location of Skate Park -Lot 201 DP 573904 Cnr Victoria and Canterbury Roads, Macquarie Fields

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

2.3. *What Is The Purpose Of This Development Contributions Plan?*

The purpose of this development contributions plan is to:

- (a) authorise the council to allocate funds to the provision of public infrastructure in accordance with Section 94 of the *EP&A Act* in providing an administrative framework under which specific public facilities strategies may be implemented and coordinated;
- (b) ensure that adequate public facilities are provided for as a result of development in the identified catchment areas;
- (c) provide a comprehensive strategy for the assessment, expenditure accounting and review of development contributions as they apply to those lands identified in this plan;
- (d) ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development; and
- (e) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

2.4. *Commencement of The Plan*

This development contributions plan has been prepared pursuant to the provisions of Section 94 of the EP&A Act and Part 4 of the *Environmental Planning and Assessment Regulation, 2000 (EP&A Regulation)* and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the *EP&A Regulation*.

2.5. *Relationship with Other Plans and Policies*

As described in section 2.1, this development contributions plan repeals and supersedes various Section 94 Plans previously adopted by Council. Preparation of this Plan has involved review of the works schedules contained in the repealed contributions plans (and/or their relevant parts). Where individual works have not yet been completed and the works remain appropriate, as well as uncommitted surplus funds, this plan absorbed the works and funds from the previous plans into the works schedule. This accounts for funding attributed to additional projects as identified in the works schedule.

As development contributions are not payable under this Plan, Council's *Section 94A Development Contributions Plan* will apply to any new development application lodged or consent determined under that contributions plan.

Development approvals containing conditions requiring the payment of development contributions under the previous plans will only be required to pay the contribution amount identified in the consent, as adjusted by the relevant means of indexation nominated in the consent. That is, the previous contribution plans will continue to apply to the extent that any contributions condition attached to a development consent imposed under a previous contributions plan will continue to apply while ever the consent remains current.

The development contributions plan supplements the provisions of the Campbelltown (Urban Area) Local Environmental Plan 2002 and any amendment or local environmental plan that it may supersede.

2.6. *When Will Contributions Be Payable To Council?*

In accordance with the intent of this contributions plan, no contributions are payable to Council resulting from new development under this Plan, pursuant to the date from which it takes effect. Development contributions are payable in the relevant catchment areas under the "*Campbelltown*

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

City Council Section 94A Development Contributions Plan”.

To the extent that any contribution is payable on a consent determined under any of the previous Section 94 Plans, the timing of payment will be in accordance with the conditions of those Plans.

2.7. Construction Certificates And The Obligation Of Accredited Certifiers

Where a development consent is subject to the provisions of this Plan further to the date of its effectiveness (refer to section 2.17), no development contributions are applicable to the subject consent. However, where a development consent was determined under the provisions of the previous Section 94 Plans, those conditions will continue to apply, in addition to the application of the following information.

In accordance with section 94EC of the *EP&A Act* and Clause 146 of the *EP&A Regulation*, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.8. Complying Development and the Obligation of Accredited Certifiers

In reference to S94EC(1) of the *EP&A Act*, accredited certifiers are not required to impose a condition requiring monetary contributions in accordance with this development contributions plan for all types of development permitted. Where appropriate, the “Campbelltown City Council Section 94A Development Contributions Plan” will apply.

2.9. Deferred/Periodic Payments

The Council may accept a written request for a deferred or periodic payment of a contribution, relevant to the previous Section 94 Plans, if the applicant or any other person entitled to act upon the relevant consent satisfies the Council that:

- Compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case.
- Deferred or periodic payment will not prejudice the timing or the manner of the provision of the public amenity or service for which the contribution was required, as outlined in the Works Schedule.
- There will be no prejudice to the community deriving benefit from the public amenity of service of facility required by the proposed development.
- There will be no prejudice to the operation of this Contributions Plan.

The decision to accept a deferred or periodic payment is at the sole discretion of the Council.

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

The Council may accept deferred or periodic settlements by way of installments subject to the condition that the installments are to be paid before work commences on any stage of the development, or as otherwise agreed to by the Council.

The Council may, if it decides to accept the deferred or periodic payments of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the amount of the contribution, or the outstanding balance, plus any interest likely to accrue, on condition that:

- a) The bank guarantee requires the bank to pay the guaranteed amount unconditionally to the consent authority where it so demands in writing not earlier than 6 months (or other term so determined by the Council) from the provision of the guarantee or completion of the development or stage of the development to which the contribution, or the outstanding balance, relates.
- b) The guarantee prohibits the bank from:
 - having recourse to the applicant or other person entitled to act upon the consent; and
 - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount.
- c) The bank's obligation under the guarantee are discharged:
 - when payment is made to the consent authority in accordance with the terms of the bank guarantee; or
 - if the related consent lapses; or
 - if the consent authority otherwise notifies the bank in writing that the bank guarantee is no longer required.
- d) The applicant pays interest to the Council on the contribution, or the outstanding balance at the overdraft rate on and from the date when the contribution would have been otherwise payable, as set out in this Contribution Plan.

Where the Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under Section 88E of the Conveyancing Act 1919 to be registered on the title to the land to which the relevant application relates.

2.10. Contributions "In Kind"

Works in kind will be accepted by the Council only under the following circumstances:

1. A written request is made to the Council by the applicant; or other person entitled to act upon the relevant consent; and
2. The Council determine that the works in kind are appropriate; and
3. The works to be carried out are identified in the Works Schedule attached to this Contributions Plan; and
4. The value of the works to be undertaken is at least equal to the value of the contribution assessed in accordance with this Plan;
5. Where the value of the proposed works in kind is less than the monetary value of the contribution, the difference will be met by way of a monetary contribution.

In assessing the request, Council will take into account the following:

- a) Consistency with the detailed design of the facilities, as agreed to by the Council;
-

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

- b) The proposed works will not pre-empt the future provision of facilities identified in the Works Schedule, or beyond what the Council has prioritised.

Plans of the proposed works are to be prepared and submitted by the applicant.

Should an offer of works in kind be accepted, Council will establish with the applicant the following:

- An acceptable standard for workmanship and materials;
- Timing of inspection of works in progress;
- A program for completion of works; and
- An appropriate defects liability period.

2.11. Exemptions

As this Plan will not levy development contributions, all new development is exempt under this Plan. However, as noted in section 2.5 and 2.6, the “*Campbelltown City Council Section 94A Development Contributions Plan*” will apply.

2.12. Review Of Contribution Rates

As this Plan will not levy contributions on development, there will be no need for the review of contributions rates. Where a development consent is determined under one of the previous Section 94 Plans, so the indexation methodology under that plan will continue to apply with regard to the review of contribution rates.

2.13. How Are Contributions Adjusted At The Time Of Payment?

The contributions stated in a development consent are calculated on the basis of the Section 94 plans, as they existed previously. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted according to the formulas outlined in the previous Section 94 Plans.

The current contributions are published by Council and are available from Council offices, or on Council’s web site, at www.campbelltown.nsw.gov.au. Should the Council not validly publish the applicable contribution rates at any of these locations, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

2.14. Pooling Of Contributions

Pursuant to Section 93E(2) of the *EP&A Act* and Clause 27 of the *EP&A Regulation*, this plan authorises that Council may pool monetary contributions collected under Sections 94 (and 94A) of the EP&A Act and be applied progressively to the projects identified in the works schedule.

2.15. Contributions Register

A Contributions Register will be maintained for this Contributions Plan in accordance with the EP&A Regulation and may be inspected upon request. This register will be updated at regular intervals and include the following:

- (a) Details of each development consent for which contributions have been sought;
- (b) Nature and extent of the contribution required by the relevant condition of consent;
-

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

- (c) Name of the Contributions Plan imposing the condition of consent; and
- (d) Date the contribution was received, for what purpose and the amount.

At the end of the each financial year, the Council is required to make an annual statement within the yearly budget. This statement must include the following:

- (a) Opening and closing balances of money held in the “*Campbelltown City Section 94 Development Contributions Plan*” by the Council for the accounting period;
- (b) Total amounts received by way of monetary contribution under this Plan;
- (c) Total amount spent in accordance with this Plan; and
- (d) Outstanding obligations of the Council to provide works for which contributions have been received.

2.16. Savings and Transitional Arrangements

A development application, which is submitted after the commencement of this Plan, will be assessed in accordance with the provisions of this Plan, relative to the extent that the “Campbelltown City Council Section 94A Development Contributions Plan” will apply to that development application.

A development application that has been submitted prior to the commencement of this Plan but not determined shall be determined in accordance with the provisions of this Plan, relative to the extent that the “Campbelltown City Council Section 94A Development Contributions Plan” will apply to that development application.

A development application which has been determined in accordance with a previous Development Contributions Plan and which requires the making of a contribution, but which has not been settled, shall be reviewed and if necessary adjusted in accordance with the provisions of the Development Contributions Plan which applied at the date of determining the application.

2.17. When Did This Plan Come Into Force?

This Plan came into force on 14 April 2009, with further amendments in April 2012 and April 2016.

The costs in the Plan are as at the IPD Quarter for September 2006.

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

3. Part C: Strategic Plan

3.1 Anticipated Development: Population and Dwelling Structure

The anticipated development and population projection, as identified in the previous Section 94 Plans, are as follows;

Eagle Vale/Eschol Park: Lot/Dwelling Projections

	Pre Sec 94	Current Sec 94	Future Sec 94	Urban Cons.	Total Lots
No. of Lots	1862	711	187	100	
Cumulative Total	1862	2573	2760	2860	2860

Raby: Lot/Dwelling Projections

	Pre Sec 94	Current Sec 94	Future Sec 94	Urban Cons.	Total Lots
No. of Lots	1248	638	90	79	
Cumulative Total	1248	1886	1976	2055	2055

Rosemeadow: Lot/Dwelling Projections

	Pre Sec 94	Current Sec 94	Urban Cons.	Total Lots
No. of Lots	337	1558	94	
Cumulative Total	337	1895	1989	1989

Ambarvale: Lot/Dwelling Projections

	Pre Sec 94	Current Sec 94	Urban Cons.	Total Lots
No. of Lots	1690	358	97	
Cumulative Total	1690	2048	2145	2145

Bow Bowling: Lot/Dwelling Projections

	Pre Sec 94	Current Sec 94	Future Sec 94	Urban Cons.	Total Lots
No. of Lots	0	16	94	25	135
No. of Lots Long Industries	0	393	0	0	393
Cumulative Total	0	409	503	528	528

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Total Estimated Population

The total estimated population, as stated originally in each of the previous Section 94 Plans, are listed as follows;

Eagle Vale and Eschol Park

	1993	1994	1995	1996
Population	9181	9531	9881	10010

Raby

	1993	1994	1995	1996
Population	6776	6951	7126	7193

Bow Bowling

	1993	1994	1995	1996
Population	1432	1607	1747	1848

Although no pro-rata population projections were noted for Ambarvale and Rosemeadow under the previous Section 94 Plans, the corresponding 'Lot Dwelling Projections' for these Plans are noted above.

3.2. Timing Of Development

While the majority of development is complete in the various catchment areas, the following tables represent the projected development rates as set down in the previous Section 94 Plans;

Eagle Vale and Eschol Park

	1993	1994	1995	1996
No. of Lots	50	100	100	37
Cumulative Total	2623	2723	2823	2860

Raby

	1993	1994	1995	1996
No. of Lots	50	50	50	19
Cumulative Total	1936	1986	2036	2055

Rosemeadow

	1993	1994	1995	1996	1997	1998
No. of Lots	92	50	50	40	40	31
Cumulative Total	1778	1828	1878	1918	1958	1989

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Ambarvale

	1993	1994	1995	1996	1997	1998
No. of Lots	30	80	80	60	60	47
Cumulative Total	1818	1898	1978	2038	2098	2145

Bow Bowling

	1993	1994	1995	1996
No. of Lots	80	50	40	29
Cumulative Total	409	459	499	528

3.3. Rationale for New Facilities and Services

A key principle of Section 94 is to demonstrate a relationship between the anticipated development, or incoming population, and the demand for additional public infrastructure e.g. open space, community facilities etc. The demonstration of a relationship between new development and such demand is a core requirement of a valid Development Contributions Plan.

Open space, community facilities and the like are public facilities for which there is a reasonable expectation for Council to provide, in association with the urban development throughout the City of Campbelltown. This Section 94 Development Contributions Plan was prepared to ensure the allocation of funds toward facilities that will meet the needs of those residents contributing under this Plan, as a result of this urban development.

3.4. Existing Levels of Provision

There are no existing works or services of any relevance to the demand that will originate from the new population moving into the area.

3.5. Demand for New Facilities and Services

Skate Park - St Helens Park

Council has conducted preliminary investigations, and will subsequently conduct a feasibility study for a skate park at Appin Road/St Helens Park. The feasibility study has identified site suitability, vehicular and pedestrian traffic and parking, design process and funding options.

The site to be occupied by the St Helens Park Skate Park, being Lot 1 DP 810691, Lot 70 DP 1068130, Lot 703 DP 833443, St Helens Park (Corner of Appin Road and St Helens Park Drive) is owned by Council. The area is classified Operational Land and zoned 6(a) Local Open Space, which is suitable for the purpose of a skate park facility.

A Planning Consultative Group will be identified by Council and will include local youth services and local skate, BMX, in-line and scooter users. This group will meet with local users to provide them with an opportunity to present their ideas and requirements for the skate park. These meetings will allow the users to become part of the design process and offer a sense of ownership, which is critical to the long-term success of the skate park.

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Stadium Lighting - Campbelltown Sports Stadium

Council has investigated the upgrading of existing light poles at Campbelltown Sports Stadium (Leumeah), to compliment the installation of four new smaller light poles. These works will not require an increase to the current electrical capacity to the Stadium, and involves less earthworks and structural footings. The estimated cost for the stadium lighting upgrade is \$630,000.

The upgrade of lighting will enhance the profile of Campbelltown Sports Stadium for a variety of sports as an option for televised and night sporting events.

Skate Park - Macquarie Fields

Council has conducted a feasibility study for a skate park at the north-eastern corner of Canterbury Road and Victoria Road, Macquarie Fields. The feasibility study has identified site suitability, vehicular and pedestrian traffic and parking, design process and funding options.

The site to be occupied by the Macquarie Fields Skate Park, being Lot 201 DP 573904 at the corner of Victoria and Canterbury Roads, Macquarie Fields and adjoining property Lot 22 in Section 6 DP 960 is owned by Council. The areas are classified Community Land and are zoned 6(a) Local Open Space, which is suitable for the purpose of a skate park facility.

As with the Skate Park for Rosemeadow, a Planning Consultative Group has been identified by Council and will include local youth services, Macquarie Fields TAFE representatives, and local skate, BMX, in-line and scooter users. This group will meet with local users to provide them with an opportunity to present their ideas and requirements for the skate park. These meetings will allow the users to become part of the design process and offer a sense of ownership, which is critical to the long-term success of the skate park.

Road Works

There are no Road Works levied for on new development under this Development Contributions Plan.

Drainage Works

There are no Drainage Works levied for on new development under this Development Contributions Plan.

Administration

Council considers that the costs involved with preparing and administering this Section 94 Development Contributions Plan are an integral component for the efficient provision of services and amenities generated by future development, without putting undue pressure on facilities that the existing community utilises.

However, in the instance of the "Draft Campbelltown City Section 94 Development Contributions Plan 2016", as the cost of administration had not been recouped under the previous Section 94 Plans no funding will be allocated under this Plan.

3.6. Works Schedule

The majority of items in this work schedule have been completed, with the exception of some minor projects, and the additional facilities included in the schedule, as follows;

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Table 11 Works Schedule**Ambarvale**

Facility	Name	Stage	S94 \$ IPD Sept 06
Community Hall	Crispsparkle Drive	Completed	
Child Care Centre	Crispsparkle Drive	Completed	
Youth Centre	Off Wickfield Circuit	Completed	
Community Hall	Cnr Woodhouse & Copperfield	Completed	
Upgrade Community Hall	Woodhouse Drive	Completed	
Amenities Building	Cnr Codlin & Jiniwin	Completed	
Amenities Building	Thomas Acres Reserve	Completed	
Local Park 1	Cleopatra Reserve	Completed	
Local Park 1	Lack Reserve	Completed	
Local Park 1	Clerkenwell Reserve	Completed	
Local Park 1	Throsby Park	Completed	
Local Park 3	Shiel Park	Completed	
Local Park 1	Patrick Newman Park	Completed	
Local Park 2	Fred Sheather Park	Completed	
Local Park 1	Copperfield Park	Completed	
Local Park 1	Cargery Reserve	Completed	
Local Park 1	Trotwood Reserve	Completed	
Local Park 2	Startop Reserve	Completed	
Local Park 2	Boythorn Park	Completed	
Local Park 1	Nurra Reserve	Completed	
Local Park 1	Fieldhouse Park	Completed	
Local Park 1	Englorie Park	Completed	
Local Park 1	Thomas Acres Reserve	Completed	
Winter Playing Field	Ambarvale Sports Complex	Completed	
Winter Playing Field	Ambarvale Sports Complex	Completed	
Winter Playing Field	Ambarvale Sports Complex	Completed	
Summer Playing Field	Ambarvale Sports Complex	Completed	
Winter & Summer Field	Thomas Acres Reserve	Completed	
Street Tree Planting		Completed	
Sub Total			\$0

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Rosemeadow

Facility	Name	Stage	S94 \$ IPD Sept 06
Car Parking Rosemeadow Open Space Complex	District Centre	Completed	
Land in District Centre	District Centre	Not Required	
Neighbourhood Centre	Glendower Street	Completed	
Amenities Building (half cost)	Rosemeadow Sports Complex	Completed	
Amenities Building	Oswald Reserve	Completed	
Local Park 1	Haredale Reserve	Completed	
Local Park 1	Mandurama Reserve	Completed	
Local Park 1	Rizal Park	Completed	
Local Park 2	Ceres Reserve	Completed	
Local Park 1	Ophelia Reserve	Completed	
Local Park 1	Desdemona Reserve	Completed	
Local Park 2	Canidius Reserve	Completed	
Local Park 1	Octavia Park	Completed	
Local Park 2	Reserve No.1	Completed	
Local Park 2	Reserve No.2	Completed	
Local Park 1	Reserve No.3	Completed	
Local Park 1	Reserve No.4	Completed	
Local Park 1	Oswald Reserve	Completed	
Winter Playing Field	Oswald Reserve	Completed	
Winter Playing Field	Oswald Reserve		
Summer Playing Field	Oswald Reserve	Completed	
Winter Playing Field	Rosemeadow Sports Complex	Completed	
Winter Playing Field	Rosemeadow Sports Complex	Completed	
Winter Playing Field	Haydon Park	Completed	
Environmental Project	Noorumba Reserve		\$379,797
Street Tree Planting		Completed	
Cycleway	Ambarvale / Rosemeadow	Completed	
Sub Total			\$379,797

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Eagle Vale/Eschol Park

Facility	Name	Stage	S94 \$ IPD Sept 06
Small Hall	Eschol Park Cottage	Completed	
Swimming Pool	Eagle Vale Pool Complex	Not Required	
40 Place Child Care Centre	Eagles Nest	Completed	
Neighbourhood Centre	Neighbourhood Centre	Completed	
Amenities Building	Eschol Park No.1 & No.2	Completed	
Amenities Building	Fullwood Reserve	Completed	
Local Park 1	Thomas Clarkson Reserve	Completed	
Local Park 1	Eagle Vale Reserve	Completed	
Local Park 1	Fluorite Park	Completed	
Local Park 3	Talc Reserve	Completed	
Local Park 1	Amber Reserve	Completed	
Local Park 1	ER Jones Reserve	Completed	
Local Park 1	Topaz Gardens	Completed	
Local Park 1	Alabaster Reserve	Completed	
Local Park 2	Brady Park	Completed	
Local Park 1	Fullwood Reserve	Completed	
Local Park 1	Young Reserve	Completed	
Local Park 3	Newbury Reserve	Completed	
Local Park 3	Murch Park	Completed	
Local Park 3	Reserve No.1	Completed	
Local Park 1	Reserve No.2	Completed	
Local Park 1	Reserve No.3	Completed	
Local Park 2	Minchinbury Reserve	Completed	
Local Park 2	Burgundy park	Completed	
Local Park 1	Eagle Creek Reserve	Completed	
Local Park 1	Eschol Park Sports Complex	Completed	
Local Park 1	Sauvignon Reserve	Completed	
Local Park 3	Vale Brook Reserve	Completed	
Local Park 1	Figtree Park	Completed	
Local Park 1	Malbec Reserve	Completed	
Local Park 2	William Fowler reserve	Completed	
Local Park 1	Flying Pieman Park	Completed	

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Winter Playing Field	Eschol Park Sports	Completed	
Summer Playing Field	Complex 1	Completed	
Winter Playing Field	Eschol Park Sports	Completed	
Summer Playing Field	Complex 2	Completed	
Winter Playing Field	Eschol Park Sports	Completed	
Summer Playing Field	Complex 3	Completed	
Amenities Building	Eschol Park Sports Complex 3	Completed	
Street Tree Planting		Completed	
Sub Total			\$0

Raby

Facility	Name	Stage	S94 \$ IPD Sept 06
Swimming Pool	Eagle Vale Pool Complex	Completed	
Neighbourhood Centre	Raby Neighbourhood Centre	Completed	
Amenities	Raby Oval Meeting Room	Completed	
Amenities	Raby Oval Amenities 1	Completed	
Amenities	Raby Oval Amenities 2	Completed	
Local Park 1	Heathfield Park	Completed	
Local Park 1	Blain Park	Completed	
Local Park 1	Jack Donohoe Park	Completed	
Local Park 1	Spitfire Park	Completed	
Local Park 1	Mirage Park	Completed	
Local Park 1	Raby Sports Complex	Completed	
Local Park 1	Koorunga Reserve	Completed	
Local Park - Special	Burrendah Reserve	Completed	
Local Park 1	Manaleuka Park	Completed	
Local Park 2	Wirraway Park	Completed	
Local Park 2	Convair Reserve	Completed	
Winter Playing Field	Raby Sports Complex 1	Completed	
Winter Playing Field	Raby Sports Complex 1	Completed	
Summer Playing Field	Raby Sports Complex 1	Completed	
Winter Playing Field	Raby Sports Complex 2	Completed	
Winter Playing Field	Raby Sports Complex 2	Completed	
Summer Playing Field	Raby Sports Complex 2	Completed	

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

Street Tree Planting		Completed	
Sub Total			\$0

Additional Facilities

Facility	Name	Stage	S94 \$
Skate Park	St Helens Park	Completed	
Stadium Lighting	Campbelltown Sports Stadium	Completed	
Skate Park	Macquarie Fields	Completed	
Sub Total			\$0

Bow Bowling

Facility	Name	Stage	S94 \$ IPD Sept 06
Neighbourhood Centre and Tennis Court Clubroom	Carnarvon Street	Completed	
Local Park 1	Lookout Park East	Completed - in one location (East/West)	
Local Park 1	Lookout Park West	Completed - in one location (East/West)	
Local Park 1	Kuringai park	Completed	
Local Park 2	Bouddi Park North	Not Required	
Local Park 2	Bouddi Park South	Not Required	
Local Park 1	Central Park	Completed	
Bus Shelters x 2		Completed	
Cycleway/Footpath		Completed	
Street Planting		Completed	
Tennis Courts	Central Park	Completed	
Car park	Central Park	Completed	
Recreation Facility	Central Park		\$85,826
Sub Total			\$85,826

			S94 \$ Grand Total
			\$465,623.00

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

3.7. *Timing of Expenditure*

It is anticipated that the expenditure on the projects originally included in the previous Section 94 Plans will be completed within the 2008 to 2017 period.

3.8. *Calculation Of Contribution Rates*

While no Section 94 Contributions will be levied under this Plan, the basis of the calculation of contribution rates included on any current development consent, as determined under the previous Plans, is as follows.

Section 94 contributions will be based on the total cost of providing identified facilities and services divided by the projected lot or dwelling yield in each catchment for all residential development which is subject to Section 94 contributions.

Pre Section 94 development in each of the neighbourhoods is not included in the contribution rate, as this development has been provided with a level of facilities and services funded from other sources.

The contribution rate will be based on the creation of new lots in the case of subdivision and additional dwellings in the case of medium density development.

The formula for calculating contributions is based on the following:

- (a) The number of lots or dwellings, which have or will be subject to Section 94 contributions.
- (b) The cost of providing community facilities including where appropriate cost of acquiring land.
- (c) The present day costs of community facilities already provided by Council in anticipation of development.

The contribution formula is

$$\text{Contribution Rate} = \frac{(F1 + F2)}{P}$$

(\$ per lot/dwg)

F1 = The actual cost to Council to date of constructing community facilities (adjusted to present day values by the I.P.D.).

F2 = The estimated cost of constructing future community facilities.

P = The estimated lot/dwelling yield in the contribution catchment.

* I.P.D. - Implicit Price Deflator

(I.P.D.) is an index obtained by dividing a current price value by its corresponding constant price value. Implicit Price Deflators (seasonally adjusted) are published on a quarterly or annual basis for all items of expenditure shown in the Australian National Account, Expenditure on GDP

2.1 Outcome Of The Public Exhibition Of Amendment To The Campbelltown City Section 94 Development Contributions Plan

(Gross Domestic Product).

This Section 94 Contributions Plan has been prepared in accordance with the EP&A Act and the EP&A Regulation, Department of Planning Section 94 Practice Notes and relevant supporting material.

4. Part D: Supporting Material

The following list identifies reports, documents and studies, which have been used for researching the basis of strategies in the Campbelltown City Section 94 Development Contributions Plan:

Department of Planning (2005), Section 94 Contributions Plans Practice Notes

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment, Regulation 2000

Ministerial Direction issued under Section 94EAA and Section 94E(1) of the Environmental Planning and Assessment Act 1979.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - May and June 2016

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for May and June 2016 (contained within this report)

Purpose

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

Report

In accordance with Council's resolution of 23 August 2005 that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for May and June 2016 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

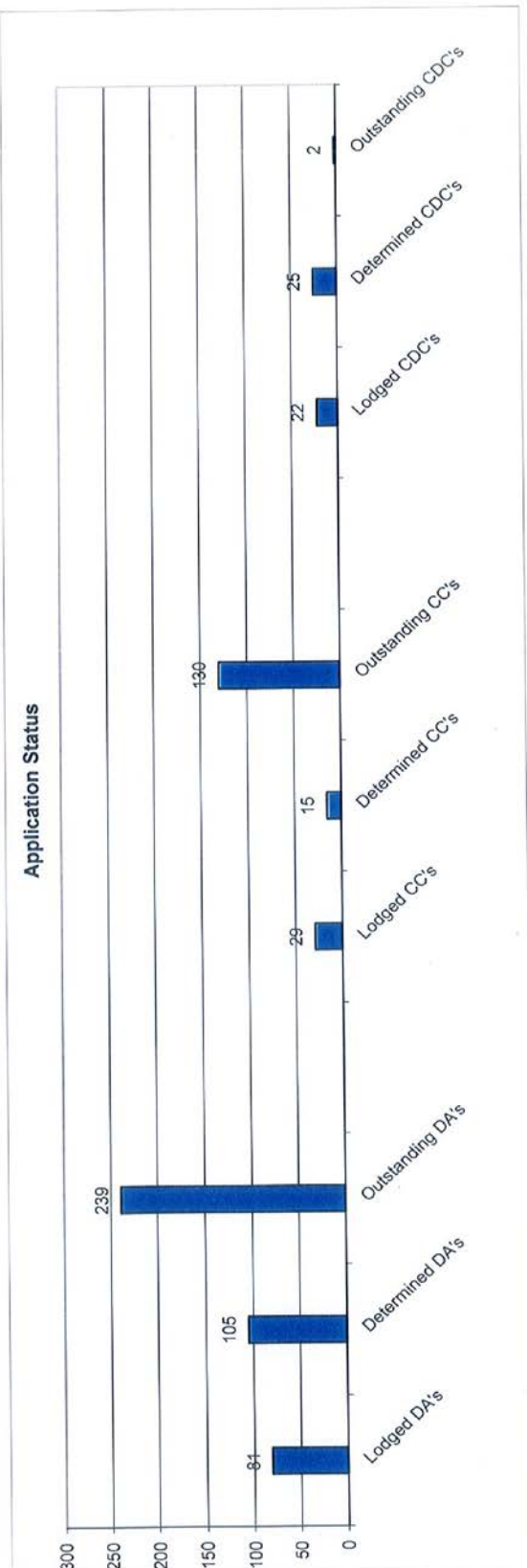
Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

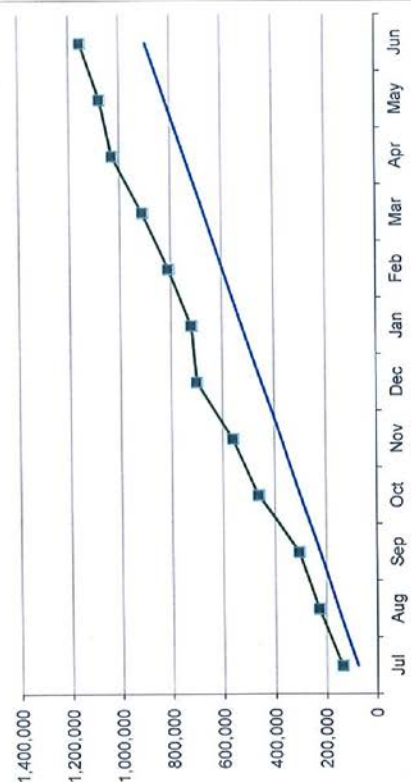
CARRIED

ATTACHMENT 1

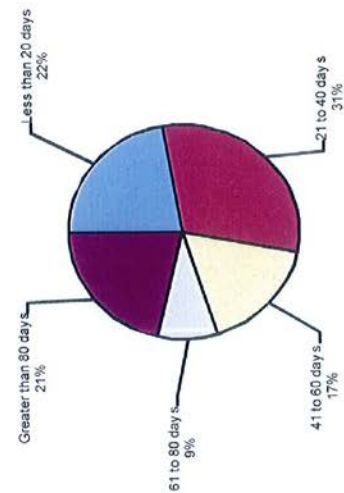
DEVELOPMENT SERVICES SECTION
 MONTH AT A GLANCE - May/June 2016



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 Or Clause 4.6 Of The Campbelltown Local Environmental Plan 2015

3.2 Council's Monitoring and Reporting obligations of Variations to Development Standards allowed under State Environmental Planning Policy No. 1 - Development Standards or Clause 4.6 of the Campbelltown Local Environmental Plan 2015

Reporting Officer

Acting Manager Development Services

Attachments

SEPP 1 variations approved for the period April to June 2016 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 April 2016 to 30 June 2016 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) or Clause 4.6 of the Campbelltown Local Environmental Plan 2015 (CLEP) Standard Instrument.

Report

In accordance with the NSW Department of Planning and Environment's 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 NSW Department of Planning and Environment and the information is also made available to the public under the SEPP 1 register on Council's website.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Oates)

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 Or Clause 4.6 Of The Campbelltown Local Environmental Plan 2015

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 134

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 Or Clause 4.6 Of The Campbelltown Local Environmental Plan 2015

ATTACHMENT 1

Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
2883/2015/DA-Q	1	DP 526146		37	Blaxland Road	Campbelltown	2560	Industrial	LEP 2002	4(b) - Industry B Zone	Clause 37	Reasons for support: does not set undesirable precedent; complementary to existing building; large quantity of signage in the area already creates inconsistent streetscape setback appearance in Blaxland Road precinct; extent of variation not considered to be significant.	22.50%	Council	27/05/2016

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

3.3 Construction of a 14 room boarding house at No. 38 Parliament Road, Macquarie Fields

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Streetscape perspectives (contained within this report)
4. Elevations (contained within this report)
5. Shadow diagrams (contained within this report)
6. Schedule of finishes (contained within this report)
7. Landscape plans (contained within this report)
8. Plan of Management (contained within this report)
9. Floor plans (distributed under separate cover - confidential - for privacy reasons these plans are not available to the public)
10. 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* (EP&A Act).

This development application is required to be reported to Council due to the nature of the proposed development being a boarding house and the receipt of submissions from the occupants of seven properties in response to the public exhibition and notification of the proposed development.

Property Description	Lot 18A DP 389816 No. 38 Parliament Road, Macquarie Fields
Application No	3552/2015/DA-BH
Applicant	Michael Kitmiridis Architect
Owner	Gwydir Holdings Pty Ltd
Provisions	Campbelltown 2025 - Looking Forward Glenfield to Macarthur Corridor Strategy State Environmental Planning Policy (Affordable Rental Housing) 2009 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown Local Environmental Plan 2015

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Campbelltown (Sustainable City) Development Control Plan 2014

Campbelltown City Council Section 94A Development Contributions Plan

Date Received 14 December 2015

Report

The development application was lodged with Council on 14 December 2015 for the demolition of an existing single storey dwelling and construction of a 14 room boarding house for up to 16 adult lodgers at No. 38 Parliament Road, Macquarie Fields.

The Site and Surrounds

The site is located on the northern side of Parliament Road, and currently contains a single storey dwelling. It has an area of 651.1sqm and is rectangular in shape. It is a corner allotment with the primary street frontage to Parliament Road and the secondary street frontage to Parkland Avenue. The site is adjoined to the west by a two-storey strata development consisting of four units and to the north by a single storey dwelling. Opposite the site, on the southern side of Parliament Road, is Dale Lane which provides egress to the shops in Macquarie Fields. An entry point to Dale Lane is provided further west along Parliament Road.

The Proposal

The proposed boarding house would contain 14 boarding rooms over two stories for up to 16 adult lodgers. Each boarding room would contain its own kitchen and bathroom. One adaptable room is proposed. A communal living area and laundry facilities would be provided. The proposed boarding house would have three car parking spaces (including one accessible parking space) and bicycle and motorcycle parking accessed from Parkland Avenue.

1. Non-Statutory Provisions

1.1 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.

The strategic directions relevant to this application are:

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

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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

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

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

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

1.2 Glenfield to Macarthur Corridor Strategy

A coordinated project between the Department of Planning and Environment, Campbelltown City Council and various other agencies has commenced and seeks to establish a strategic planning framework to guide future development and infrastructure delivery in the walking catchment surrounding the seven train stations from Glenfield to Macarthur over the next 20 years. Specifically, the strategy has assessed opportunities for more homes, jobs, better public spaces, shops and cafes within these precincts. The subject site is located within the Macquarie Fields precinct and the site enjoys close proximity to Macquarie Fields train station.

The strategy identifies and discusses a range of existing and possible future land use types and development densities around the existing train stations after consideration of land constraints and desired neighbourhood characters. The strategy was publicly exhibited during 2015 and will be used to inform future strategic planning work to achieve the Government's desired density increases near public transport hubs.

Under the strategy, the subject site would be nominated as being suitable for 'medium rise residential'. This precinct is nominated as accommodating a mix of town houses and medium rise apartments where the site is an appropriate size to deliver a high level of amenity. This precinct could comprise 3-4 storey apartment buildings, with potential for communal open space and landscape setbacks to enhance the existing streetscape. It could be argued that the subject site is located on the transition zone between the medium density and residential components of the precinct. The proposed two storey height is 'stepped-down' to provide for a transition in building height to the adjoining 'low-rise residential' on the eastern side of Parkland Avenue.

The strategy recognises that a relatively low proportion of dwellings in the precinct have been redeveloped which provides opportunities for a large number of sites in the precinct to be redeveloped over the next 20 years. The proposed development is considered to align with the visions for the precinct, by adding to the variety of housing types within close proximity to regular Sydney bus services and walking distance from Macquarie Fields station.

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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 consideration.

2.1 Relationship of Environmental Planning Instruments

The development application was lodged on 14 December 2015. At that time, Campbelltown Local Environmental Plan 2015 (CLEP 2015) had been gazetted, however, it did not actually commence until 11 March 2016. This means that despite CLEP 2015 now being the relevant local planning instrument, the previous planning instrument, which was Campbelltown (Urban Area) Local Environmental Plan 2002, is the relevant local planning instrument for this application and has been referenced as such in this assessment report.

2.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

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

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

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

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When the application was made, the site was zoned '2(b) – Residential', pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) and in accordance with the relevant provisions of the *Environmental Planning Assessment Act 1979*, the application has been assessed having regard to that plan. Notwithstanding this, it is of note that the newly operational Campbelltown Local Environmental Plan 2015 (CLEP 2015) zones the site R2 - Low Density Residential. Given that the '2(b) – Residential' zone of LEP 2002 is equivalent to 'Zone R2 Low Density Residential' and that the site is within an accessible area (as the land is within 800 metres walking distance of a public entrance to a railway station and/or 400 metres walking distance of a bus stop used by a regular bus service), Part 2 Division 3 of the Affordable Rental Housing SEPP applies.

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of Part 2 Division 3 of the Affordable Rental Housing SEPP.

Criteria	Proposed	Compliance
Clause 29 (1) – Density and Scale A consent authority must not refuse consent to development to which this Division applies, on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than: (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land.	A maximum floor space ratio of 0.55:1 applies to the subject land pursuant to Section 3.7.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014. The proposed development has a floor space ratio of 0.53:1 and therefore complies with this Clause.	Yes
Clause 29 (2) (a) – Building Height A consent authority must not refuse consent to development to which this Division applies, if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.	When the application was made there were no building height limit controls contained within an Environmental Planning Instrument (Council's Sustainable City DCP 2014 sets a maximum two storey 9.5m height limit, however the SCDP is not an environmental planning instrument).	NA

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Criteria	Proposed	Compliance
Clause 29 (2) (b) – Landscaped Area A consent authority must not refuse consent to development to which this Division applies, if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.	The landscape treatment is considered to enhance the streetscape.	Yes
Clause 29 (2) (c) – Solar Access A consent authority must not refuse consent to development to which this Division applies, where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.	The proposal provides for one common room on the ground floor of the development which is oriented to receive in excess of three hours direct sunlight during mid-winter.	Yes
Clause 29 (2) (d) – Private Open Space A consent authority must not refuse consent to development to which this Division applies, if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20sqm with a minimum dimension of 3m is provided for the use of the lodgers	The layout includes a common open space area (adjacent to the common room) approximately 27sqm in area and 5m wide for the use of all lodgers. The proposed boarding house would also contain an area located adjacent to the access stairs that can be used for clothes drying and bicycle storage purposes.	Yes
Clause 29 (2) (d) – Private Open Space A consent authority must not refuse consent to development to which this Division applies, if at least the following private open space areas are provided (other than the front setback area): (ii) if accommodation is provided on site for a boarding house manager – one area of at least 8sqm with a minimum dimension of 2.5m is provided adjacent to that accommodation.	Based on the capacity of the proposed boarding house, the proposal does not propose or require a boarding house manager to reside on-site. Therefore this clause is not applicable to the subject application.	N/A

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Criteria	Proposed	Compliance
Clause 29 (2) (e) – Parking A consent authority must not refuse consent to development to which this Division applies, if: <ul style="list-style-type: none"> (i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room. 	The subject site is located within an accessible area, as it is within 400m of a bus stop on the 870, 871, 872 route, which operates the prescribed number of services under the definition of 'accessible area'. Accordingly, a car parking space of 0.2 spaces per boarding room is applicable. Based on 14 boarding rooms, three car parking spaces are required. Three car parking spaces are provided.	Yes
Clause 29 (2) (f) – Accommodation Size A consent authority must not refuse consent to development to which this Division applies, if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: <ul style="list-style-type: none"> (i) 12sqm in the case of a boarding room intended to be used by a single lodger, or (ii) 16sqm in any other case. 	The proposal includes 12 single boarding rooms which are minimum 12sqm and two rooms that would be used by more than one lodger which are both 16sqm or greater.	Yes
Clause 29 (3) – Kitchen and Bathroom Facilities A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	The proposed boarding house provides private kitchen and bathroom facilities in each boarding room.	Yes
Clause 30 (1) (a) – Communal Living Room A consent authority must not consent to development to which this Division applies, unless if a boarding house has five or more boarding rooms, at least one communal living room will be provided.	The proposed boarding house contains 14 boarding rooms and provides a communal living room.	Yes

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Criteria	Proposed	Compliance
Clause 30 (1) (b) – Gross Floor Area A consent authority must not consent to development to which this Division applies, unless no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25sqm.	All proposed boarding rooms are less than 25sqm (excluding the area of the private kitchen and bathroom facilities).	Yes
Clause 30 (1) (c) – Number of Lodgers A consent authority must not consent to development to which this Division applies, unless no boarding room will be occupied by more than two adult lodgers.	The application details that 12 boarding rooms will be occupied by a maximum of one adult lodger. Two boarding rooms will be used to accommodate a maximum of two adult lodgers. A total of 16 adult lodgers may be housed at the development.	Yes. Furthermore, a condition has been included within the recommendation requiring the occupation of the suites by no more than the number of lodgers proposed.
Clause 30 (1) (d) – Bathroom and Kitchen Facilities A consent authority must not consent to development to which this Division applies, unless adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.	Each boarding room has been provided with private bathroom and kitchen facilities, which are considered to be of an appropriate size.	Yes
Clause 30 (1) (e) – Boarding House Manager A consent authority must not consent to development to which this Division applies, unless if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.	A Boarding House Managers room is not proposed. A boarding house manager is not required as the proposed boarding house has a maximum capacity of 16 adult lodgers.	N/A
Clause 30 (1) (g) – Residential Space Fronting a Street A consent authority must not consent to development to which this Division applies unless, if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.	The site is not zoned primarily for commercial purposes.	NA

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Criteria	Proposed	Compliance
Clause 30 (1) (h) – Bicycle and Motorcycle Parking A consent authority must not consent to development to which this Division applies, unless at least one parking space will be provided for a bicycle and one will be provided for a motorcycle, for every five boarding rooms. Equating to three bicycle and three motorcycle parking spaces for a 14 room boarding house.	Three motorcycle spaces have been provided in the parking area accessed from Parkland Avenue. A bicycle rack which includes four bicycle spaces has been provided on the southern wall of the common room on the ground floor. Sufficient bicycle and motorcycle parking has been provided.	Yes
Clause 30A – Character of Local Area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	An assessment of the proposal in terms of various aspects of its built form is outlined below the table.	Yes
Clause 52 - No subdivision of Boarding House A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	The proposal does not involve subdivision.	Yes

Clause 30A Character of local area

A consent authority must not consent to development to which this division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

An assessment of the proposal in terms of various aspects of its built form is outlined below:

- Building Height** - The proposed boarding house is a two-storey building which is consistent with the building height applicable to the site under the Campbelltown (Sustainable City) Development Control Plan 2014. The maximum height of the building above natural ground level would be 7.6 metres, which is less than the maximum building height for single dwellings (9.5 metres) allowed under Council's (Sustainable City) DCP. The height of the proposed boarding house is not inconsistent with that of the two-storey brick townhouse development adjoining the subject property at No. 24 Parliament Road.

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- Building bulk and scale/site coverage** - The size of the proposed boarding house, as measured by its floor space ratio, is compliant with the provisions of the Affordable Housing SEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land. In this case, the maximum floor space ratio is 0.55:1, being the maximum floor space ratio that a single dwelling would be able to achieve. The floor space ratio of the proposed development is 0.53:1, which is less than the maximum floor space permitted under the provision of Campbelltown (Sustainable City) Development Control Plan. It must be noted that residential lots adjoining the subject site and within the immediate visual catchment also have a maximum floor space of 0.55:1 under the current Campbelltown Local Environmental Plan 2015.

Under the Campbelltown (Sustainable City) Development Control Plan, there is no site coverage percentage for residential dwellings.

Overall, the bulk and scale of the proposed boarding house is considered to be compatible with the future character of the local area.

- Setbacks** - The setbacks of the proposed boarding house are entirely consistent with those specified for single dwellings under Part 3 of the Campbelltown (Sustainable City) Development Control Plan 2014 and mostly consistent with multi-dwellings developments as demonstrated in the table below:

Control	Dwelling house	Multi-dwelling	Proposed	Compliance
Primary street setback	Minimum 5.5m	Minimum 5.5m	5.5m setback provided from Parliament Road.	Yes
Secondary street setback	Minimum 3m	Minimum 3m	3m from Parkland Avenue.	Yes
Side boundary at ground level	Minimum 0.9m	Minimum of 0.9m from any side boundary for the ground level	0.9m	Yes
Side boundary - levels above ground level	Minimum 0.9m	Minimum of 1.5m from any side boundary for all levels above the ground level	1.5m	Yes
Rear setback - ground level	Minimum 3m for any part of the building that is up to 4.5m in height from existing ground level	Minimum of 5m from the rear boundary for the ground level	5m	Yes

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Control	Dwelling house	Multi-dwelling	Proposed	Compliance
Rear setback - levels above ground level	Minimum 8m for any part of the building that is higher than 4.5m from existing ground level	Minimum of 10m from the rear boundary for all levels above the ground level	8.5m Room 14 on the first floor is setback 10m from the rear boundary. However, a terrace is included and is setback 8.5m from the rear boundary which is consistent with dwelling house provisions.	Partial non-compliance with multi-dwelling setback.

The setbacks of the proposed boarding house allow for adequate spatial relief between the proposed boarding house and the adjoining properties which negates overlooking opportunities. The first floor rear terrace includes a privacy screen to further reduce overlooking opportunities. A privacy screen has been incorporated into the design along the breezeway on the first floor to limit overlooking opportunities to the adjoining property at No. 24 Parliament Road. Further, the primary and secondary street setbacks allow for adequate landscaping which is considered to enhance the streetscape.

- **Architectural style/materials** - It is important to note that the majority of buildings immediately adjacent to and surrounding the site are from previous eras of architectural building design. For this reason, it is important for the boarding house to be consistent with the future desired character of the area, than exhibit the current character of the area, which is the case in the instance. Overall, the proposed architectural design of the development would not be unexpected were a dwelling house to be constructed on the site.
- **Landscaping/Fencing** - Overall, the proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed between the fence and the property boundary to soften the appearance of the fence and reduce the likelihood of graffiti to be applied to the fence. Four large tree species have been proposed in this location which range between 3 - 8 metre mature heights which is considered to enhance the existing streetscape.

2.3 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site was zoned '2(b) – Residential' under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) when the application was made. The proposed development was defined as a 'Boarding-house', which was permissible in the zone. Under the provisions of LEP 2002, a boarding-house is defined to include a house let in lodgings or a hostel, but does not include a motel.

The proposed development was also found to be consistent with the following objectives of the '2(b) – Residential' zone:

- (b) to permit the development of a range of housing types, and

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

Consequently the proposal was deemed to satisfy the provisions of Clause 9 of LEP 2002 at the time of the lodgement of the application.

In accordance with the *Environmental Planning and Assessment Act 1979*, despite the CLEP 2015 being the current planning document at the time of reporting to the Council, LEP 2002 is the relevant document for the purposes of assessing this application.

2.4 Campbelltown (Sustainable City) Development Control Plan 2014

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

Part 2 - Requirements Applying to All Types of Development

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

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

Sustainable Building Design - A BASIX certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, the proposed development includes a 3000 litre rainwater tank.

Landscaping - A landscape plan has been prepared by a landscape architect. The application provides an adequate amount of landscaping, which surrounds the boundaries of the site and within the private open spaces areas of the ground floor apartments. The application proposes to retain two existing mature native trees, which would enhance the landscape quality and visual character of the development.

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 for comment. The proposed method of stormwater management and disposal was considered to be satisfactory subject to conditions of consent provided.

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.

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Waste Management - A Waste Management Plan for construction and operation of the development has been submitted. Waste is proposed to be collected from the kerb and this arrangement is supported by Council's Waste Services Section.

Section	Control	Requirement	Proposed	Compliance
2.4.1 (b)	Rain Water Tanks	A 5,000L rainwater tank is to be provided for new buildings containing a roof area of between 201sqm and 1,000sqm.	A 3000L underground rainwater tank within the secondary setback.	Yes
2.5 (a)	Landscaping	Landscape design shall enhance the visual character of the development and complement the design / use of spaces within and adjacent to the site.	The proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development.	Yes
2.5 (b)	Landscaping	Landscape design shall retain and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The site does not contain or propose to remove any indigenous flora and fauna.	N/A
2.5 (c)	Landscaping	Landscape design shall add value to the quality and character of the streetscape.	The proposed landscaping enhances the existing streetscape.	Yes
2.5 (e)	Landscaping	The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed / retained and shall be prepared by a suitably qualified person.	The landscape plan has been prepared by a suitably qualified landscape professional and lists the relevant information.	Yes
2.5 (f)	Landscaping	Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The landscaping is considered satisfactory.	Yes
2.7	Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be provided, when construction and/or activities involving the disturbance of the land surface are involved.	A detailed Erosion and Sediment Control Plan has not been provided.	No. A condition has been included within the recommendation requiring compliance with this provision.

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Section	Control	Requirement	Proposed	Compliance
2.12 (c)	Retaining Walls	In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply: i) no filling shall be permitted within 2m of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's Satisfaction. Note: Council may allow for a zero setback of retaining walls, where neighbours' consent has been obtained and submitted as part of the DA.	Retaining walls do not form part of the application.	N/A
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application.	Recommended condition of consent.

2.5 Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are not applicable for boarding house type developments, pursuant to the provisions of Section 94E of the *Environmental Planning and Assessment Act 1979*.

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 satisfactory with respect to the context of the site and the future desired character of the area. The bulk and scale of the development is not considered to result in any significant amenity impacts to the adjoining residential developments.

The following issues are considered to be relevant when considering the development's potential impacts on the natural and built environment:

Vehicular Manoeuvring - A swept path analysis was provided with the application demonstrating that all vehicles can enter and exit the site in a forward direction. The proposed parking arrangements meet the Affordable Rental Housing SEPP standards and are therefore considered satisfactory.

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Noise Generation - An acoustic report, prepared by Acoustic Logic, dated 14 June 2016, was submitted with the development application. In order to ensure that noise emissions are controlled to prevent any impact on the nearby residences, the following construction requirements were recommended to manage noise impacts:

- windows and glass doors to the indoor common area are to be constructed using 10.38mm thick laminated glass
- bounding walls of the indoor common area are to be masonry
- minimum 1.8 metres high solid fencing must be retained around the northern and western boundaries of the site to provide noise screening to the adjacent residences. In the event any part of this fencing is altered/replaced, any new fencing must also be at least 1.8 metres high and must be imperforated.

The following boarding house management restrictions also form part of the recommendations:

- outdoor common area is not used after 10.00pm or before 7.00am
- the outdoor area used for clothes drying is not to be used as an outdoor common area
- doors and windows to the indoor communal area are to be kept closed after 10.00pm and before 7.00am
- no music to be played in outdoor areas
- radios or similar are permitted in the common area when the windows to the common area are kept closed.

The acoustic report concludes that through the adoption of the above recommendations, noise generated by the site is expected to be consistent with what would be expected from typical residential development of the site, and would therefore be satisfactory to ensure that the amenity of nearby residents is preserved. A condition of consent is recommended for the recommendations within the acoustic report to be adopted in the construction and management of the boarding house.

Waste - The application was referred to Council's Waste section. A response was received which confirmed that the kerbside presentation of the bins is satisfactory due to adequate street frontage for bin placement. The proposed waste management arrangements for the boarding house are satisfactory.

A condition of consent has been recommended for the provision of six 240 Litre general waste bins and six 240 Litre recycle bins to be accommodated within the bin storage area.

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Tree Removal - The development application proposes the removal of a mature Camphor laurel. The applicant submitted an Arboricultural Assessment Report, prepared by TALC, dated 8 June 2016, with the development application. The report concludes that the tree exhibits dieback throughout its crown and exhibits signs of stress through the production of epicormic growth. If the tree were to be retained, it would only provide for short term landscape contribution and is not considered a specimen suitable for retention with any proposed re-development of the land. It is recommended that the tree be removed and replaced with an alternative specimen to provide a long term landscape element for the immediate area. It is considered that the landscape plan provides for sufficient replacement plantings in accordance with the recommendations of the arborist report.

Overshadowing Impacts - At Council's request, amended architectural plans were submitted which increased the separation between the northern and western property boundaries and the proposed boarding house. As a result, revised hourly shadow diagrams between 9.00am and 3.00pm on 21 June were submitted. The revised shadow diagrams demonstrate that the overshadowing impacts of the development would be minor and would not result in any adverse effects to adjoining properties.

3.2 Social and Economic Impacts

It is anticipated that the development would contribute to the wider choice of housing available in Campbelltown which is considered to be a social benefit to the Campbelltown community. The scale and density of the development respects the identified desired planning outcome and takes advantage of nearby transport, commercial and educational facilities.

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 have been discussed in considering Campbelltown (Sustainable City) DCP and State Environmental Planning Policy (Affordable Rental Housing) 2009. It is considered that the site is suitable for the development of a boarding house.

4. Public Participation

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

The application was publicly exhibited and notified to surrounding property owners between 20 January and 4 February 2016. During this period Council received seven submissions objecting to the development. The issues of objection raised during the notification period and Council's response to these issues, are discussed below.

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Theme	Objection Detail	Response
Privacy	Overlooking concerns from the proposed development to No. 1 Parkland Avenue.	The front yard of No. 1 Parkland Avenue is located approximately 20m from the site boundary of the subject site. This distance is considered satisfactory to reduce overlooking impacts.
Building Design and Privacy Issues	The three-storey development would be an eye sore and people residing around the development would not have sufficient privacy.	<p>The proposed boarding house is a two storey development and is considered to be a modern architectural design.</p> <p>The design incorporates sufficient privacy measures to ensure overlooking of adjoining properties is minimised.</p>
Building Design	Design is considered to be a 'large double storey lego block type building on such a small block of land'. It is suggested that three to five townhouses would be more appropriate for the land size.	The boarding house is considered to be a modern architectural design. The proposal does not exceed the permissible height or floor space ratio for the subject site. Further, Under the provisions of Council's (Sustainable City) DCP 2014, the subject property is not large enough to support the development of three to five townhouses.
Location of boarding house	A boarding house would be more suitable closer to a railway station, away from densely populated areas.	The boarding house is located within an accessible area, as it is within 400m of a bus stop which operates the prescribed number of services under the definition on 'accessible area' under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Noise generation/boarder behaviour	Concerns in relation to noise levels generated by the boarding house in a quiet neighbourhood.	<p>An Acoustic Report, prepared by Acoustic Logic, dated 14 June 2016, was submitted with the development application which includes both construction and management recommendations.</p> <p>The Acoustic Report concludes that through the adoption of recommendations within the report, noise generated by the site is expected to be consistent with what would be expected from typical residential development of the site, and would therefore be satisfactory to ensure that the amenity of nearby residents is preserved.</p> <p>A condition has been recommended requiring the development to include the Acoustic Report recommendations.</p>

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Theme	Objection Detail	Response
Use	Concern is raised as it is suggested that boarding houses can 'mean a range of things and can turn into anything underhanded'.	No evidence has been submitted to support this claim.
Use	Concern is raised that businesses are taking over the immediate residential area.	The proposed boarding house is permissible with consent in the zone and under the provisions of the Affordable Housing SEPP.
Use	A boarding house would create a bad name or reputation for the area.	No evidence has been submitted to support this claim.
Control on number of lodgers	Concern is raised as to how the number of lodgers would be monitored and control of boarder behaviour.	<p>The Boarding House Management Plan states that the Managing Agent will monitor the number of lodgers. Access to all rooms will be controlled by an electronic swipe card provided to each lodger. The access cards would not be transferred to any other person other than the authorised lodgers.</p> <p>In the first instance, boarder behaviour is controlled by the Managing Agent in accordance with the Boarding House Management Plan. If the Boarding House Management Plan is not adhered to, Council is able to undertake enforcement action.</p>
Socio-economic status of residents	Concern is raised that the boarding house may accommodate undesirable individuals, adding to the crime rate.	It is noted that Council cannot control who the ultimate tenants of the building will be. However, the design and management and proposed conditions of the boarding house are considered to mitigate potential issues. There is no evidence to suggest that there would be increased criminal or antisocial behaviour associated with the boarding house.
Traffic Management during construction	The proposed development is on a particularly busy section of Parliament Road. The applicant has not provided a plan for the control of building and construction vehicle traffic and its impact on current residents.	A condition of consent has been recommended for a Construction Management Plan to be submitted to Council for written approval prior to the issue of a construction certificate. The Construction Management Plan is required to demonstrate how the works will not impact on existing traffic and pedestrian movements.
Controlled removal of demolition of existing structures	A plan has not been provided for the safe and controlled removal of the fibro cottage and garage.	The provision of a detailed work plan which identifies any hazardous materials and disposal methods for any identified hazardous materials in accordance with the relevant Australian Standard is recommended as a condition of consent in attachment 1.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Theme	Objection Detail	Response
Insufficient car parking	Concern is raised that the proposed boarding house would generate around 30 to 35 people lodging at the premises at any given time. Thirty five people would have around thirty cars. Cars on the street would further congest the narrow roads impeding free movement for vehicles. Due to lack of car parking, boarders will park on the footpath and over the kerb.	<p>A boarding house that is located in an 'accessible area' such as the subject site is only required to provide 0.2 parking spaces per boarding room. The Affordable Rental Housing SEPP states that a consent authority must not refuse to grant consent on the basis of car parking if the proposed development complies with this standard. The rationale of this standard is that there would be low car ownership rates among boarding house tenants, and this is also reflected in the requirement for a boarding house to provide parking for motorcycles and bicycles.</p> <p>The boarding house has 14 rooms, and therefore requires three car parking spaces which complies with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>
Insufficient car parking	Concern is raised to the lack of visitor car parking provision on the subject site.	Visitor spaces are not required under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
No benefit of a boarding house at this location	Concern is raised as to why this site was selected for a boarding house.	The development is permissible in the zone via state and local planning instrument and is satisfactory with regards to the applicable planning controls.
Adverse noise generation during construction	Concern is raised for noise during demolition of the existing structures, removal of tree and construction of the proposed building.	<p>A condition has been recommended to limit the construction hours as follows:</p> <p>Monday to Friday 7.00am to 6.00pm, Saturday 8.00am to 5.00pm and no work on Sundays or public holidays.</p>
Overshadowing concerns	Overshadowing concerns for existing dwellings on Parklands Avenue.	Due to the orientation of the site, the proposed development does not result in significant overshadowing impacts to adjoining properties.
Overshadowing concerns	Concern is raised that the existing garden along the driveway of No. 24 Parliament Road will have less sunlight during the day. The proposed development will block morning sun from the complex and the residence's windows facing the east.	At Council's request, the northern and southern boundary setback of the proposed boarding house was increased. The revised shadow diagrams submitted with the application show that the adjoining house at No. 24 Parliament Road will be minimally impacted between the hours of 9.00am and 10.00am and not affected after 11.00am. Further, the proposed development does not impact upon the solar access

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Theme	Objection Detail	Response
		provision in the courtyards of any unit at No. 24 Parliament Road.
Overshadowing concerns	Shadow diagrams have been provided for June 21 st . Units 1 and 2 of No. 24 Parliament Road would have no morning sunlight at all as after 12 noon the natural sunlight will be over our roof line.	Shadow diagrams submitted with the application illustrate that the proposal would minimally impact No. 24 Parliament Road between 9.00am and 10.00am. Overshadowing impacts are considered acceptable.
Waste	Concerns regarding the amount of bins facing the street on waste collection morning in contradiction with on-street car parking.	The application was referred to Council's Waste Section for comment. A response was received which confirmed that the kerbside presentation of the bins is satisfactory due to adequate street frontage for bin placement.
Waste	Concern has been raised regarding waste being dumped on the kerb.	No evidence is submitted with the objection to suggest that boarding houses result in waste being dumped on the kerb. If in the instance waste is dumped, Council's Compliance Section can take enforcement action to remove the waste.
Character	Concern is raised that the proposed development is out of character with existing development in the street.	A relatively low proportion of dwellings in the area have been redeveloped. In this instance, it is important for the boarding house to be consistent with the future desired character of the area, than the current character of the area. To reinforce this position, the strategic planning vision within The Glenfield to Macarthur Corridor Strategy reinforces that this precinct provides opportunity for a large number of sites to be redeveloped over the next 20 years due to the conditions and age of the existing building stock. Furthermore, it is considered that the proposed architectural design of the development would not be unexpected were a dwelling house constructed on the site.
Decline in value of surrounding properties	Concern is raised in relation to the decline of surrounding property value if the proposed were to be approved.	No evidence has been submitted to support this claim.
Boarding House Management	Concerns regarding the management of the boarding house to resolve any issues that arise at the premises.	Under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, the proposal is not required to include a boarding house manager.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Theme	Objection Detail	Response
		<p>A Boarding House Management Plan was submitted with the application which states that the boarding house would be managed by a Managing Agent who would appoint one Manager who would then be responsible for the management of the boarding house 24 hours per day.</p> <p>Further, the Boarding House Management Plan states that residents within a 100m radius of the site would be provided with the contact details in writing of the manager/caretaker. If any details of the manager/caretaker change, residents would be notified within 14 days.</p>
Notification Period	The application was placed on public exhibition during the school holiday period giving little or no time to respond to the development.	The application was placed on public exhibition from 20 January to 4 February 2016 in accordance with Council's Notification Policy.
Permissibility	This development is a commercial development due to rent being collected. The site is zoned residential and therefore the proposed development should not be considered.	The development is permissible in the zone via state and local planning instrument and is satisfactory with regards to the applicable planning controls.
Theft	Concerns regarding theft generated by this proposed development.	There is no evidence to suggest that there will be increased criminal or antisocial behaviour associated with the boarding house.
Control of boarding house residence numbers	Concerns in relation to how the maximum number of people proposed would be controlled.	<p>The Manager of the boarding house would ensure that the total number of boarders would be controlled.</p> <p>If the boarding house is in breach of the number of lodgers, enforcement action can be taken by Council's Compliance section.</p>
Non-compliance with Section 1.2 of Council's (Sustainable City) Development Control Plan 2014	The proposed development is not considered to achieve this aim the following aim of Part 1.2 of Council's (Sustainable City) DCP 2014: 'Ensure that new development maintains or enhances the character and the quality of the natural and built environment'.	<p>A relatively low proportion of dwellings in the area have been redeveloped. In this instance, it is important for the boarding house to be consistent with the future desired character of the area. It is considered that the proposed architectural design of the development would not be unexpected were a dwelling house constructed on the site.</p> <p>Further, the primary and secondary street setback allow for adequate</p>

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Theme	Objection Detail	Response
		landscaping which is considered to enhance the streetscape.
Non-compliance Part 3 of Campbelltown (Sustainable City) Development Control Plan 2014	The proposal does not comply with several sections listed in Part 3 Campbelltown (Sustainable City) Development Control Plan 2014.	The controls within Part 3 of Council's (Sustainable City) Development Control Plan do not apply to boarding house development. However, the setbacks of multi-dwellings and single dwelling developments have been used in order to ascertain the character of the area as discussed in Section 2.2 of this report.
Non-compliance with Part 5 of Council's (Sustainable City) Development Control Plan 2014	The proposal does not comply with several factors listed in Part 5 of Council's (Sustainable City) DCP 2014.	The controls within Part 5 of Council's (Sustainable City) Development Control Plan do not apply to boarding house development.

5. Conclusion

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

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and is fully compliant with Campbelltown (Urban Area) Local Environmental Plan 2002.

In addition, the application is entirely compliant with the relevant standards for dwelling houses within the Campbelltown (Sustainable City) Development Control Plan 2014. The proposed boarding house has a form and scale this is generally consistent with a dwelling house that would be permissible on the site.

Seven submissions in relation to the proposal were received. Matters raised in the submissions have been discussed and responded to within this report.

Accordingly, the application is recommended for approval.

Officer's Recommendation

That development application 3552/2015/DA-BH for the demolition of an existing dwelling and construction of a 14 room boarding house at No. 38 Parliament Road, Macquarie Fields, be approved, subject to the conditions detailed in attachment 1 of this report.

Committee Note: Mr Dunn, Mr McLean, Mr Wood and Mr Kitmiridis addressed the Committee.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Committee's Recommendation: (Kolkman/Hawker)

That the Officer's Recommendation be adopted subject to Condition 26 being amended to read - Rainwater Tanks to a minimum total of 5,000 litres shall be installed onsite for the collection of stormwater for irrigation and reuse purposes (eg flushing of toilets).

CARRIED on the Casting Vote of the Chairperson

Voting for the Committee's Recommendation were Councillors: Greiss, Hawker, Kolkman and Matheson.

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

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

LOST

Voting for the above Motion were Councillors: Greiss, Lake and Mead.

Voting against the above Motion were Councillors: Borg, Brticevic, Chanthivong, Glynn, Hawker, Kolkman, Lound, Oates, Rowell and Thompson.

Council Meeting 16 August 2016 (Oates/Borg)

That development application 3552/2015DA-BH be refused for the following reasons:

1. Inappropriate in terms of scale and size of potential occupancy.
2. The proposal does not maintain or enhance quality and amenity of the existing low density residential area.
3. Concerns regarding the adequacy and implementation of parking provisions.
4. The potential to seriously disrupt the peaceful enjoyment of the existing residents environment.

WON and became the Motion

Council Resolution Minute Number 135

That development application 3552/2015DA-BH be refused for the following reasons:

1. Inappropriate in terms of scale and size of potential occupancy.
2. The proposal does not maintain or enhance quality and amenity of the existing low density residential area.
3. Concerns regarding the adequacy and implementation of parking provisions.
4. The potential to seriously disrupt the peaceful enjoyment of the existing residents environment.

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

Voting against the Council Resolution were Councillors: Greiss, Lake and Mead.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Drawing No.	Drawing Name	Prepared by	Issue	Date
DA100	Cover page/site analysis/site calculation	Michael Kitmiridis Architect	B	June 2016
DA101	Site Plan/roof plan/GFA calculations	Michael Kitmiridis Architect	B	June 2016
DA102	Ground Level/demolition plan	Michael Kitmiridis Architect	B	June 2016
DA103	First Level	Michael Kitmiridis Architect	B	June 2016
DA104	Typical Room Layout/construction management plan	Michael Kitmiridis Architect	B	June 2016
DA105	Elevations/schedule of external finishes/windows and doors schedule	Michael Kitmiridis Architect	B	June 2016
DA106	Shadow Diagrams	Michael Kitmiridis Architect	B	June 2016
DA107	Front Fence Details	Michael Kitmiridis Architect	B	June 2016
DA108	Perspectives	Michael Kitmiridis Architect	B	June 2016
DA109	Sections	Michael Kitmiridis Architect	A	June 2016
L101	Landscape Plan	QTN Landscape	B	June 2016
1657/S1/2	Stormwater drainage/sediment control details	John Romanous and Associates	D	9 June 2015
1657-S2/2	Stormwater drainage/sediment control details	John Romanous and Associates	D	9 June 2015

2. Boarding House Management Plan

The operator of the boarding house shall ensure that the approved Boarding House Management Plan is complied with at all times. The Boarding House Management Plan shall not be varied without the consent of Council.

A copy of the Boarding House Management Plan must be kept by the owner, the Managing Agent and Council.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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, or
- b. To the erection of a temporary building.

5. Notification of *Home Building Act 1989* Requirements

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

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

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

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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. All landscaping must be contained within the property boundary. The landscape design shall incorporate a significant portion of native, low water demand plants.

All tree removal must be in accordance with Work Cover NSW 2007, Code of Practice Tree Work.

7. Acoustic Construction Requirements

The development shall incorporate the construction requirements recommended in the Acoustic Report, prepared by Acoustic Logic, dated 14 June 2016, as follows:

- i. windows and glass doors to the indoor common area are to be constructed using 10.38mm thick laminated glass (R_w no less than 34)
- ii. bounding walls of the indoor common area are to be masonry
- iii. minimum 1.8 metres high solid fencing must be retained around the northern and western boundaries of the site to provide noise screening to the adjacent residences. In the event any part of this fencing is altered/replaced, any new fencing must also be at least 1.8 metres high and must be imperforated.

8. Noise Mitigation Measures

The following boarding house management restrictions recommended within the Acoustic Report, prepared by Acoustic Logic, dated 14 June 2016, must be adhered to at all times:

- i. outdoor common area is not used after 10.00pm or before 7.00am
- ii. the outdoor area used for clothes drying is not to be used as an outdoor common area
- iii. doors and windows to the indoor communal area are to be kept closed after 10.00pm and before 7.00am
- iv. no music to be played in outdoor areas
- v. radios or similar are permitted in the common area when the windows to the common area are kept closed.

9. Waste Storage Area and Waste Management

The waste storage area identified on the approved plans shall:

- i. include six 240 litre general waste bins and six 240 litre recycle bins
 - ii. not be stored within vehicle parking, vehicle manoeuvring areas of landscaped areas
 - iii. be provided with a concrete floor, with concrete or cement rendered internal walls coved to the floor
-

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

- iv. the floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket
- v. a hose chock shall be provided within the storage area.

The waste bins shall adhere to the following:

- i. the bins shall be stored within the waste storage area at all times other than for collection
- ii. all bins shall be presented to the street and returned to the waste storage room by a building manager. Boarding house residents shall not be responsible for presentation and return of bins
- iii. all waste and recycling generated from the premises is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

10. 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.

11. 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.

12. 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.

13. Advertising Signs

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

14. Driveway

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

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

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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

15. Vehicular Access to and Egress from the Site

All vehicles entering and exiting the site shall be in a forward direction.

16. 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.

17. Unreasonable Noise

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants.

The applicant shall place signs in the vehicle car parking and outdoor recreation areas that contain wording to the effect that residents and visitors are requested to refrain from making noise after 9.00pm.

18. 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.

19. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended), Engineering Design Guide for Development (as amended) and Campbelltown (Sustainable City) DCP (as amended).

20. 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.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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.

21. Car Parking Spaces

Three 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). Three motorcycle and a minimum of four bicycle spaces shall also be provided and made available to all users of the site.

22. Acts and Regulations

The boarding house must comply with the following Acts and Regulations:

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

23. Maximum Number of Lodgers per Room

The building is to contain a maximum of 16 persons. The maximum occupancy rate of each boarding room shall be in accordance with the table below:

Room Number	Maximum occupancy
Ground Level	
RM1	One
RM2	One
RM3	Two
RM4	One
RM5	One
RM6	One
First Floor	
RM7	One
RM8	One
RM9	Two
RM10	One
RM11	One
RM12	One
RM13	One
RM14	One

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

In order to maintain this occupancy rate, a sign is to be erected immediately adjacent to the doorway accessing the building detailing the maximum sleeping capacity of the occupancy.

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5sqm or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2.0sqm or more for each person sleeping in it (in any other case) (Public Health Regulation 2012).

24. Maximum Number of Adult Lodgers in the Building

The maximum number of adult lodgers in the building at any given time is 16.

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, and
- b. where necessary, underpin the adjoining premises to prevent any such damage.

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

26. Rain Water Tank(s)

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

28. Acoustic Construction Requirements

Prior to the issue of a Construction Certificate, all of the recommendations in the Acoustic Report, prepared by Acoustic Logic, dated 14 June 2016, shall be incorporated into the Construction Certificate plans. Certification from a qualified acoustic consultant shall be submitted to the Principal Certifying Authority, indicating that the building design as shown on the Construction Certificate plans will prevent any impact on the nearby residences. Should these requirements necessitate amendments to the design of the building or finishes, approval from Council must be obtained.

29. 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.

30. Waste Management Plan

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

31. Demolition of Existing Dwelling

Prior to Council or an accredited certifier issuing a construction certificate, the existing dwelling on the property shall be demolished and all materials removed from the site.

32. Construction Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a Construction Management Plan to Council, for written approval by the Manager of Development Services, demonstrating that the works will not impact on the existing traffic and pedestrian movements on the site.

33. Geotechnical Report

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

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

34. 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.

35. Stormwater Management Plan (Development)

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

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed and discharged directly to the rear of the kerb and gutter in Parkland Avenue utilising Council's standard kerb roof water outlets and kerb adaptors. The kerb roof water outlet shall be positioned in front of the subject lot and not within the frontage of the adjacent downstream property.

All proposals shall comply with the requirements detailed in Council's Engineering Design Guide for Development (as amended). All proposals shall comply with the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

36. Dilapidation Report

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

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. 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.

39. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
-

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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

40. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, 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. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

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.

41. 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.

42. 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.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

43. Toilet on Construction Site

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

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

44. 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.

45. 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.

46. Public Property

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

47. Demolition Works

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
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3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

- 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.

48. Fencing

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

49. Structural Engineer Details

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

50. Demolition of Existing Dwelling

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

51. 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 5.00pm
Sunday and public holidays	No Work.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

52. 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.

53. 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.

54. Protection of Existing Trees

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

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

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

55. Excavation and Backfilling

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

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

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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

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

56. 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.

57. Certification of Location of Building during Construction

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

58. Certification of Location of Building upon Completion

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

59. Certification of Levels of Building during Construction

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

60. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, a minimum of 1.2 metres wide and separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with Australian Standard AS 1742.3, the requirements set out in the RMS manual Traffic Control at Work Sites (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all WorkCover Authority requirements are complied with. Council may

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

61. Compliance with Relevant Authority's Specifications

All design and construction work shall be in accordance with:

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

62. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site. 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 Engineering Design Guide for Development (as amended).

63. 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 Engineering Design Guide for Development (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.

64. 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.

65. 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 Engineering Design Guide for Development (as amended).

66. Demolition Work/Plan

All work shall be completed in accordance with the approved demolition work plan designed in accordance with clause 1.7.3 of Australian Standard A52601-2001 The Demolition of Structures.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

67. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

68. 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.

69. 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.

70. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

71. 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 in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

72. 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.

73. Public Utilities

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.

74. House Numbers

Prior to the principal certifying authority issuing an occupation certificate, all lot 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 (02) 4645 4465 to ensure the correct house number is stencilled.

75. Council Fees and Charges

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

BOARDING HOUSE CONDITIONS

The following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the *Boarding Houses Act 2012*, *Public Health Act 2010*, *Regulations*, *Local Government Act 1993* and associated technical standards.

76. Registration

The boarding house must be registered with The Office of Fair Trading and Campbelltown City Council.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

77. Notices

A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.

A schedule showing the numeral designating each bedroom and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.

Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

78. Cleanliness

All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.

Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

79. Pest and Vermin

All practicable measures are to be taken to keep the premises free from fleas, other disease-carrying insects, rats and mice (except any such animals kept as pets).

80. Lighting and Ventilation

Adequate light and ventilation must be maintained in the premises.

81. Long term residences

If persons may board or lodge for seven days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.

82. Neighbourhood Amenity

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products. In addition, the recommendations included in the Acoustic Report, prepared by Acoustic Logical, dated 14 June 2016, and the approved Boarding House Management Plan must be implemented and complied with at all times.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

ADVISORY NOTES

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

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

Advice 2. Tree Preservation Order

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

A tree is defined as a perennial plant with self-supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 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.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

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

Advice 4. Smoke Alarms

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

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

Advice 5. Covenants

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

Advice 6. Inspections – Civil Works

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

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

Advice 7. Inspection within Public Areas

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

Advice 8. 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.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Advice 9. 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 Council's Engineering Design Guide for Development (as amended) and Campbelltown (Sustainable City) DCP (as amended).

Advice 10. Asbestos Warning

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

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

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

Advice 11. Rain Water Tank

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

Advice 12. Dial before you Dig

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

Advice 13. Telecommunications Act 1997 (Commonwealth)

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

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

END OF CONDITIONS

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

ATTACHMENT 2

Locality Plan



3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

ATTACHMENT 3

Streetscape Perspectives



3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

ATTACHMENT 4

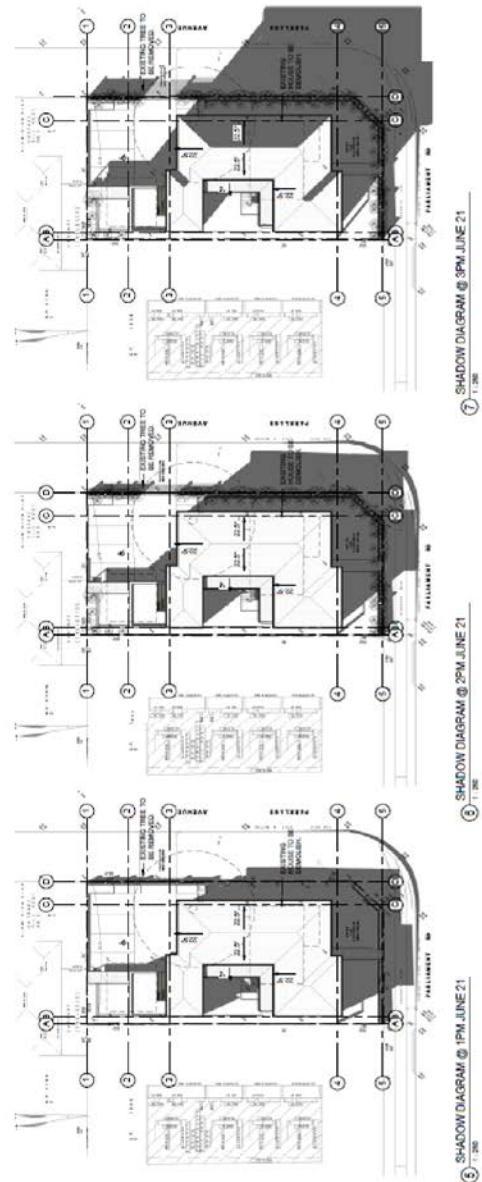
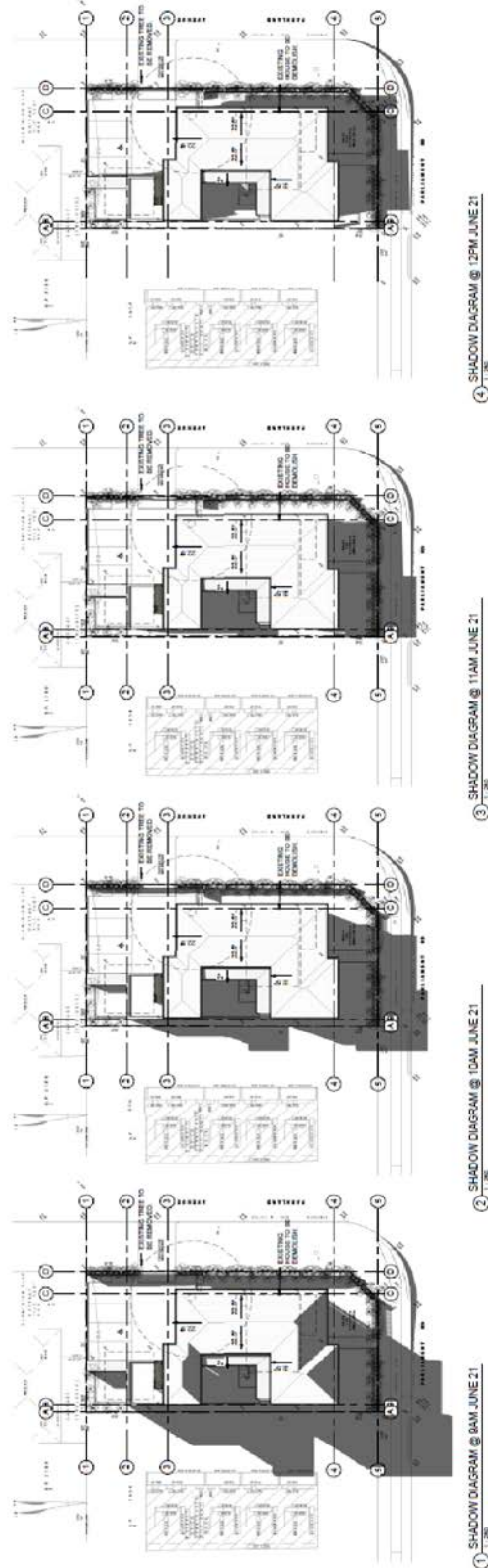
Street Elevations



3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

ATTACHMENT 5

Shadow Diagrams



3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

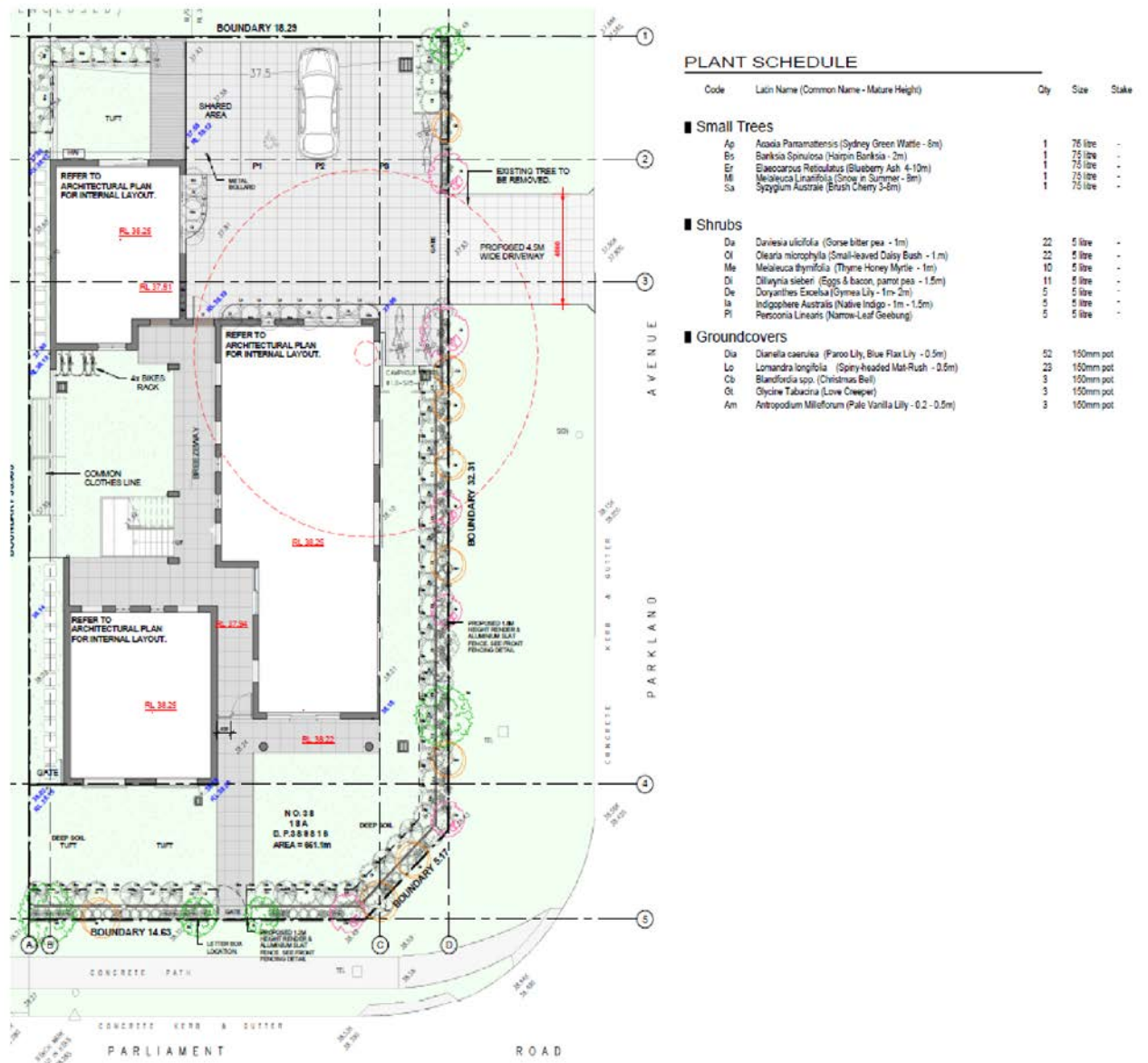
ATTACHMENT 6

Schedule of Finishes



ATTACHMENT 7

Landscape Plan



ATTACHMENT 8

BOARDING HOUSE MANAGEMENT PLAN

FOR A

14 ROOM BOARDING HOUSE

AT

38 PARLIAMENT ROAD, MACQUARIE FIELDS

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Boarding House Management Plan – 38 Parliament Road, Macquarie Fields

1.0 OBJECT OF THIS PLAN

The primary purpose of this plan is to ensure the proposed boarding house at 38 Parliament Road, Macquarie Fields maintains a high level of amenity for neighbouring properties and for all lodgers residing at the premises. To achieve this, the following matters have been considered:

- Contact details of the manager/ caretaker
- Proposed staffing arrangements
- Proposed measures to ameliorate any potential noise or amenity impacts
- Proposed safety and security measures
- Proposed management practices preventing the use of the outdoor common open space during certain times
- Waste bins and waste storage
- Register of tenants' names and details
- Register of complaints

2.0 CONTACT DETAILS OF MANAGER/ CARETAKER

There will be one dedicated contact telephone number for lodgers and third parties alike to contact the manager/ caretaker. The manager/ caretaker will be available to be contacted 24 hours a day, seven days a week.

All lodgers will be provided with the dedicated telephone number as well as the name of the manager/ caretaker. In addition, these details will be displayed on signage in an accessible location on the premises.

Residents within a 100m radius of the site will be provided with the contact details in writing of the manager/ caretaker. If any details of the manager/ caretaker change, then residents living within a 100m radius of the site will be notified of any changes within 14 days.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Boarding House Management Plan – 38 Parliament Road, Macquarie Fields

3.0 PROPOSED STAFFING ARRANGEMENTS DURING THE DAY TIME AND NIGHT TIME

The boarding house is to be managed by a Managing Agent appointed by the owner. The Managing Agent will be available between the hours 9:00am to 5:00pm, Monday to Saturday.

The owner will appoint one Manager to oversee the day to day running of the property. The Manager will be the first point of contact for any lodgers or visitors requiring assistance. The Manager will also be the first point of contact for any third party wishing to contact the Boarding House.

It will be the responsibility of the Manager to escalate any issues arising on site to the Managing Agent (and, if the incident occurs outside of the usual hours of the Managing Agent, to the relevant authorities as required). The Manager will be available and on call seven days a week, 24 hours a day.

The owner will also hire contract staff to undertake the regular cleaning and maintenance of the boarding house, including maintenance of the gardens and the indoor and outdoor communal areas.

4.0 PROPOSED MEASURES TO AMELIORATE POTENTIAL NOISE OR AMENITY IMPACTS

The following measures are aimed at ameliorating any potential noise or amenity impacts within the building and upon the surrounding locality:

Use of the outdoor communal area

See section 6.0 below.

House Rules

House rules will be displayed at the entrance to the property, behind each entry door of each room and in all indoor and outdoor common areas.

House Rules as well as the Occupancy Agreement will be signed by each lodger on initial entry to the property. A 'no signature, no entry' policy applies.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Boarding House Management Plan – 38 Parliament Road, Macquarie Fields

Lodgers are to respect other lodgers and neighbouring residents and to keep noise at an acceptable level.

Lodgers who do not respect and adhere to the House Rules, may have their Occupation Agreement terminated by the Managing Agent.

Alcohol

Alcohol is not permitted to be consumed in the indoor or outdoor communal areas.

Smoking

Smoking will not be permitted indoors.

Drugs

The boarding house is free from the use of illegal and illicit drugs and substances at all times.

The boarding house policy is that the use, sale or possession of illegal or illicit drugs, or any suspicion of such acts being performed in or about the premises or any person found using illegal or illicit drugs, shall be immediately reported to the Police and their Occupancy Agreement shall be terminated.

Misconduct

Any lodger failing to observe the House Rules and any cases of serious misconduct will be dealt with by the Managing Agent who may require the lodger to vacate the premises.

Lodgers are instructed to call the police if any lodger or visitor is performing illegal acts on the property.

Outdoor Communal Area

See section 6.0 below.

Noise

Live music will not be permissible on the premises at any time.

No amplified music is permitted at any time within the outdoor communal areas.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Boarding House Management Plan – 38 Parliament Road, Macquarie Fields

Disposing of Waste

Lodgers are to ensure all rubbish and recycling is deposited within the respective bins provided in the waste bin area.

Pets

No pets are allowed within the boarding house at any time.

Nuisance

The carrying out of activities likely to cause a nuisance to other lodgers, the management or neighbours will not be tolerated. This may include, but is not limited to, theft, use of illegal drugs, violence or noise-generating activities outside permissible times.

Any lodger failing to observe the House Rules and/or involved in serious misconduct will be reported to the Manager or Assistant on duty and, depending on the seriousness of the misconduct, will be reported to the Police. This may result in the termination of the Occupancy Agreement.

5.0 PROPOSED SAFETY AND SECURITY MEASURES

The following safety and security measures will be employed within the boarding house:

Swipe Card Access to Premises

New lodgers will only be permitted to have initial access to the boarding house through the Managing Agent. Access to all rooms will be controlled by an electronic swipe card provided to each lodger by the Managing Agent once the lodger has signed the Occupancy Agreement and met all of the requirements to be a lodger at the boarding house.

All accessible doors will have swipe card access. The swipe cards provide access to the rooms for the relevant period of lodging. Once the tenancy has expired (or has otherwise been terminated) the swipe card is rendered useless.

All swipe cards will contain an ID tag and be assigned by the Managing Agent to an individual lodger. The system used will allow management to read all locks to see which swipe card has been used recently on the lock, further increasing security. The relevant readers will be located at the correct height for disabled lodgers.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Boarding House Management Plan – 38 Parliament Road, Macquarie Fields

These cards, for security reasons, shall not be transferred to any other persons other than the authorised lodgers.

Each lodger is required to sign that they have received an electronic swipe card key, which will be placed with their Occupancy Agreement. The Managing Agent will keep a Key Register recording the issuance of the electronic swipe card (with its unique identifier) against the lodger's details.

Emergency Contacts

The Managing Agent will issue to each approved lodger an information sheet containing emergency contact details for the following:

- (a) The Managing Agent (available 9:00am to 5:00pm, Monday to Saturday);
- (b) The Manager (to be the first port of call for all lodgers and third parties); and
- (c) Emergency contact numbers for essential services such as fire, ambulance and police.

These details will also be displayed prominently within the boarding house.

Availability of Managing Agent and Manager/ Caretaker

The Managing Agent will be available to monitor and manage the Boarding House Mondays to Saturdays from 9.00am to 5.00pm.

The Managing Agent will be supported in its management function by the Manager who will, together, provide the day to day management of the boarding house 24 hours a day, seven days a week.

House Rules

Lodgers are required to observe the House Rules. See section 4.0 above.

3.3 Construction Of A 14 Room Boarding House At No. 38 Parliament Road, Macquarie Fields

Boarding House Management Plan – 38 Parliament Road, Macquarie Fields

6.0 PROPOSED MANAGEMENT PRACTICES REGARDING THE USE OF OUTDOOR COMMON OPEN SPACE

The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm, 7 days per week. That is, the outdoor communal area is NOT to be used between the hours of 10:00pm and 7:00am. No amplified music is permitted at ANY time within the outdoor communal area.

Although cleaning contractors will be engaged at the premises, it is the responsibility of all lodgers to ensure that the outdoor communal area is kept clean and tidy at all times. It is expected that all lodgers using the outdoor communal area will leave it in a clean and tidy state after use.

7.0 WASTE BINS

The caretaker will be responsible for presenting the waste bins to the kerb for waste collection as well as for bringing the waste bins back into the property in a timely manner following collection of the waste.

The caretaker will also be responsible for cleaning the bins as well as the maintenance of the waste storage area.

8.0 REGISTER OF TENANTS' DETAILS

The Managing Agent will keep a register of the tenants' names and details and will be responsible for updating and maintaining the accuracy and completeness of this register.

The register will be stored in a lockable cupboard in the common room on the premises and will be available for inspection by public authorities.

9.0 REGISTER OF COMPLAINTS

The Managing Agent will keep a register of complaints and will be responsible for updating and maintaining the accuracy and completeness of this register.

The register will be stored in a lockable cupboard in the common room on the premises and will be available for inspection by public authorities.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

3.4 Demolition of three existing dwellings and construction of a five storey residential flat building comprising of 40 units and two levels of basement car parking at Nos. 7-11 Norfolk Street, Ingleburn

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Elevations (contained within this report)
5. Shadow diagrams (contained within this report)
6. Landscape plans (contained within this report)
7. Roof plan (contained within this report)
8. Schedule of finishes (contained within this report)
9. Floor plans (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
10. Section plan (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
11. 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* (EP&A Act).

Property Description	Lots 3 - 5 SEC B DP 6446, Nos. 7 - 11 Norfolk Street, Ingleburn
Application No	184/2015/DA-RA
Applicant	Seghabi Developments Pty Ltd and JS Architects Pty Ltd
Owner	Seghabi Developments Pty Ltd
Provisions	State Environmental Planning Policy 65 - Design Quality of Residential Flat Development Residential Flat Design Code (RFDC) State Environmental Planning Policy (BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Non-Statutory	Campbelltown 2025 - Looking Forward Glenfield to Macarthur Corridor Strategy Draft Ingleburn Structure Plan
Date Received	29 January 2015

Report

This application proposes the demolition of three existing dwellings and ancillary structures and the construction of a five storey residential flat building comprising of 40 apartments and two levels of basement car parking levels at Nos. 7 - 11 Norfolk Street, Ingleburn.

The Site and Surrounds

The subject site consists of three high density allotments with a total area of 2073.5sqm. The site is located south-west of the Ingleburn Town Centre on the corner of Norfolk and Carlisle Streets.

Situated to the north-east of the site is a service station and shopping centre carpark. In other directions, the site adjoins and is adjacent to one and two storey residential buildings.

The Proposal

Development consent is sought for the construction of a 40 apartment, five storey residential flat building that would contain the following apartment mix:

- four studio apartments
- 9 x one bedroom apartments
- 23 x two bedroom apartments
- 4 x three bedroom apartments.

Each storey would contain 10 apartments.

The proposed residential flat building contains communal open space and a recreation room located on the top of the building. An architectural roof feature has been provided to define the top of the building. The development has been articulated to address both street frontages.

The main pedestrian and vehicle entrance would be accessed from Carlisle Street. All ground floor level apartments contain front gardens or terraces and separate entries that are accessible from the street or ground level.

A total of 54 car parking spaces would be provided, including four accessible spaces and four visitor spaces. All visitor spaces are located on basement level one. Two accessible spaces are located on each basement level.

Basement level one contains the waste bin storage room, a vehicle loading bay and car wash bay. Basement level two contains the storage cages for each apartment and eight bicycle racks.

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To service the building, two lifts and a garage chute would be available to each storey.

A temporary bin holding bay would be provided adjacent to the side boundary of the Norfolk Street frontage.

History

The development was originally lodged as a six storey building, with no architectural roof feature to define the top of the building. The proposed building exceeded the maximum building height permitted under the draft Campbelltown Local Environmental Plan 2014. The application sought to vary the maximum building height based on the indicative building height envisaged under the draft Ingleburn Structure Plan.

The variation was not considered to be well founded for the following reasons:

- under S79C of the *Environmental Planning and Assessment Act 1979* the draft Ingleburn Structure Plan is not recognised as a relevant matter for consideration
- there is no certainty the draft Ingleburn Structure Plan would be adopted and bring about any statutory change to building height within the Local Environmental Plan
- the proposal had several non-compliances with the Campbelltown (Sustainable City) DCP 2014 and the Residential Flat Design Code.

The proposed development has since been amended to be more modest in height and to include an architectural roof feature. While the proposal still does not comply with some aspects of the Campbelltown (Sustainable City) DCP 2014 and the Residential Flat Design Code, these variations are discussed later on within this report and are considered to be acceptable in the circumstances of this case.

1. Non-Statutory Provisions

1.1 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.

The strategic directions relevant to this application are:

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

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

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

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

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

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

1.2 Glenfield to Macarthur Corridor Strategy

A joint venture project between the Department of Planning and Environment, Campbelltown City Council and various other agencies has commenced and seeks to look at opportunities for more homes, jobs, better public spaces, shops and cafes that are within walking distance from the seven train stations between Glenfield to Macarthur.

The Strategy identifies and discusses a range of existing and possible future land use types and development densities around the existing train stations within the City after consideration of land constraints and desired neighbourhood characters. The strategy was publicly exhibited during 2015 and will be used to inform future strategic planning work to achieve the Government's desired density increases near public transport hubs.

Under the strategy, the subject site would be nominated as being suitable for 'high density residential', which the strategy defines as:

This area could accommodate apartment housing to deliver a high level of amenity for the existing and future residents. This could comprise 7-8 storey apartment buildings, with potential for communal open spaces and shared facilities. The new dwellings should be carefully designed to integrate with the existing streetscape.

The subject application proposes a building with a height that technically exceeds Council's current controls, however, when having regard to the relevant aspects of the Strategy, the proposal could be seen as an 'under development' of the site.

Notwithstanding, the Strategy has not yet formally established future densities and characters and is referenced in this case to demonstrate the Government's commitment to increasing population densities near to public transport and service amenities.

Accordingly, the proposal is not considered to hinder or contradict the strategy.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

1.3 Draft Ingleburn Structure Plan

The draft Ingleburn Structure Plan is founded upon a vision for the desired future development of Ingleburn CBD. The draft plan establishes a planning and management framework to help guide development and land use decisions to achieve environmental, social and economic objectives. These objectives are necessary to ensure the change in the centre anticipated by Council and Government policy is managed appropriately. The draft plan also enables the community and stakeholders to actively participate in the consideration of the future appearance and function of the centre.

The proposed development is located within the six storey higher density residential area of the draft plan, being a short walk from the mixed use and commercial retail core adjacent to the railway station. The built form being four storeys accords with the draft plan and is not expected to result in an adverse impact to the emerging streetscape, and will provide additional and varied housing choices consistent with the desired increased residential density for the area.

During the construction phase, the development will provide employment opportunities and once completed reinforce the viability of the emerging Ingleburn village centre. More specifically, the proposal is considered to be consistent with the higher density residential objective by providing a range of high density living options close to the city centre. It is also considered that the height and scale is consistent with the emerging urban village built form.

Having regard to the above, it is considered that the proposed residential flat building is not inconsistent with the draft Ingleburn Structure Plan.

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 Relationship of Environmental Planning Instruments

Due to the timing of the development application's submission to Council and the changes that have been made to local planning instruments during its assessment timeframe, it is important to describe how each of the local environmental plans relate to each other.

At the time of lodgement in January 2015, the Campbelltown (Urban Area) Local Environmental Plan 2002 (Urban Area LEP 2002) was the relevant local planning instrument. Council had also publicly exhibited a draft Local Environmental Plan at the time the development application was lodged and as such, the draft is a 'matter for consideration' pursuant to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* (the Act). The draft Local Environmental Plan (known at the time as draft Campbelltown Local Environmental Plan 2014 (CLEP 2014)) has since been gazetted and has commenced and is now known as Campbelltown Local Environmental Plan 2015 (CLEP 2015).

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

According to transitional provisions within the draft CLEP 2014 and recently commenced CLEP 2015, the Urban Area LEP 2002 takes precedence in the assessment of this application, as it was the presiding planning instrument at the time the application was lodged. The lodgement date of a development application dictates its assessment, more so than its determination date.

However and as mentioned above, Council must also consider the CLEP 2014 as it was a draft instrument at the time of the application's lodgement. As such, both Plans have relevance (although different weightings) and are discussed within this report.

To comply with the LEP transitional arrangements mentioned above, this report has been written as if CLEP 2015 had not commenced. Instead, despite the commencement of CLEP 2015, the Urban Area LEP 2002 is recognised as the current local planning instrument.

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

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) applies to the proposed residential flat building. Accordingly, the proposal has been assessed under the provisions of this policy.

Part 4 of SEPP 65 states that a development application that relates to residential flat development must be accompanied by design verification from a qualified designer, being a statement in which the qualified designer verifies:

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

A design verification statement has been provided by Simon Ochudzawa of JS Architects Pty Ltd (NSW Architects Registration Board Reg. No. 6865).

Part 2 of SEPP 65 outlines 10 design quality principles that apply to residential flat development. Under this policy, the qualified designer must verify that the design quality principles set out in Part 2 of SEPP 65 are achieved for the residential flat development.

The qualified designer Simon Ochudzawa has provided such verification. Excerpts of the design quality principles by Simon Ochudzawa are presented in the table below.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

<p>Principle One: Context</p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>Response</p> <p>The proposed development has been designed to accord with the provisions of Council's planning instruments so as to ensure an appropriate design solution is derived to reflect the desired character of the existing precinct.</p> <p>The site is located approximately 150m South/East of Ingleburn Town Centre and 350m from the railway station. There is existing (bus) public transport on Norfolk Street, which includes regular bus services and within 20m walking distance from the site.</p> <p>The site lies in an area undergoing transition as the site and surrounding areas have been zoned to encourage high-rise residential buildings. The site slopes towards Norfolk Street which is on low side.</p> <p>There are no heritage items on the subject site or on adjoining properties.</p> <p>The proposed design ensures reasonable spatial separation will be established between existing neighbouring residential buildings.</p> <p>In view of the above, the proposed development is appropriate in its context and complies with the objectives.</p>
<p>Principle Two: Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>Response</p> <p>The proposal complies with the draft Ingleburn Structure Plan 2014 in terms of scale and character.</p> <p>The design solution has responded to the topography of the site and adjoining properties, by means of configuring building envelope to respond to due north orientation which best achieves its orientation and provide adequate building separation from neighbouring properties.</p> <p>The height and scale of the development is well contained on-site.</p> <p>The height of the building and orientation of the land ensures that adjoining properties are not compromised in terms of solar access.</p>

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Principle Three: Built Form	Response
<p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed development has been designed with well articulated elevations which allow a variety of exposures from the units, increasing the cross ventilation across the units. All units have opportunity for cross ventilation. The articulated built form results in an improved streetscape presentation and visual appearance when viewed from adjoining properties (relative to the existing built form in the immediate locality).</p> <p>The proposed development provides excellent solar access to all individual units. 100% of the units in the development will receive more than three hours of direct sunlight during the year, in particular on the solstice (21 June).</p> <p>In this regard to all units:</p> <ul style="list-style-type: none"> • 70 per cent of units have dual aspect for cross ventilation • 80 per cent of units have internal living areas and private balconies with a northerly or north-westerly or north-easterly orientation to sunlight. <p>There are no dwellings within the development with a restricted southerly orientation.</p> <p>The building elevations use a combination of materials and finishes to enhance the appearance of the development (refer to architectural plans and schedule for details and 3D montage).</p> <p>The communal open space on the roof top will receive good sunlight access and is located well away from services or infrastructure that could affect its amenity.</p>

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<p>Principle Four : Density</p> <p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>Response</p> <p>The proposed density can be comfortably contained on-site in respect of car parking provision and site facilities.</p> <p>The site does not have any density requirements and it complies with relevant codes in a manner that does not compromise the amenity of future occupants particularly in respect of solar access, cross ventilation and privacy considerations.</p> <p>It does not compromise the amenity of the adjoining properties; and which reflects the urban design.</p>
<p>Principle Five : Resource, Energy and Water Efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water</p>	<p>Response</p> <p>The proposed design solution is entirely consistent with the principles of the SEPP No 65 particularly through the orientation and design of the units (solar access and ventilation) and the choice of construction materials to reduce heating and cooling costs; the provision of substantial areas of deep soil to assist in natural water absorption and reduce run off and the selection of appropriate planting/landscaping (refer to landscape plan).</p>

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

<p>Principle Six : Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>Response</p> <p>The proposed landscape design has been prepared with the intent of achieving the following:</p> <ul style="list-style-type: none"> • using planting and landscape elements appropriate to the scale of the development and relative to existing character • improve the energy efficiency and solar efficiency of dwellings and the microclimate of open space • provides substantial deep soil depths to enable the growth of mature trees • minimise maintenance by using robust landscape elements.
<p>Principle Seven : Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>Response</p> <p>Each unit has private recreation area either on balconies or ground floor terraces to the ground floor units, of which have functional areas and configuration conducive to recreational use. The private recreation areas are directly accessible from the internal living areas and benefit from good solar access.</p> <p>70 per cent of units have dual aspect for cross ventilation and 80 per cent of units have northerly exposure to sunlight.</p> <p>Privacy between balconies has been maintained through the use of blade walls, and moveable louvered screens.</p>

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

<p>Principle Eight : Safety and Security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>Response</p> <p>The following design initiatives have been incorporated:</p> <ul style="list-style-type: none"> • the design utilises direct access from the public domain to one of the front entrances • building entrances are oriented where practicable towards the public street • the balconies protrude beyond the building alignment permitting causal surveillance • lighting details will be furnished in accordance with Australian Standards at the lodgement of the Construction Certificate.
<p>Principle Nine : Social Dimensions</p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>Response</p> <p>The locality has been zoned to permit flat building developments.</p> <p>The proposal incorporates a broad range of units with different characteristics and each offers a good level of amenity.</p>
<p>Principle Ten : Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>Response</p> <p>The proposed development has been suitably treated and includes appropriate finishes to have a high aesthetic content.</p> <p>The proposal provides an appropriate mix of finishes and an appropriate scale and form of building. The proposed design reflects contemporary design initiatives.</p>

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

2.3 Residential Flat Design Code (RFDC)

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the publication Residential Flat Design Code (RFDC). It should be noted that the RFDC is a set of guidelines and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met.

An assessment of the application against the RFDC prepared by Council is presented below. The proposal departs from some of the recommended standards, however these departures are considered to be justified on the basis that the objectives of the standards have been met. Each proposed departure from the Code is discussed in detail after the following table.

Control	Required	Proposed	Compliance
Building depth	Max. 18m	16.7m	Yes
Building separation (up to four storeys)	12m between habitable rooms/balconies.	While the building has a minor fifth storey component, given the nature of the fifth storey, the assessment has been based on a four storey building and the relevant requirements for a building of that size.	Yes - See discussion
		7.6m (between the apartment building and the existing dwelling at No. 50 Carlisle Street).	No
		9.5m (between the apartment building and the existing multi dwelling at No. 5 Norfolk Street).	No
		13.5m (between the proposed apartment building and the existing dwelling at No. 12A Nardoo Street).	Yes
		13.5m (between the proposed apartment building and the existing dwelling at No. 12A Nardoo Street).	Yes
	9m between habitable and non-habitable.	No instances of this proposed.	N/A
	6m between non-habitable.	No instances of this proposed.	N/A

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
Deep soil zones	25 per cent of the open space area should be a deep soil zone.	Open space area located on the top of the building is 622.17sqm. Minimum required deep soil zone is 155.54sqm. A total of 60.42 per cent (375.9sqm) of deep soil zone would be provided at ground level.	Yes
Open space	Communal open space should be 25-30 per cent of site area located with deep soil planting at ground level. 25sqm private open space per ground floor dwelling, 4m width.	Communal open space located on top of building is 31.9 per cent (622.17sqm) of site area. This area includes the planter boxes and excludes the enclosed recreation rooms. Other than unit 2, all ground floor dwellings have >25sqm POS with >4m width.	No Partial non-compliance

Control	Required	Proposed	Compliance
Site access	Vehicular access - Limit driveway width to 6m.	Basement entrance 5.5m - 8.15m	No
Apartment layout	Single-aspect apartments limited in depth to 8m from a window. The back of kitchen should be no more than 8m from a window.	Some single-aspect apartments are greater than 8m in depth from a window. Kitchens are within 8m from a window.	No Yes
Apartment mix	Provide diversity of apartment types.	Good mix of studios, one, two and three bedroom apartments.	Yes
Suggested Apartment Sizes	Studio apartment - 38.5sqm. One bedroom apartment - 50sqm. Two bedroom apartment - 80sqm recommended, but rule of thumb allows 70sqm.	All studio apartments 45.5sqm. One bedroom apartments range between 61.86 - 63.59sqm. Two bedroom apartments range between 70.35 - 89.58sqm.	Yes Yes Yes

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	Three bedroom apartment - 124sqm recommended, but current Apartment Design Guide allows 90sqm.	All three bedroom apartments 90.07sqm.	Satisfactory
Balconies	Provide balconies for all units - min. depth of 2m.	Balcony depth ranges 2 - 3.17m.	Yes
Ceiling heights	2.7m minimum	Floor to ceiling 2.85m high.	Yes
Ground floor apartments	Optimise number of ground floor apartments with separate entries and access to private open space.	All ground floor units have separate external entries to private open space and terraces.	Yes
Internal circulation	Entry from corridor to maximum eight units.	Each floor contains 10 apartments which are accessed from shared corridors.	No
Storage	Studio apartment - 6m ³	All 6m ³ or greater.	Yes
	One bedroom apartment unit - 6m ³	All 6m ³ or greater.	Yes
	Two bedroom apartment unit - 8m ³	All 8m ³ or greater.	Yes
	Three bedroom apartment unit - 10m ³	All 10m ³ or greater.	Yes
Solar access	70 per cent of units to receive three hours of solar access to living rooms and POS between 9.00am and 3.00pm on 21 June.	70 per cent of apartments will receive compliant solar access to living rooms (28 of 40).	Yes
		72.5 per cent of apartments will receive compliant solar access to POS (29 of 40).	Yes
	Max. 10 per cent of apartments to be single-aspect with southerly aspect (SW-SE).	No single-aspect apartments with a southerly aspect. All south facing apartments have dual aspects.	Yes
Natural ventilation	60 per cent of units to be naturally cross ventilated.	80 per cent of units would be naturally cross ventilated (32 of 40).	Yes

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	25 per cent of kitchens to have access to natural ventilation.	80 per cent of kitchens would have access to natural ventilation.	Yes
Building Form	Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	Satisfactory	Yes
	Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to:	Satisfactory	Yes
	- defining a base, middle and top related to the overall proportion of the building	Satisfactory	Yes
	- expressing key datum lines in the context using cornices, a change in materials or building set back	Satisfactory	Yes
	- expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions	Satisfactory	Yes
	- expressing the variation in floor to floor height, particularly at the lower levels	Satisfactory	Yes

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> - articulating building entries with awnings, porticos, recesses, blade walls and projecting bays 	Satisfactory	Yes
	<ul style="list-style-type: none"> - selecting balcony types which respond to the street context, building orientation and residential amenity: cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles 	Satisfactory	Yes
	<ul style="list-style-type: none"> - detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials 	Satisfactory	Yes
	<ul style="list-style-type: none"> - using a variety of window types to create a rhythm or express the building uses, for example, a living room versus a bathroom 	Satisfactory	Yes
	<ul style="list-style-type: none"> - incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, colonnades, pergolas and fences 	Satisfactory	Yes
	<ul style="list-style-type: none"> - using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the facade 	Satisfactory	Yes
	<ul style="list-style-type: none"> - design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation 	Satisfactory	Yes

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	<ul style="list-style-type: none"> - express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height 	Satisfactory	Yes
	<ul style="list-style-type: none"> - coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design 	Satisfactory	Yes
	<ul style="list-style-type: none"> - coordinate security grills / screens, ventilation louvres and car park entry doors with the overall facade design. 	Satisfactory	Yes
Waste management	Supply waste management plan.	Waste management plan submitted and considered by Council's Waste Section to be satisfactory.	Yes

The proposed development is for the most part consistent with the RFDC. While there are some aspects that do not satisfy the numerical recommendations highlighted in the above table, these are discussed in greater detail below:

Building Separation

The RFDC recommends building separation distances between buildings to be proportionate to building height, to facilitate better urban form and improved residential amenity.

While the proposed development is technically five storeys in height, due to the inclusion of a 50.76sqm recreation room on the top of the building, for the purposes of this assessment it is not considered unreasonable to allow the 12 metre building separation standard recommended for a four storey building in lieu of the controls for a five storey building, due to the nature and relatively minor floor area of the fifth storey element and its distance from adjoining property boundaries. Furthermore, all units are contained within the first four storeys and the vast the bulk of the development is only four storeys.

This purpose of this standard is to control the relative bulk and scale of a building and its impact on the surrounding area, and as the fifth storey element is not considered to add to the bulk and scale or have a direct impact on the amenity of the surrounding area, it is not seen as unreasonable to treat the building as a four storey building for the purposes of this standard.

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In this regard, the RFDC recommends for a four storey building, a 12 metre building separation between the habitable rooms/balconies of the proposed residential flat building and the buildings on adjoining sites.

The proposed habitable rooms/balconies of the residential flat building are situated 6 metres from property boundaries, resulting in a building separation of 7.6 metres to 9.5 metres to the habitable rooms/balconies of existing adjoining dwellings.

The proposed development is likely to be the first residential flat building within Norfolk and Carlisle Streets. Due to the high density residential zone of the locality, it is anticipated that future developments within the vicinity will comprise of residential flat buildings. In this scenario, a building separation distance of 12 metres could be achieved, providing that future adjoining residential flat buildings allocate a 6 metre setback. Council's DCP also requires a 6 metre building setback for future residential flat buildings on adjoining lands which assists in achieving the ultimate 12 metres separation distance.

For the time being, the adjoining sites contain one and two storey high buildings with setbacks less than 6 metres. However it is considered the proposed development has been scaled to support the desired character of the area with appropriate massing and spaces between buildings. The proposed development is considered to be satisfactory in terms of visual and acoustic privacy and daylight access to adjacent properties.

In this regard, and despite the current non-compliance with the setback standard, the proposed building separation distances are considered to be satisfactory in this instance is placed well in readiness for future development of adjoining lands.

Open Space - Communal

The RFDC recommends communal open space to be at least 25 to 30 per cent of site the area co-located with deep soil planting at ground level. Open space provides 'breathing space' for residential flat buildings and provides residents with amenity through passive and active recreational opportunities, soft landscaping and deep soil planting, useable and attractive spaces and a pleasant outlook.

The proposed development provides 31.9 per cent of the site area as communal open space located on the top of the building, which is separated from the deep soil planting areas on the ground level.

The RFDC states that communal open space may be accommodated on a roof in a mixed-use building with commercial or retail on the ground floor providing it has adequate amenity. However the proposed development does not involve any commercial or retail components on the ground floor.

While the proposed roof top open space is separated from the deep soil zones, it is considered the roof top open space has been designed to provide adequate amenity to residents. Furthermore, adequate deep soil areas have been provided at ground floor level.

The proposed communal open space has been provided with a roof to provide residents with shade from the sun in summer, shelter from rain/wind, while also allowing for access to the sun in winter.

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Tables, seats and barbeques would be provided to offer residents with opportunities for social interaction. The communal open space area is also complemented by an adjoining and enclosed recreation room.

The perimeter of the roof is proposed to be provided with planter boxes and soft landscaping to enhance visual amenity when viewed from within the space and also from public spaces. A condition has been imposed upon the development consent requiring the perimeter of the communal open space on the top floor of the building to be fitted with appropriate barrier fencing to ensure the space is safe to use and to prevent children from climbing and falling over edges. The communal open space would also offer pleasant views of the surrounding locality.

Having regard to these aspects, the proposed communal open space located on the top of the building is considered to be satisfactory in this instance.

Open Space - Private

The RFDC recommends a minimum of 25sqm of private open space for ground floor units with a minimum dimension in one direction of 4 metres. Proposed unit 2 does not meet with this standard and has 11.28sqm of private open space located on the outdoor terrace.

Despite non-compliance, this is considered satisfactory as unit 2 adjoins the basement vehicle ramp and is only partially located on ground floor with side access to the pedestrian pathway located at ground level.

While an enlarged private open space area could be achieved by reducing the internal floor area of the two bedroom unit, it is considered unnecessary to enforce compliance in this instance, as the terrace will be completely overshadowed due to its southerly orientation.

It is therefore considered more desirable to utilise the overshadowed area as floor area and to have a reduced but still adequate amount of private open space. Generous communal open space would be available on the top of the building with optimum solar access which could be used for a range of passive and recreational opportunities. In this regard, the proposed private open space is considered to be satisfactory in this instance.

Site Access

The RFDC recommends limiting vehicle access driveways to 6 metres wide so as to integrate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety, and to encourage active street frontages.

The proposed width of the driveway ranges from 5.5 metres to 8.15 metres.

The combined lane width is predominantly 5.5 metres wide which complies with the Australian Standard 2890.1 minimum width. The driveway widens to 8.8 metres at the property boundary due to the need for sight triangles to be provided so as to provide necessary sight distances to approaching pedestrians and vehicles and to prevent visual obstruction in accordance with the Australian Standards.

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The width of the driveway is not detrimental to the character of the street. The site benefits from two wide street frontages that would incorporate various landscape treatments. The width of the driveway is considered insignificant compared to combined width of both street frontages. The vehicle entry to the basement has been setback substantially from the street and provided with a security roller door which would avoid a 'black hole' in the building façade.

Having regard to these aspects, the proposed driveway width is considered to be satisfactory in this instance.

Apartment Layout

The RFDC recommends that single-aspect apartments be limited in depth to 8 metres from a window.

Units 5, 6, 15, 16, 25, 26, 35 and 36 are all single aspect rooms that are 8.8 metres from a window. This is considered acceptable as all the habitable rooms, including the bedroom, living, study, dining and kitchen have been designed to be located within 7 metres from a window.

Only the bathroom and laundry are located outside of the 8 metres depth which are non-habitable rooms. Therefore adequate internal residential amenity would be provided to living areas for occupants.

All eight units are oriented in a northerly direction and would receive adequate solar access. Three windows would be provided within each unit to promote ventilation of living and kitchen areas.

Therefore, it is considered the proposed depth of single aspect apartments from a window is satisfactory in this instance.

Apartment Size - Two bedroom apartments

The RFDC recommends that two bedroom corner apartments have a minimum floor area of 80sqm to allow well-organised, functional and high quality apartment layouts.

Proposed units 2, 12, 13, 22, 23, 32 and 33 have a floor area ranging from 70.35sqm to 71.03sqm.

While the proposed units are less than the floor area mentioned for 'high quality apartments', it is acknowledged the RFDC provides a 'rule of thumb' which allows a minimum floor area of 70sqm for two bedroom apartments in order to promote housing affordability. However it is noted that apartment size is only one factor influencing affordability.

The proposed sizes of the units are considered capable of providing occupants with adequate residential amenity. All bedrooms and bathrooms have a window in an external wall and do not rely on borrowing daylight and ventilation from other rooms. The spatial arrangement of the apartments are relatively well organised and indicate the usability and functionality of the space. All living areas are located adjacent to private open space.

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Therefore, it is considered the proposed size of the two bedroom apartments is satisfactory in this instance.

Apartment Size - Three bedroom apartments

The RFDC recommends that three bedroom apartments have a minimum floor area of 124sqm. The proposal provides units 7, 17, 27 and 37 (three bed units) with a size of 90.07sqm in floor area.

While the proposed units are less than the floor area mentioned for 'high quality apartments', it is acknowledged the RFDC provides a 'rule of thumb' which allows a minimum floor area of 95sqm for three bedroom apartments in order to promote housing affordability.

On assessment, and despite the RFDC 'rule of thumb', the proposed sizes of the units are considered capable of providing occupants with adequate residential amenity. The apartments are located on the corner of the building with north-easterly and north-westerly aspects. All living areas and private open spaces would receive ample daylight. Each unit would contain seven windows which would enable natural ventilation. The living areas have been oriented towards the primary outlook and away from neighbouring windows. All living areas are located adjacent to private open space.

The spatial arrangement of the apartments is considered satisfactory with respect to usability and functionality of the space.

It should also be recognised that since the lodgement of the development application, the NSW Government concluded its extensive review of SEPP 65 including the overhaul of the Residential Flat Design Code into the Apartment Design Guide (ADG). The changes were made to support further improvements in apartments design and to facilitate housing supply and affordability. The changes were adopted and officially commenced on 17 July 2015.

Under the new ADG, three bedroom units are permitted and accepted with a minimum floor area of 90sqm. While the proposed three bedroom unit sizes do not satisfy the RFDC requirements current at the time of the lodgement of the development application, the dimensions satisfy the current ADG numerical standards being three bedroom units with areas not less than 90sqm.

It is important to note that should a development proposal with the same apartment sizes to that of the proposal subject of this report be lodged today, the proposal would comply with the apartment size requirements of the ADG, and as such it is not considered unreasonable in the circumstances to allow the three bedroom unit size proposed under this application despite its non-compliance with the redundant RFDC.

Therefore, it is considered the proposed size of the three bedroom apartments is satisfactory in this instance.

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Internal Circulation

The RFDC recommends that a maximum of eight units be accessed from a shared hallway. Exceptions may be permitted where developments can demonstrate the achievement of the desired streetscape character and entry response and where developments can demonstrate a high level of amenity for common lobbies, corridors and units.

The proposed development involves ten units accessed from a shared hallway on each level.

The overall building height, scale, setbacks, materials, colours and landscaping are considered to be compatible with the desired streetscape character of the high density zone. Building elements such as balconies, window projections and blade walls have been integrated into the façade design and built form. All corner apartments are expressed through articulation.

The main entry is distinguished through the use of vertical building elements such as columns and blade walls and is well defined by a change in colour from the surrounding façade. The entry is provided with an awning for rain and shade protection. The multiple private entries of ground floor units also activate the street and create visual interest.

Hallway widths range from 2 metres to 3.16 metres. It is considered the width of the hallways would allow for comfortable movement and access, particularly outside of lifts, apartment entry doors and the entrance lobby. The hallway would be provided with windows facing Carlisle Street which would offer natural light and potential ventilation. The ceiling height of hallways and apartments would be 2.85 metres, exceeding the minimum ceiling height of 2.7 metres. To service the increased number units, two elevators and garbage chutes would be provided to each level.

Having regard to these aspects, the proposed number of units accessed from a shared hallway is considered to be satisfactory in this instance.

2.4 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site was zoned 10(b) – District Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (Urban Area LEP) being the relevant planning instrument at the time the application was lodged. The proposed development is defined as a residential flat building, and is permissible with Council's development consent within the zone.

- (a) to provide space for a wide range of retail, commercial and like needs to serve the districts within the City of Campbelltown, and
 - (b) to encourage employment and business activities in order to promote the economic well-being of the community, and
 - (c) to accommodate a range of cultural, entertainment and like facilities for the benefit of the community, and
-

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- (d) to permit limited industrial uses that are compatible with the proper operation of a commercial centre serving a district, and
- (e) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.

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

Consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone. The proposed development is consistent with objective (e) listed above, as it proposes a higher density form of housing in a location which is highly accessible to public transport, employment, retail, commercial and service facilities. In addition, the proposed development is consistent with the further objective of the zone (encouraging a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development). As discussed earlier in the report, despite the proposed variations to the recommended standards of the RFDC, the proposal is considered to be satisfactory as it responds to the context of the site well and satisfies the objectives of the applicable recommended standards. Council is therefore able to approve the application should it deem it appropriate to do so.

Town Centre within Zone 10(b)

Clause 65 of the Urban Area LEP states the following:

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

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

2.5 Draft Campbelltown Local Environmental Plan 2014

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

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Zoning

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

The objectives of the R4 zone are as follows:

- to provide for the housing needs of the community within a high density residential environment
- to provide a variety of housing types within a high density residential environment
- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to encourage high density residential development in close proximity to centres and public transport hubs
- to maximise redevelopment and infill opportunities for high density housing within walking distance of centres
- to enable development for purposes other than residential only if that development is compatible with the character and scale of the living area
- to minimise overshadowing and ensure a desired level of solar access to all properties.

The proposed development satisfies these objectives.

Height of Buildings

The objectives of this clause are as follows:

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

Under the draft CLEP, the maximum building height applying to the subject site is 15 metres (regardless of the number of storeys), whereas the residential flat building was originally lodged with a height of 23.1 metres. Notwithstanding this, the original proposal was amended with the residential flat building subject of this report now having a maximum height of 18 metres when the fifth storey element is considered. When considering the four storey residential element, the maximum ceiling height of the residential component of the building is under 15 metres, with an external facade parapet at the top of the building extending approximately 1.2 metres above the 15 metre height limit.

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The applicant has sought a variation to this draft instrument with the following justification:

- the proposed residential flat building including the proposed variation to the building height is consistent with the objectives for development within the R4 High Density Residential Zone under the draft LEP
- the proposal is consistent with the objectives of the height of building development standard
- the proposal will not have any unreasonable environmental impacts on any adjoining property
- the proposal will not create an unreasonable shadowing effect on the adjoining residential properties due to the orientation of the subject site to north
- the proposed building height is a reflection of the new intended scale of development outlined in the draft Ingleburn Structure Plan 2014
- the subject variation will not create a precedent as the development is consistent with Council's strategic objectives for the area.

It is considered that based on the matters of justification provided above, the non-compliance with the draft CLEP height limits, having regard to the fact that the height of the development (given its built form) is unlikely to have a significantly adverse impact on the locality, is not considered unreasonable in this instance. It is further noted the part of the building above 15 metres contains the necessary communal open space, the recreation room and the architectural roof feature which positively contributes to the building design and overall visual relief of the building across the skyline.

2.6 Campbelltown (Sustainable City) Development Control Plan 2014

The application has been assessed under the provisions of the Campbelltown (Sustainable City) Development Control Plan 2014 (SCDCP), as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2015 came into effect.

Part 2 – Requirements Applying to All Types of Development

Views and Vistas - The proposal would be sited on relatively level land and would not obstruct any of Campbelltown's important views and vistas.

Sustainable Building Design - A BASIX Certificate (No. 594868M_02) has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met. Two 4,000 litre rainwater tanks would be provided on the top of the building to enhance the sustainability and to facilitate the watering of the roof top landscaping.

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Landscaping - A landscape plan has been prepared by the architect incorporating native species. Landscape planting would be provided within the private open spaces of ground floor units. Planting would be provided within front setbacks to contribute to streetscape character and soften the bulk of the development. Planter boxes would be provided around the perimeter of the roof top communal open space to enhance internal and external amenity. External footpaths would be provided to all ground floor units.

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

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

Retaining Walls - In the case of retaining walls constructed to support proposed cut on an allotment, the retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut. The proposed development involves retaining walls 300mm to 500mm from the adjoining property to support the entrance to the basement. The wall is noted as being designed to engineering specifications and is therefore considered satisfactory.

Security - The distinction between private and public spaces is reinforced through the use of level change, planter boxes, landscaping, picket fencing and private footpaths. Causal surveillance opportunities would be provided to the street from habitable room windows, balconies and terraces. It is considered the proposal is capable of being provided with an appropriate level of illumination to prevent dark alcoves along corridors and walkways.

Waste Management - A Waste Management Plan has been submitted regarding the demolition, construction and ongoing waste generation caused by the development.

With respect to ongoing waste management, Council would require the care taker to transport bins from the basement to the temporary bin holding bay located adjacent to the property boundary and Norfolk Street.

Council would arrange for its contractor to perform a walk in walk out service which involves collecting the bins from the temporary bin holding bay, loading the bins to the adjacent waste vehicle, returning the emptied bins back to the temporary holding bay, after which the caretaker would return the bins back to the building.

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Part 5 – Residential Apartment Buildings

Control	Required	Proposed	Compliance
Building Height	Four storeys	While the building has a minor five storey component, given the nature of the fifth storey, the assessment has been based on a four storey building and the relevant requirements for a building of that size.	Yes
Building Design	<p>Building design shall consider foremost the qualities (both natural and built) and character of the surrounding area including the significance of any heritage item on land.</p> <p>Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes:</p>	No heritage items on land or surrounding land. Built character consistent with desired future character.	Yes
	<p>i) Incorporation of appropriate facade treatments that helps the development to properly address the relevant street frontages, key vistas and to add visual interest to the skyline.</p>	Complies	Yes
	<p>ii) Incorporation of articulation in walls, variety of roof pitch, architectural features (balconies, columns, porches, colours, materials etc.) into the facade of the building.</p>	Complies	Yes
	<p>iii) Variation in the planes of exterior walls in depth and/or direction.</p>	Complies	Yes
	<p>iv) Variation in the height of the building so that it appears to be divided into distinct base, middle and top massing elements.</p>	Complies	Yes

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Control	Required	Proposed	Compliance
	v) Articulation of all building's facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used.	Complies	Yes
	vi) Utilisation of landscaping and architectural detailing at the ground level.	Complies	Yes
	vii) Avoidance of blank walls at the ground and lower levels.	Complies	Yes
	Building design shall demonstrate to Council's satisfaction that the development will:		
	i) Facilitate casual surveillance of and active interaction with the street.	Complies	Yes
	ii) Be compatible with a higher density character where schedule 1 applies.	Complies	Yes
	iii) Be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building.	Complies	Yes
	iv) Maximise cross flow ventilation, therefore minimising the need for air conditioning.	Complies	Yes
	v) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised.	Complies	Yes

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Control	Required	Proposed	Compliance
	vi) Building materials shall be high quality, durable and low maintenance.	Complies	Yes
	vii) Within the Ingleburn Business Centre the location of a residential apartment building shall be in accordance with Figure 5.3.4.	Complies	Yes
Site Services	<p>Development shall ensure that adequate provision has been made for all essential services (i.e. water, sewerage, electricity, gas, telephone, broadband and stormwater drainage).</p> <p>All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.</p> <p>All communication dishes, antennae and the like shall be located to minimise visual prominence.</p> <p>An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.</p>	<p>Substation location shown. Stormwater plan provided.</p> <p>No roof mounted services shown.</p> <p>No communication dishes shown.</p> <p>Condition of consent to comply.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Minimum Site Area/Width	1,200sqm site area 30m width	2,073.5sqm 43.90m - 47.25m	Yes Yes
Setbacks	5.5m from street boundary. 6m from any other boundary.	5.5m 6m from side and rear boundaries.	Yes Yes
Amalgamation	Site shall be amalgamated where required.	Condition of consent to comply.	Yes

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Control	Required	Proposed	Compliance
Design Requirements	A minimum of 5 per cent of the total number of dwellings within a residential apartment building shall be one bedroom apartment(s) or a studio(s).	32.5 per cent of units are one bedroom and studio apartments (13 of 40).	Yes
	A minimum of 10 per cent of the total number of dwellings within a residential apartment building shall be adaptable dwelling(s).	1 per cent of dwellings will be adaptable dwellings (4 of 40).	Yes
	The floor space occupied by each dwelling within a residential apartment building shall not be less than:		
	i) 40sqm in the case of a studio apartment.	All larger than 40sqm.	Yes
	ii) 60sqm in the case of a one bedroom apartment.	All larger than 60sqm.	Yes
	iii) 90sqm in the case of a two bedroom apartment.	All are less than 90sqm. Areas range 70.35sqm - 89.58sqm.	No However complies with Residential Flat Design Code
	iv) 125sqm in case of a three bedroom apartment or more.	All are less than 125sqm. All areas are 90.07sqm.	No However meets new Apartment Design Guide
	A maximum of eight dwellings shall be accessible from a common lobby area or corridor on each level of a residential flat building.	Ten dwellings would be accessed from a common lobby area.	No
	All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space. Further, the lifts shall extend to provide access to the roof space if the roof is intended for use by occupants of the building as a roof terrace.	Two lifts to provide access between basement parking levels and all floors within the building including communal open space on the top of the building.	Yes
	A maximum of 50 dwellings shall be accessible from a single common lift.	40 dwellings would be accessible from two common lifts.	Yes

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Control	Required	Proposed	Compliance
	Access to lifts shall be direct and well illuminated.	Centralised lifts that could be adequately illuminated.	Yes
	A minimum of 25 per cent of the required open space area, or 15 per cent of the total site area, whichever is the greater, shall be available for deep soil planting.	Greater than 15 per cent of the open space area would constitute a deep soil zone.	Yes
Car Parking and Access	All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended).	All car parking and access for vehicles, including accessible spaces indicate compliance with AS2890 parts 1 and 2 (as amended).	Yes
	The minimum dimensions of any parking space shall be 2.5m x 5.5m.	All spaces indicate compliance.	Yes
	The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.	2.75m wide however all spaces comply with AS2890 at 2.7m wide.	Satisfactory
	For development incorporating 75 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.	Less than 75 dwellings proposed, however traffic report provided. Proposal would have minimal impact on surrounding road network.	Yes
	Where existing, vehicular entry points shall be located at the rear or side streets.	Vehicle access proposed from Carlisle Street.	Yes
	Development containing three or more storeys shall provide all required car parking at basement level.	All parking to be provided at basement level.	Yes
	Each dwelling shall be provided with a minimum of one car parking space, and: i) an additional car parking space for every four dwellings (or part thereof); and	40 + 10 +	Yes

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Control	Required	Proposed	Compliance
	<p>ii) an additional visitor car parking space for every 10 dwellings (or part thereof)</p> <p>No required car parking space shall be in a stacked configuration.</p> <p>Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property.</p>	<p>4 Total spaces required = 54 Total provided = 54</p> <p>No stacked car parking spaces.</p> <p>Space for eight bicycles required. Eight bicycle spaces provided.</p>	<p>Yes</p> <p>Yes</p>
Solar Access	<p>Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.</p> <p>A minimum 20sqm area of the required private open space on adjoining land (having a minimum width of 3m), shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.</p>	<p>Building has been oriented and sited to maximise sunlight to living areas and open space areas.</p> <p>The adjoining dwellings would continue to receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.</p>	<p>Yes</p> <p>Yes</p>
Balconies and Ground Level Courtyards	<p>Apartments shall be provided with a private courtyard and/or balcony.</p> <p>Courtyards / balconies shall be:</p> <p>i) not less than 8sqm in area and have a minimum depth of 2m</p> <p>ii) clearly defined and screened for private use</p> <p>iii) oriented to achieve comfortable year round use</p> <p>iv) accessible from a main living area of the apartment.</p>	<p>All apartments have a courtyard or balcony.</p> <p>Smallest balcony area is 7.99sqm. Smallest balcony depth is 2m.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p> <p>Satisfactory</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
Privacy	<p>Ground level apartments, incorporating a courtyard shall be provided with a privacy screen.</p> <p>No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9m of the proposed window or balcony.</p> <p>Notwithstanding 5.4.7(b) a window of a habitable room may be permitted only where it:</p> <ul style="list-style-type: none"> i) is offset by 2m to limit views between windows, or ii) has a sill height 1.7m above the floor level, or iii) is splayed to avoid direct views between windows, or iv) has a fixed translucent glazing in any part of the window within 1.7m of the floor level, or v) is otherwise appropriately screened <p>Notwithstanding 5.4.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.</p>	<p>Ground level apartments courtyards are separated with 1.2m high fences.</p> <p>Windows of habitable rooms as well as balconies do not overlook adjoining habitable rooms and balconies. Where there is potential for overlooking to occur, 1.8m highlight windows and privacy screens have been provided which integrate with the building design.</p>	<p>Yes</p> <p>Yes</p>
Communal Recreation Facilities	<p>Each residential apartment building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising:</p> <ul style="list-style-type: none"> i) A recreation room with a minimum area of a 50sqm per 50 dwellings (or part thereof); and 	<p>50.76sqm recreation room provided for 40 apartments.</p>	<p>Yes</p>

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	<p>ii) A BBQ/outdoor dining area with a minimum area of 50sqm per 50 dwellings (or part thereof).</p> <p>Communal recreation facilities shall not be located within the primary or secondary street boundary setback.</p> <p>All communal recreational facilities shall be provided on the same land as the residential apartment building.</p> <p>Communal open space provided on the roof of a building shall not be included as part of the required communal open space.</p> <p>All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential units within a staged development.</p>	<p>BBQ/outdoor dining area larger than 50sqm to be provided.</p> <p>Complies</p> <p>Complies</p> <p>The required communal open space area is provided on the top of the building.</p> <p>Condition of consent to comply.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>
Waste Management	<p>All buildings shall be provided with household garbage bins at the following rates:</p> <p>i) a 240L bin/three dwellings/week for household garbage; or</p> <p>ii) 1,000L bulk bin/12 dwellings or part thereof</p> <p>All buildings shall be provided with dry recyclable bins at the rate of a 240L bin /three dwellings / fortnight for dry recyclable.</p>	<p>Council's Waste Section has no objections to the waste storage capacity proposed.</p>	<p>Yes</p>

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	All buildings with a rise of four storeys or more shall make provision for a household garbage chute on each level which is accessible for all occupants.	Household garbage chute on each level provided.	Yes
	All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level.	Complies	Yes
	Garbage chutes shall not be located adjacent to habitable rooms in each apartment.	Garbage chutes adjacent to hallways.	Yes
	Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room.	Garbage chutes would feed into garbage containers.	
	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.	Secured with security roller door.	Yes
	The development shall make provision for an appropriately sized communal bin storage room(s) that provides convenient access for occupants and collection contractors.	An appropriately sized bin storage room is proposed at basement level. A caretaker could transport bins to street level for collection or a private contractor could manoeuvre a waste collection vehicle into the basement for collection.	Yes
	The storage room shall:		
	i) be located behind the primary and secondary building alignment	Complies	Yes

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	ii) have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)	Condition of consent to comply.	Yes
	iii) be graded and drained to a Sydney Water approved drainage fitting	Condition of consent to comply.	Yes
	iv) have coving at all wall and floor intersections	Condition of consent to comply.	Yes
	v) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned	Condition of consent to comply.	Yes
	vi) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock	Condition of consent to comply.	Yes
	vii) have a self-closing door openable from within the room.	Condition of consent to comply.	Yes
	Bin storage rooms shall be ventilated by:	Condition of consent to comply.	Yes
	i) a mechanical exhaust ventilation system; or		
	ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the room.		

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	<p>Exterior doors of communal bin storage rooms shall be:</p> <ul style="list-style-type: none"> i) consistent with the overall design of the building ii) located away from the frontage of the building and iii) (if collection service is to be carried out by Council), fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door. 		
	All bin storage rooms and service rooms shall be constructed in such a manner to prevent the entry of vermin.	Condition of consent to comply.	Yes
	Waste collection contractors shall have adequate access to bin storage rooms for collection of waste as required.	Condition of consent to comply.	Yes
	Signage on the use of the waste management system shall be displayed in all bin storage rooms.	Condition of consent to comply.	Yes
	Any mechanical compaction device within the building shall comply with the following requirements:	Condition of consent to comply.	Yes
	<ul style="list-style-type: none"> i) maximum compaction rate of 2:1 ii) designed to accommodate general household garbage only and iii) not be used to compact recyclables 		

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Control	Required	Proposed	Compliance
	Any development containing 30 or more dwellings shall be designed to accommodate a 'Wheel-Out Wheel- Back' service or a 1,000L bulk bin on-site collection service. A Wheel-Out Wheel-Back service shall meet the following requirements:	Wheel-out wheel-back service proposed.	Yes
	i) bins shall be no larger than 240L capacity	240L bins	Yes
	ii) the maximum grade of any path of travel between the collection point and the bin storage area shall be 1V:8H	The driveway ramp has a grade of 1:5.	Yes
	iii) the maximum distance between the collection point and the bin storage area shall not exceed 25m.	Temporary bin holding bay within 8.2m to 16.4m of Norfolk Street.	Yes

Building Height

The SCDCP specifies a maximum building height of four storeys for the locality.

The proposed building height is five storeys, due to the provision of the recreation room on the top of the building. The recreation room is enclosed and has an area of 50.76sqm.

It is considered the recreation room would complement the recreational activities associated with the use of the communal open space and the room is unlikely to cause an adverse impact on the amenity of the surrounding community.

It is noted that the major bulk of the building is four storeys and all of the residential units are contained within the first four storeys. The recreation room is setback from the Norfolk and Carlisle Streets and is contained within the architectural roof feature which is considered to be the main visual focus. The recreation room is unlikely to be visually intrusive from street level and as such, is not considered to directly add to the immediate bulk and scale of the building.

Having regard to the design of the recreation room, it is considered the additional storey would not bring about any significant impacts than if the building was only four storeys and would not result in an unacceptable impact on the amenity of adjoining properties in terms of privacy or overshadowing.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

The proposed variation is considered to be consistent with the objectives of the zone and the desired future character of the area and is therefore considered satisfactory in this instance.

Apartment Size - Two bedroom apartments

Clause 30A of SEPP 65 (Design Quality of Residential Flat Development) states that Council must not refuse consent to a residential flat building on the basis of apartment area if it satisfies the numerical apartment size requirements of the RFDC.

The proposed development contains seven two bedroom units with floor areas ranging from 70.35sqm to 71.03sqm.

The SCDGP specifies that two bedroom units are to have a minimum size of 90sqm.

The RFDC recommends that two bedroom corner apartments have a minimum floor area of 80sqm to allow well-organised, functional and high quality apartment layouts.

The RFDC also provides a 'rule of thumb' which allows a minimum floor area of 70sqm for two bedroom units in order to promote housing affordability.

The size of the proposed two bedroom units are considered acceptable in this instance as they comply with the RFDC rule of thumb of 70sqm to promote housing affordability.

Apartment Size - Three bedroom apartments

The proposed development contains four three bedroom units with floor areas of 90.07sqm.

The SCDGP specifies that three bedroom units are to have a minimum size of 125sqm.

The RFDC recommends that three bedroom units have a minimum floor area of 124sqm to allow well-organised, functional and high quality apartment layouts.

The RFDC also provides a 'rule of thumb' which allows a minimum floor area of 95sqm for three bedroom units in order to promote housing affordability.

The proposed three bedroom units do not comply with the apartment size specified by the RFDC current at the time of the lodgement of the development application.

However, it is relevant to note the new Apartment Design Guide (superseded the RFDC) now permits three bedroom units with a minimum floor area of 90sqm, under which the proposal would be assessed if the application was lodged today.

In this regard, it is not considered unreasonable for the proposed variation to the size of the three bedroom units, required under the RFDC.

Internal Circulation

The proposed development involves ten units accessed from a shared hallway on each level.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

The SCDCP specifies that a maximum of eight dwellings shall be accessible from a common lobby area or corridor on each level of a residential building.

The RFDC also recommends that a maximum of eight units be accessed from a shared hallway.

The proposed variation to the number of units accessed from a shared hallway has been justified earlier under the RFDC section of this report and is considered acceptable in this instance.

Communal Open Space

The SCDCP specifies that communal open space provided on the roof of a building shall not be included as part of the required communal open space.

The proposed development involves 622.17sqm of communal open space located on the top of the building.

The ground floor level does not provide communal open space that is usable for passive and active recreational activities.

The SCDCP specifies that communal open space may be provided on the roof of a building for mixed use developments. However the proposed residential apartment building is not a mixed use development.

The proposed variation to the location of the communal open space has been justified earlier under the RFDC section of this report and is considered acceptable in this instance as by locating the communal open space on the roof ensures a usable large area is provided benefits residents.

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.

It is considered the impacts of the development on the natural environment would be minimal. The proposal involves the removal of three Camphor Laurel trees which are recognised as weed species and not worthy of retention. Stormwater would be collected and discharged into the stormwater pit situated in Norfolk Street.

It is considered the impacts of the development on the built environment would be positive. The proposal would enhance the appearance of the built environment as the existing aged dwellings would be demolished and replaced with an architecturally designed residential flat building. The building has been articulated to address the corner of Norfolk and Carlisle Streets.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

The proposed building height, building bulk and scale, setbacks, architectural style and materials and landscape planting and fencing are considered to be compatible with the desired future character of the area.

The design of the proposal has given satisfactory regard to the amenity of existing adjoining residential dwellings, in terms of separation, privacy and overshadowing.

An architectural roof feature has been added to compose and express the building. The design of the roof would provide a positive addition to the character of the area and form part of the skyline.

The developments traffic generation, waste management and flooding affectation are discussed as follows:

Traffic Generation

The application was accompanied by a Traffic and Parking Impacts Report, prepared by TEF Consulting, dated 25 February 2016. The report states the total additional traffic generated by the proposed development would be five additional trips during the AM peak and three additional trips during the PM peak.

The report states the additional traffic from the proposed development will be minimal and will have no negative impacts on street network operation. The report states the proposed parking provision complies with Council's Development Control Plan requirements and the design of access, car parking and servicing facilities complies with the relevant standards. The report concludes the proposed development is supportable on traffic and parking grounds.

The report was referred to Council's City Works and was considered satisfactory. While City Works does not agree with the peak hour traffic generation of 0.19 (am) and 0.15 (pm) trips per unit, additional calculations were undertaken using more appropriate rates of 0.67 (am) and 0.22 (pm) trips per unit in which the proposal showed no marked increase in traffic volumes in the area. Council's City Works also confirmed the proposed retaining wall adjoining the driveway complies with the sight line requirement for pedestrian safety.

Waste Management

The application was referred to Council's Waste and Recycling Services. A response was received which confirmed the proposed use of 240 litre bins and a temporary bin holding area is appropriate. The bin holding area is located between 3 metres to 11.2 metres from the boundary of Norfolk Street.

The caretaker would transfer the bins from the basement bin room to the temporary holding area the day before collection. Council would then arrange for its contractor to provide a 'walk-in walk-out' service to and from the temporary holding area. The caretaker would then return the empty bins to the building for use.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

It is considered the proposed use of the temporary bin holding bay is beneficial as it would maintain higher levels of on-street car parking, as bins would not be presented to the kerb for an extended period of time awaiting collection.

The design of the temporary bin holding area would be set at 90 degrees to the street and adjacent to the side boundary and behind site landscaping to reduce unsightliness.

Flooding Affection

The site is identified as being a flood control lot with respect the 1 per cent Annual Exceedance Probability (AEP) flood. The application was referred to Council's Technical Services section.

A response was received which advised the levels of the proposed building appear to comply with the minimum required levels for the 1 per cent AEP flood event.

3.2 Social and Economic Impacts

It is considered the social and economic impacts of the proposed development would be positive.

Socially, the proposal would contribute to the supply of housing choices within Ingleburn. The location of the site would benefit from the services offered by the Ingleburn town centre and broader region due to its close proximity to commercial premises, educational establishments and public transport.

Economically, it is considered the proposal is beneficial to the local economy overall with construction workers being employed during the construction phase of the development and future residents spending in the local economy once the building is complete.

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.

It is considered the proposed development is of a scale and design that is suitable for the site. No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

4. Public Participation

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

The application was notified between 23 February 2015 and 9 March 2015 and publicly exhibited in the newspaper, Ingleburn and Campbelltown libraries as well as at Council's Civic Centre.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

During the notification period, four submissions were received. A discussion of the matters raised is below.

Issue 1: The proposed building may result in a loss of privacy to nearby properties.

Comment: The proposed building is setback 6.0 metres from the neighbouring boundaries. Where proposed living areas or balconies would overlook windows or private open space of adjoining dwellings, privacy screens have been incorporated. Planter boxes would be provided around perimeter of the communal open space to prevent overlooking. Accordingly, the privacy of the adjoining dwelling would not be significantly affected by the proposed development.

Issue 2: Potential impacts on the supply of utility services including water, gas, electricity and sewerage.

Comment: The applicant is required to satisfy the requirements of the relevant servicing authority prior to the issue of a construction certificate.

Issue 3: The proposed development may cause traffic congestion.

Comment: A Traffic and Parking Impacts Report has been submitted demonstrating the proposal would cause minimal impacts on the operation of the surrounding street network. Council's City Works also assessed the proposal using higher traffic generation rates and confirmed there would be no unacceptable increase in traffic volume in the area. A total of 54 off street car parking spaces would also be provided which satisfies Council's development controls.

Issue 4: Concern was raised regarding the safety of the drop off and pick up zone of the nearby school with respect to increased traffic caused by the development.

Comment: It is considered that any vehicles using the road network are required to comply with road rules and park legally.

Issue 5: Potential dust and noise concerns caused by vehicles and construction activity.

Comment: It is acknowledged that vehicles and construction activity may generate dust, noise and odour; however these impacts are considered to be temporary and acceptable. Appropriate conditions of consent have been included to mitigate potential negative impacts on nearby and adjoining residences.

Issue 6: The proposal may result in an increase of unauthorised dumping of rubbish in the area.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Comment: Council officers actively monitor Ingleburn area for the unauthorised dumping of waste. The development provides adequate residential waste management facilities and servicing arrangements. Any demolition and construction waste generated would need to be disposed of appropriately by the developer.

Issue 7: The proposed development exceeds the height limit of four storeys.

Comment: The proposed building is five storeys, including the recreation room provided on the top of the building. All of the apartments are within the first four storeys and the bulk of the building would be four storeys.

Issue 8: The proposal may cause an increase in burglaries in the area.

Comment: It is considered the development is capable of being fitted with appropriate crime prevention devices. The development presents good passive surveillance opportunities to public places. The open spaces of all ground floor units are defined as private areas. The proposal is considered to be consistent with the principles of Crime Prevention Through Environmental Design with respect to access control, territorial reinforcement and space management.

Issue 9: The proposal may affect the objector's listed medical conditions as detailed in a doctor's certificate.

Comment: The site in which the objector resides is approximately 85 metres away from the subject site. There is also no evidence to suggest the development would affect the objector's medical conditions. In addition, under S79C of the *Environmental Planning and Assessment Act 1979* medical conditions are not recognised as a relevant matter for consideration. Notwithstanding, appropriate conditions have been included to reduce potential environmental impacts.

Issue 10: The main entry, basement and letterboxes should be accessed from Norfolk Street not Carlisle Street.

Comment: Having the main entry, basement and letterboxes fronting Carlisle Street is not considered to be inappropriate.

Issue 11: For the duration of the construction works the main entry to the development should be accessed from Norfolk Street not Carlisle Street

Comment: This may be impractical during the construction phases and hinder the construction of the development while providing little utility.

Issue 12: The maximum FSR for apartment buildings in Ingleburn CBD should be 1:1 or 1.2:1.

Comment: The relevant planning instruments do not specify a maximum FSR for the subject high density residential zone.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Issue 13: An assessment has not been provided for deep soil zones under the Design Verification Statement.

Comment: The Design Verification Statement states the landscape design has been prepared with the intent of achieving substantial deep soil depths to enable the growth of mature trees. In addition, adequate deep soil zones have been provided in compliance with the RFDC.

Issue 14: Apartments do not comply with the minimum floor areas requirements.

Comment: Despite some apartments not meeting the numerical requirements, the floor areas of the apartments are considered satisfactory as occupants would be provided with adequate daylight, ventilation and functional spaces.

Issue 15: Insufficient facilities for children living in the development.

Comment: It is considered that children could use the communal open space and recreation room located on the top of the building under adequate parental supervision.

Issue 16: The communal open space on the top of the building should not be included as part of the required communal open space.

Comment: The proposed communal open space is considered to be functional and capable of offering residents both passive and active recreational opportunities.

Issue 17: Children may climb the planter boxes around the edge of the communal open space located on the top of the building.

Comment: The principal certifying authority is required to ensure the building satisfies the requirements of the Building Code of Australia and not be unsafe for children.

Issue 18: The proposal involves 10 units per floor exceeding the limit of eight units per floor.

Comment: Ten units per floor is considered satisfactory as the proposal achieves the desired streetscape character and entry response and a high level of amenity would be provided for common lobbies, corridors and units. Two lifts service each floor.

Issue 19: The internal highlight windows only have a separation of 3 metres and should be separated between 9 metres to 12 metres.

Comment: A separation of 9 metres to 12 metres is unnecessary as the 3 metre separation is used to provide ventilation and reduce the bulk mass of the development. The highlight windows would have 1.8 metre sill heights to prevent potential overlooking.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Issue 20: The building has a depth greater than 26 metres.

Comment: The proposed building depth is not excessive due to the provision of ventilation corridors which break up the mass of the building.

Issue 21: The balconies encroach within the setback areas from boundaries.

Comment: The balconies have been amended to comply with the 5.5 metres street boundary setback and 6 metres setback from other boundaries.

Issue 22: The BASIX Certificate and Traffic and Parking Impacts Report were not available to view.

Comment: It is understood that the documents were available for viewing during public exhibition. A request could be placed post exhibition to view these documents.

5. Conclusion

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

The application is generally compliant with the 10 design quality principles under the provisions of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and is compliant with Campbelltown (Urban Area) Local Environmental Plan 2002.

The application is compliant with most of the recommended standards of the RFDC. It should be noted that the RFDC is a set of guidelines similar to a DCP and need not be strictly complied with in every circumstance. Where the current proposal departs from these guidelines, the departure is considered to have merit in the circumstances and is not considered to be at odds with the objectives of the relevant guidelines.

In addition, the application is considered to be generally compliant with the relevant standards within the Campbelltown (Sustainable City) Development Control Plan 2014, and where the proposal departs from these standards, the objectives of the standards are considered to have been met.

Accordingly, the application is recommended for approval.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Officer's Recommendation

That development application 184/2015/DA-RA for the demolition of three existing dwellings and construction of a five storey residential flat building comprising of 40 units and two levels of basement car parking at Nos. 7 - 11 Norfolk Street, Ingleburn be approved, subject to the conditions detailed in attachment 1 of this report.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation were Councillors: Lound, Matheson and Oates.

Council Meeting 16 August 2016 (Greiss/Rowell)

That development application 184/2015/DA-RA for the demolition of three existing dwellings and construction of a five storey residential flat building comprising of 40 units and two levels of basement car parking at Nos. 7 - 11 Norfolk Street, Ingleburn be approved, subject to the conditions detailed in attachment 1 of this report.

LOST

Voting for the Motion were Councillors: Greiss, Hawker, Kolkman, Lake, Mead and Thompson.

Voting against the Motion were Councillors: Borg, Brticevic, Chanthivong, Glynn, Lound, Oates and Rowell.

Council Meeting 16 August 2016 (Greiss/Rowell)

That development application 184/2015/DA-RA be refused for the following reasons:

1. Inadequate private open space.
2. Non-compliance with building height code.
3. Non-compliance with the driveway requirements.
4. Non-compliance with unit floor space requirements.

WON and became the Motion

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Council Resolution Minute Number 136

That development application 184/2015/DA-RA be refused for the following reasons:

1. Inadequate private open space.
2. Non-compliance with building height code.
3. Non-compliance with the driveway requirements.
4. Non-compliance with unit floor space requirements.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chanthivong, Glynn, Lound, Oates and Thompson.

Voting against the Council Resolution were Councillors: Greiss, Hawker, Kolkman, Lake, Mead and Rowell.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Project/Ref No.	Drawing No.	Revision	Prepared by	Date
027-14/15	01/18	B	JS Architects	05.11.14
027-14/15	02/18	E	JS Architects	15.04.16
027-14/15	03/18	E	JS Architects	15.04.16
027-14/15	04/18	E	JS Architects	15.04.16
027-14/15	05/18	E	JS Architects	15.04.16
027-14/15	06/18	E	JS Architects	15.04.16
027-14/15	07/18	E	JS Architects	15.04.16
027-14/15	08/18	E	JS Architects	15.04.16
027-14/15	09/18	E	JS Architects	15.04.16
027-14/15	10/18	E	JS Architects	15.04.16
027-14/15	11/18	E	JS Architects	15.04.16
027-14/15	12/18	E	JS Architects	15.04.16
027-14/15	13/18	E	JS Architects	15.04.16
027-14/15	14/18	E	JS Architects	15.04.16
027-14/15	15/18	E	JS Architects	15.04.16
027-14/15	16/18	E	JS Architects	15.04.16
027-14/15	17/18	E	JS Architects	15.04.16
101114-01	1 of 5	C	VNK Consulting	18.05.16
101114-01	2 of 5	C	VNK Consulting	18.05.16
101114-01	3 of 5	C	VNK Consulting	18.05.16
101114-01	4 of 5	C	VNK Consulting	18.05.16
101114-01	5 of 5	C	VNK Consulting	18.05.16

Associated Documentation:

- a. BASIX Certificate, Certificate Number: 594868M_02, Prepared by: Gradwell Consulting, Dated: 14.07.16.
 - b. Exterior Finishes Schedule, Pages: 1 to 3 (inclusive), Prepared by: JS Architects, Dated: 01/06/2016.
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3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issuing of a Construction Certificate:

- stormwater plans prepared VNK Consulting to be amended to be consistent with drawing number 17/18 prepared by JS Architects with respect to rainwater tanks
- kids play area shown within communal open space on top of building to be fitted with soft fall rubber surfacing and suitable play equipment
- perimeter of communal open space on top of building to be fitted with appropriate barrier fencing to ensure the space is safe to use and to prevent children from climbing and falling over edges.

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, or
- b. To the erection of a temporary building.

5. Notification of *Home Building Act 1989* Requirements

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

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
-

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

- ii. the name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

6. Landscaping

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

The reduction of deep soil zones, increase of impervious areas or removal of landscape planting within the private open spaces of ground floor units is not permitted.

All landscaping shall be maintained in good order at all times.

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. have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)
 - c. be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket and drained to a Sydney Water approved drainage fitting
 - d. have coving at all wall and floor intersections
-

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

- e. be finished with a smooth faced, non-absorbent material(s) in light colour and capable of being easily cleaned
- f. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock
- g. have a self-closing door openable from within the room
- h. be constructed in such a manner to prevent the entry of vermin and
- i. signage on the use of the waste management system shall be displayed in all bin storage rooms.

The bin storage rooms shall be ventilated by:

- a. a mechanical exhaust ventilation system or
- b. permanent, unobstructed natural ventilation openings having direct access to external air, and a total capacity.

9. 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.

10. Basement Storage Compartments

Storage compartments are to be provided within the basement levels in accordance with the Residential Flat Design Code.

11. Air Conditioning Units/Hot Water Systems

Air conditioning units and hot water systems 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.

12. Waste Collection

The caretaker is required to transport bins to the temporary bin holding bay the night before collection. After the bins have been emptied, the caretaker must rerun the bins to the basement and building. Only 240 litre bins may be used.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

13. 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.

14. 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.

15. Lighting

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

16. Basement Car Parking

The applicant shall ensure that the basement car park complies with the requirements detailed in Section 4.13.8 of Council's Engineering Design Guide for Development (as amended), AS 2890.1 and AS 2890.6 (as amended).

The basements shall be provided with electronic access controls to ensure the safety of residents and to also ensure the availability of off-street parking in accordance with Council's controls.

54 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standard 2890 (as amended).

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

17. Driveway

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

18. 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.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

19. 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.

20. Wayfinding Map

The applicant shall prepare and permanently affix a way finding map in the building's central lobby on the ground floor for use by visitors and emergency services personnel.

21. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Council's Engineering Design Guide for Development (as amended).

22. Flood Level Controls

The subject sites are identified as Flood Controls Lots with respect to flooding from a 1% Annual Exceedance Probability (AEP) flood from Redfern Creek. The minimum fill level control which affects this land is RL 33.20 metres AHD. The minimum floor level control which affects this land is RL 33.70 metres AHD.

23. Sight Distance

Sight distances for motorists and pedestrians at each entry to and egress from the proposed development, shall comply with the general requirements of Australian Standard AS2890.1 (specifically Clause 3.2.4).

24. Work Zone

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.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

The applicant is advised that if a work zone is warranted, an application is to be made to Council's Traffic Unit at least eight weeks prior to the commencement of works. The application shall detail why a work zone is required and include a suitable 'Traffic/Pedestrian Management/Control Plan'.

All costs incurred in the preparation of the traffic/pedestrian management/control plan, including any associated fees, shall be borne by the applicant.

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, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

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

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. The rain water tanks must be located behind the front building line and not visible from a public place.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

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

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.

31. Traffic Control Plans

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

32. Construction Traffic Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and receive Council's written approval (via its Local Traffic Committee) for a 'Construction Traffic Management Plan', which shall contain details of the following as a minimum:

- required loading zones and parking restriction areas near the development site to allow for manoeuvring and loading/unloading of heavy vehicles associated with the development
 - 'staging' locations, where heavy vehicles wait until such time that adequate space is available adjacent to the development site for loading/unloading
 - traffic management and intersection control near to the development site including the intersections of Nardoo and Suffolk Streets (if necessary, subject to proposed loading/staging locations)
 - proposed access routes for heavy vehicles loading/unloading at the site
 - hours of truck movements
 - consultations made with potentially affected residents in preparation of the Plan.
-

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Copies of the approved CTMP shall be kept on site for the duration of the works, in accordance with Safe Work NSW requirements and copies shall also be forwarded to Council for its records.

Council reserves the right to request modification to the CTMP during the development works, in order to maintain adequate and safe management of vehicular and pedestrian traffic.

33. Salinity Analysis and Remedial Action Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide a detailed Salinity Analysis and Remedial Action Plan to Council for written approval.

34. Architectural Finishes Validation Statement

A construction certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'Architectural Finishes Validation Statement'.

The 'Architectural Finishes Validation Statement' shall confirm that the plans relied upon for issue of the construction certificate are not inconsistent with the approved plans described in Conditions 1 and 2 with specific regard to the architectural design elements, colours, finishes and treatments that are provided to the building's exterior.

Where circumstances require, another qualified designer may prepare the written confirmation, subject to receipt of written approval for such a change from Council's Manager Development Services.

35. Traffic Committee

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

Sign posting implementing parking restrictions along the boundary adjacent to Norfolk Street, preventing obstruction of garbage trucks on collection day, shall be erected. In this regard, details and location of the required signage can be obtained from Council's Technical Services section.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

36. Stormwater Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All pipes shall be laid at a minimum 1 per cent gradient. Any proposed car wash bay facilities in the basement car parking shall be serviced by a surface inlet pit and pipe system to convey any effluent from the car washing activities. All proposals shall comply with the details within Council's Engineering Design Guide for Development (as amended).

37. Nuisance Flooding – Basement Car Park

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

38. Dilapidation Report

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

39. 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.

40. Consolidation of Allotments

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a copy of the plan which consolidates the allotments that are the subject of the development application prior to registration at the Department of Land and Property Information (NSW).

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

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

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

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

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

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

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

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

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

42. 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.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

43. 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.

44. Waste Management

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council details of the collection and disposal of internal waste generated by the occupants to be arranged through a licensed contractor (which may include Council's contractor).

The details to be submitted shall also include information regarding the appointment and retention of a caretaker, who would be responsible for circulating the recycling bins throughout the building and the bins beneath the chute in the garbage room and to the temporary bin holding bay for collection.

The details shall also include information regarding the method for collection, storage and disposal of 'green waste' resulting from maintenance of the site's landscaped areas.

45. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, 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. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

46. 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.

47. 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.

48. Toilet on Construction Site

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

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

49. 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.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

50. Vehicular Access during Construction

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

51. Public Property

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

52. 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 WorkCover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW WorkCover requirements.
 - d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
 - e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.
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3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

53. 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 WorkCover requirements.

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

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

54. Fencing

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

55. Geotechnical Reference

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

56. 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.

57. Demolition of Existing Dwelling

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

58. 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 5.00pm
Sunday and public holidays	No Work.

59. Erosion and Sediment Control

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

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

60. Excavation and Backfilling

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

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

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

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

61. 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.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

62. Certification of Location of Building during Construction

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

63. Certification of Levels of Building during Construction

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

64. 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.

65. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, a minimum of 1.2 metres wide and separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall, if necessary, ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual "Traffic Control at Work Sites" (as amended) and all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all Work Cover Authority requirements are complied with. 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.

66. Compliance with Relevant Specifications

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Council's Engineering Design Guide for Development (as amended)
- c. 'Soils and Construction (2004) (Bluebook), and
- d. all relevant Australian Standards and State Government publications.

67. 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 Norfolk Street and Carlisle Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with the details contained within Council's Engineering Design Guide for Development (as amended).

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

68. Medium Density Footpath Crossing and Layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's Medium Density Vehicle Crossing Specification (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.

69. Associated Works

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

70. 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 details contained within Council's Engineering Design Guide for Development (as amended).

71. Certification of Location of Building upon Completion

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

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".

72. 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.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

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.

73. 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.

74. Splay Corner

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall dedicate a 4 metre x 4 metre splay corner, as road widening and at no cost to Council, in the property boundary at the intersection of Carlisle and Norfolk Streets.

75. 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.

76. Consolidation of Allotment

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall submit a copy of the plan which consolidates the allotments that are the subject of the development application prior to registration at the Department of Land and Property Information NSW.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

77. 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 the details contained within Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

78. 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.

79. 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.

80. Line Marking / Sign Posting Documentation

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

81. 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.

82. Landscaping

Prior to the principal certifying authority issuing an occupation certificate the applicant shall complete the landscaping in accordance with the approved landscape plan.

83. End Architectural Finishes Validation Statement

An occupation certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'End Architectural Finishes Validation Statement'.

The 'End Architectural Finishes Validation Statement' shall confirm that the building's exterior has been constructed and completed in a manner that is not inconsistent with the approved plans described in Conditions 1 and 2 and the plans relied upon for issue of the construction certificate, with specific regard to the architectural design elements, colours, finishes and treatments.

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Where circumstances require, another qualified designer may prepare the written 'End Architectural Finishes Validation Statement', subject to receipt of written approval for such a change from Council's Manager Development Services.

84. Loading Zone Signage

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall erect suitable signage identifying that the loading bay within the basement is to be kept clear at all times, except when loading/unloading/waste collection vehicles are utilising the zone. The signage is not to be unsightly or impede sight lines.

85. Council Fees and Charges

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

86. Consolidation of Allotments

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

ADVISORY NOTES

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

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

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

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
 - b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
 - c. Give Council at least two days notice prior to the commencement of any works.
-

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

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

Advice 2. Provision of Equitable Access

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

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) 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 3. Smoke Alarms

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

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

Advice 4. 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 5. Covenants

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

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Advice 6. Inspections – Civil Works

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

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

Advice 7. Salinity

Please note that Campbelltown is an area of known salinity potential and as such, any salinity issues should be addressed as part of the construction certificate application.

Further information regarding salinity management is available within Council's Engineering Design Guide for Development (as amended).

Advice 8. Asbestos Warning

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

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

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

Advice 9. Dial before you Dig

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

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Advice 10. *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.

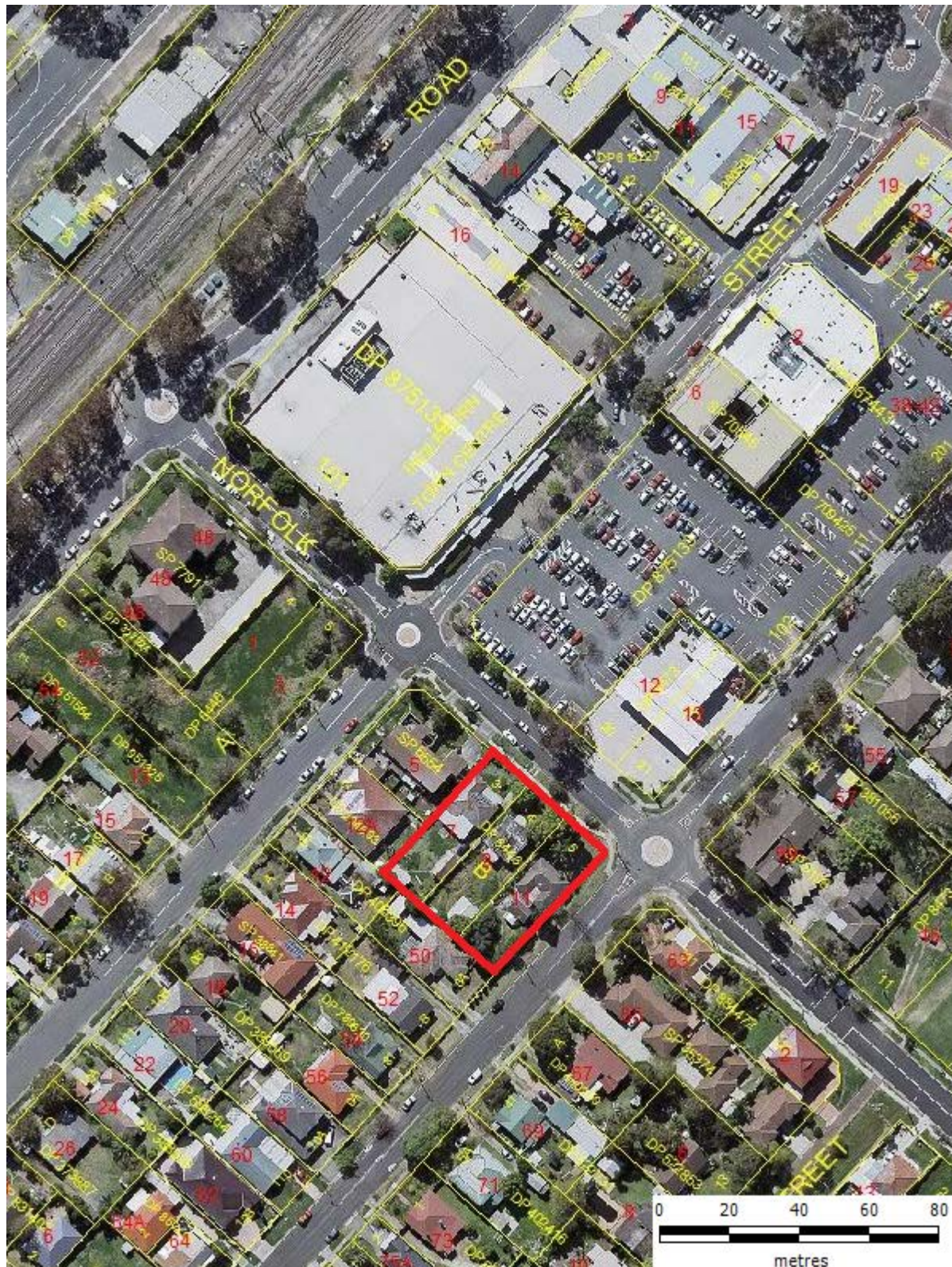
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

END OF CONDITIONS

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

ATTACHMENT 2

Locality Plan



ATTACHMENT 3

[illegible]

ATTACHMENT 4

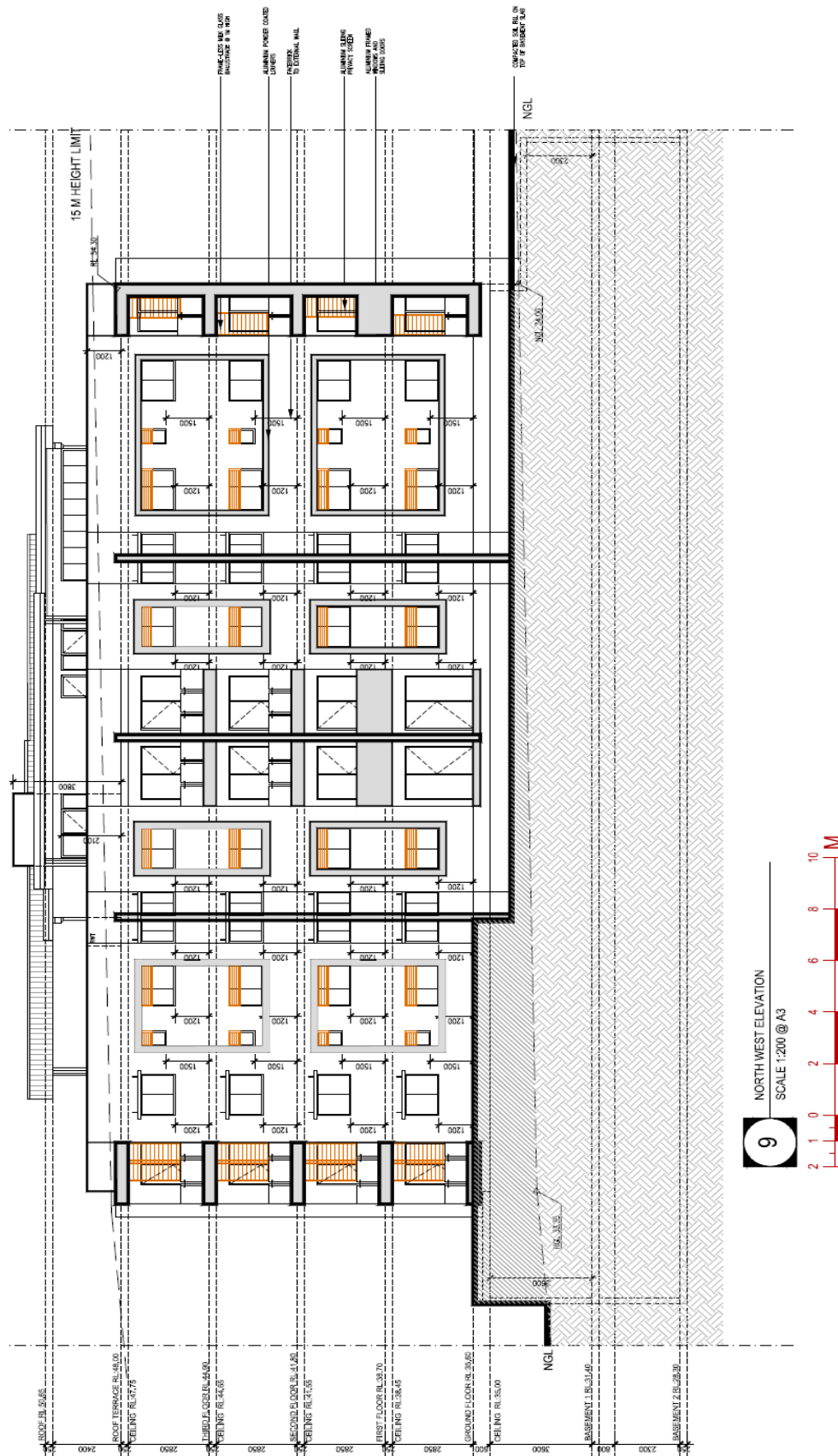
Elevations



3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn



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3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

ATTACHMENT 5

Shadow Diagrams

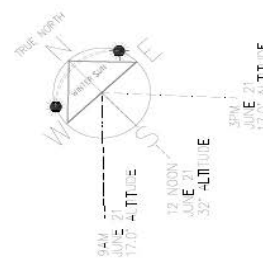
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SUN ANGLE INFORMATION			
Winter Solstice On June 21st			
TIME	ALTITUDE	AZIMUTH	
9 AM	17°	172° E OF N	
12 NOON	32°	170° E OF N	
3 PM	17°	172° W OF N	

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ATTACHMENT 6

PROPOSED 4 STOREY FLAT BUILDING
Lot 3, 4, 5
DP 7367
SITE AREA 865.20m²

STREET
NORFOLK
STREET

STREET
CARLISLE

1 SITE PLAN
SCALE 1:200 @ A3

16/18
027.14/15

REVISIONS

NO.	REVISION	DATE
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81	ISSUED FOR PERMIT	15/01/2024
82	ISSUED FOR PERMIT	15/01/2024
83	ISSUED FOR PERMIT	15/01/2024
84	ISSUED FOR PERMIT	15/01/2024
85	ISSUED FOR PERMIT	15/01/2024
86	ISSUED FOR PERMIT	15/01/2024
87	ISSUED FOR PERMIT	15/01/2024
88	ISSUED FOR PERMIT	15/01/2024
89	ISSUED FOR PERMIT	15/01/2024
90	ISSUED FOR PERMIT	15/01/2024
91	ISSUED FOR PERMIT	15/01/2024
92	ISSUED FOR PERMIT	15/01/2024
93	ISSUED FOR PERMIT	15/01/2024
94	ISSUED FOR PERMIT	15/01/2024
95	ISSUED FOR PERMIT	15/01/2024
96	ISSUED FOR PERMIT	15/01/2024
97	ISSUED FOR PERMIT	15/01/2024
98	ISSUED FOR PERMIT	15/01/2024
99	ISSUED FOR PERMIT	15/01/2024
100	ISSUED FOR PERMIT	15/01/2024

ARCHITECT: INTERIOR LANDSCAPE PLANNING
Architects Pty Ltd
15/01/2024

PROJECT:
PROPOSED 4 STOREY FLAT BUILDING
151 HENRIK STREET
MELBOURNE VIC 3005

CLIENT:
SEGHA PROPERTY TRUST

DRAWING TITLE:
LANDSCAPE PLAN

DATE:
15/01/2024

SCALE:
1:200 @ A3

PROJECT NO:
027.14/15

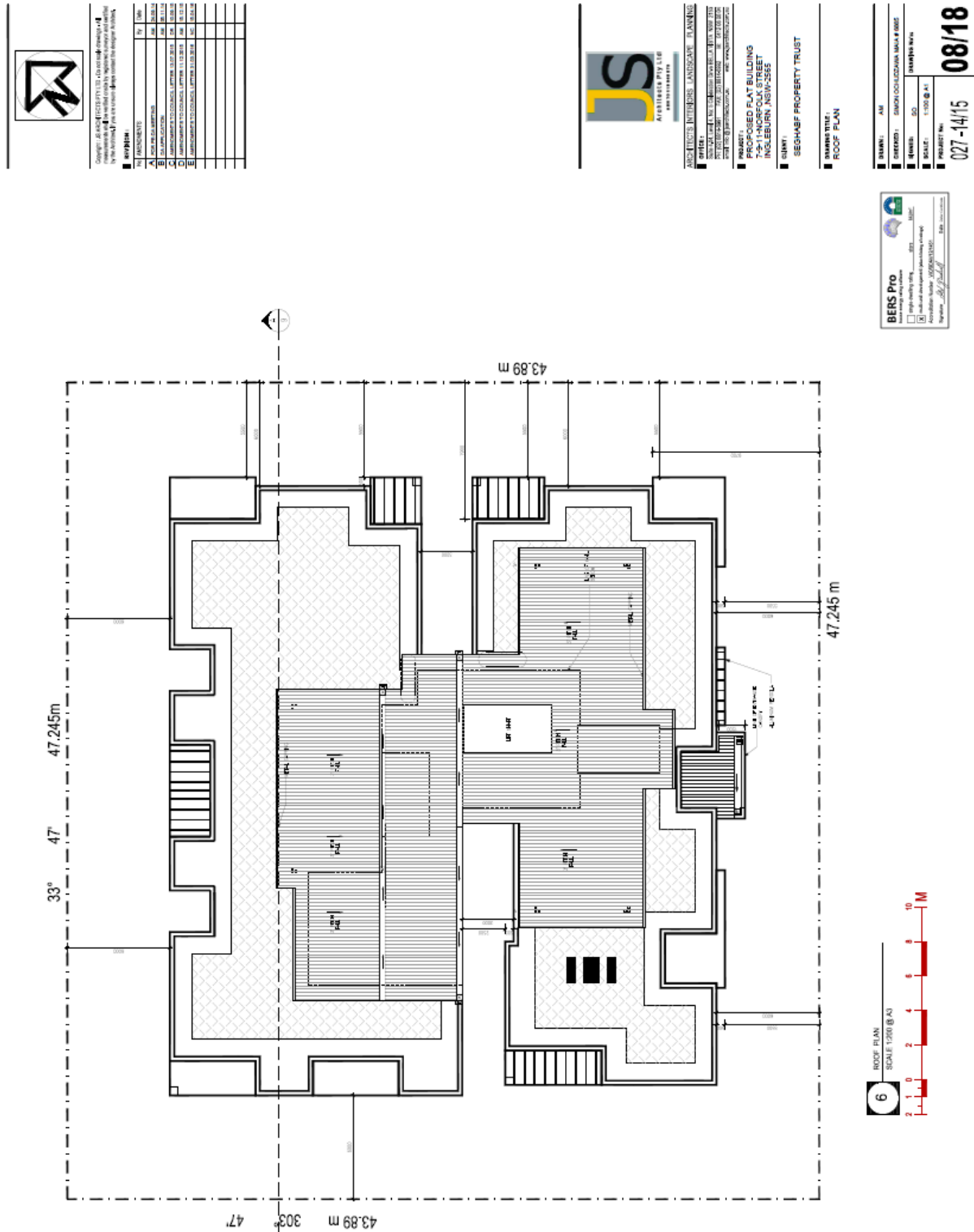
1

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3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

ATTACHMENT 7

Roof Plan



3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

ATTACHMENT 8

Schedule of Finishes

Location	Specification / Finish	Comment / Reference
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Cement Render Main Walls:

Orange colour;
Off White Colour:









Dulux Paints.

Alum Powder coated RW Heads



www.cspout.co.nz/rainwater-heads.php

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Location	Specification / Finish	Comment / Reference
Aluminium Downpipes & Fascia	Dune® 	BlueScope Steel Direct Locked Bag 8825 Wollongong DC NSW 2500 Phone: 1800 800 789 Fax: 1800 800 744
Hamlet Ash /Blue		
Aluminium Powder coated windows and sliding doors:	Surfmist® 	BlueScope Steel Direct Locked Bag 8825 Wollongong DC NSW 2500 Phone: 1800 800 789 Fax: 1800 800 744
Exterior Aluminum Awning louvers over windows as per exterior image.		
Aluminium Powder coated Roofing on roof top and all sliding screening and awnings over windows:	Surfmist® 	BlueScope Steel Direct Locked Bag 8825 Wollongong DC NSW 2500 Phone: 1800 800 789 Fax: 1800 800 744

3.4 Demolition Of Three Existing Dwellings And Construction Of A Five Storey Residential Flat Building Comprising Of 40 Units And Two Levels Of Basement Car Parking At Nos. 7-11 Norfolk Street, Ingleburn

Location	Specification / Finish	Comment / Reference
Sliding Alum Louver Screens on Balconies		
Front Entry Porch: CFC Matrix Board Painted Yellow; Timber or Aluminum vertical blades to match timber brow color;		Dulux Paints; James Hardy Products;

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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 2016-2017 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 ten 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/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 134

That the Officer's Recommendation be adopted.

ATTACHMENT 1

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
--

Total ongoing Class 1 DA appeal matters (as at 19/07/2016)	1
Total completed Class 1 DA appeal matters (as at 19/07/2016)	0
Costs from 1 July 2016 for Class 1 DA appeal matters:	\$3,709.50

1 (a)	JD One Enterprise Pty Ltd
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Issue:	An appeal against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking.
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Property:	Lot 50 DP 1028174, Campbellfield/Redfern's Cottage, 20 Lind Street, MINTO
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Property Owner:	JD One Enterprise Pty Ltd
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Council File:	Development Application No: 2952/2014/DA-C
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Court Application:	Filed on 14 April, 2016 - File No. 10351 of 2016
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Applicant:	JD One Enterprise Pty Ltd
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Costs Estimate:	\$40,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
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Costs to date:	\$10,826.50
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Status:	Ongoing - proceedings listed for conciliation conference on 9 August 2016.
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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. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking on land known as Campbellfield/Redfern's Cottage, 20 Lind Street, Minto.</p>
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The proceedings were before the Court for first callover on 12 May 2016. The Registrar made certain directions and adjourned the proceedings to 9 August 2016 for conciliation conference to commence onsite at 9:30 AM.

1 (b)	Gwydir Holdings Pty Ltd
Issue:	An appeal against Council's deemed refusal of development application No. 3552/2015/DA-BH that sought consent for the demolition of existing structures, removal of a tree, construction of a new generation boarding house with car parking.
Property:	Lot 18A, DP 389816, 38 Parliament Road, MACQUARIE FIELDS
Property Owner:	Mr Justin Cyril Veness
Council File:	Development Application No: 3552/2015/DA-BH
Court Application:	Filed on 14 July, 2016 - File No. 16/213119
Applicant:	Gwydir Holdings Pty Ltd
Costs Estimate:	\$25,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	Nil
Status:	Proceedings listed for first callover on 10 August 2016.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's deemed refusal of development application No. 3552/2015/DA-BH that sought consent for the demolition of existing structures, removal of a tree, construction of a new generation boarding house with car parking on land at 38 Parliament Road, Macquarie Fields.</p> <p>The proceedings are listed before the Court for first callover on 10 August 2016.</p>

2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council

Total ongoing Class 1 and 2 appeal matters (as at 19/07/2016)	0
Total completed Class 1 and 2 appeal matters (as at 19/07/2016)	0
Costs from 1 July 2016 for Class 1 & 2 appeal matters:	\$0.00

3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council

Total ongoing Class 4 matters before the Court (as at 19/07/2016)	0
Total completed Class 4 matters (as at 19/07/2016)	0
Costs from 1 July 2016 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 19/07/2016)	0
Total completed Class 5 matters (as at 19/07/2016)	0
Costs from 1 July 2016 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 19/07/2016)	0
Total completed Class 6 matters (as at 19/07/2016)	0
Costs from 1 July 2016 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 19/07/2016)	0
Total completed (as at 19/07/2016)	0
Costs contribution from 1 July 2016 for this matter	\$0.00

7. District Court of NSW – Appeals from the Local Court in respect of the Magistrate erred at law or severity of sentence imposed

Total ongoing matters (as at 19/07/2016)	0
Total completed (as at 19/07/2016)	0
Costs contribution from 1 July 2016 for this matter	\$0.00

8. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 19/07/2016)	3
Total completed Local Court Matters (as at 19/07/2016)	6
Costs from 1 July 2016 for Local Court Matters	\$0.00

File No:	LP08/16 – Penalty Notice Court Election
Offence:	Transport waste to unlawful waste facility
Act:	<i>Protection of the Environment Operations Act 1997</i>

Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer. Solicitor from Council's external panel to be instructed.
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Status:	Ongoing – listed for hearing on 28 July 2016.
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Progress:	The matter was before the Court for first mention on 24 May 2016 where the defendant entered a not guilty plea. The Registrar adjourned the proceeding to 28 July 2016 for hearing.
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File No:	LP10/16 – Penalty Notice Court Election
Offence:	Neglect to comply with Chapter 7 requirement (failed to attend interview to answer questions regarding waste dumping incident)
Act:	<i>Protection of the Environment Operations Act 1997</i>

Costs to date:	\$0.00 – Council's Legal and Policy Officer instructing external solicitor in this matter.
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Status:	Ongoing – listed for hearing on 8 August 2016
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Progress:	The matter was before the Court for first mention on 21 June 2016 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 8 August 2016 for hearing.
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File No:	LP14/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign
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 without conviction/penalty
Progress:	The matter was before the Court for first mention on 28 June 2016 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 conviction or penalty.

File No:	LP15/16 – Charge matter
Offence:	Dog attack animal (cat)
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$87.00 – Matter dealt with by Council's Legal and Policy Officer.
Status:	Completed – Fine and Council costs order imposed
Progress:	The matter was before the Court for first mention on 12 July 2016 where the defendant, Stefan Hansen, made no appearance. The Magistrate granted Council's application for the matter to proceed in the defendant's absence and after hearing the evidence and submissions found the offence proved and convicted the defendant imposing a \$1,000 fine and an order for Council's costs of \$87.

File No:	LP16/16 – Charge matter
Offence:	Allow dog to escape premises where kept
Act:	<i>Companion Animals Act 1998</i>
Final Costs:	\$87.00 – Matter dealt with by Council's Legal and Policy Officer.
Status:	Completed – Fine and Council costs order imposed
Progress:	The matter was before the Court for first mention on 12 July 2016 where the defendant, Stefan Hansen, made no appearance. The Magistrate granted Council's application for the matter to proceed in the defendant's absence and after hearing the evidence and submissions found the

	offence proved and convicted the defendant imposing a \$500 fine and an order for Council's costs of \$87.
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File No:	LP17/16 – 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 5 July 2016, where the defendant, Manuel Jorge Andrade, entered a guilty plea. After considering the facts and submissions, the Magistrate found the offence proved and imposed a \$106 fine and an order for \$85 Court costs.

File No:	LP18/16 – Penalty Notice Court Election
Offence:	Stop within 10-metres of intersection
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 5 July 2016, where the defendant, Pir Lin Tse, entered a guilty plea. After considering the facts and submissions, the Magistrate found the offence proved and imposed a \$248 fine and an order for \$85 Court costs.

File No:	LP19/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign (school zone)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed - Fine and Court costs imposed.
Progress:	The matter was before the Court for first mention on 28 June, 2016 where the defendant, MD Ashraful Minhaz made no appearance. The Magistrate granted Council's application for the matter to proceed and after hearing the evidence

and submissions found the offence proved and convicted the defendant imposing a fine of \$200 and an order for Court costs of \$85.

File No:	LP20/16 – 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 – listed for mention
Progress:	The matter is listed for first mention on 9 August 2016.

9. Matters referred to Council's solicitor for advice

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

Total Advice Matters (as at 19/07/2016)	0
Costs from 1 July 2016 for advice matters	\$0.00

10. Legal Costs Summary		
The following summary lists the Planning and Environment Division's net legal costs for the 2016/2017 period.		
Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$3,709.50	\$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	\$0.00	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$0.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$0.00	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$3,709.50	\$0.00
Overall Net Costs Total (GST exclusive)	\$3,709.50	

4.2 Shared Services Agreement To Provide Companion Animal Pound Facility Services
For Camden Council

**4.2 Shared services agreement to provide companion animal pound
facility services for Camden Council**

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To seek Council's endorsement for Campbelltown City Council to pursue negotiations and to finalise a shared service arrangement with Camden Council to house, care for and re-home its impounded cats and dogs at the Campbelltown Animal Care Facility.

History

Camden Council currently uses Renbury Farm Animal Pound (Renbury) to care for, house and re-home its impounded cats and dogs.

Councillors would be aware that the owner of Renbury has made a decision to close the Renbury Farm Animal Pound. Most recent information suggests this will be by 1 December 2016, in lieu of October 2016, as originally proposed.

As a consequence, Campbelltown City Council was informally approached by Camden Council following the Renbury Farm closure announcement, regarding the possibility of entering into an arrangement to care for and house its impounded companion animals at the Campbelltown Animal Care Facility.

Liverpool City Council on 27 July 2016, resolved that it will undertake to operate Renbury Farm. It is understood Liverpool City Council will take up an offer of a two year lease of the facility from 1 December 2016.

Report

Given the pending closure of Renbury, Camden Council has indicated a preference to utilise the Campbelltown Animal Care Facility (ACF) on a temporary basis (approximately 2-5 years) for the housing, care and rehoming of their impounded cats and dogs, subject to the terms of a shared service agreement. This will provide an interim impounding facility for Camden Council whilst it considers options for the long term.

4.2 Shared Services Agreement To Provide Companion Animal Pound Facility Services For Camden Council

Camden Council impounds approximately 430 dogs and 230 cats per annum (based on 2014-2015 impounding statistics). Camden Council will require 20 dog pens and 12 cat enclosures to house its impounded animals, which will allow capacity to hold animals beyond the statutory holding period.

The shared service arrangement will necessitate an expansion of cat and dog holding facilities at the ACF. Camden Council has advised that with any shared service agreement it intends to fund costs for construction of the additional facilities. In addition, Camden Council will be charged an ongoing management fee to cover the operational expenditure associated with the caring for, housing and rehoming of Camden's impounded animals.

Having regard to the above, it is estimated that a minimum of two additional animal attendant staff will be required to care for the additional animals from the Camden Local Government Area. Additional staff may also be required to assist with associated office administration and promotion of animals lost and for sale, depending on the shared service arrangements.

It is understood that Renbury (under the current contract arrangements) will close as of 1 December 2016. The owner of the facility has offered contracted Councils the opportunity of an ongoing lease agreement for up to two years from 1 December 2016, where those Council/s would be responsible for staffing and operating the facility.

Liverpool City Council has since resolved to operate the facility (subject to successful lease negotiations) from 1 December for a further two years. Liverpool City Council has indicated there will be an opportunity for other Councils to access this facility for the period of its lease.

However, despite an opportunity for Camden Council to retain its animal housing facility at Renbury Farm beyond 1 December 2016, Camden has identified Campbelltown's Animal Care Facility as the preferred short to medium term option as it considers the facility to be of a high standard and conveniently located to serve the Camden community.

In light of the above, and in considering the lead time required to finalise necessary arrangements including the execution of a potential shared service agreement; the design and construction of additional animal housing; obtaining required development consent/construction approval; and implementation of operational changes (including staffing), timing to finalise a satisfactory shared service agreement arrangement by 1 December 2016 is considered critical.

Importantly, both Camden and Campbelltown City Councils do not wish to co-house animals at the existing ACF prior to the completion of additional animal housing and shared service arrangements, particularly in recognition of the extreme pressure and adverse impact this interim arrangement would have on current euthanasia rates.

Conclusion

The proposed shared service agreement presents an excellent opportunity to trial a partnership between Camden and Campbelltown City Councils in the delivery of impounded animal housing, care and rehoming services for the Campbelltown and Camden communities. Additionally, it is considered that this collaborative arrangement would provide a solid foundation to inform any future discussions that may occur in relation to the establishment of a regional animal care facility servicing the wider Macarthur area.

4.2 Shared Services Agreement To Provide Companion Animal Pound Facility Services For Camden Council

Having due regard to the context of the report and the potential benefits stemming from regional collaboration, Council's endorsement to actively pursue negotiations to enter into a shared service agreement with Camden Council is recommended.

Given the potential timing constraints as identified in the report, it is also recommended that in the event Council wishes to pursue negotiations to enter into a shared service agreement the General Manager be given delegated authority to finalise the terms and conditions of a satisfactory shared service agreement, to achieve a timely outcome for this significant initiative.

In the event Council wishes to pursue negotiations to enter into a shared service agreement, it is also recommended that its prior resolution of 21 April 2015, relating to the invitation and consideration of tenders for the future operation of the ACF be stayed and revisited by way of a further report to Council following completion of shared service agreement negotiations with Camden Council.

Officer's Recommendation

1. That Campbelltown City Council work collaboratively with Camden Council to negotiate a shared service agreement for the Campbelltown Animal Care Facility to house, care for and rehome Camden Council's impounded cats and dogs.
2. That the terms of any shared service agreement be negotiated on the basis that it does not financially disadvantage Campbelltown City Council.
3. That authority be delegated to the General Manager to finalise the terms and conditions of a satisfactory shared service agreement as referred to in recommendation 1 above.
4. That Council's prior resolution of 21 April 2015, relating to the invitation and consideration of tenders for the future operation of the Animal Care Facility be stayed and revisited by way of a further report to Council following completion of shared service agreement negotiations with Camden Council.

Committee's Recommendation: (Lound/Oates)

That the Officer's Recommendation be adopted.

Amendment: (Rowell/Thompson)

1. That Campbelltown City Council work collaboratively with Camden Council to negotiate a shared service agreement for the Campbelltown Animal Care Facility to house, care for and rehome Camden Council's impounded cats and dogs.
 2. That the terms of any shared service agreement be negotiated on the basis that it does not financially disadvantage Campbelltown City Council.
 3. That authority be delegated to the General Manager to finalise the terms and conditions of a satisfactory shared service agreement as referred to in recommendation 1 above.
-

4.2 Shared Services Agreement To Provide Companion Animal Pound Facility Services For Camden Council

4. That Council's prior resolution of 21 April 2015, relating to the invitation and consideration of tenders for the future operation of the Animal Care Facility be stayed and revisited by way of a further report to Council following completion of shared service agreement negotiations with Camden Council.
5. That the current Rose Street, Campbelltown location be retained for the Animal Care Facility including any future consideration of the Animal Care Facility becoming a regional facility.
6. That a full report be presented to the November/December meeting of Council with the details of the following points:
 - a) any refurbishments made to the Animal Care Facility to accommodate the relocation of Camden's animals including any costs.
 - b) update the 2014 Therian report including costs, to bring the Animal Care Facility up to the *Companion Animals Act 1998* standards.
 - c) write to appropriate Minister asking for a time frame as to when the draft *Companion Animals Act 2016* will be considered for legislation.

CARRIED on Casting Vote of Chairperson

A **Division** was called in regard to the Resolution for Item 4.2 - Shared services agreement to provide companion animal pound facility services for Camden Council with those voting for the Motion being Councillors Greiss, Matheson, Rowell and Thompson.

Voting against the Resolution were Councillors Hawker, Kolkman, Lound and Oates.

Council Meeting 16 August 2016 (Greiss/Rowell)

1. That Campbelltown City Council work collaboratively with Camden Council to negotiate a shared service agreement for the Campbelltown Animal Care Facility to house, care for and rehome Camden Council's impounded cats and dogs.
 2. That the terms of any shared service agreement be negotiated on the basis that it does not financially disadvantage Campbelltown City Council.
 3. That authority be delegated to the General Manager to finalise the terms and conditions of a satisfactory shared service agreement as referred to in recommendation 1 above.
 4. That Council's prior resolution of 21 April 2015, relating to the invitation and consideration of tenders for the future operation of the Animal Care Facility be stayed and revisited by way of a further report to Council following completion of shared service agreement negotiations with Camden Council.
 5. That the current Rose Street, Campbelltown location be retained for the Animal Care Facility including any future consideration of the Animal Care Facility becoming a regional facility.
-

4.2 Shared Services Agreement To Provide Companion Animal Pound Facility Services For Camden Council

6. That a full report be presented to the November/December meeting of Council with the details of the following points:
 - a) any refurbishments made to the Animal Care Facility to accommodate the relocation of Camden's animals including any costs.
 - b) update the 2015 Therian report including costs, to bring the Animal Care Facility up to the *Companion Animals Act 1998* standards.
 - c) write to appropriate Minister asking for a time frame as to when the draft *Companion Animals Act 2016* will be considered for legislation.

Amendment: (Rowell/Greiss)

1. That Campbelltown City Council work collaboratively with Camden Council to negotiate a shared service agreement for the Campbelltown Animal Care Facility to house, care for and rehome Camden Council's impounded cats and dogs.
2. That the terms of any shared service agreement be negotiated on the basis that it does not financially disadvantage Campbelltown City Council.
3. That authority be delegated to the General Manager to finalise the terms and conditions of a satisfactory shared service agreement as referred to in recommendation 1 above.
4. That Council's prior resolution of 21 April 2015, relating to the invitation and consideration of tenders for the future operation of the Animal Care Facility be stayed and revisited by way of a further report to Council following completion of shared service agreement negotiations with Camden Council.
5. That a full report be presented to the November/December meeting of Council with the details of the following points:
 - a) any refurbishments made to the Animal Care Facility to accommodate the relocation of Camden's animals including any costs.
 - b) update the 2015 Therian report including costs, to bring the Animal Care Facility up to a standard that will accommodate all future impounding requirements including any associated issues that may impact on Council.
 - c) write to appropriate Minister asking for a time frame as to when the draft *Companion Animals Act* will be considered for legislation.

WON and became the Motion

4.2 Shared Services Agreement To Provide Companion Animal Pound Facility Services For Camden Council

Council Resolution Minute Number 134

1. That Campbelltown City Council work collaboratively with Camden Council to negotiate a shared service agreement for the Campbelltown Animal Care Facility to house, care for and rehome Camden Council's impounded cats and dogs.
 2. That the terms of any shared service agreement be negotiated on the basis that it does not financially disadvantage Campbelltown City Council.
 3. That authority be delegated to the General Manager to finalise the terms and conditions of a satisfactory shared service agreement as referred to in recommendation 1 above.
 4. That Council's prior resolution of 21 April 2015, relating to the invitation and consideration of tenders for the future operation of the Animal Care Facility be stayed and revisited by way of a further report to Council following completion of shared service agreement negotiations with Camden Council.
 5. That a full report be presented to the November/December meeting of Council with the details of the following points:
 - a) any refurbishments made to the Animal Care Facility to accommodate the relocation of Camden's animals including any costs.
 - b) update the 2015 Therian report including costs, to bring the Animal Care Facility up to a standard that will accommodate all future impounding requirements including any associated issues that may impact on Council.
 - c) write to appropriate Minister asking for a time frame as to when the draft *Companion Animals Act* will be considered for legislation.
-

5.1 Phasing Of Traffic Lights At The Intersection Of Kellicar Road And Tindall Street - Campbelltown

5. GENERAL BUSINESS

5.1 Phasing of Traffic Lights at the intersection of Kellicar Road and Tindall Street - Campbelltown

Committee's Recommendation: (Kolkman/Lound)

That Council request the RMS review and adjust the phasing of the traffic lights at the intersection of Kellicar Rd and Tindall St, Campbelltown and other traffic lights throughout the city.

CARRIED

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 134

That the Committee's Recommendation be adopted.

5.2 200th Anniversary of Campbelltown's founding

Committee's Recommendation: (Kolkman/Lound)

That Council be provided with a report outlining how the 200th anniversary of Campbelltown's founding in 1820 will be celebrated.

CARRIED

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 134

That the Committee's Recommendation be adopted.

5.3 Feasibility of Local Employment Incentives

Committee's Recommendation: (Kolkman/Lound)

That Council be provided a report outlining what Campbelltown City Council, independently or in partnership with State and/or Federal Government, can/should do to provide incentives for businesses to establish in our City and create local employment opportunities for our residents.

CARRIED

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 134

That the Committee's Recommendation be adopted.

5.4 Secondary Access Point - Wedderburn

Committee's Recommendation: (Kolkman/Rowell)

That Council be provided a report identifying the best practical means of securing a second point of access to and from Wedderburn. The report to specifically explore the viability, with the in-principal support of Wollondilly Shire Council, of securing State Government agreement to the re-opening of the fire trail, informally and formerly known as Lysaght Road, as an unsealed local road.

CARRIED

Council Meeting 16 August 2016 (Greiss/Rowell)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 134

That the Committee's Recommendation be adopted.

Confidentiality Motion: (Kolkman/Rowell)

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

21. CONFIDENTIAL ITEMS

21.1 Directors of Companies - Planning and Environment

Reason for Confidentiality

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

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

Motion: (Thompson/Lound)

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

CARRIED

There being no further business the meeting closed at 9.05pm.

G Greiss
CHAIRPERSON
