

ORDINARY MEETING  
BUSINESS PAPER

2016

CAMPBELLTOWN CITY COUNCIL



8 NOVEMBER

## COMMON ABBREVIATIONS

ACF	Animal Care Facility
AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BASIX	Building Sustainability Index Scheme
BC	Building Certificate
BCA	Building Code of Australia
BPB	Buildings Professionals Board
CLEP	Campbelltown Local Environmental Plan
CBD	Central Business District
CPTED	Crime Prevention Through Environmental Design
CSG	Coal Seam Gas
DA	Development Application
DCP	Development Control Plan
DDA	<i>Disability Discrimination Act 1992</i>
DoPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FA	NSW Food Authority
FPL	Flood Planning Level
FFTF	Fit for the Future
FSR	Floor Space Ratio
GRCCC	Georges River Combined Councils Committee
GSC	Greater Sydney Commission
HIS	Heritage Impact Statement
IDO	Interim Development Order
IPR	Integrated Planning and Reporting
JRPP	Joint Regional Planning Panel
KPoM	Koala Plan of Management
LEC	Land and Environment Court
LEC Act	<i>Land and Environment Court Act 1979</i>
LEP	Local Environmental Plan
LEP 2002	Local Environmental Plan 2002
LGA	Local Government Area
LG Act	<i>Local Government Act 1993</i>
LTFP	Long Term Financial Plan
MACROC	Macarthur Regional Organisation of Councils
NOPO	Notice of Proposed Order
NSWH	NSW Housing
OEH	Office of Environment and Heritage
OLG	Office of Local Government, Department of Premier and Cabinet
OSD	On-Site Detention
OWMS	Onsite Wastewater Management System
PCA	Principal Certifying Authority
PoM	Plan of Management
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PMF	Probable Maximum Flood
PN	Penalty Notice
PPR	Planning Proposal Request
REF	Review of Environmental Factors
REP	Regional Environment Plan
RFS	NSW Rural Fire Service
RL	Reduced Levels
RMS	Roads and Maritime Services (incorporating previous Roads and Traffic Authority)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SSD	State Significant Development
STP	Sewerage Treatment Plant
TCP	Traffic Management Plan
TNSW	Transport for NSW
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
SECTION 149 CERTIFICATE	- Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	- Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	- Certificate from Sydney Water regarding Subdivision

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1 November 2016

You are hereby notified that the next Ordinary Meeting of the Council will be held at the Civic Centre, Campbelltown on Tuesday 8 November 2016 at 6.30pm.

Lindy Deitz  
General Manager

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## **Agenda Summary**

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## **1. ACKNOWLEDGEMENT OF LAND**

## **2. APOLOGIES**

Nil at time of print.

## **3. CONFIRMATION OF MINUTES**

### **3.1 Minutes of the Ordinary Meeting of Council held 25 October 2016**

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#### **Attachments**

Minutes of the Ordinary Meeting of Council held 25 October 2016 (contained within this report)

#### **Report**

That the Minutes of the Ordinary Meeting of Council held 25 October 2016 are presented to Council for confirmation.

#### **Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held 25 October 2016, copies of which have been circulated to each Councillor, be taken as read and confirmed.

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## ATTACHMENT 1

### Minutes Summary 25 October 2016

ITEM	TITLE	PAGE
1.	<b>APOLOGIES</b>	
2.	<b>CONFIRMATION OF MINUTES</b>	
2.1	Minutes of the Ordinary Meeting of Council held 16 August 2016	
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3.	<b>DECLARATIONS OF INTEREST</b>	
	Pecuniary Interests - nil	
	Non Pecuniary – Significant Interests	
	Non Pecuniary – Less than Significant Interests	
	Other Disclosures - nil	
4.	<b>MAYORAL MINUTE</b>	
	No mayoral minute this round	
5.	<b>PETITIONS</b>	
	No Petitions this round	
6.	<b>CORRESPONDENCE</b>	
6.1	The Hon Rick Colless MLC	
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7.5	Construction and use of a new church building, construction of additional car parking areas, alterations to an existing building and associated civil landscaping works at No. 80 Demetrius Road, Rosemeadow	
7.6	Construction of a four storey boarding house containing 18 boarding rooms at No. 17 Iolanthe Street, Campbelltown	

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## 3.1 Minutes Of The Ordinary Meeting Of Council Held 25 October 2016

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8.	QUESTIONS WITH NOTICE	
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12.	PRESENTATIONS BY COUNCILLORS	
12.1	Presentations by Councillors	
13.	CONFIDENTIAL REPORTS FROM OFFICERS	
13.1	Directors of Companies - City Development	
13.2	Request for Extension of Sick Leave	
13.3	Compulsory acquisition of Council land at Glenfield by RMS	
14.	URGENT CONFIDENTIAL GENERAL BUSINESS ITEM	
14.1	38 Parliament Road, Macquarie Fields	

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**Minutes of the Ordinary Meeting of the Campbelltown City Council held on 25 October 2016**

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**Present**            The Mayor, Councillor G Brticevic  
                         Councillor F Borg  
                         Councillor M Chivers  
                         Councillor M Chowdhury  
                         Councillor R George  
                         Councillor G Greiss  
                         Councillor K Hunt  
                         Councillor P Lake  
                         Councillor D Lound  
                         Councillor R Manoto  
                         Councillor B Moroney  
                         Councillor W Morrison  
                         Councillor M Oates  
                         Councillor T Rowell  
                         Councillor R Thompson

**Acknowledgement of Land**

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

**Council Prayer**

The Council Prayer was presented by the General Manager.

**1. APOLOGIES**

Nil

**2. CONFIRMATION OF MINUTES**

**2.1 Minutes of the Ordinary Meeting of Council held 16 August 2016**

It was **Moved** Councillor Thompson, **Seconded** Councillor Lound that the Minutes of the Ordinary Meeting of Council held 16 August 2016, copies of which have been circulated to each Councillor, be taken as read and confirmed.

**160** The Motion on being Put was **CARRIED**.

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## **2.2 Minutes of the Extraordinary Meeting of Council held 27 September 2016**

It was **Moved** Councillor Lound, **Seconded** Councillor Thompson that the Minutes of the Extraordinary Meeting of Council held 27 September 2016, copies of which have been circulated to each Councillor, be taken as read and confirmed.

**161** The Motion on being Put was **CARRIED**.

## **2.3 Minutes of the Extraordinary Meeting of Council held 4 October 2016**

It was **Moved** Councillor Greiss, **Seconded** Councillor Chowdhury that the Minutes of the Extraordinary Meeting of Council held 4 October 2016, copies of which have been circulated to each Councillor, be taken as read and confirmed.

**162** The Motion on being Put was **CARRIED**.

## **3. DECLARATIONS OF INTEREST**

Declarations of Interest were made in respect of the following items:

### **Pecuniary Interests - nil**

### **Non Pecuniary – Significant Interests**

Councillor Brticevic - Item 7.2 - Planning Proposal Request - Caledonia: Bensley, Mercedes and Oxford Roads, Ingleburn - Councillor Brticevic advised that a number of residents are known to him and that he will leave the Chamber during discussion and voting on this matter.

### **Non Pecuniary – Less than Significant Interests**

Councillor Lake - Item 10.1 - Cemetery - Scenic Hills - Councillor Lake advised that as a former member of the Joint Regional Planning Panel he will leave the Chamber during discussion and voting on this matter.

Councillor Borg - Item 7.5 - Construction and use of a new church building, construction of additional car parking areas, alterations to an existing building and associated civic landscaping works at No. 80 Demetrius Road, Rosemeadow - Councillor Borg advised that he attends the church.

Councillor Thompson - Item 7.9 - Rail Noise Barrier Request at Ingleburn - Councillor Thompson advised that he resides in the vicinity.

Councillor Brticevic advised that he is an employee of the NSW Police Force and if he considers there may be a perceived conflict necessitating him to declare an interest, he will do so and if appropriate, leave the Chamber.

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**Other Disclosures - nil**

**4. MAYORAL MINUTE**

**No mayoral minute this round**

**5. PETITIONS**

**No Petitions this round**

**6. CORRESPONDENCE**

**6.1 The Hon Rick Colless MLC**

It was **Moved** Councillor Oates, **Seconded** Councillor Lound that the letter be received and the information be noted.

**163** The Motion on being Put was **CARRIED**.

**6.2 The Hon Duncan Gay MLC**

It was **Moved** Councillor Rowell, **Seconded** Councillor Chivers that the letter be received and the information be noted.

**164** The Motion on being Put was **CARRIED**.

**6.3 Planning and Environment - Office of Secretary**

It was **Moved** Councillor Greiss, **Seconded** Councillor Hunt that the letter be received and the information be noted.

**165** The Motion on being Put was **CARRIED**.

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#### **6.4 John Sidoti MP**

It was **Moved** Councillor Lake, **Seconded** Councillor Thompson that the letter be received and the information be noted.

**166** The Motion on being Put was **CARRIED**.

#### **6.5 Daryl Maguire MP**

It was **Moved** Councillor Hunt, **Seconded** Councillor Chowdhury that the letter be received and the information be noted.

An **Amendment** was **Moved** Councillor Borg **Seconded** Councillor Thompson:

1. That Council write a further letter to the Minister for Emergency Services outlining the Government's announcement of the review of the NSW Fire Certification and request the reinstatement of the 37 metre Bronto fire service equipment in Campbelltown until such time as the review is completed.
2. That a copy of this letter be sent to all local Members of Parliament.

**WON** and became the Motion

**167** The Motion on being Put was **CARRIED**.

### **7. REPORTS FROM OFFICERS**

#### **7.1 Disclosure of Pecuniary Interests 2016**

It was **Moved** Councillor Lound, **Seconded** Councillor Thompson that the information be noted.

**168** The Motion on being Put was **CARRIED**.

#### **7.2 Planning Proposal Request - Caledonia: Bensley, Mercedes and Oxford Roads, Ingleburn**

##### **Council Meeting 25 October 2016**

Having declared an interest in regard to Item 7.2, Councillor Brticevic left the Chamber and did not take part in debate nor vote on this item.

In the absence of the Chair, the Deputy Mayor Councillor Oates chaired the meeting.

##### **Meeting Note:**

Ms Hart, Mr Watkiss, Mr Occhuito, Mr McGarry and Mr File addressed the meeting with regards to this item.

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3.1 Minutes Of The Ordinary Meeting Of Council Held 25 October 2016

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It was **Moved** Councillor Thompson, **Seconded** Councillor Lound:

1. That Council support the Planning Proposal Request (application number 59/2016/E-LEPA) to rezone land in the following schedule:

- Lot 41 DP 1021880 (No. 26 Mercedes Road)
- Lots 55-68 (inclusive) Sec A2 DP 2189 (No. 28 Mercedes Road)
- Lot 25 DP 617465 (No. 9 Daimler Place)
- Lot 2 DP 550894 (No. 308 Bensley Road)
- Lot 1 DP 597774 (No. 306 Bensley Road)
- Lot 2 DP 597774 (No. 304 Bensley Road)
- Lot 3 DP 597774 (No. 302 Bensley Road)
- Lot 47 DP 595243 (No. 300 Bensley Road)
- Lot 4 DP 261609 (No. 233 Oxford Road)
- Lot 1 DP 261609 (No. 233 Oxford Road).

from its existing E4 Environmental Living Zone - two hectare/one hectare lot average to R5 large Lot Residential, R2 Low Density Residential and RE1 Public Recreation, in accordance with the draft Planning Proposal detailed in recommendation 2 below.

2. That Council forward the draft Planning Proposal (refer to attachment 4) to the Department of Planning and Environment for a Gateway Determination.
3. That Council use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* to advance the draft Planning Proposal.
4. That subject to the Gateway Determination containing standard conditions, Council place the draft Planning Proposal on public exhibition for 28 days.
5. That at the conclusion of the public exhibition a report be submitted to Council detailing the outcomes of the public exhibition and a strategy for finalising the draft Planning Proposal Amendment.
6. That the outline Voluntary Planning Agreement Principles be guiding principles for a future Voluntary Planning Agreement.
7. That Council advise the applicant and all directly affected property owners of its decision; highlighting the foreshadowed additional investigations and strategy development required as the draft Planning Proposal is advanced.
8. That Council note that the Planning Proposal Request is the subject of a Pre-Gateway (Rezoning) Review.

**169** The Motion on being Put was **CARRIED**.

Voting for the Council Resolution were Councillors: Borg, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Morrison, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

At the conclusion of the discussion regarding Item 7.2, Councillor Brticevic returned to the Chamber for the remainder of the meeting and reassumed the chair.

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### **7.3 Outcome of the Public Exhibition of Draft Amendment No 2 - Campbelltown (Sustainable City) Development Control Plan 2015**

It was **Moved** Councillor Rowell, **Seconded** Councillor Thompson:

1. That Council adopts Amendment No2 to the Campbelltown (Sustainable City) Development Control Plan 2015 as contained under attachment 3 of this report.
2. That Council give public notice of its decision in the two local newspapers in the prescribed manner in accordance with the *Environmental Planning and Assessment Act 1979* and the Environmental Planning and Assessment Regulation 2000.
3. That Council write to all persons who made a submission on the Draft Amendment No 2 to Campbelltown (Sustainable City) Development Control Plan 2015 advising of Council's decision.

**170** The Motion on being Put was **CARRIED**.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Morrison, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

### **7.4 Minutes of Heritage Protection Sub Committee meeting held 18 August 2016**

It was **Moved** Councillor Lake, **Seconded** Councillor Rowell that the minutes be noted.

**171** The Motion on being Put was **CARRIED**.

### **7.5 Construction and use of a new church building, construction of additional car parking areas, alterations to an existing building and associated civil landscaping works at No. 80 Demetrius Road, Rosemeadow**

It was **Moved** Councillor Lound, **Seconded** Councillor Borg:

1. That development application 1385/2016/DA-C for the for the construction and use of a new church building, construction of additional car parking areas, alterations to an existing building and associated civil and landscaping works at No. 80 Demetrius Road, Rosemeadow be approved, subject to the conditions detailed in attachment 1 of this report.
  2. That approval of the development application be recorded in Council's quarterly report to the Department of Planning and Environment pursuant to Circular PS 08-003.
-

**172** The Motion on being Put was **CARRIED**.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Morrison, Oates, Rowell and Thompson.

Voting against the Council Resolution was Councillors: Moroney.

## **7.6 Construction of a four storey boarding house containing 18 boarding rooms at No. 17 Iolanthe Street, Campbelltown**

It was **Moved** Councillor Greiss, **Seconded** Councillor Chowdhury that development application 1215/2014/DA-MAH for the construction of a boarding house at No. 17 Iolanthe Street, Campbelltown be approved, subject to the conditions detailed in attachment 1.

**173** The Motion on being Put was **CARRIED**.

Voting for the Council Resolution were Councillors: Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Rowell and Thompson.

Voting against the Council Resolution were Councillors: Borg, Morrison and Oates.

## **7.7 Legal Status Report**

It was **Moved** Councillor Lake, **Seconded** Councillor Lound that the information be noted.

**174** The Motion on being Put was **CARRIED**.

## **7.8 Traffic Committee**

It was **Moved** Councillor Hunt, **Seconded** Councillor Greiss that the recommendations of the Local Traffic Committee as detailed in the Minutes of the meeting held on 18 August 2016 be adopted.

**175** The Motion on being Put was **CARRIED**.

## **7.9 Rail Noise Barrier Request at Ingleburn**

It was **Moved** Councillor Thompson, **Seconded** Councillor Moroney:

1. That the information be noted.
  2. That the head petitioner be informed of the outcome of the investigation undertaken by Transport for NSW.
-



An **Amendment** was **Moved** Councillor Thompson **Seconded** Councillor Moroney:

1. That Council write to the Minister for Roads and Maritime Freight requesting that regardless of the outcome of the investigation that Council requests that the noise mitigation wall be constructed as soon as possible as requested by residents.
2. That Council write to the local Member of Parliament for Macquarie Fields requesting his support in this matter.

**WON** and became the Motion

**176** The Motion on being Put was **CARRIED**.

### **7.10 Revised Policy - Community Development**

It was **Moved** Councillor Hunt, **Seconded** Councillor Lound:

1. That the revised Community Development Policy as attached be adopted.
2. That the Policy review date be set at 30 September 2019.

**177** The Motion on being Put was **CARRIED**.

### **7.11 Revised Policy - Access and Equity - People with Disability**

It was **Moved** Councillor Borg, **Seconded** Councillor Lound:

1. That the revised Access and Equity - People with Disability Policy as attached be adopted.
2. That the Policy review date be set at 30 September 2019.

**178** The Motion on being Put was **CARRIED**.

### **7.12 Proposed road closure - section of land off Menangle Road, Menangle Park**

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Thompson:

1. That Council approve the closure of the unformed subject section of road off Menangle Road, Menangle Park and for an application to be forwarded to the NSW Department of Industry - Lands to effect such closure, if required.
  2. That Council undertake a 28 day notification period under the provisions of the *Roads Act 1993* period and forward the relevant letters and responses to NSW Department of Industry - Lands for consideration with the existing road closure application.
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3.1 Minutes Of The Ordinary Meeting Of Council Held 25 October 2016

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3. That upon formal closure of the residue section of that part of Menangle Road, Menangle Park the land be classified as operational land.
4. That all documentation associated with the road closure be executed under the Common Seal of Council, if required.
5. That all documentation associated with the transfer of the section of closed road be executed under the Common Seal of Council, if required.

**179** The Motion on being Put was **CARRIED**.

### **7.13 Proposed dedication of roadway adjoining O'Sullivan Road, Leumeah**

It was **Moved** Councillor Thompson, **Seconded** Councillor Oates:

1. That Council accept dedication of a strip of land from NSW Land and Housing Corporation for road widening purposes at O'Sullivan Road, Leumeah.
2. That all documentation associated with the dedication of the land be executed under the Common Seal of Council, if required.

**180** The Motion on being Put was **CARRIED**.

### **7.14 Financial Assistance Grant 2016-2017**

It was **Moved** Councillor Lound, **Seconded** Councillor Chivers:

1. That the information be noted.
2. That the 2016-2017 Financial Assistance Grant budget be adjusted in the September 2016 quarterly review.

**181** The Motion on being Put was **CARRIED**.

### **7.15 Investment Report - July and August 2016**

It was **Moved** Councillor George, **Seconded** Councillor Thompson that the information be noted.

**182** The Motion on being Put was **CARRIED**.

### **7.16 Monthly Rates Summary - September 2016**

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Moroney that the information be noted.

**183** The Motion on being Put was **CARRIED**.

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## **7.17 Exhibition of the Greater Macarthur Priority Growth Area Package**

It was **Moved** Councillor Lake, **Seconded** Councillor Oates:

That Council make a formal submission to the NSW Department of Planning and Environment concerning the exhibition of the Greater Macarthur Priority Urban Growth Area in August to September 2016, addressing the matters raised in the above report.

An **Amendment** was **Moved** Councillor Lake, **Seconded** Councillor Oates:

1. That Council make a formal submission to the NSW Department of Planning and Environment concerning the exhibition of the Greater Macarthur Priority Urban Growth Area in August to September 2016, addressing the matters raised in the above report.
2. That as an addition to the submission that Council urge the NSW Government to pursue south facing ramps to the Hume Highway as a key element of the Greater Macarthur Priority Growth Area Infrastructure package.

**WON** and became the Motion

**184** The Motion on being Put was **CARRIED**.

## **8. QUESTIONS WITH NOTICE**

### **8.1 Lysaght Road, Wedderburn**

Councillor Rowell - Lysaght Road, Wedderburn.

1. Could the General Manager give an update on discussions with Wollondilly Council regarding the possible opening up of Lysaght Road, Wedderburn.
2. Have there been any discussions with local residents and the Member for Campbelltown and Government officials and if so what outcomes or future strategies have been put in place.
3. Have Mayor Brticevic and Mayor Hannon been briefed on the talks between both Councils.

The Director City Delivery advised that Council has met with Wollondilly Council regarding this matter on 11 October 2016. Council has followed up this meeting with a letter to Wollondilly Council and has asked Wollondilly Council to provide their response in writing. Once Council has received the response a briefing will be provided to Councillors.

## **9. RESCISSION MOTION**

**No rescission motion this round**

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## 10. NOTICE OF MOTION

### 10.1 Cemetery - Scenic Hills

#### Council Meeting 25 October 2016

Having declared an interest in regard to Item 10.1, Councillor Lake left the Chamber and did not take part in debate nor vote on this item.

It was **Moved** Councillor Brticevic, **Seconded** Councillor Greiss:

1. That an urgent report be presented investigating all possible avenues of appealing the recent zoning approval by the Joint Regional Planning Panel for a 136,000 plot cemetery within the Scenic Hills.
2. That Council invite the Minister for Planning the Honourable Rob Stokes to inspect the Scenic Hills and Varroville House and/or meet with the Mayor and any other interested parties including members of the Scenic Hills Association and the owners of Varroville House Jacqui Kirkby/Peter Gibbs.
3. That Council invite Greater Sydney Planning Commission District Commissioner Sydney South West Ms Sheridan Dudley to inspect the Scenic Hills and Varroville House and/or meet with the Mayor and any other interested parties including members of the Scenic Hills Association and the owners of Varroville House Jacqui Kirkby/Peter Gibbs.

**185** The Motion on being Put was **CARRIED**.

A **Division** was called in regard to the Resolution for Item 10.1 - Cemetery - Scenic Hills with those voting for the Motion being Councillors Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Hunt, Lound, Manoto, Moroney, Morrison, Oates, Rowell and Thompson.

Voting against the Resolution: nil.

At the conclusion of the discussion regarding Item 10.1, Councillor Lake returned to the Chamber for the remainder of the meeting.

### 10.2 Tennis Courts - Cleopatra Drive - Rosemeadow

It was **Moved** Councillor Brticevic, **Seconded** Councillor Lound:

1. That a report be presented investigating the feasibility of turning the dilapidated tennis courts located at Cleopatra Drive, Rosemeadow into multipurpose courts.
2. That a further report be presented investigating the possibility of introducing other multipurpose courts and skate parks in the Local Government Area.

**186** The Motion on being Put was **CARRIED**.

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### 10.3 Distribution of Rate Collection

It was **Moved** Councillor Brticevic, **Seconded** Councillor George that a report be presented to Council on the options into a fairer distribution of rate collection across the Local Government Area due to the significant rate rises especially in the suburbs of Ingleburn, Macquarie Fields and Glenfield as a result of recent Valuer General evaluations.

**187** The Motion on being Put was **CARRIED**.

### 10.4 Provision of Bus Services along Blaxland Road, Campbelltown

It was **Moved** Councillor Morrison, **Seconded** Councillor Borg that Council write to the Minister for Transport requesting the provision of bus services along Blaxland Road.

An **Amendment** was **Moved** Councillor Greiss **Seconded** Councillor Oates that Council write to the Member of Campbelltown Mr Greg Warren thanking him for his prompt representation to the Minister for Transport regarding the provision of bus services along Blaxland Road.

**WON** and became the Motion

**188** The Motion on being Put was **CARRIED**.

### 10.5 Divestment of Councils investment portfolio away from fossil fuels

It was **Moved** Councillor Moroney, **Seconded** Councillor Borg:

1. That Council recognises the damage to the local environment caused by coal and coal seam gas mining, as well as the global threat posed by anthropogenic climate change.
2. That Council notes the global shift in investment away from coal and coal seam gas.
3. That Council notes that high-profile, financially sustainable NSW Councils such as City of Sydney, Byron Shire and the City of Newcastle have all divested or begun divestment of their portfolios from institutions which invest in fossil fuels.
4. That Council requests the Executive Manager Corporate Services and Governance to prepare a report, to be presented to Council at the earliest convenience, investigating the feasibility of divesting Council's investment portfolio from any institutions which invest in fossil fuels. This report shall outline a potential process to gradually divest Council's term investments in a way which:
  - a. Does not break any term agreements, contracts or otherwise incur financial penalty.
  - b. Is compliant with Council's existing investment policy.
  - c. Ensures funds are invested at rates of interest comparable to or better than those offered by fossil fuel aligned financial institutions.

**LOST**

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## 11. URGENT GENERAL BUSINESS

**No reports this round**

## 12. PRESENTATIONS BY COUNCILLORS

### 12.1 Presentations by Councillors

1. Councillor Borg thanked Council for the use of the Campbelltown Athletics Centre for the 24hr Walk Against Cancer. Councillor Borg noted that once again it was a very successful event with over 1500 walkers participating in the event.
2. Councillor Moroney noted that he has recently attended two wonderful events on behalf of the Mayor. The Share Care Twilight Ball was an outstanding event and raised over \$50,000 being raised to go towards respite care.

Councillor Moroney also attended the open day for Ostara. Ostara Australia is a national not-for-profit organisation that works closely with the Australian Government, member organisations, communities and employers to place people disadvantaged through age, health, disability or cultural background into sustainable employment.

3. Councillor Greiss congratulated Councillor Brticevic for chairing the first meeting under the new meeting structure and noted that the meeting has been very successful. Councillor Greiss asked that consideration be given to the reconfiguration of the Council Chamber to be more accommodating for staff, media and members of the public.
4. Councillor Thompson congratulated and thanked Councils Manager Governance and Risk for the Councillor support and dedication she has given since taking over. Councillor Thompson noted that Monique has done an amazing job.
5. Councillor Lake congratulated the Director City Lifestyles, Executive Manager Sport Recreation and Leisure Facilities and the Stadia Coordinator for their efforts and achievements with regards to the South Sydney Rabbitohs who have committed to playing games at Campbelltown Stadium in 2017.

### Confidentiality Recommendation

It was **Moved** Councillor Lound, **Seconded** Councillor Greiss that the Council in accordance with Section 10A of the *Local Government Act 1993*, resolve 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 Council's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

**189** The Motion on being Put was **CARRIED**.

**The Ordinary Meeting of Council was adjourned at 9.33pm and reconvened as a meeting of the Confidential Committee at 9.34pm.**

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### **13. CONFIDENTIAL REPORTS FROM OFFICERS**

#### **13.1 Directors of Companies - City Development**

It was **Moved** Councillor Thompson, **Seconded** Councillor Manoto that the information be noted.

**CARRIED**

#### **13.2 Request for Extension of Sick Leave**

It was **Moved** Councillor Borg, **Seconded** Councillor Hunt that Council grant additional leave to a maximum of four months sick leave after all forms of leave have been exhausted and authorisation for the use of the extended sick leave be at the discretion of the General Manager.

**CARRIED**

#### **13.3 Compulsory acquisition of Council land at Glenfield by RMS**

It was **Moved** Councillor Chowdhury, **Seconded** Councillor Oates:

1. That Council accept the amended offer of compensation plus statutory interest from Roads and Maritime Services as outlined in the body of this report.
2. That the funds received be allocated to the Section 94 Contributions Plan for the Glenfield Urban Release Area.
3. That any documentation associated with the offer of compensation from Roads and Maritime Services be executed under the Common Seal of Council, if required.

**CARRIED**

### **14. URGENT CONFIDENTIAL GENERAL BUSINESS ITEM**

It was **Moved** Councillor Greiss, **Seconded** Councillor Lound that the following item of Urgent Confidential General Business Item be accepted.

**190** The Motion on being Put was **CARRIED**.

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## 14.1 38 Parliament Road, Macquarie Fields

It was **Moved** Councillor Greiss, **Seconded** Councillor George:

That based on the information provided by the Director City Development regarding the proposed Land and Environment Court conciliation conference to be held on Friday 28 October 2016, relating to the Class 1 appeal against Council's refusal of the development application for the construction of a boarding house on the subject site, Council instructs that subject to all remaining matters of contention being adequately addressed, that Council's representative can accept the recommendation of its legal advisers in regard to the continuation of the proceedings.

**191** The Motion on being Put was **CARRIED**.

Voting for the Council Resolution were Councillors: Borg, Brticevic, Chivers, Chowdhury, George, Greiss, Hunt, Lake, Lound, Manoto, Moroney, Morrison, Oates, Rowell and Thompson.

Voting against the Council Resolution: nil.

### Motion

It was **Moved** Councillor Lound, **Seconded** Councillor Greiss that the Council in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

**192** The Motion on being Put was **CARRIED**.

**At the conclusion of the meeting of the Confidential Committee the Open Council Meeting was reconvened at 9.52pm.**

It was **Moved** Councillor Lound, **Seconded** Councillor Greiss that the reports of the Confidential Committee and the recommendations contained therein be adopted.

**193** The Motion on being Put was **CARRIED**.

There being no further business the meeting closed at 9.53pm.

Confirmed by Council on

..... General Manager ..... Chairperson

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#### **4. DECLARATIONS OF INTEREST**

**Pecuniary Interests**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

**Other Disclosures**

#### **5. MAYORAL MINUTE**

**No mayoral minute this round**

#### **6. PETITIONS**

**No Petitions this round**

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## **7. CORRESPONDENCE**

### **7.1 Senator The Hon James McGrath**

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#### **Attachments**

1. copy of letter to Council from Senator the Hon James McGrath (contained within this report)
2. copy of letter from Council to The Hon Malcolm Turnbull MP (contained within this report)

Response to Council's letter regarding the upgrade of Appin Road.

#### **Officer's Recommendation**

That the letter be received and the information be noted.

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## ATTACHMENT 1



SENATOR THE HON JAMES MCGRATH  
ASSISTANT MINISTER TO THE PRIME MINISTER

Reference: MC16-063392

Ms Lindy Deitz  
General Manager  
Campbelltown City Council  
PO Box 57  
CAMPBELLTOWN NSW 2560

Dear Ms Deitz

Thank you for your letter dated 26 July 2016 to the Prime Minister, the Hon Malcolm Turnbull MP, regarding Appin Road. The Prime Minister has asked me to reply on his behalf.

Investing in infrastructure is a key part of the Government's national economic plan for jobs and growth. The Government is committed to partnering with the states and territories to invest in infrastructure projects that relieve congestion and increase productivity.

I am pleased that the Government was able to commit \$50 million towards targeted works between Rosemeadow and Appin. The upgrade of Appin Road will provide much needed safety improvements and will also support new housing development in the region.

I have provided a copy of your correspondence to the Minister for Urban Infrastructure, the Hon Paul Fletcher MP, who will be able to provide you with further information regarding the Government's commitment to the Appin Road upgrade.

Thank you again for writing to the Prime Minister.

Yours sincerely

SIGNATURE HAS BEEN REMOVED

JAMES MCGRATH

10/10 / 2016

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## ATTACHMENT 2



26 July 2016

The Honourable Malcolm Turnbull MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

Dear Mr Turnbull

### **Appin Road - Proposed Upgrade**

As you may be aware, Appin Road is the primary road corridor between the major growth centres of Campbelltown, Appin and Wollongong. Not only are traffic volumes continually increasing, but there are serious road safety issues associated with this arterial road corridor that result in major road trauma and fatalities. In this respect, Council noted the Federal Liberal Government's pre-election commitment to fund the upgrade to Appin Road.

Following your successful return to government, Council discussed this matter. Consequently, at its meeting of 19 July 2016, it was resolved:

*"That Council write to the Prime Minister, the Hon Malcolm Turnbull MP requesting a timetable for the implementation of his Government's pre-election funding commitment to upgrade Appin Road."*

With the future planned growth in the Macarthur south region Council considers that Appin Road needs to be upgraded as a matter of urgency to provide the necessary capacity and road safety measures to manage the imminent increase in traffic volumes that are occurring in this region.

It would be greatly appreciated if details of the expected timing for the upgrade works could be provided to Council.

Should you require any further information regarding this issue, please do not hesitate to contact me on 4645 4659.

Yours sincerely

SIGNATURE HAS BEEN REMOVED

Lindy Deitz  
General Manager



8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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## **8. REPORTS FROM OFFICERS**

### **8.1 Amendment No. 2 to Campbelltown Local Environmental Plan 2015 to reflect the re-alignment to the Campbelltown - Camden Local Government Boundary**

#### **Division**

City Development

#### **Reporting Officer**

Manager Environmental Planning

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#### **Attachments**

1. Re-alignment of LGA boundary maps (contained within this report)
2. Copy of Government Gazette dated 27 November 2015 (contained within this report)
3. Existing Campbelltown LEP 2015 maps prior of re-alignment of LGA boundary (contained within this report)
4. Proposed Campbelltown LEP 2015 maps post re-alignment of LGA boundary (contained within this report)
5. Submissions received during the public exhibition (contained within this report)
6. Proposed Campbelltown LEP 2015 Maps post re-alignment of Local Government Area boundary (contained within this report)
7. Submissions received during the public exhibition period (contained within this report)

#### **Purpose**

To advise Council of the outcome of the public exhibition of a draft Planning Proposal to amend various maps and principal development standards in the Campbelltown Local Environmental Plan 2015 (CLEP 2015) so to be consistent with the previous gazettal of the re-alignment of the Campbelltown/Camden Local Government Area (LGA) boundary near East Leppington (Willowdale) and Emerald Hills and to forward the draft Planning Proposal to Parliamentary Counsel for the making of the plan.

#### **History**

Council at its meeting on 9 December 2014 considered a report (Corporate Governance Committee Item 3.5 Boundary alignment – Willowdale) on the proposed re-alignment of the Campbelltown/Camden LGA boundary, to reflect the Growth Centre development and resolved:

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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1. That the Campbelltown – Camden boundary be amended in accordance with the boundary alignment map as per attachment 1.
2. That Council request the Minister for Local Government refer the proposed boundary realignment to the Boundaries Commission and be implemented by the Governor.

The subsequent amendment to the Local Government Boundary was published in the NSW Government Gazette, Number 106 on 27 November 2015.

In order to apply planning provisions to the properties transferred to the Campbelltown Local Government Area as part of the Local Government Boundary amendment, Council at its meeting on 22 March 2016, considered a report to amend the various maps contained within CLEP 2015 and associated principal development standards that apply to the impacted properties and resolved:

1. That Council support the planning rationalisation process and specifically the draft Planning Proposal shown as attachment 2 to this report and endorse its referral to the Department Planning and Environment for a Gateway Determination.
2. That Council use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* to advance the draft Planning Proposal.
3. That subject to the Gateway Determination, containing standard conditions, Council place the draft Planning Proposal on public exhibition for 28 days and advise the affected property owners accordingly.
4. That at the conclusion of the public exhibition, a report be submitted to Council detailing any outcome of the exhibition and a strategy for finalising the draft Planning Proposal amendment.

The draft planning proposal was subsequently referred to the Department Planning and Environment and a Gateway Determination (included in attachment 2) was issued on 11 May 2016 along with confirmation of delegation to Council to advance the draft planning proposal.

As the Gateway Determination contained standard conditions addressing mapping exhibition requirements, the duration of the public exhibition period and referral requirements to State agencies, the draft planning proposal was placed on public exhibition for a minimum of 28 days from the 19 July to 26 August 2016, the results of which are detailed in this report.

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## Report

### 1. Properties subject to the draft planning proposal

Attachment 1 to this report contains a map showing the alignment of the former and new boundary between Campbelltown and Camden LGA's. The land contained between the subject boundary lines and located to the west of the previous local government boundary are now within the Campbelltown LGA, while the land to the east of the previous local government boundary are now within the Camden LGA. The land transferred to Campbelltown (approximately three hectares) is within two distinct areas, the first in the north within the East Leppington Precinct of the South West Growth Centre and the other in the south and abuts the Emerald Hills proposed development.

The land within the East Leppington Precinct was rezoned under State Environmental Planning Policy (Sydney Region Growth Centres) 2006, in March 2013. The subsequent zones and associated development standards apply across the precinct and do not have regard to the LGA boundary which traverses the site. No change is proposed to the zoning, principal development standards or maps as a result of the LGA boundary re-alignment.

The land that adjoins the Emerald Hills proposed development, and recently transferred to Campbelltown, is contained within two individual properties. The LGA boundary has been realigned to follow the boundary of these properties which were (before boundary realignment) already substantially within Campbelltown.

The first property (Lot 1, DP 1086624) is owned by Sydney Water and is known as Ingleburn Dam. The portion of this premises that was previously within Camden was zoned SP2 – Water Supply System and RU2 – Rural Landscape under Camden LEP 2010. The exhibited draft planning proposal sought to retain the SP2 zone and amend the RU2 zone to SP2 to reflect a common zoning for the site, having regard to its ownership/use. All other development standards contained within CLEP 2015 that apply to the SP2 zone were proposed to be applied to the land.

Additionally, Ingleburn Dam is listed as a heritage item at Schedule 5 of CLEP 2015. The draft planning proposal also intended to amend Schedule 5 Environmental Heritage, Part 1 Heritage Items of Campbelltown LEP 2015 by including Ingleburn Dam (Lot 1 DP 1086624) in its entirety, which is currently listed in Schedule 5 as Part lot 1, DP 1086624. Further, it was proposed to change the listing of this heritage item from locally listed to State listed as the dam is considered to be an integral part of the Upper Canal which is a State listed item.

The second property (Lot 5, DP 214954) is privately owned. The portion of this premises that was previously within Camden was zoned RU2 – Rural Landscape under Camden LEP 2010. It was proposed that this property in its entirety be zoned E3 – Environmental Management to reflect a common zoning for the site having regard to the ownership/use. All other development standards contained within CLEP 2015 that apply to the E3 zone were proposed to be applied to the land.

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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A third privately owned property (Lot 71 DP706546) was initially thought to have a minor boundary variation, however after further investigation (following the public exhibition period) identified that the variation represented a discrepancy in data layers as a result of the gazettal of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which directly abuts the property. Consequently, as there was no change to the local government boundary over this property, the property will not be included in the final draft planning proposal.

As a result of the boundary changes, the following maps for the above properties within CLEP 2015 were proposed to be amended:

- land zoning map
- land application map
- lot size map
- height of buildings map
- heritage map
- environmental constraint map
- lot size for dual occupancy development map.

A draft planning proposal was prepared to reflect the above amendments for the subject properties within CLEP 2015 resulting from the gazettal of the LGA boundary re-alignment and referred to the Department of Planning and Environment for a Gateway Determination.

### **2. Public Exhibition process and outcome**

A Gateway Determination, as previously cited was issued on 11 May 2016 along with confirmation of delegation to Council to advance the draft planning proposal.

As the Gateway Determination contained standard conditions addressing mapping exhibition requirements, the duration of the public exhibition period and referral requirements to State agencies, the draft planning proposal was placed on public exhibition for a minimum of 28 days from the 19 July to 26 August 2016.

The draft Planning Proposal was publicly exhibited via:

- placement on Council's web site for the duration of the exhibition period
  - advertisements in local papers on 19 and 20 July
  - letters to the impacted property owners
  - letters to the following authorities/agencies:
    - NSW Office of Environment and Heritage
    - NSW Office of Environment and Heritage (Heritage Branch)
    - Sydney Metropolitan Catchment Management Authority
    - WaterNSW
    - Camden Council.
-

## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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Council received submissions from three organisations. A copy of each submission received is included in attachment 7 and summarised below:

- NSW Office of Environment and Heritage (Heritage Branch).

NSW Office of Environment and Heritage (Heritage Branch) advised of the following:

Firstly, the draft planning proposal seeks to amend the heritage listing of the property known as Ingleburn Dam which is currently a locally listed item within Schedule 5 of Campbelltown Local Environmental Plan (CLEP 2015). The current property description within Schedule 5 of CLEP 2015 is 'part lot 1 in DP 1086624' but given the recently amended boundary adjustments between Campbelltown and Camden Local Government Areas (LGA) the property will be located entirely within Campbelltown's LGA.

On this basis, it is considered that the property description within Schedule 5 requires amending to reflect this adjustment as follows 'Lot 1 in DP 1086624'. You are advised that no objection is raised to the updating of the property description in Schedule 5 and/or the Heritage Maps of CLEP 2015 with respect to the subject property.

Secondly, the draft planning proposal seeks to amend the current listing of Ingleburn Dam from a locally listed item to a State listed item. Campbelltown Council has requested the listing be amended because they consider the dam to be an integral part of the Upper Canal which is a State listed heritage item (SHR #01373).

Unfortunately, an item's listing is unable to be amended from local to State without first being nominated and assessed by the NSW Heritage Council.

- WaterNSW

WaterNSW advised of the following:

WaterNSW's interest in this proposal relates to Upper Canal corridor, which is adjacent to Lot 1 DP 1086624 and Lot 5 DP 214954. The proposed rezoning of these sites from RU2 to SP2 and RU2 to E3 respectively to reflect the Local Government boundary realignment would not have an adverse effect on the corridor. However, due to the close proximity of the sites to the corridor WaterNSW requests it is consulted on any future development as a result of the proposed rezonings.

Please note that the Ingleburn Dam is not owned by WaterNSW and is no longer an operational asset linked to the Upper Canal. As such we have no comments on the issue of amending Schedule 5 of the LEP to change this heritage item from locally listed to State listed. We understand that the dam is within the ownership of Sydney Water and recommend they are consulted on this issue.

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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- Sydney Water

Sydney Water advised of the following:

Part of Lot 1 DP 1086624 known as Varroville Reservoir has been identified as land potentially surplus to Sydney Water's operation requirements. Therefore, Sydney Water does not support the proposed rezoning to an SP2 and advice that Council should retain the current zoning (RU2).

Sydney Water does not support the proposed State heritage listing of Ingleburn Dam as it can be managed appropriately through our responsibilities under S 172 of the *Heritage Act 1977* and the appropriate Conservation Management Plans.

### 3. Final draft planning proposal

As a result of the above submissions it is proposed to amend the exhibited draft planning proposal as follows:

#### **Property 1 - Ingleburn Dam (lot 1, DP 1086624) owned by Sydney Water**

##### Issue 1 – Zoning

The portion of this premises that was previously within Camden was zoned SP2 –Water Supply System and RU2 – Rural Landscape under Camden LEP 2010. The exhibited draft Planning Proposal sought to retain the SP2 zone and amend the RU2 zone to SP2 to reflect a common zoning for the site, having regard to its ownership/use.

Whilst WaterNSW indicated that the proposed zonings would not have an adverse effect on the corridor, the land owner, Sydney Water does not support the proposal to amend the zoning to SP2 and requested that Council retain the current zoning (RU2).

There is the potential that the subject land could be disposed of as surplus to Sydney Water's needs. In doing so, a site compatibility certificate may be issued which facilitates development consistent with nearby Growth Centre Developments. This is a risk which may-not-be able to be averted.

Therefore, it is recommended as an alternative, that Council adopt an E3 - Environmental Management Zone consistent with its zoning approach to the balance of the broader Scenic Hills landscape unit and similarly, a 100 hectare minimum lot size and provision of no dwelling entitlements.

##### Issue 2 – Heritage

The exhibited draft planning proposal sought to update the property description in Schedule 5 Environmental Heritage, Part 1 Heritage Items of CLEP 2015 by including Ingleburn Dam (Lot 1 DP 1086624) in its entirety and changing the listing of this heritage item from locally listed to State listed.

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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NSW Office of Environment and Heritage (Heritage Branch) advised that no objection is raised to the updating of the property description in Schedule 5 and/or the Heritage Maps of CLEP 2015 with respect to the subject property. On this issue WaterNSW advised that they have no comment and referred Council to the land owner, Sydney Water who did not comment on this issue, however does not support the proposed State heritage listing of Ingleburn Dam.

Given that it has been Councils long held practice not to progress heritage listings of premises where the property owner does not support the listing and the advice from NSW Office of Environment and Heritage (Heritage Branch) that an item's listing is unable to be amended from local to State without first being nominated and assessed by the NSW Heritage Council it is proposed not to pursue State Listing of Ingleburn Dam at this stage.

Having regard to the above, the draft planning proposal has been amended to only update the property description in Schedule 5 Environmental Heritage, Part 1 Heritage Items of CLEP 2015 by including Ingleburn Dam (Lot 1 DP 1086624) in its entirety.

### **Property 2 - (Lot 5, DP 214954) privately owned**

The portion of this premises that was previously within Camden was zoned RU2 – Rural Landscape under Camden LEP 2010. The exhibited draft planning proposal sought to zone this property in its entirety to E3 – Environmental Management to reflect a common zoning for the site having regard to the ownership/use. All other development standards contained within CLEP 2015 that apply to the E3 zone were proposed to be applied to the land. As no submissions were received in relation to this property the exhibited draft planning proposal will not be amended.

In accordance with Council's previous resolution, Council sought and was granted with the Gateway Determination delegation as the Delegate of the Greater Sydney Commission to advance this draft planning proposal. This delegation will now enable Council to streamline the processing of the draft planning proposal by dealing directly with Parliamentary Counsel for the making of the plan rather than through NSW Planning and Environment.

Having complied with the conditions of the Gateway Determination and considered the submissions received during the public exhibition period, which resulted in some minor amendments to the draft planning proposal, Council is now in a position to forward the final draft planning proposal as contained in attachment 2 to Parliamentary Counsel for the making of the plan.

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8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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**Officer's Recommendation**

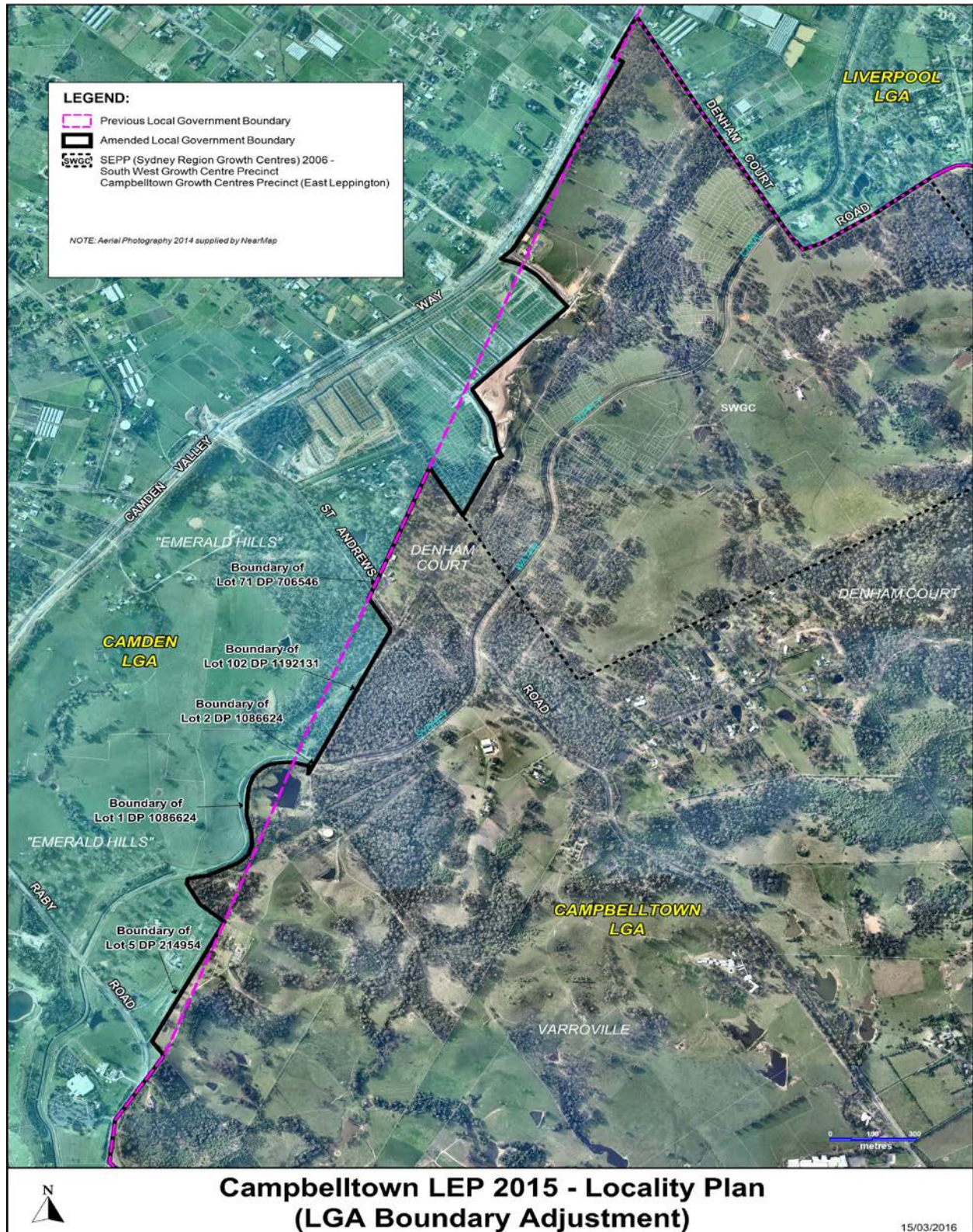
1. That Council adopt Amendment No 2 to Campbelltown Local Environmental Plan 2015 as proposed by the draft planning proposal contained in attachment 2, to amend various maps and associated principal development standards in the Campbelltown Local Environmental Plan 2015 (CLEP 2015) so to be consistent with the previous gazettal of the re-alignment of the Campbelltown/Camden Local Government Area (LGA) boundary.
  2. That Council's delegate, the General Manager, make Amendment No 2 to Campbelltown Local Environmental Plan 2015 under delegation, pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* as authorised by the Delegate of the Greater Sydney Commission.
  3. That Council informs the Department of Planning and Environment of its decision to adopt and make Amendment No 2 to Campbelltown Local Environmental Plan 2015.
  4. That Council advise the affected land owners and parties responsible for submissions (where not the owner) of its decision on this matter.
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# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

## ATTACHMENT 1

### Boundary re-alignment map





## **ATTACHMENT 2**

### **Draft Planning Proposal**

Subject: Draft Campbelltown Local Environmental Plan 2015 – Amendment No. 1

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#### **Part 1 – Objectives or Intended Outcomes**

The objective of this planning proposal is to amend the relevant maps and principal development standards under the Campbelltown LEP 2015 to reflect the amended LGA boundary between the Campbelltown and Camden LGAs.

#### **Part 2 – Explanation of the Provisions**

The Planning Proposal intends to amend a number of maps under the Campbelltown LEP 2015 to reflect the re-alignment of the LGA boundary between the Campbelltown and Camden LGAs. A detailed explanation of the proposed map amendments is included in PART 4 – MAPS of this Planning Proposal.

The Planning Proposal will amend the principal development standards for only two properties as detailed below:

The first property (lot 1, DP 1086624) is owned by Sydney Water and is known as "Ingleburn Dam". The portion of this premises that was previously within Camden was zoned SP2 –Water Supply System and RU2 – Rural Landscape under Camden LEP 2010. It was originally proposed that this land will retain the SP2 zone; and that the RU2 zone be amended to SP2 to reflect a common zoning for the site, having regard to its ownership/use. However, a submission was received from Sydney Water requested that the existing RU2 zone be retained as "Varroville Reservoir has been identified as land potentially surplus to Sydney Water's operation requirements".

There is the potential that the subject land could be disposed of as surplus to Sydney Water's needs via a Site Compatibility Certificate which could facilitate development consistent with nearby Growth Centre Developments. Therefore, as an alternative Council proposes to adopt an E3 - Environmental Management Zone consistent with its zoning approach to the balance of the broader Scenic Hills landscape unit and similarly, all other development standards contained with the CLEP 2015 that apply to the E3 Zone including a 100 hectare minimum lot size and provision of no dwelling entitlement would apply.

All other development standards contained within CLEP 2015 that applies to the SP2 zone and shown in the abovementioned map amendments will be applied to the land. It should be noted that development standards for lot size, height of buildings and lot size for dual occupancy are not applicable to land zoned SP2.

Additionally, "Ingleburn Dam" is a Heritage Item and listed at Schedule 5 of CLEP 2015. The Planning Proposal also intends to amend Schedule 5 Environmental heritage, Part 1 Heritage Items of Campbelltown LEP 2015 by including Ingleburn Dam (Lot 1 DP 1086624) in its entirety, which is currently listed in Schedule 5 as 'Part' Lot1, DP 1086624.

Further it was originally proposed to change the listing of this heritage item from locally listed to State listed as the Dam is an integral part of the Upper Canal which is a State listed heritage item. However, a submission received from the NSW Office of Environment and Heritage (Heritage Branch) which advised "Unfortunately, an item's listing is unable to be amended from local to State without first being nominated and assessed by the NSW Heritage Council." Consequently the suggested change to the heritage listing of Ingleburn Dam has been removed from the Planning Proposal.

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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The second property (lot 5, DP 214954) is privately owned. The portion of this premises that was previously within Camden was zoned RU2 – Rural Landscape under Camden LEP 2010. It is proposed that this property in its entirety be zoned E3 – Environmental Management to reflect a common zoning for the site having regard to the ownership/use. All other development standards contained within CLEP 2015 that apply to the E3 zone and shown in the abovementioned map amendments will be applied to the land, i.e. lot size – 100 Ha, height of building – 9 M and lot size for dual occupancy – 100 Ha.

### **Part 3 – Justification**

#### **Section A – Need for the planning proposal**

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

No. The Planning Proposal is required so that the Campbelltown LEP maps are consistent with the recently gazetted re-alignment of the Campbelltown and Camden LGA boundaries. The amendments are minor and administrative in nature.

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

The Planning Proposal is the best means of implementing the necessary changes to the Campbelltown LEP 2015 maps as a result of the re-alignment of the Campbelltown and Camden LGA boundaries. There is no alternative option to undertake the proposed amendments.

#### **Section B – Relationship to strategic planning framework**

##### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal is required so that the Campbelltown LEP maps are consistent with the recently gazetted re-alignment of the Campbelltown and Camden LGA boundaries. The amendments are minor and administrative in nature, and are considered to be consistent with the Sydney Metropolitan Strategy and draft sub-Regional Strategy.

##### **4. Is the planning proposal consistent with the local council's Strategy or other local strategic plan?**

The Planning Proposal is required so that the Campbelltown LEP maps are consistent with the recently gazetted re-alignment of the Campbelltown and Camden LGA boundaries. The amendments are minor and administrative in nature and are considered to be consistent with Council's Local Planning Strategy (2013).

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8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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

<b>State Environmental Planning Policy</b>	<b>Applicable</b>	<b>Comment</b>	<b>Consistent</b>
Standard Instrument (Local Environmental Plans) Order 2006	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓
Standard Instrument—Principal Local Environmental Plan	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓
State Environmental Planning Policy No 1—Development Standards	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 14—Coastal Wetlands	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 19—Bushland in Urban Areas	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 21—Caravan Parks	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 26—Littoral Rainforests	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 30—Intensive Agriculture	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 33—Hazardous and Offensive Development	✓	This SEPP applies to the state; however, the proposal is not hazardous or offensive. This Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy No 36—Manufactured Home Estates	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 44—Koala Habitat Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 47—Moore Park Showground	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 50—Canal Estate Development	n/a	This SEPP is not relevant to the planning proposal.	n/a

# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

State Environmental Planning Policy No 52— Farm Dams and Other Works in Land and Water Management Plan Areas	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 55— Remediation of Land	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 62— Sustainable Aquaculture	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 64— Advertising and Signage	✓	SEPP 64 will apply to the new land to be located within the Campbelltown LGA as a result of the boundary re- alignment. The Planning Proposal is consistent with the SEPP.	✓
State Environmental Planning Policy No 65— Design Quality of Residential Flat Development	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 70— Affordable Housing (Revised Schemes)	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 71— Coastal Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Affordable Rental Housing) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓	This Planning Proposal is consistent with the provisions of this SEPP.	✓
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Infrastructure) 2007	✓	This Planning Proposal is consistent with the provisions of this SEPP.	✓

# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Kurnell Peninsula) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Major Development) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Rural Lands) 2008	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (State and Regional Development) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	✓	The planning proposal includes the amendment of the Campbelltown LEP 2015 maps near the East Leppington South West Growth Centre precinct which was rezoned under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in March 2013. The map amendments relate to the LGA boundary at East Leppington only, and do not propose to make any changes to the SEPP. The Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy (Urban Renewal) 2015	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Western Sydney Employment Area) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a



# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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State Environmental Planning Policy (Western Sydney Parklands) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 18—Public Transport Corridors	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 24—Homebush Bay Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 25—Orchard Hills	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 26—City West	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 28—Parramatta	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 30—St Marys	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 33—Cooks Cove	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a

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# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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

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

Ministerial Direction	Compliance	Comment
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	N/A	This s.117 direction is not relevant to the planning proposal.
1.2 Rural Zones	N/A	This s.117 direction is not relevant to the planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	This s.117 direction is not relevant to the planning proposal.
1.4 Oyster Aquaculture	N/A	This s.117 direction is not relevant to the planning proposal.
1.5 Rural Lands	N/A	This s.117 direction is not relevant to the planning proposal.
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	Yes	The proposal intends to apply an E3 Environmental Conservation zone to land which was previously zoned RU2 – Rural Landscape, therefore not diminishing the environmental standards that apply to the land.
2.2 Coastal Protection	N/A	This s.117 direction is not relevant to the planning proposal.
2.3 Heritage Conservation	Yes	The proposal has no impact upon the heritage listing of the adjacent Sydney Upper Canal which is a State heritage item. It is proposed to amend Schedule 5 Environmental heritage, Part 1 Heritage Items of Campbelltown LEP 2015 by including Ingleburn Dam (Lot 1 DP 1086624) in its entirety, which is currently listed in Schedule 5 as 'Part' Lot1, DP 1086624.
2.4 Recreation Vehicle Areas	N/A	This s.117 direction is not relevant to the planning proposal.
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	N/A	This s.117 direction is not relevant to the planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	N/A	This s.117 direction is not relevant to the planning proposal.
3.3 Home Occupations	N/A	This s.117 direction is not relevant to the planning proposal.
3.4 Integrating Land Use and Transport	N/A	This s.117 direction is not relevant to the planning proposal.
3.5 Development Near Licensed Aerodromes	N/A	This s.117 direction is not relevant to the planning proposal.

# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

3.6 Shooting Ranges	N/A	This s.117 direction is not relevant to the planning proposal.
<b>4. Hazard and Risk</b>		
4.1 Acid Sulphate Soils	N/A	This s.117 direction is not relevant to the planning proposal.
4.2 Mine Subsidence and Unstable Land	N/A	This s.117 direction is not relevant to the planning proposal.
4.3 Flood Prone Land	N/A	This s.117 direction is not relevant to the planning proposal.
4.4 Planning for Bushfire Protection	N/A	This s.117 direction is not relevant to the planning proposal.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	N/A	This s.117 direction is not relevant to the planning proposal.
5.2 Sydney Drinking Water Catchments	N/A	This s.117 direction is not relevant to the planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	This s.117 direction is not relevant to the planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	This s.117 direction is not relevant to the planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	This s.117 direction is not relevant to the planning proposal.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	This s.117 direction is not relevant to the planning proposal.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	This s.117 direction is not relevant to the planning proposal.
5.8 Second Sydney Airport: Badgerys Creek	N/A	This s.117 direction is not relevant to the planning proposal.
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.2 Reserving Land for Public Purposes	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.3 Site Specific Provisions	N/A	This s.117 direction is not relevant to the planning proposal.
<b>7. Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney	Yes	The Planning Proposal is consistent with the relevant actions from the draft South West Sub-regional Strategy.

## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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### **Section C – Environmental, social and economic impact**

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

The Planning Proposal is required so that the Campbelltown LEP maps are consistent with the recently gazetted re-alignment of the Campbelltown and Camden LGA boundaries. The amendments are minor and administrative in nature. The application of an E3 Environmental Management zoning to land currently zoned RU2 – Rural Landscape is considered to offer greater environmental protection.

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

The Planning Proposal is required so that the Campbelltown LEP maps are consistent with the recently gazetted re-alignment of the Campbelltown and Camden LGA boundaries. The amendments are minor and administrative in nature and no adverse environmental impacts are likely to occur as a result of the Planning Proposal.

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

The Planning Proposal is required so that the Campbelltown LEP maps are consistent with the recently gazetted re-alignment of the Campbelltown and Camden LGA boundaries. The amendments are minor and administrative in nature and no adverse social or economic impacts are likely to occur as a result of the Planning Proposal.

### **Section D – State and Commonwealth interests**

**10. Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal is required so that the Campbelltown LEP maps are consistent with the recently gazetted re-alignment of the Campbelltown and Camden LGA boundaries. The amendments are minor and administrative in nature, and do not propose any intensification of land use or rezoning of land to enable development to occur. The Planning Proposal does not place any additional demand upon existing public infrastructure.

**11. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?**

In accordance with the Gateway Determination the following public authorities were consulted during the public exhibition period:

- o NSW Office of Environment and Heritage
- o NSW Office of Environment and Heritage (Heritage Branch)
- o Sydney Metropolitan Catchment Management Authority
- o WaterNSW
- o Camden Council.

Council received submissions from three organisations. A copy of each submission received is included in attachment E and summarised below:

**NSW Office of Environment and Heritage (Heritage Branch)**

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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NSW Office of Environment and Heritage (Heritage Branch) advised of the following:

"Firstly, the draft planning proposal seeks to amend the heritage listing of the property known as 'Ingleburn Dam' which is currently a locally listed item within Schedule 5 of Campbelltown Local Environmental Plan (CLEP 2015). The current property description within Schedule 5 of CLEP 2015 is 'part lot 1 in DP 1086624' but given the recently amended boundary adjustments between Campbelltown and Camden Local Government Areas (LGA) the property will be located entirely within Campbelltown's LGA.

On this basis, it is considered that the property description within Schedule 5 requires amending to reflect this adjustment as follows 'Lot 1 in DP 1086624'. You are advised that no objection is raised to the updating of the property description in Schedule 5 and/or the Heritage Maps of CLEP 2015 with respect to the subject property.

Secondly, the draft planning proposal seeks to amend the current listing of 'Ingleburn Dam' from a locally listed item to a State listed item. Campbelltown Council has requested the listing be amended because they consider the dam to be an integral part of the Upper Canal which is a State Listed Heritage Item (SHR #01373).

Unfortunately, an item's listing is unable to be amended from local to State without first being nominated and assessed by the NSW Heritage Council."

### **WaterNSW**

WaterNSW advised of the following:

"WaterNSW's interest in this proposal relates to Upper Canal corridor, which is adjacent to Lot 1 DP 1086624 and Lot 5 DP 214954. The proposed rezoning of these sites from RU2 to SP2 and RU2 to E3 respectively to reflect the Local Government boundary realignment would not have an adverse effect on the corridor. However, due to the close proximity of the sites to the corridor WaterNSW requests it is consulted on any future development as a result of the proposed rezonings.

Please note that the Ingleburn Dam is not owned by WaterNSW and is no longer an operational asset linked to the Upper Canal. As such we have no comments on the issue of amending Schedule 5 of the LEP to change this Heritage item from locally listed to State listed. We understand that the Dam is within the ownership of Sydney Water and recommend they are consulted on this issue."

### **Sydney Water**

Sydney Water advised of the following:

"Part of Lot 1 DP 1086624 known as Varroville Reservoir has been identified as land potentially surplus to Sydney Water's operation requirements. Therefore, Sydney Water does not support the proposed rezoning to an SP2 and advice that Council should retain the current zoning (RU2).

Sydney Water does not support the proposed State Heritage listing of Ingleburn Dam as it can be managed appropriately through our responsibilities under S 172 of the *Heritage Act 1977* and the appropriate Conservation Management Plans."

As a result of the above submissions the exhibited Planning Proposal has been amended as follows:

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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- The portion of the premises (lot 1, DP 1086624) owned by Sydney Water that was previously zoned RU2 – Rural Landscape under Camden LEP 2010 is proposed to be zoned E3 - Environmental Management to be consistent with Council's zoning approach to the balance of the broader Scenic Hills landscape unit
- The previously proposed change to the heritage listing of Ingleburn Dam has been removed from the Planning Proposal.

### Part 4 – Mapping

This planning proposal aims to amend the following maps to both reflect the re-alignment of the LGA Boundary and to amend the content of the maps:

- Land Zoning Map – Sheet LZN\_006 (1500\_COM\_LZN\_006\_020\_20150428)
- Land Zoning Map – Sheet LZN\_007 (1500\_COM\_LZN\_007\_020\_20150428)
- Height of Buildings Map – Sheet HOB\_006 (1500\_COM\_HOB\_006\_020\_20150428)
- Height of Buildings Map – Sheet HOB\_007 (1500\_COM\_HOB\_007\_020\_20150428)
- Lot Size Map – Sheet LSZ\_006 (1500\_COM\_LSZ\_006\_020\_20150428)
- Lot Size Map – Sheet LSZ\_007 (1500\_COM\_LSZ\_007\_020\_20150428)
- Land Application Map – Sheet LAP\_001 (1500\_COM\_LAP\_001\_120\_20150428)
- Heritage Map - Sheet LSZ\_007 (1500\_COM\_HER\_007\_020\_20150428)
- Environmental Constraint Map – Sheet ECM\_006 (1500\_COM\_ECM\_006\_020\_20150428)
- Environmental Constraint Map – Sheet ECM\_007 (1500\_COM\_ECM\_007\_020\_20150428)
- Lot Size for Dual Occupancy Development Map – Sheet LSD\_006 (1500\_COM\_LSD\_006\_020\_20150428)
- Lot Size for Dual Occupancy Development Map – Sheet LSD\_007 (1500\_COM\_LSD\_007\_020\_20150428)

In addition the following maps will be amended, however only to reflect the re-alignment of the LGA Boundary:

- Lot Averaging Map – Sheet LAV\_007 (1500\_COM\_LAV\_007\_020\_20150428)
- Additional Permitted Uses Map – Sheet APU\_007 (1500\_COM\_APU\_007\_020\_20150428)
- Floor Space Ratio Map – Sheet FSR\_007 (1500\_COM\_FSR\_007\_020\_20150428)
- Land Reservation Acquisition Map – Sheet LRA\_007 (1500\_COM\_LRA\_007\_020\_20150428)
- Heritage Map - Sheet LSZ\_006 (1500\_COM\_HER\_006\_020\_20150428)

### Part 5 - Community Consultation

The Planning Proposal was publicly exhibited for a period of 28 days from 19 July 2016 – 26

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## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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August 2016. The draft planning proposal was publicly exhibited via:

- Placement on Council's web site for the duration of the exhibition period
- Advertisements in local papers on 19 and 20 July 2016
- Letters to the impacted property owners
- Letters to the following authorities/agencies:
  - NSW Office of Environment and Heritage
  - NSW Office of Environment and Heritage (Heritage Branch)
  - Sydney Metropolitan Catchment Management Authority
  - WaterNSW
  - Camden Council.

Council received submissions from three organisations. A copy of each submission received has been discussed in the previous section and is included in attachment E.

### Part 6 – Project Timeline

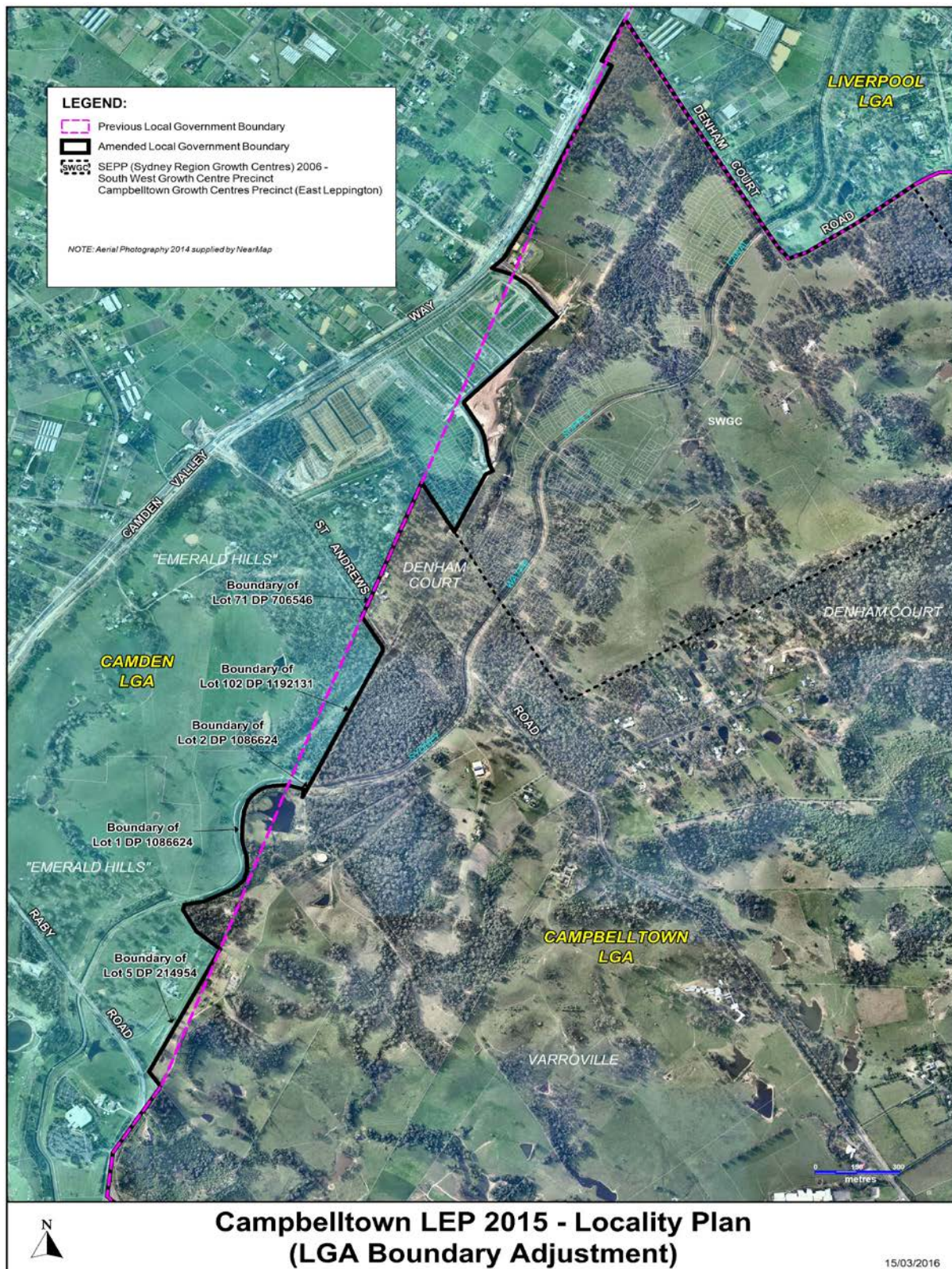
Commencement date (date of Gateway determination)	<b>11 May 2016</b>
Timeframe for the completion of required technical information	<b>Not required</b>
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	<b>No separate government agency consultation proposed – incorporate into public exhibition period</b>
Commencement and completion dates for public exhibition period	<b>19 July 2016 – 26 August 2016</b>
Timeframe for consideration of submissions	<b>September 2016</b>
Date of submission to the department to finalise the LEP	<b>November 2016</b>
Anticipated date RPA will make the plan (if delegated)	<b>January 2017</b>
Anticipated date RPA will forward to the department for notification	<b>January 2017</b>

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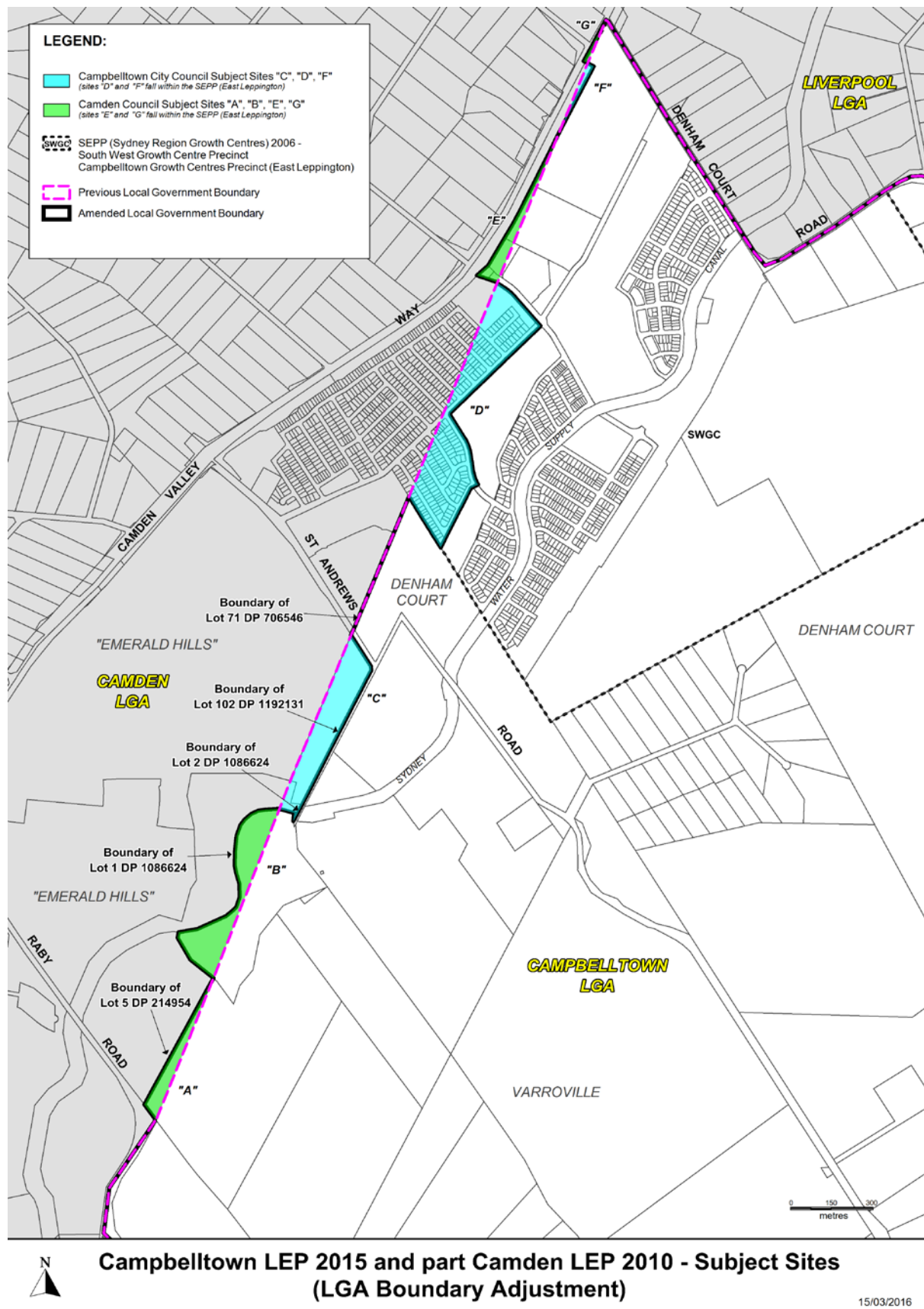
# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

## ATTACHMENT 3

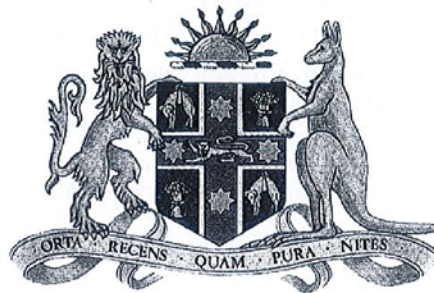




# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary



## ATTACHMENT 4



# *Government Gazette*

of the State of

New South Wales

Number 106

Friday, 27 November 2015

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The *New South Wales Government Gazette* is the permanent public record of official notices issued by the New South Wales Government. It also contains local council and other notices and private advertisements.

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal – see [Gazette Information](#).

8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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Parliament

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## PARLIAMENT

### ACT OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 19 November 2015

It is hereby notified, for general information, that His Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Act passed by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 55, 2015 — An Act to amend the *Retail Trading Act 2008* to make further provision with respect to restricted trading days and bank trading days; and for other purposes. [**Retail Trading Amendment Bill 2015**]

DAVID BLUNT  
Clerk of the Parliaments

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### ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 19 November 2015

It is hereby notified, for general information, that His Excellency the Governor, has, in the name and on behalf of Her Majesty, this day assented to the under mentioned Acts passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 56 — An Act to amend the *Gaming and Liquor Administration Act 2007* to make further provision with respect to the administration of the gaming and liquor legislation and the review of certain decisions made under that legislation. [**Gaming and Liquor Administration Amendment Bill**]

Act No. 57 — An Act to constitute and confer functions on the Greater Sydney Commission and to provide for the constitution of planning panels for the Greater Sydney Region; to amend the *Environmental Planning and Assessment Act 1979* to make provision in relation to strategic planning; and for other purposes. [**Greater Sydney Commission Bill**]

RONDA MILLER  
Clerk of the Legislative Assembly

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8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

## GOVERNMENT NOTICES

### Miscellaneous Instruments

#### LOCAL GOVERNMENT ACT 1993

#### PROCLAMATION

DAVID HURLEY, Governor

I, His Excellency General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 218B of the *Local Government Act 1993*, hereby alter the boundaries of the Area of Campbelltown City as described in the first schedule of the Local Government (Areas) Act No 30, 1948, and the Area of Camden as described by Proclamation in *Government Gazette* No 52 of 27 May 2011, by transferring part of the Area of Campbelltown City described in Schedule A hereto and adding it to the Area of Camden and by transferring part of the Area of Camden described in Schedule B hereto and adding it to the Area of Campbelltown City so that the boundary of the Area of Campbelltown City and the boundary of the Area of Camden shall be as described in Schedules C and D hereto. I also make provision in Schedule E for the apportionment or rates and charges between the affected Councils.

Signed and sealed at Sydney, this 18 day of November 2015.

By His Excellency's Command,

PAUL TOOLE, MP  
Minister for Local Government

GOD SAVE THE QUEEN!

#### Schedule A:

##### Areas to be transferred from Campbelltown to Camden

**Area about 19.24 square kilometres:** Being part of Lot 2 DP 1086624, part of Lot 10 DP 1173819, part Lots 2211 – 2213, 2220 – 2222, Lots 2197- 2210 & 2223 – 2236 DP 1193713, part Lots 2176, 2176, 2180, 2181, 2182, Lots 2158 – 2175 & 2183 – 2196 DP 1193712, part Lot 2143, Lots 2125 – 2142 & 2144 – 2157 DP 1193711, part Lots 2003 – 2007, Lots 2001, 2002 DP 1193708, part Lot 1168 DP 1189793, part Lots 1127, 1128, 1165 – 1167, DP 1189792, Lots 1122 – 1126, 1086 – 1088 and part Lots 1120, 1121, 1089 DP 1189791, Lots 1065 – 1068, 1079 – 1085 and part Lots 1077, 1078, 1064 DP 1189790, Lots 1001 – 1020, 1024 – 1030 and part Lots 1000 1031, DP 1189789, Lots 21 – 23 DP 1202611, Lots 691 – 696 DP 1196950, part Lot 43 DP 1174145 and part of the following roads, Moriarty St, Baden Powell Ave, Jamboree Ave, Cub St, Patrol St, Resolution Ave, Scout St, Joey Cr, Willowdale Drive, Penstock St and Canal Pde.

#### Schedule B:

##### Areas to be transferred from Camden to Campbelltown

**Area about 8.63 square kilometres:** Being part of Lot 5 DP 214954, part of Lot 1 DP 1086624, part Lot 999 DP 1189789, part Lot 7 DP 1200698.

#### Schedule C:

##### Campbelltown Council (as altered)

**Area about 301.17 square kilometres.** Commencing at the point where Williams Creek meets the southern boundary of Portion 168, Parish of Holsworthy, County of Cumberland, by that creek upwards to the north-eastern boundary of Portion 20, Parish of Eckersley, by part of that boundary south-westerly to the western side of the Old Illawarra Road, by that road generally south-easterly to the north-western corner of Portion 41, by the northern and eastern boundaries of that portion, easterly and southerly, by the eastern boundary of Portion 22, southerly to the centre of the Woronora River, by that river upwards to the northern boundary of Lot 1 DP 1041061, by the northern boundary of that lot and the northern and part of the western boundary of Lot 3 DP 1041061, westerly and southerly to Dahlia Creek, by that creek and O'Hares Creek downwards to the easterly prolongation of the southern boundary of Portion 47, Parish of Wedderburn, by that prolongation westerly and by the southern boundaries of Portions 47 and 13, westerly and by the westerly prolongation of the southern boundary of Portion 13 to the right bank of the Nepean River, by that bank generally northerly to the plan of the Boundary between the Municipalities of Nepean and Campbelltown catalogued Ms 3353 Sy; by that plan generally north-easterly to the south western boundary of Lot 5 DP 214954, by that boundary generally northerly to the south western boundary of Lot 1 DP 1086624, by that boundary generally northerly and by the generally eastern boundary of Lot 2 DP 1086624, northerly to Lot 10 DP 1173819, by that boundary again generally northerly to the south western prolongation of the generally north western boundary of Lot 71 DP 706546, by that prolongation and boundary generally north easterly and south easterly to the south eastern corner of Lot 2236 DP 1193713, by the south eastern boundary of that lot and the south eastern boundary of Canal Parade, and its prolongation generally north easterly to the eastern boundary of Baden Powell Ave, by that boundary, northerly to Jamboree Ave, by the south eastern boundary of that road generally north easterly to the south eastern prolongation of the generally western boundary of Willowdale Drive, by that prolongation and the western boundary of Willowdale Drive, generally north westerly to the north-eastern most corner of Lot 1000 DP 1189789, by a line, generally north easterly to the north west corner of Lot 999 DP 1189789, by the north western boundary of that lot and Lot 7 DP 1200698, generally north easterly to Camden Valley Way, by Camden Valley Way generally northerly to Denham Court Road, by that road, generally south-easterly, Campbelltown Road generally north-easterly, the road on the southwest of



## 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

Lot 5 DP 241558, Lots 2 and 3 DP 507628, Lots 4, 5, 6, 7 and 8 DP 13684, and Lots 1, 2 and 3 DP 215195, south-easterly and Glenfield Road easterly and south-easterly to the Main Southern Railway; by that railway north-easterly to the southern boundary of Portion 68, Parish of Minto; by that boundary easterly to the left bank of Georges River; by that bank upwards to the western prolongation of the northern boundary of Portion 1, Parish of Eckersley; by that prolongation, boundary and eastern prolongation of that boundary generally easterly, part of the western, the northern and part of the eastern boundaries of Portion 17 northerly, easterly and southerly, the northern boundaries of Portions 6, 2, 48, easterly to the point of commencement.

### **Schedule D: Camden Council (as altered)**

**Area about 218.59 square kilometres.** Commencing at the junction of the left bank of the Nepean River with the right bank of Sickles Creek; and bounded thence by that bank upwards to the north most northern boundary of Lot 332 DP 861656; by part of that boundary westerly, the generally south-eastern and part of the southern boundaries of Lot 1 DP 547322 generally south-westerly and westerly, the generally eastern boundary of Lot 1 DP 235460 generally southerly, part of the eastern boundary of Lot 102 DP 701950 southerly, the north-eastern boundary of Lot 41, plan catalogued 1570 (L) south-easterly to the middle of the road catalogued R. 440-1603; by a line along the middle of that road south-westerly to its intersection with the northerly prolongation of a line along the middle of the road forming the western boundary of lots 39 and 35 of the said plan catalogued 1570 (L); by a line along the middle of that road southerly to the middle of the road catalogued R. 441-1,603; by a line along the middle of that road south-easterly and easterly to the middle of the road catalogued R. 6452-1603 R.; by a line along the middle of that road northerly to its intersection with the westerly prolongation of a line along the middle of Cawdor-lane; by a line along the middle of that lane easterly to the middle of the road catalogued R. 442-1603; by a line along the middle of that road distant 3 chains 66 links southerly; by a line east to the left bank of Navigation Creek; by that bank of that creek generally northerly to the left bank of the Nepean River; by a line north to the right bank of that river; by that bank of the Nepean River generally easterly to the plan of the Boundary between the Municipalities of Nepean and Campbelltown catalogued Ms 3353 Sy; by that plan generally north-easterly to the south western boundary of Lot 5 DP 214954, by that boundary generally northerly to the south western boundary of Lot 1 DP 1086624, by that boundary generally northerly and by the generally eastern boundary of Lot 2 DP 1086624, northerly to Lot 10 DP 1173819, by that boundary again generally northerly to the south western prolongation of the generally north western boundary of Lot 71 DP 706546, by that prolongation and boundary generally north easterly and south easterly to the south eastern corner of Lot 2236 DP 1193713, by the south eastern boundary of that lot and the south eastern boundary of Canal Parade, and its prolongation generally north easterly to the eastern boundary of Baden Powell Ave, by that boundary, northerly to Jamboree Ave, by the south eastern boundary of that road generally north easterly to the south eastern prolongation of the generally western boundary of Willowdale Drive, by that prolongation and the western boundary of Willowdale Drive, generally north westerly to the north-eastern most corner of Lot 1000 DP 1189789, by a line, generally north easterly to the north west corner of Lot 999 DP 1189789, by the north western boundary of that lot and Lot 7 DP 1200698, generally north easterly to Camden Valley Way, by Camden Valley Way and Cowpasture Road, northerly, Bringelly Road and Greendale Road westerly to the eastern boundary of Portion 14, Parish of Bringelly; by part of that boundary and the southern boundary of that portion southerly and westerly to Bringelly Creek; by that creek downwards to the north eastern prolongation of the generally eastern boundary of Lot 4 DP 776502, by that prolongation and the generally eastern boundary of Lot 4 DP 776502 aforesaid, southerly, the eastern and southern boundaries of Lot 5 DP 776502, southerly and westerly, to the Bringelly Creek aforesaid; by that creek downwards to the eastern prolongation of the northern boundary of Lot 7 DP 1056890, by that prolongation and the generally northern, eastern and southern boundaries of Lot 7 DP 1056890 aforesaid, generally easterly, southerly and westerly to the Bringelly Creek aforesaid; by that creek downwards to the southern prolongation of the eastern boundary of Lot 6 DP 1056890, by that prolongation and the eastern, southern, and western boundaries of Lot 6 DP 1056890 aforesaid, generally southerly, northerly and easterly to the Bringelly Creek aforesaid; by that creek downwards to the southern prolongation of the eastern boundary of Lot 2 DP 582023, by that prolongation and the south-eastern boundary of Lot 2 DP 582023 aforesaid, south-westerly to the north eastern prolongation of the south eastern boundary of Lot 2 DP 582023 aforesaid; by that prolongation to the Nepean River upwards to south-eastern corner of Portion 29, Parish of Cook and by a line southerly to the point of commencement.

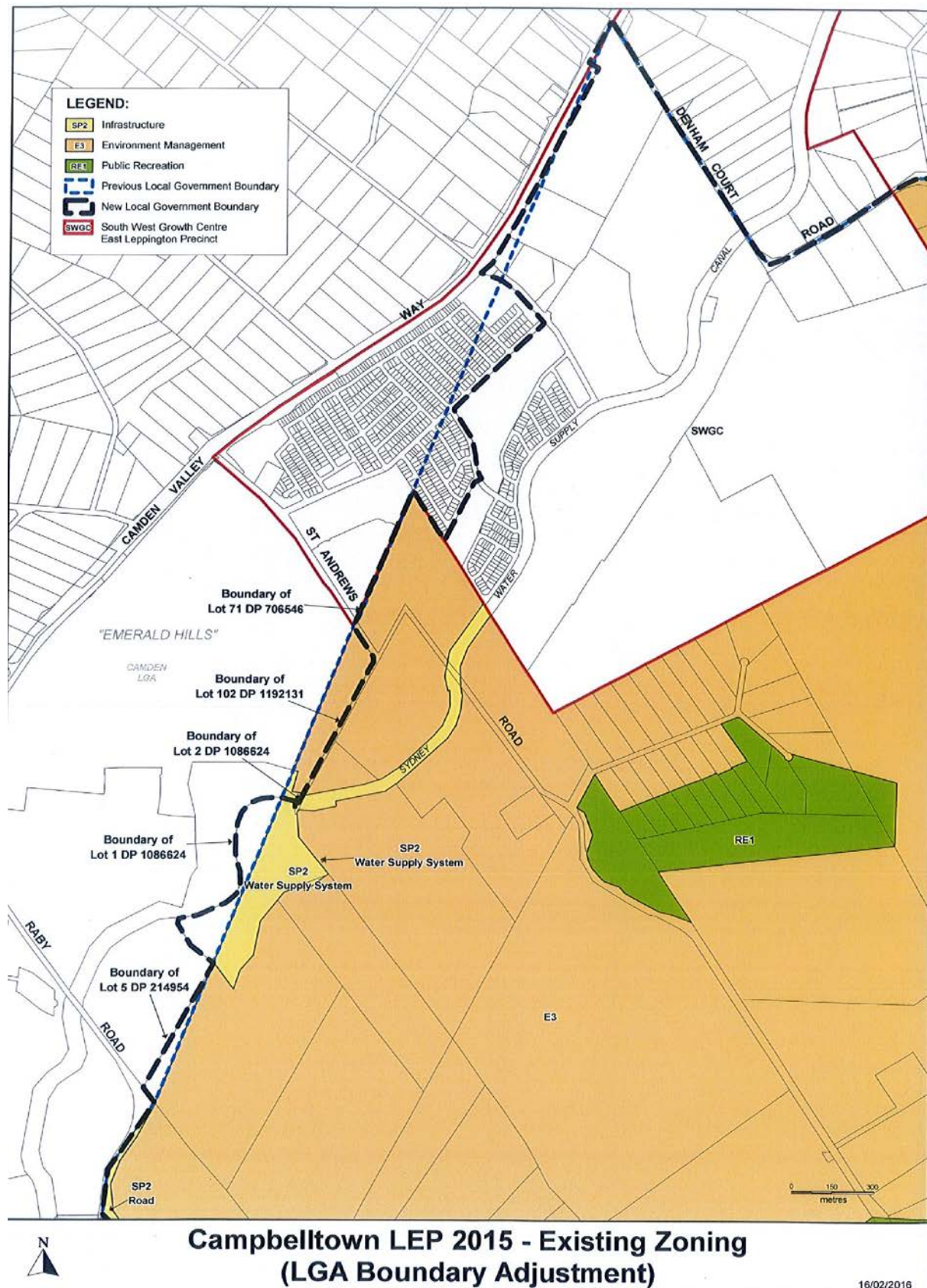
### **Schedule E: Rates and Charges**

- 1) Appropriate arrangements are to be made in relation to the rates and charges over the rateable parcels of land affected by this Proclamation.
- 2) The General Manager of Campbelltown City and the General Manager of Camden are to reach a negotiated agreement on the nature of those arrangements.
- 3) In the event that the General Managers of Campbelltown City and Camden cannot come to a negotiated agreement on the matter of rates and charges, the Minister for Local Government will make a determination on that matter.



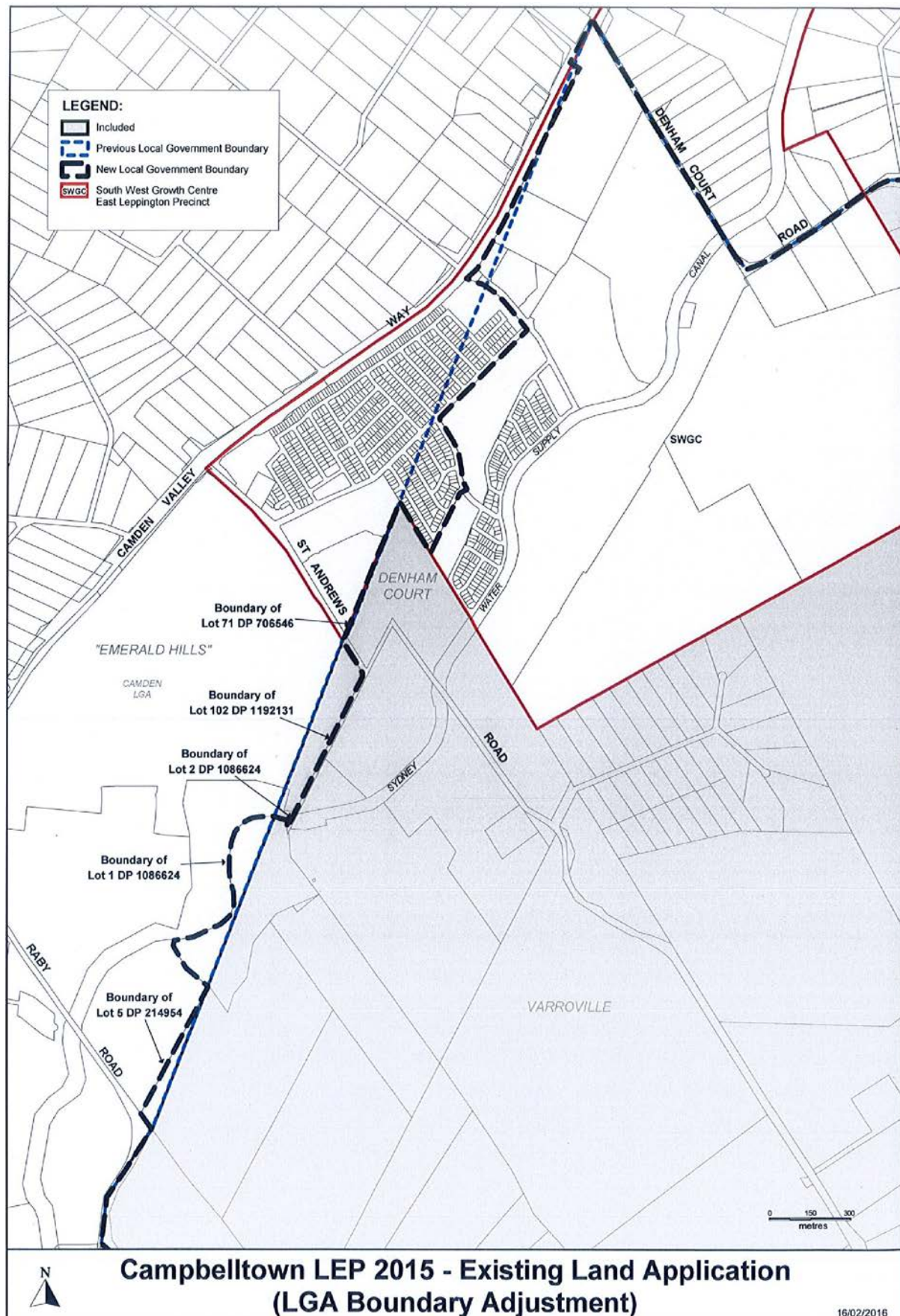
# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

## ATTACHMENT 5



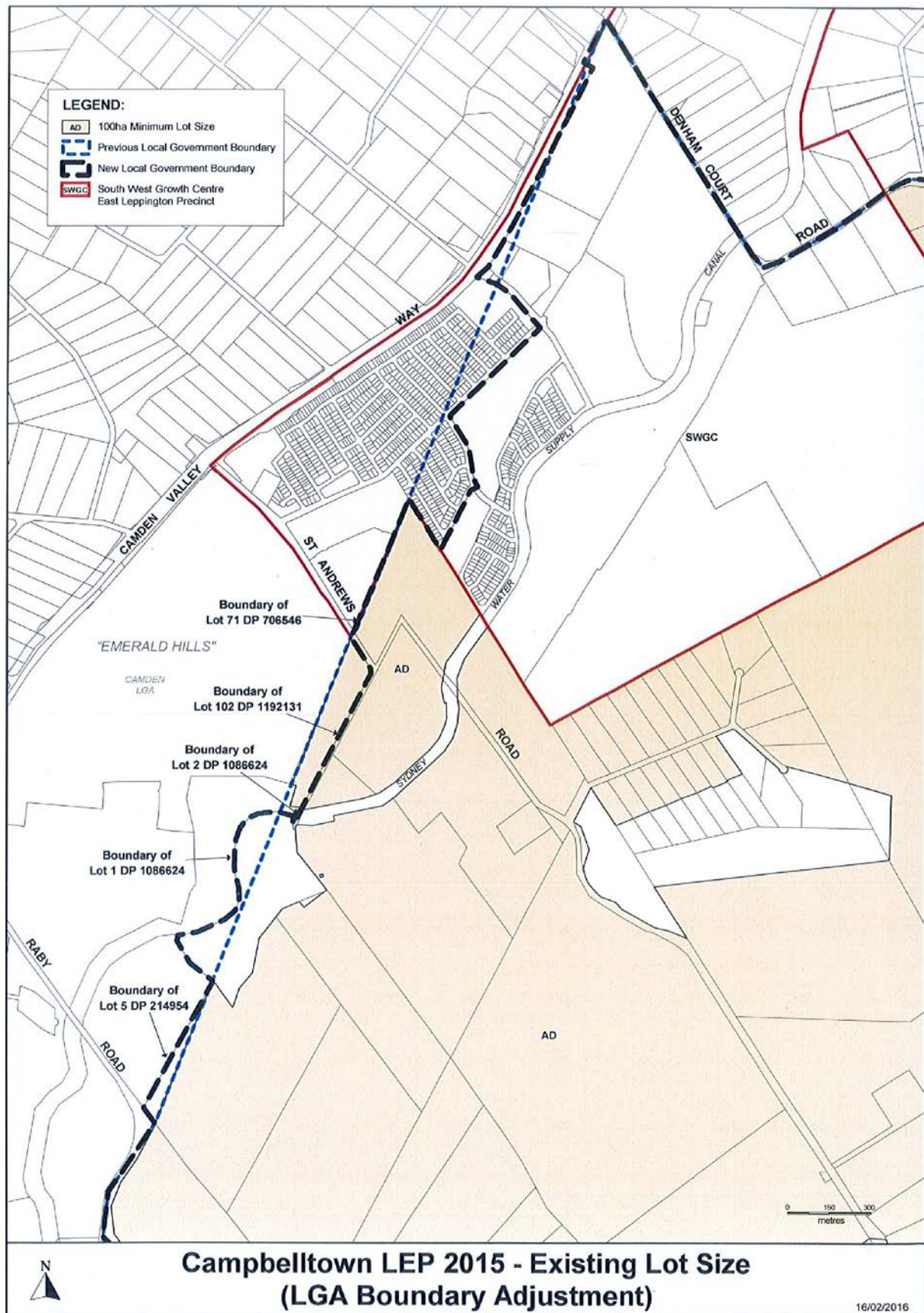


# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary



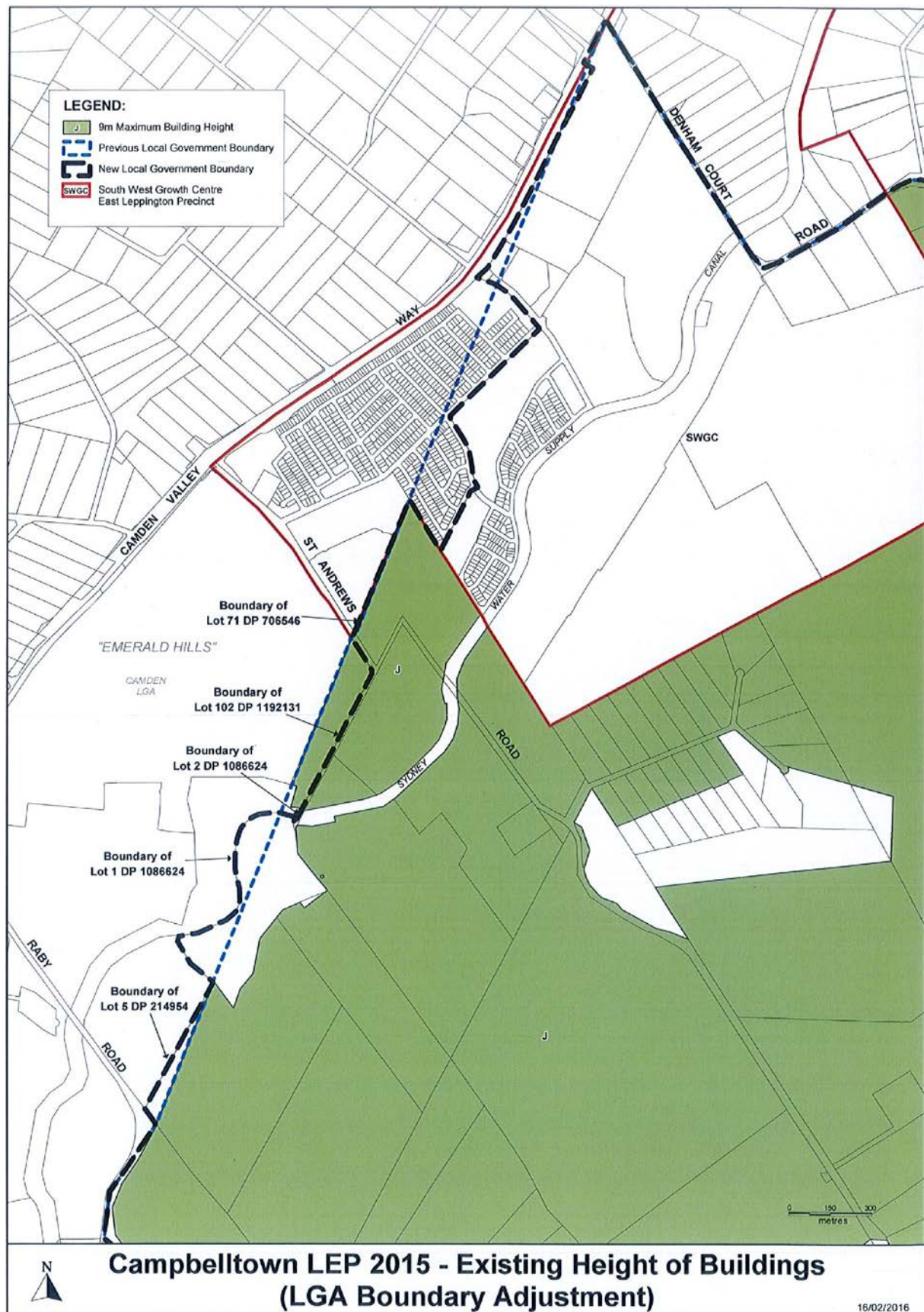


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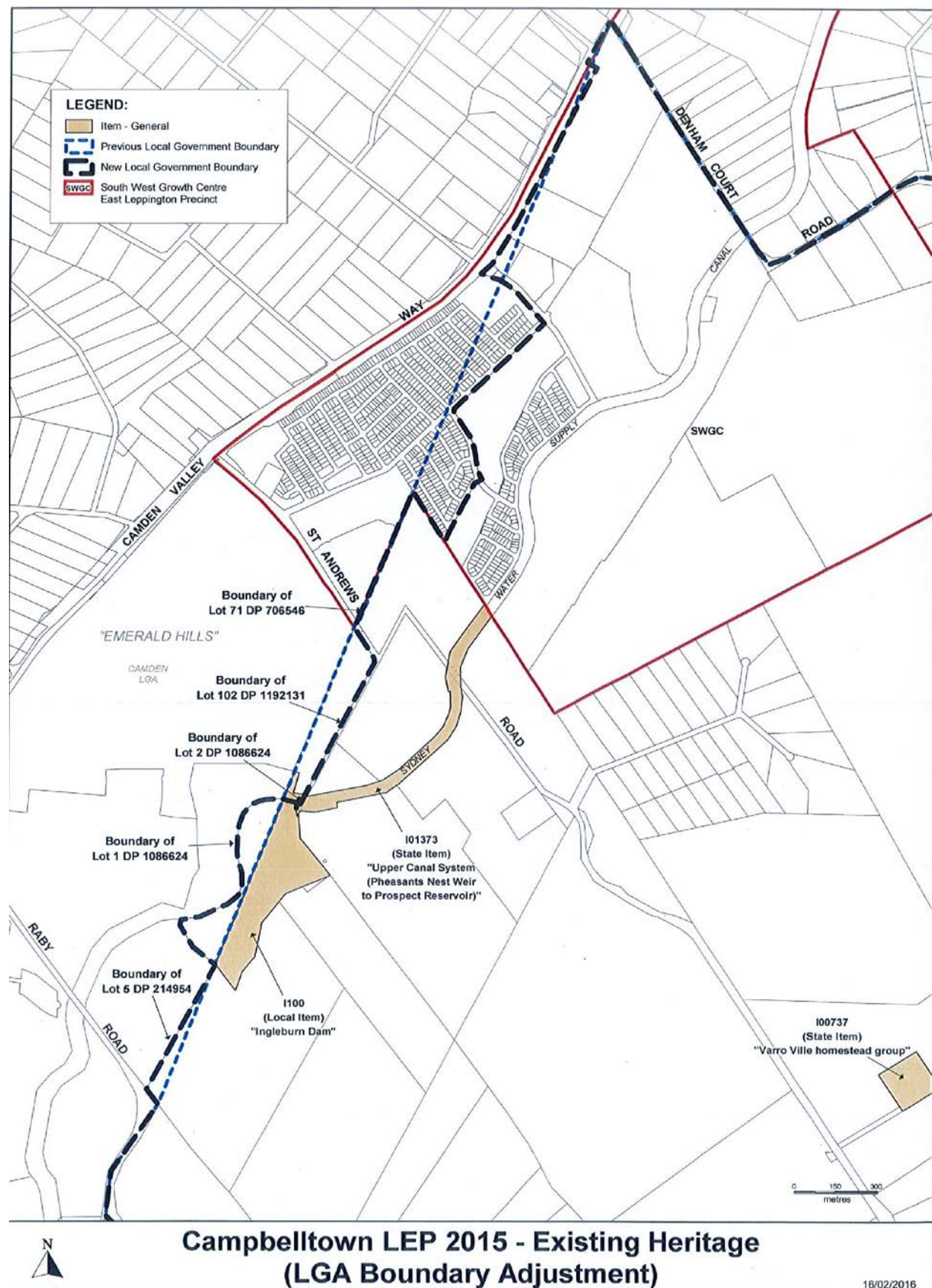




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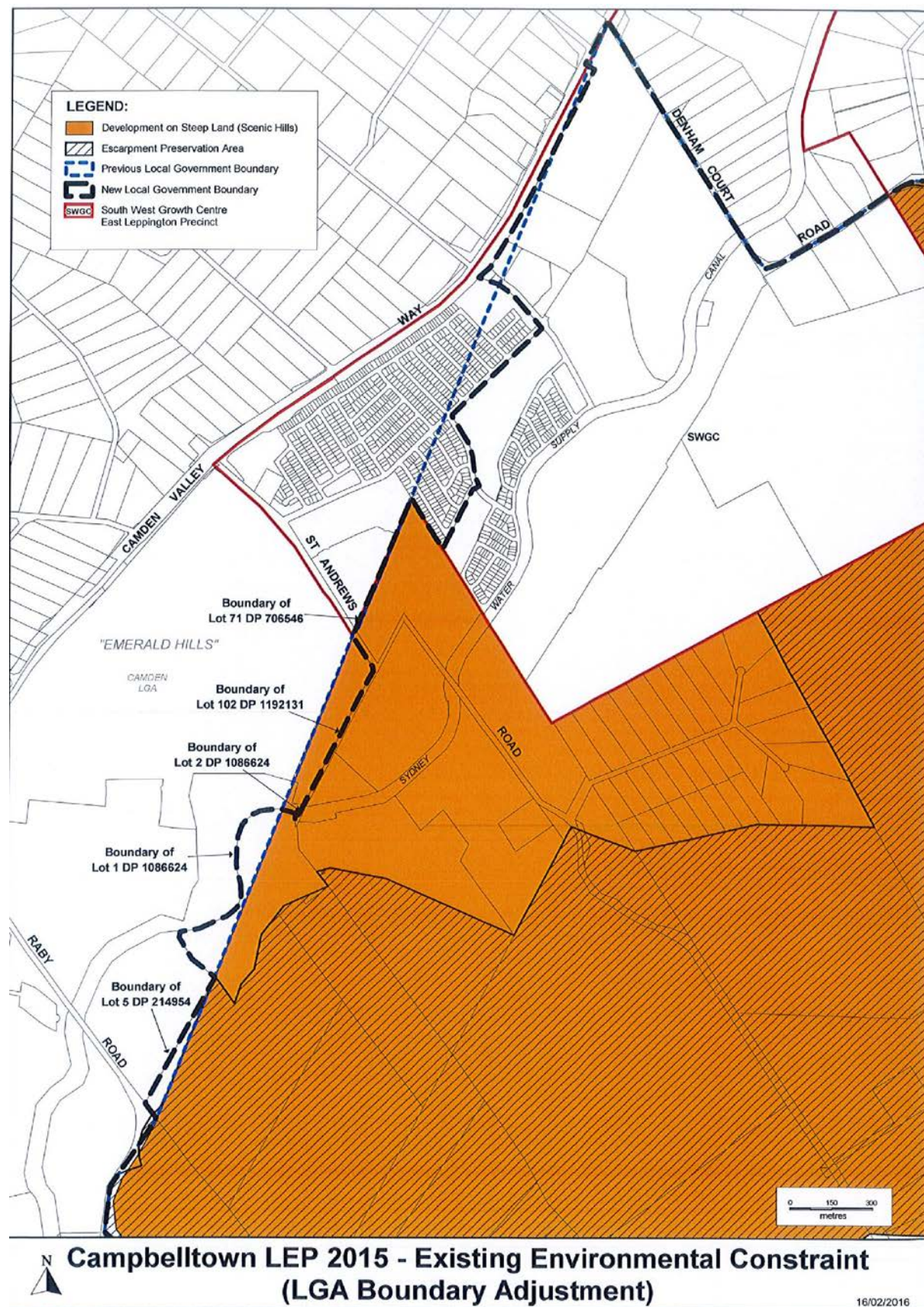


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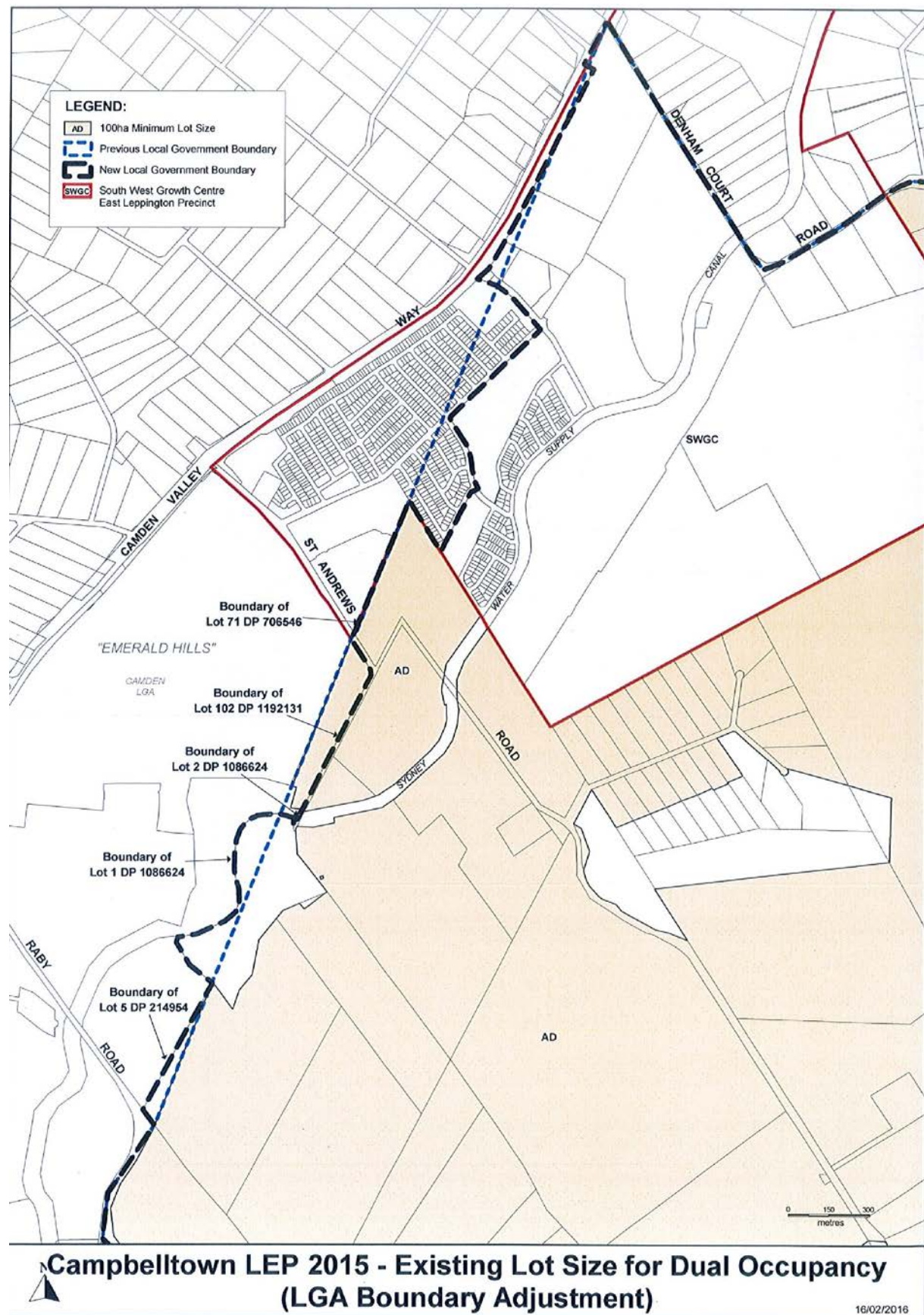




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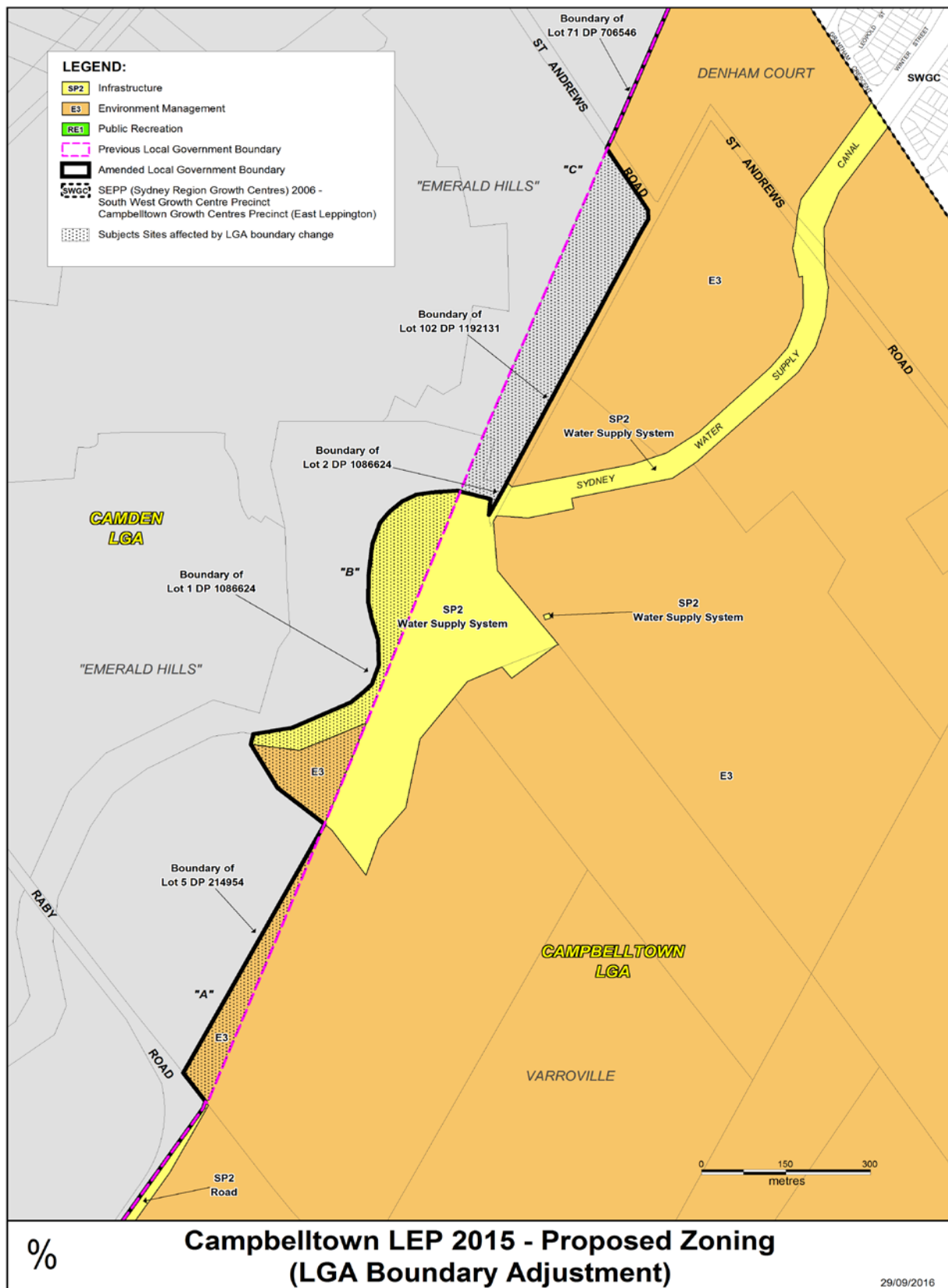






# 8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

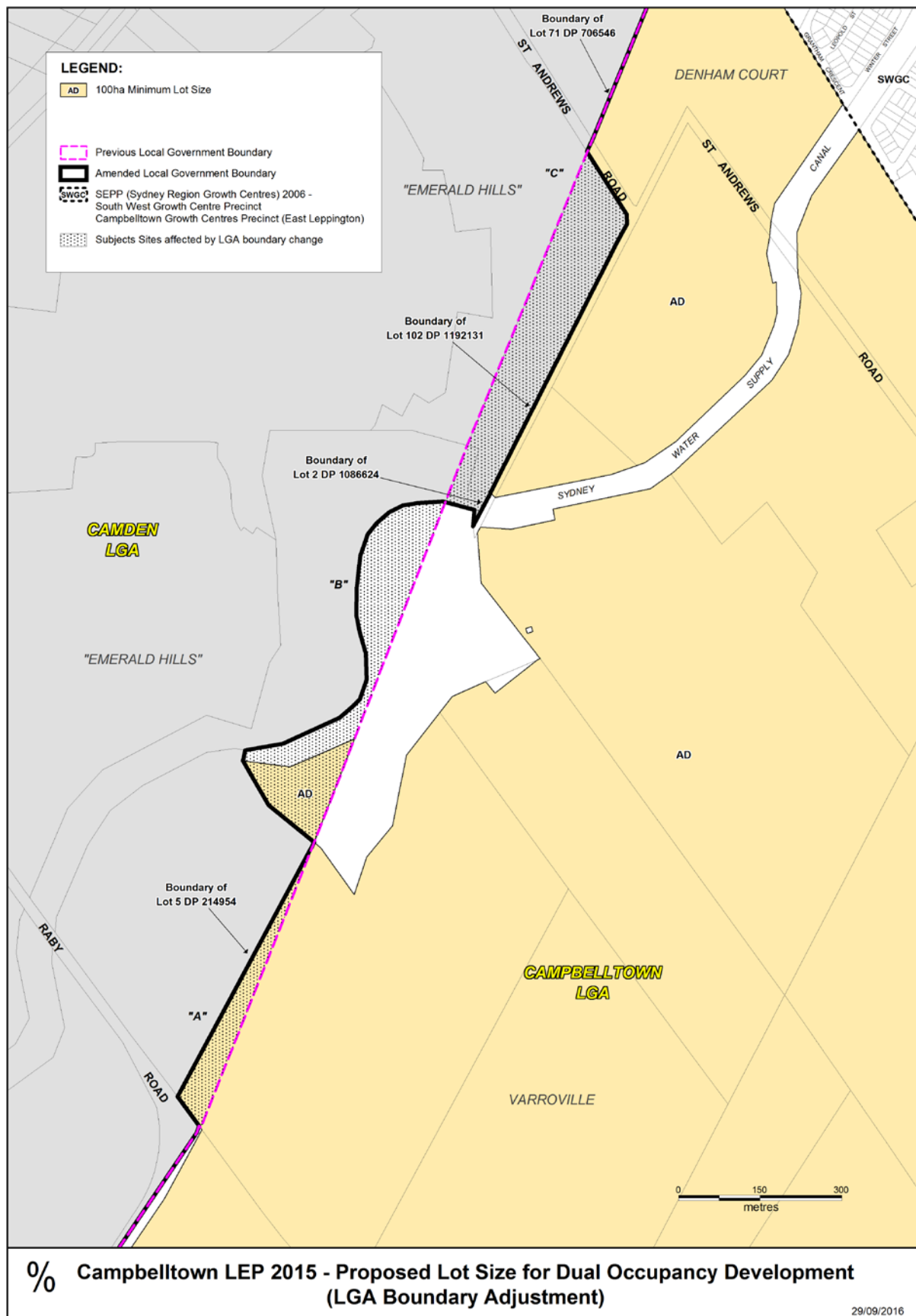
## ATTACHMENT 6



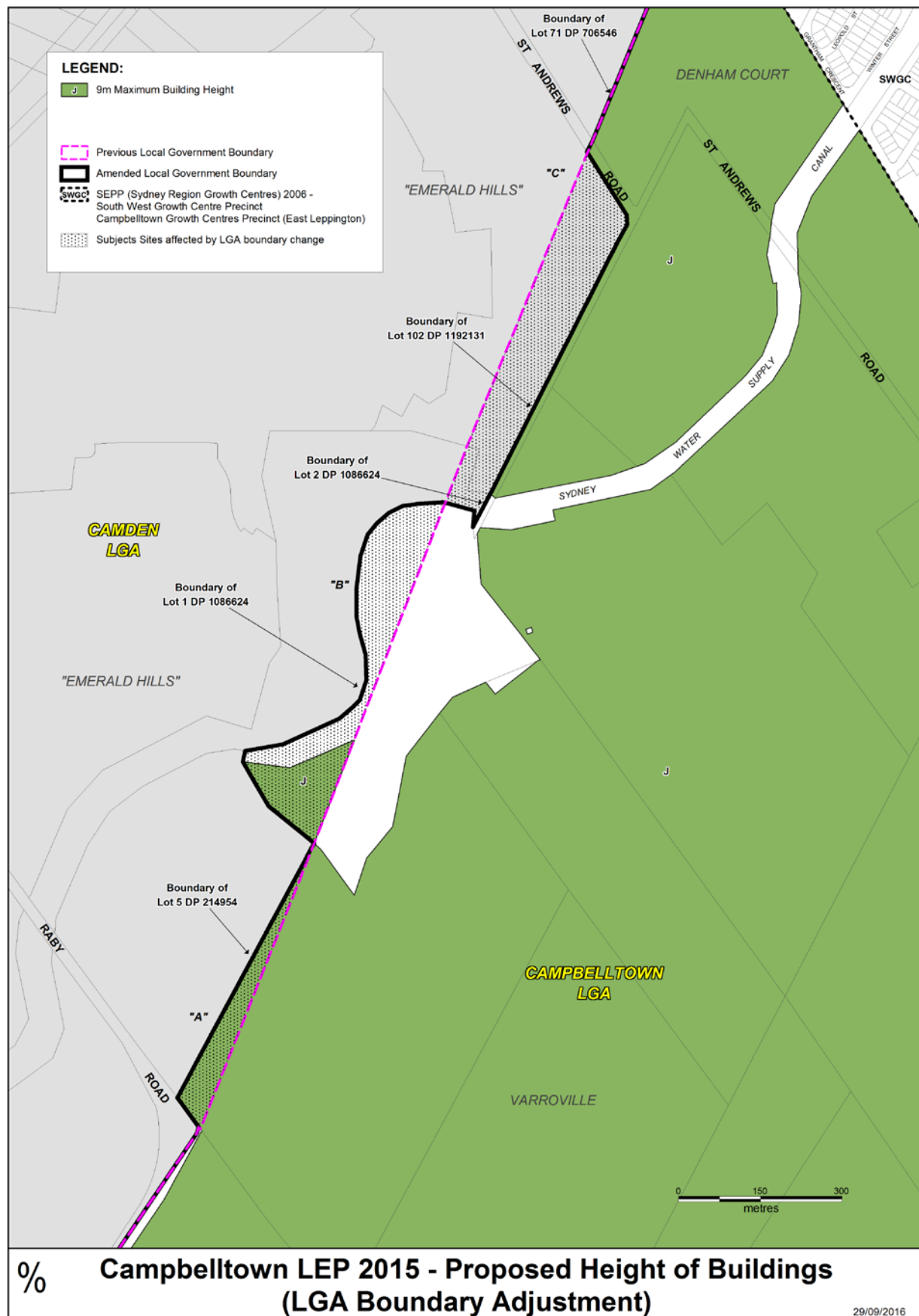




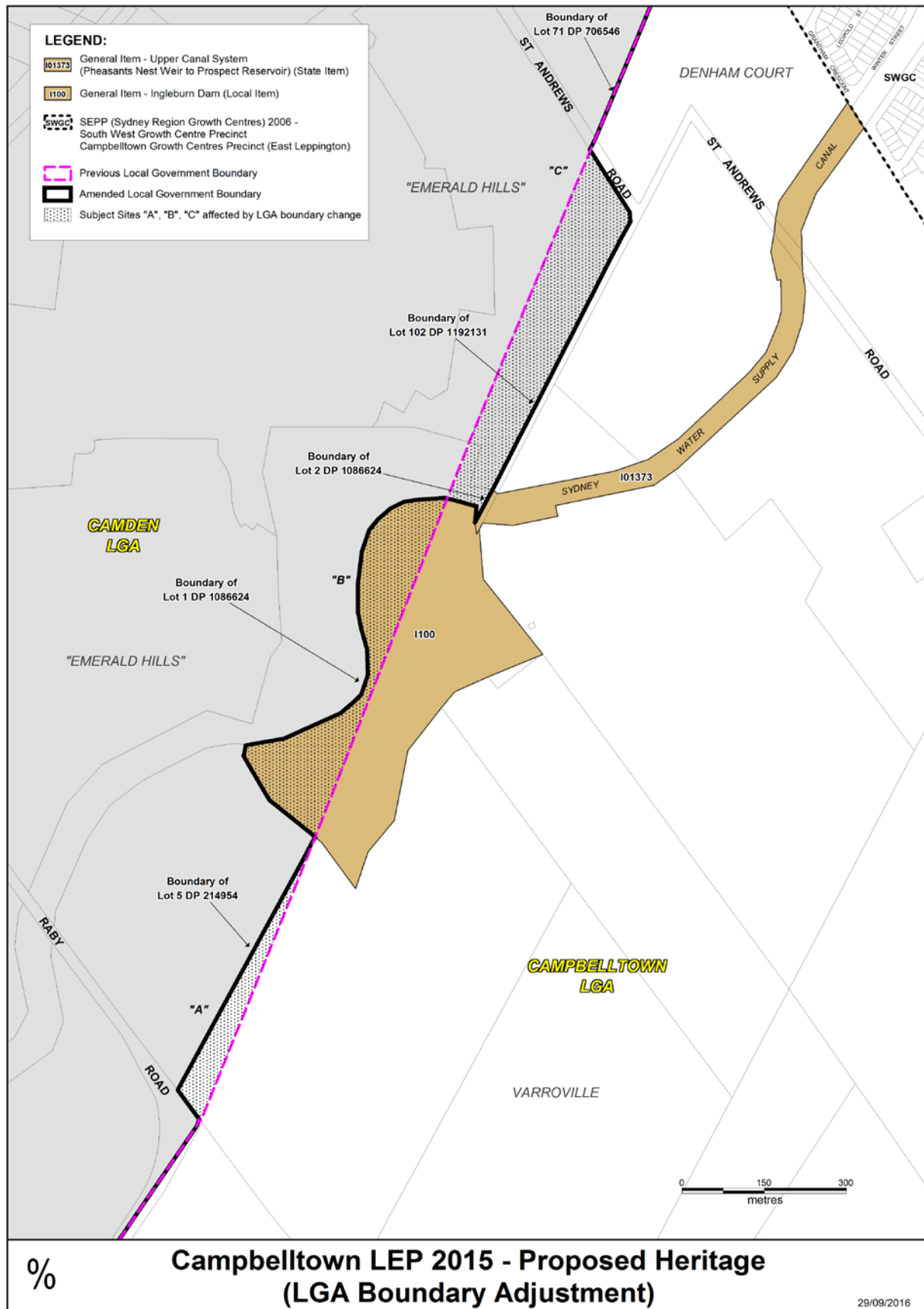
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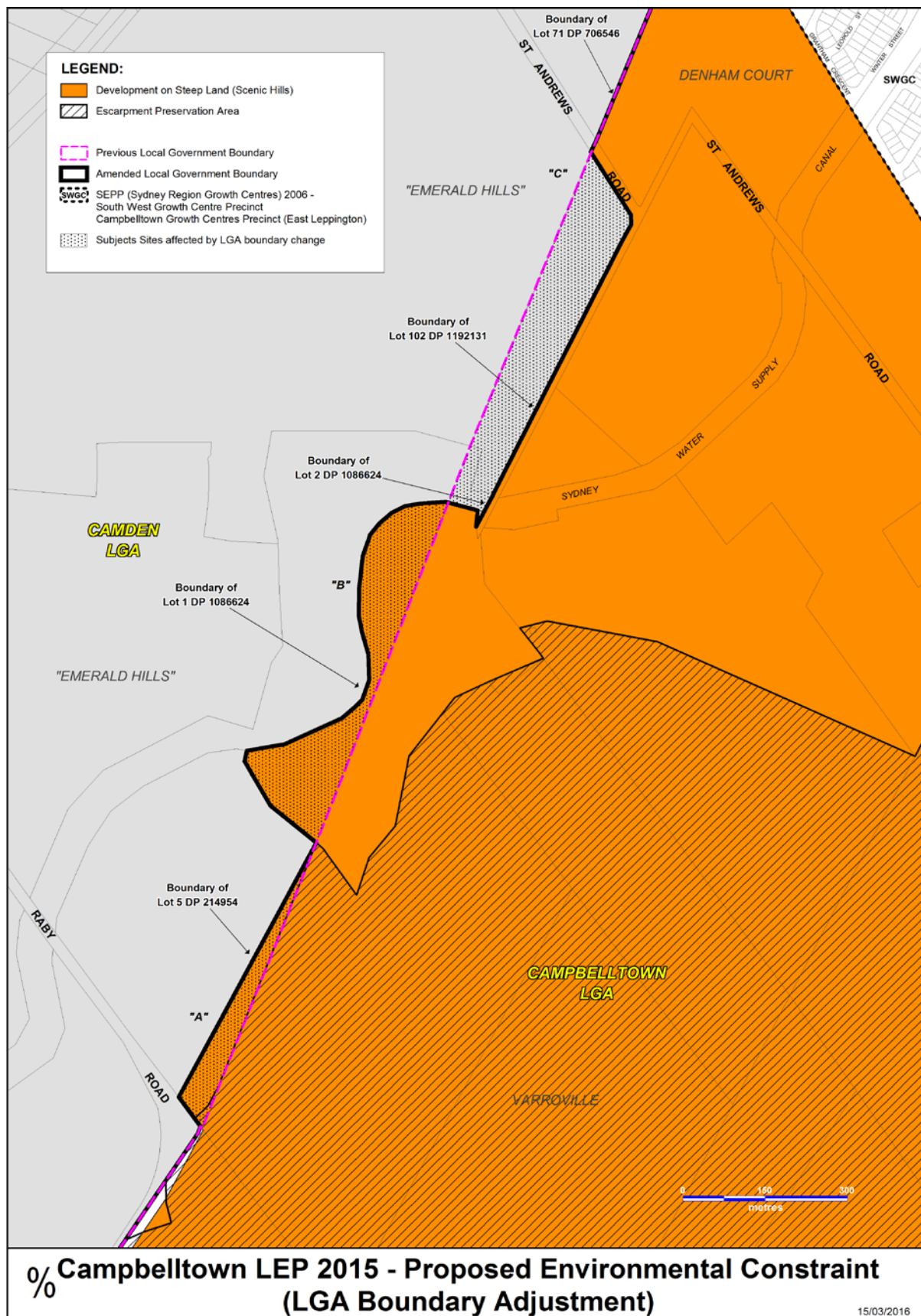
8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary



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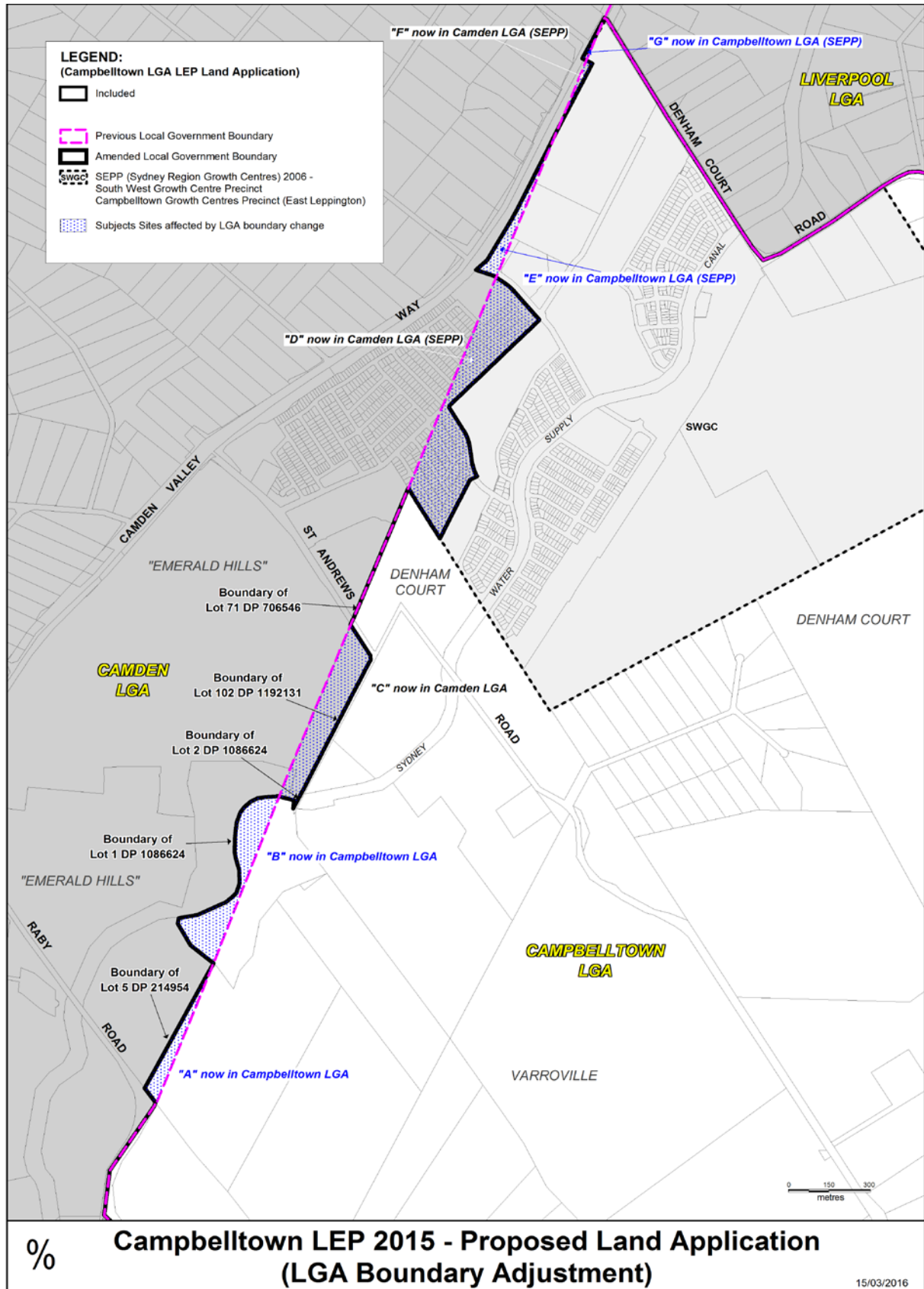


8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary





8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary





8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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**ATTACHMENT 7**



Level 6, 10 Valentine Avenue  
Parramatta NSW 2150  
Locked Bag 5020  
Parramatta NSW 2124  
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599  
[heritage@heritage.nsw.gov.au](mailto:heritage@heritage.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

Our Ref: DOC16/357802  
File No: EF14/9718

Mr Andrew Spooner  
Manager Sustainable City and Environment  
Campbelltown City Council  
PO BOX 57  
CAMPBELLTOWN NSW 2560

Send via email: [council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au)

Dear Mr Spooner,

**RE: Public Exhibition of Planning proposal – Campbelltown – Camden Local Government Boundary Realignment.**

Thank you for your letter received on 20 July 2016 regarding the abovementioned planning proposal requesting comments from the Heritage Council. The documentation provided with your letter has been reviewed, and as the delegate of the Heritage Council of NSW I would like to make the following comments:

Firstly, the planning proposal seeks to amend the heritage listing of the property known as 'Ingleburn Dam' which is currently a locally listed item within Schedule 5 of Campbelltown Local Environmental Plan (CLEP 2015). The current property description within Schedule 5 of CLEP 2015 is 'part lot 1 in DP 1086624' but given the recently amended boundary adjustments between Campbelltown and Camden Local Government Areas (LGA) the property will be located entirely within Campbelltown's LGA.

On this basis, it is considered that the property description within Schedule 5 requires amending to reflect this adjustment as follows 'Lot 1 in DP 1086624'. You are advised that no objection is raised to the updating of the property description in Schedule 5 and/or the Heritage Maps of CLEP 2015 with respect to the subject property.

Secondly, the planning proposal seeks to amend the current listing of 'Ingleburn Dam' from a locally listed item to a State listed item. Campbelltown Council has requested the listing be amended because they consider the dam to be an integral part of the Upper Canal which is a State Listed Heritage Item (SHR #01373).

Unfortunately, an item's listing is unable to be amended from local to State without first being nominated and assessed by the NSW Heritage Council.

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8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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The following link provides information on heritage listings:

<http://www.environment.nsw.gov.au/Heritage/listings/index.htm>, and

The following link provides information regarding the process of nominating an item for State heritage listing. The various steps involved are explained and the differences between local and state heritage are clarified. If you do believe that the item is of state significance, please fill the nomination form,

<http://www.environment.nsw.gov.au/Heritage/listings/nominateshr.htm>.

If you have any further enquiries regarding this matter, please contact Bronwyn Smith, Heritage Planning Officer, Heritage Division, Office of Environment and Heritage, on (02) 9873 8604 or via email to [bronwyn.smith@environment.nsw.gov.au](mailto:bronwyn.smith@environment.nsw.gov.au).

Yours sincerely

SIGNATURE HAS BEEN REMOVED

**Katrina Stankowski**  
Acting Manager Conservation  
Heritage Division, Office of Environment & Heritage  
**As Delegate of the NSW Heritage Council**  
29 July 2016

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8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The  
Re-Alignment To The Campbelltown - Camden Local Government Boundary

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PO Box 323, Penrith NSW 2751  
Level 4, 2-6 Station Street  
Penrith NSW 2750  
1300 722 468  
[www.watarnsw.com.au](http://www.watarnsw.com.au)  
ABN 21 147 934 787

Ref: D2016/90389

Mr Andrew Spooner  
Manager Environmental Planning  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

Dear Mr Spooner

**Public Exhibition of Planning Proposal -Campbelltown-Camden Local Government  
Boundary Realignment**

Thank you for your email received 18 July 2016 inviting WaterNSW to comment on the above planning proposal.

WaterNSW's interest in this proposal relates to Upper Canal corridor, which is adjacent to Lot 1 DP 1086624 and Lot 5 DP 214954. The proposed rezoning of these sites from RU2 to SP2 and RU2 to E3 respectively to reflect the Local Government boundary realignment would not have an adverse effect on the corridor. However, due to the close proximity of the sites to the corridor WaterNSW requests it is consulted on any future development as a result of the proposed rezonings.

Please note that the Ingleburn Dam is not owned by WaterNSW and is no longer an operational asset linked to the Upper Canal. As such we have no comments on the issue of amending Schedule 5 of the LEP to change this Heritage Item from locally listed to State listed. We understand that the Dam is within the ownership of Sydney Water and recommend they are consulted on this issue.

If you have any queries regarding the above please contact Alison Kniha on 4724 2451 or [alison.kniha@watarnsw.com.au](mailto:alison.kniha@watarnsw.com.au)

Yours sincerely,

SIGNATURE HAS BEEN REMOVED

**MALCOLM HUGHES**  
Manager Environment and Planning

---

8.1 Amendment No. 2 To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment To The Campbelltown - Camden Local Government Boundary

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22 August 2016

Andrew Spooner  
Manager- Environmental Planning  
Campbelltown City Council  
PO Box 57  
Campbelltown NSW 2560

**RE: Public exhibition of Planning Proposal-Boundary Realignment**

Dear Mr Spooner,

Thank you for notifying Sydney Water of the Planning Proposal listed above. We have reviewed the application and provide the following comments for your consideration.

- Part of Lot 1 DP 1086624 known as Varroville Reservoir has been identified as land potentially surplus to Sydney Water's operational requirements. Therefore, Sydney Water does not support the proposed rezoning to an SP2 and advice that Council should retain the current zoning (RU2).
- Sydney Water does not support the proposed State Heritage listing of Ingleburn Dam as it can be managed appropriately through our responsibilities under s170 of the *Heritage Act 1977* and the appropriate Conservation Management Plans.

**Sydney Water E-Planning**

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Further advice and requirements for this proposal are at attachment 1. If you require any further information, please contact Manwella Hawell of Urban Growth Strategy on 02 8849 4354 or e-mail [manwella.hawell@sydneywater.com.au](mailto:manwella.hawell@sydneywater.com.au).

Yours sincerely,

SIGNATURE HAS BEEN REMOVED

Greg Joblin  
Manager, Growth Strategy



## **8.2 Development Services Statistics July and August 2016**

### **Division**

City Development

### **Reporting Officer**

Acting Manager Development Services

---

### **Attachments**

Development services application statistics for July and August 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 July and August 2016 as they affect the Development Services section.

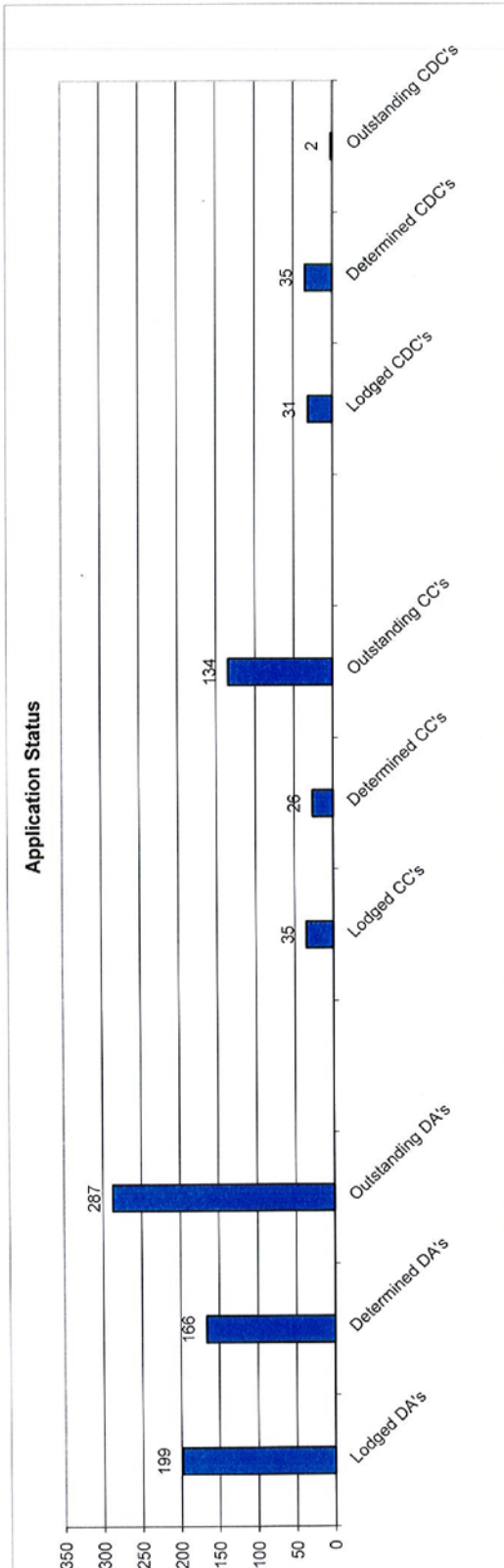
### **Officer's Recommendation**

That the information be noted.

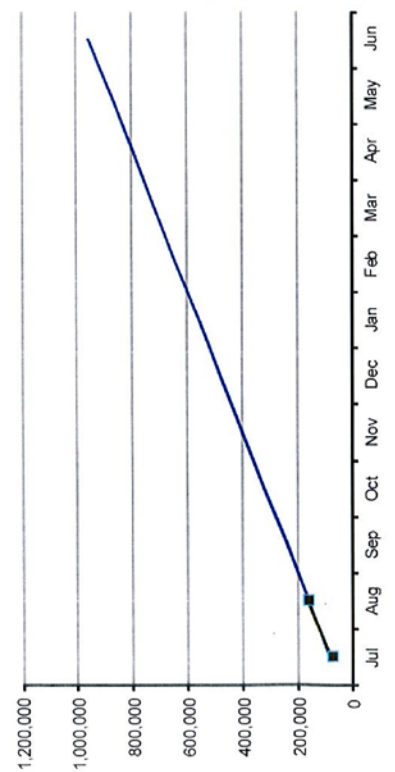
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## ATTACHMENT 1

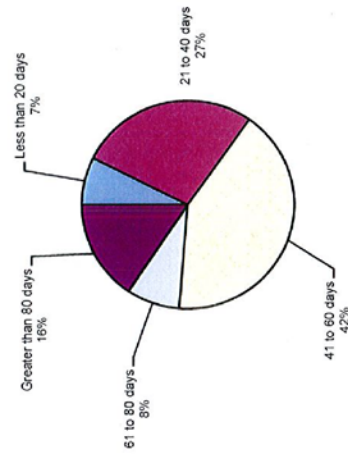
### DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – July/August 2016



### Development Application Income 2016/2017



### Development Application Monthly Processing Times



8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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**8.3 Change of use from a hotel and function centre to a club and function centre - No. 170 Menangle Road, Menangle Park**

**Division**

City Development

**Reporting Officer**

Acting Manager Development Services

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**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. Existing and Proposed Plan (contained within this report)
5. Wet Area Details (contained within this report)
6. Notification Plan (contained within this report)

**Purpose**

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

<b>Property Description</b>	Lot 102 DP 776612, Menangle House, No.170 Menangle Road, Menangle Park
<b>Application No</b>	1040/2016/DA-U
<b>Applicant</b>	New South Wales Harness Racing Club
<b>Owner</b>	New South Wales Harness Racing Club
<b>Provisions</b>	Interim Development Order No.15 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2015
<b>Non-Statutory</b>	Campbelltown 2025 - Looking Forward
<b>Date Received</b>	14 April 2016

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### 8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre - No. 170 Menangle Road, Menangle Park

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## Report

The subject development application is for the change of use from the existing hotel and function centre into a club and function centre at No.170 Menangle Road, Menangle Park.

The application relates to a change in ownership of the land and is required to be considered by Council prior to the owner lodging an application with the Independent Liquor and Gaming Authority (ILGA) to amend the licensing of the site from a hotel to a club.

Some minor internal construction works are also proposed.

## The Site

The subject site is known as No.170 Menangle Road, Menangle Park and has an area of 1.446ha. Access to the site is via Racecourse Road with a separate driveway provided for Menangle House via Racecourse Road and Menangle Road.

Existing on the site is Menangle House, a storage room and amenities, a barn bar, function centre, licensed hotel, an approved functions marquee adjacent to the hotel and a car park.

Menangle House and its associated outbuildings are an item of local heritage significance and are listed as such in Schedule 4 of Interim Development Order No.15.

## The Proposal

Construction works subject of the development application consists of internal alterations only. The alterations include closing off an existing door between the outdoor courtyard and creating a gaming area, demolition of the existing fountain and construction of new walls and double entry doors at the main entry, demolition of a wall between the male amenities and proposed office and construction of new internal walls and doors and changes to the female amenities to include a separate accessible unisex bathroom.

There are additional works proposed as part of a later stage that involves the removal of trees to create a beer garden as well as the construction of fencing. These works are not part of the current approval and as such will require separate development consent from Council.

There are no changes proposed to the previously approved hours of operation, which are:

- 10.00am to 10.00pm Monday to Thursday
- 10.00am to 12.00am Friday and Saturday
- 10.00am to 10.00pm Sunday

The application does not relate to the entire site. Rather, it relates to the more recently constructed hotel buildings that are located in the northern part of the site. These buildings were approved by Council in October 1999.

The existing refurbished Menangle House restaurant and function centre would remain unchanged as part of this current application.

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### 8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre - No. 170 Menangle Road, Menangle Park

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## 1. Vision

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes.

The strategic directions relevant to this application are:

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

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

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

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

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

## 2. Planning Provisions

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 Interim Development Order No.15

Interim Development Order No.15 (IDO 15) applies to the subject site. It must be noted that the Menangle Park area has been deferred from inclusion in the most recent Campbelltown Local Environmental Plan 2015 and as such, the prevailing planning controls remain applicable.

The interim development order adopts the 1970 Model Provisions for the purposes of defining development types.

---

### 8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre - No. 170 Menangle Road, Menangle Park

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The part of the site subject to the current proposal was approved as a hotel by Council in 1999 under the same interim development order. A hotel is:

the premises to which a hotelier's licence granted under the *Liquor Act 1982* relates.

Under the 1970 Model Provisions, a club is defined as:

a building used or intended for use by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purpose whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club licensed under Part 10 of the *Liquor Act 1912*.

The subject site is located in Zone No. 1 pursuant to IDO 15. Clubs are permissible in the zone, subject to receiving development consent.

Clause 19 sets out requirements for development proposed on or near items of environmental heritage. The proposed internal alterations are to a building that is not an item of environmental heritage.

Given that the proposed works are all internal, there are no physical impacts on Menangle House or the associated heritage listed outbuildings and therefore, no impact on their significance.

Accordingly, the proposal is considered to be permissible with consent at the site.

## **2.2 Draft Campbelltown Local Environmental Plan 2014**

During 2014, Council exhibited a new draft environmental plan, which covered most of the City, including the Menangle Park area. The Menangle Park urban release area was subsequently removed from the adopted local environmental plan (which came to be known as Campbelltown Local Environmental Plan 2015) due to a range of issues.

However, pursuant to Section 79C(1)(a)(ii) of the Act, the draft Plan must be considered following its exhibition.

Under the draft plan, the site would have been zoned R2 – Low Density Residential Zone, which is commensurate with its location within what would come to be known as Menangle Park town centre.

Pursuant to the draft plan, the proposed use would be defined as a registered club, which means:

a club that holds a club licence under the *Liquor Act 2007*.

A registered club is not a permissible land use in the R2 zone, meaning that future applications for the site would be required to rely on 'existing use rights' provisions within the Act, other incentive clauses therein, subject to impacts on neighbours or a change to the zoning.

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### 8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre - No. 170 Menangle Road, Menangle Park

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Notwithstanding the above, the club is presently permitted on the land and may in fact remain such in the future by other means.

## **2.3 Campbelltown (Sustainable City) Development Control Plan 2015**

Campbelltown (Sustainable City) Development Control Plan 2015 applies to the site, however does not provide specific controls that warrant discussion in relation to the subject proposal to convert the use – more so than the building – of an existing hotel to a club.

The car parking and other similar controls are the same for each land use. The current hotel and function centre uses that are the subject of this application within the area defined on the plan in attachment 3 is considered to be compliant with the existing development consents applying to the land. That compliance would not change should this current application be approved.

## **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.

As all the proposed works are internal and there are no external building works proposed, there would be no adverse impacts on the natural and built environment.

### **3.2 Social and Economic Impacts**

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

Continuation of the site's use as a club is considered to be of benefit to the local community and local economy as it would provide for additional employment opportunities and provide a facility for local social and entertainment for residents of Menangle Park and surrounds.

### **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. The site had been operating as an approved hotel for more than ten years with no complaints within Council's records regarding non-compliance with consent requirements or other adverse impacts on neighbouring properties.

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### 8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre - No. 170 Menangle Road, Menangle Park

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#### 3.4 Heritage

The proposed development was considered by Strategic Planning Environmental Officer in regards to potential impacts on Menangle House.

As the proposed works are all internal and within the existing modern hotel building, no issue was raised with the proposed development as there is not considered to be any adverse impacts on the heritage significance of Menangle House and the associated heritage outbuildings.

The proposed beer garden and external fencing were not assessed as part of the proposal as they would be part of a future stage that would require separate approval from Council, which has been noted on the plan recommended for approval and within the recommended conditions of consent in attachment 1.

#### 3.5 Crime Prevention Through Environmental Design

The proposed development was referred to NSW Police's Campbelltown Local Area Command for comment. The Police did not raise further issues or request specific conditions of consent in their response to Council.

#### 4. Public Participation

Section 79(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 1 August 2016 and 17 August 2016 and publicly exhibited in local newspapers, at the HJ Daley Library in Campbelltown and at Council's Civic Centre. During this time, no submissions were received.

#### 5. Other Matters

The ultimate approval for the change as proposed within the application, being relicensing of the development from a hotel to a club and the installation of gaming machines licensed to the club lies with the Independent Liquor and Gaming Authority (the ILGA).

As part of its assessment of the change to licensing proposal, the ILGA will consider the potential social and economic impacts of the gaming and liquor licensing associated with the club.

#### 6. Conclusion

Having regard to the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the application is consistent with the relevant planning legislation and objectives.

The application is compliant with Interim Development Plan No.15.

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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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The site is considered to be appropriate for the use, having regard to its consistency in operation with the previously approved and operating hotel.

Accordingly, the application is recommended for approval.

**Officer's Recommendation**

That development application 1040/2016/DA-U for the change of use from a hotel and function centre to a club and function centre with associated internal alterations at No. 170 Menangle Road, Menangle Park be approved, subject to the conditions detailed in attachment 1 of this report.

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## 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.

Plan/ Document No.	Version/ Revision	Title	Prepared by	Date
DA01	A	Cover Sheet and Location Plan	Brett Taylor & Associates	14 April 2016
DA02	A	Site Plan	Brett Taylor & Associates	14 April 2016
DA05	A	Floor Plan	Brett Taylor & Associates	14 April 2016
DA06	A	Wet Area Details	Brett Taylor & Associates	14 April 2016
DA07	A	Wet Area Details	Brett Taylor & Associates	14 April 2016

#### 2. Building Code of Australia

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

#### 3. 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.

#### **4. 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.

#### **5. Advertising Signs – Separate DA Required**

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

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

#### **6. Storage of Goods**

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

#### **7. 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.

#### **8. Clubs**

The operation of the premises shall be carried out in accordance with the following requirements:

- a. The installation of CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a minimum period of 14 days for viewing by the Police upon request.
  - b. Footpath lighting shall be provided along the front entrance for the full frontage of the site. The location, design and illumination of such lighting shall ensure pedestrian safety and shall be at a minimum level of 10 lux in the horizontal and vertical plane.
  - c. The management/licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Police or Council, the management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.
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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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- d. The management/licensee shall prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.
  - e. Signs shall be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
  - f. No Public Entertainment, as defined under *Local Government Act 1993* shall be provided within the premises unless separately approved by a development application under the *Environmental Planning and Assessment Act 1979* and an application under *Section 68* of the *Local Government Act 1993*.
  - g. In addition to the sign showing the licensee's name, there shall be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs shall not exceed 600mm in height or width in total.
  - h. A public telephone and a breathalyser shall be installed inside the premises for patrons to use at all times.
  - i. The use of the premises shall not give rise to any one or more of the following:
    - i. Transmission of vibration to any place of different occupancy greater than specified in Australian Standard 2670 (as amended).
    - ii. An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning.
    - iii. A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055 (as amended). Acoustics - Description and Measurement of Environmental Noise.
    - iv. The emission of an offensive noise specified under the *Protection of the Environment (Operations) Act 1997*.
    - v. The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.
    - vi. The method of measurement of vibration in i. and sound levels in ii., iii. and iv. shall be carried out in accordance with Australian Standard 2973 (as amended) for vibration measurements. Australian Standard 1055 (as amended) for outdoor sound level measurements, and Australian Standard 2107 (as amended) for indoor sound level measurements.
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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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- j. The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8.00pm and midnight), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council, and no further public entertainment shall take place until such time as any necessary recommendations of the acoustic consultant of other matters considered appropriate by Council have been satisfactorily implemented.

## **9. Engineering Design Works**

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

## **10. 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.

## **11. Beer Garden and Fence**

The beer garden and fence are not approved as part of this development consent. A separate development application is to be submitted to Council for approval for the beer garden and fence.

## **12. Rubbish/Recycling Bin Storage**

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

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

## **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.

## **13. 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*.

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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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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](http://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.**

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#### **14. 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.

#### **15. 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.

#### **16. 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](http://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.

#### **17. 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)
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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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- 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.

## **18. 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.

## **19. Sydney Water**

Prior to works commencing, 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 works commencing.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au)

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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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## 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.

### 20. 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.

## 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.

### 21. 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.

### 22. Council Fees and Charges

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

## ADVISORY NOTES

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

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

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

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

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- 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. Provision of Equitable Access**

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

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

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

**Advice 3. Covenants**

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

**Advice 4. Salinity**

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

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**Advice 5.      *Smoke Free Environment Act 2000***

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

**Advice 6.      Bonds and Bank Guarantees**

All bonds are to be provided in the form of cash or a written bank guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

**END OF CONDITIONS**

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8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

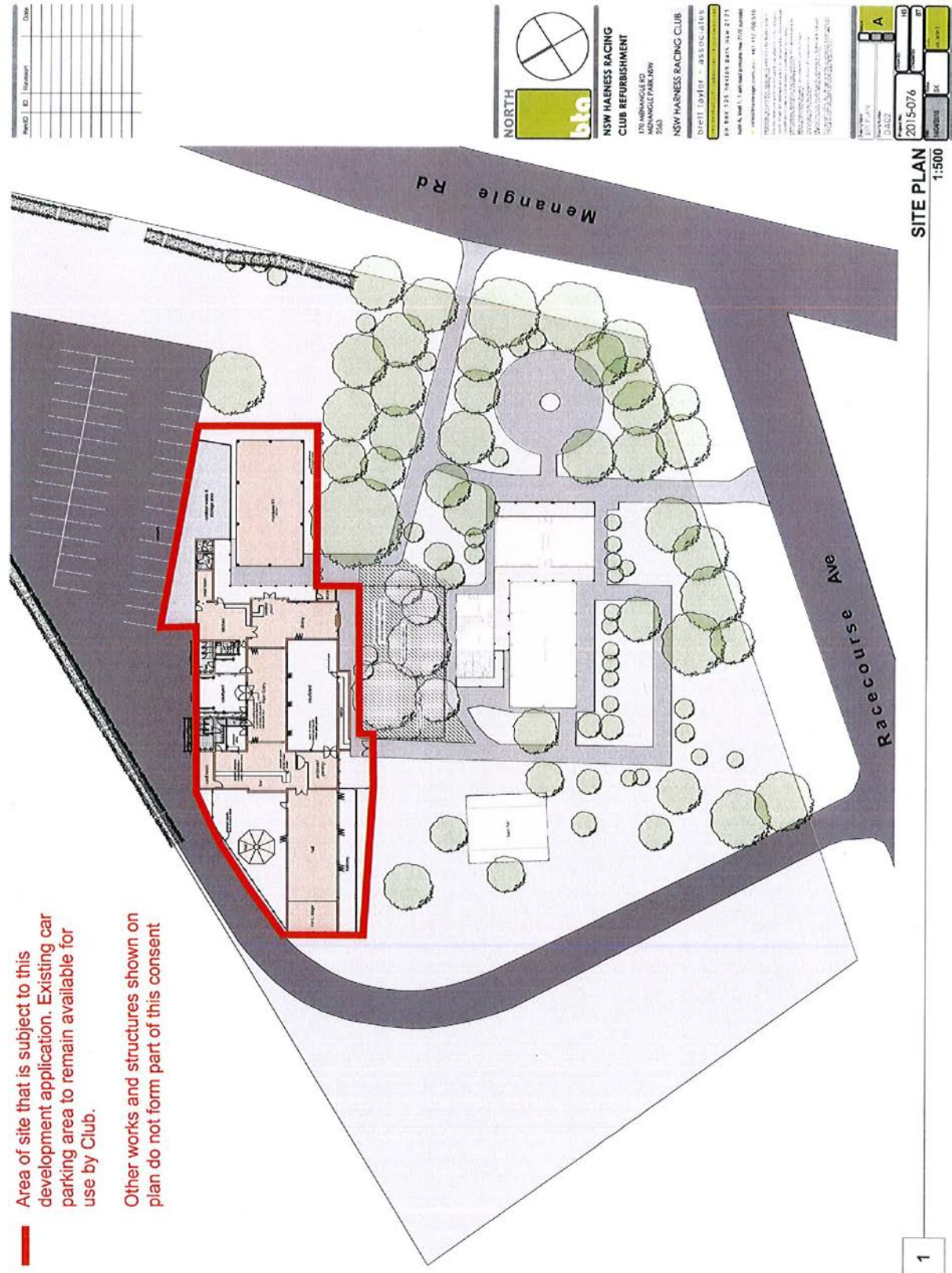
## ATTACHMENT 2





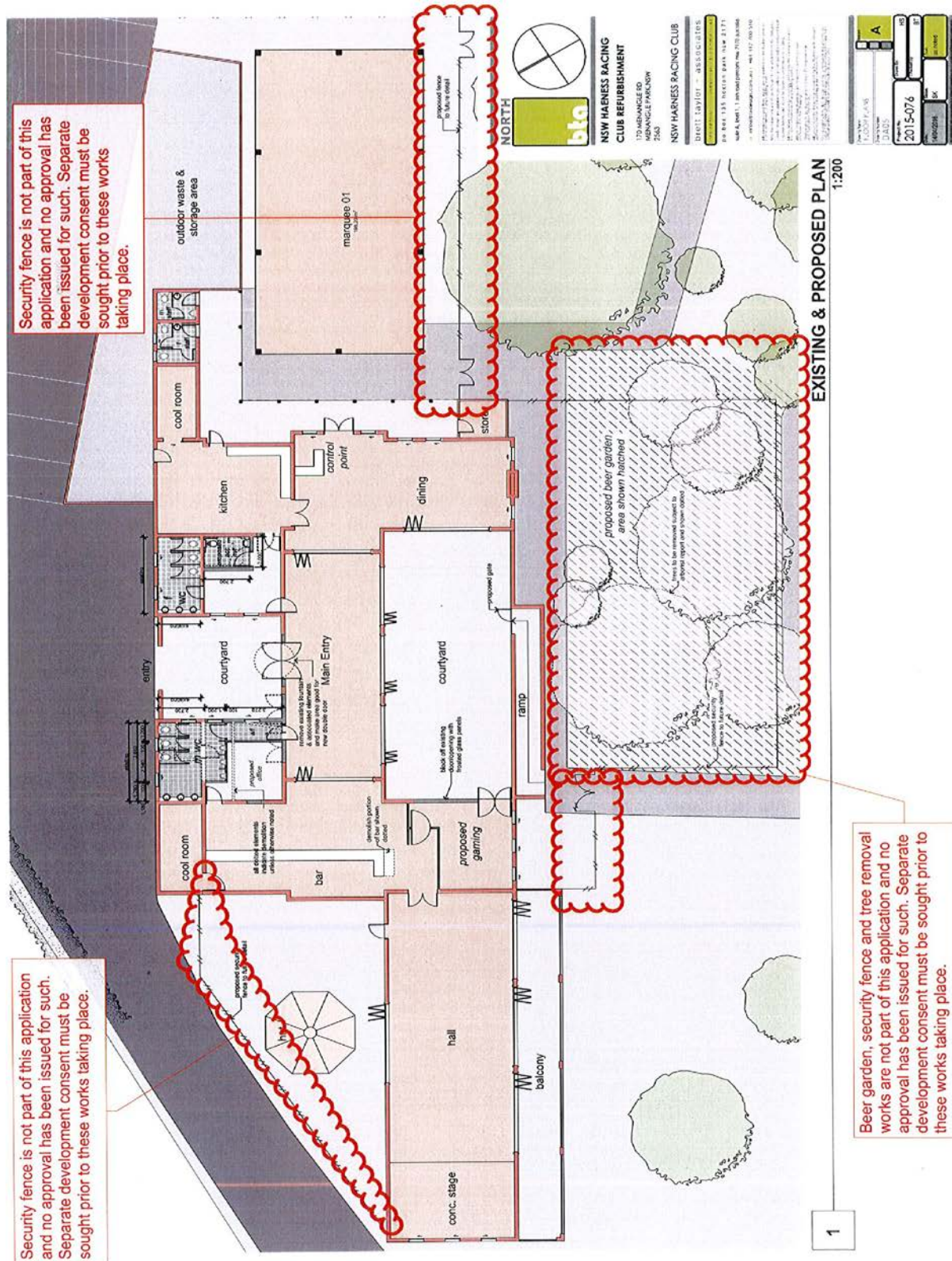
8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre -  
No. 170 Menangle Road, Menangle Park

# ATTACHMENT 3



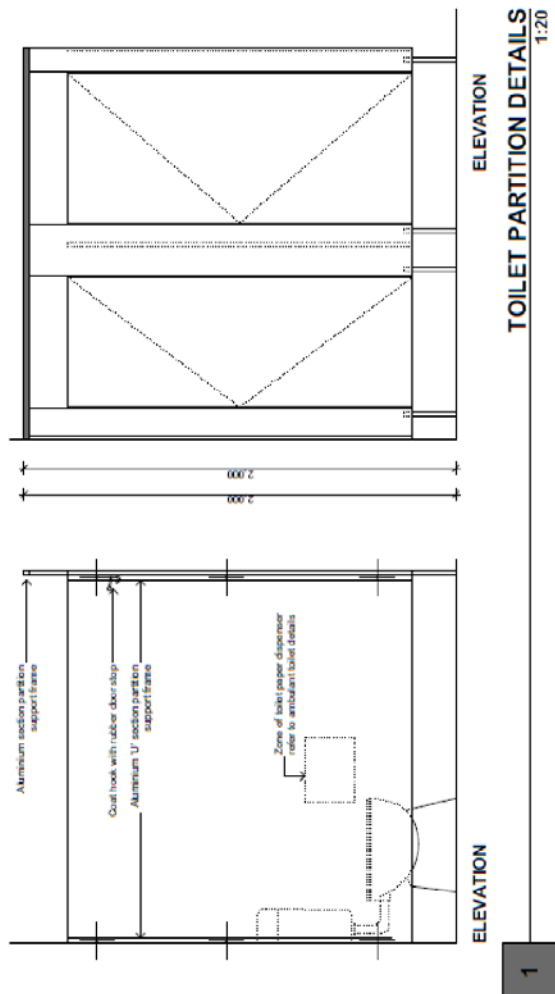
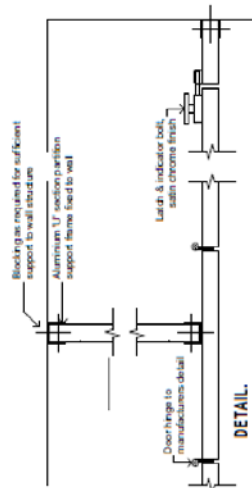
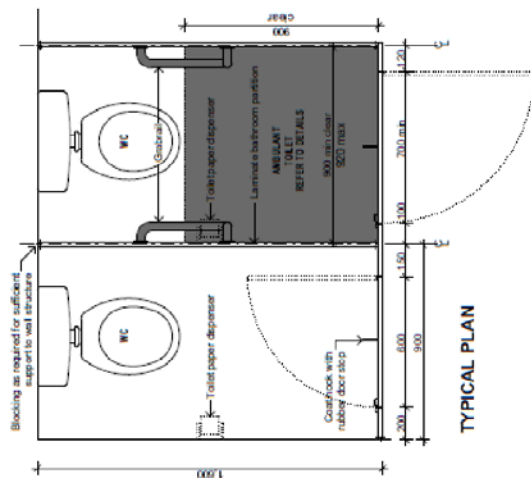


## ATTACHMENT 4

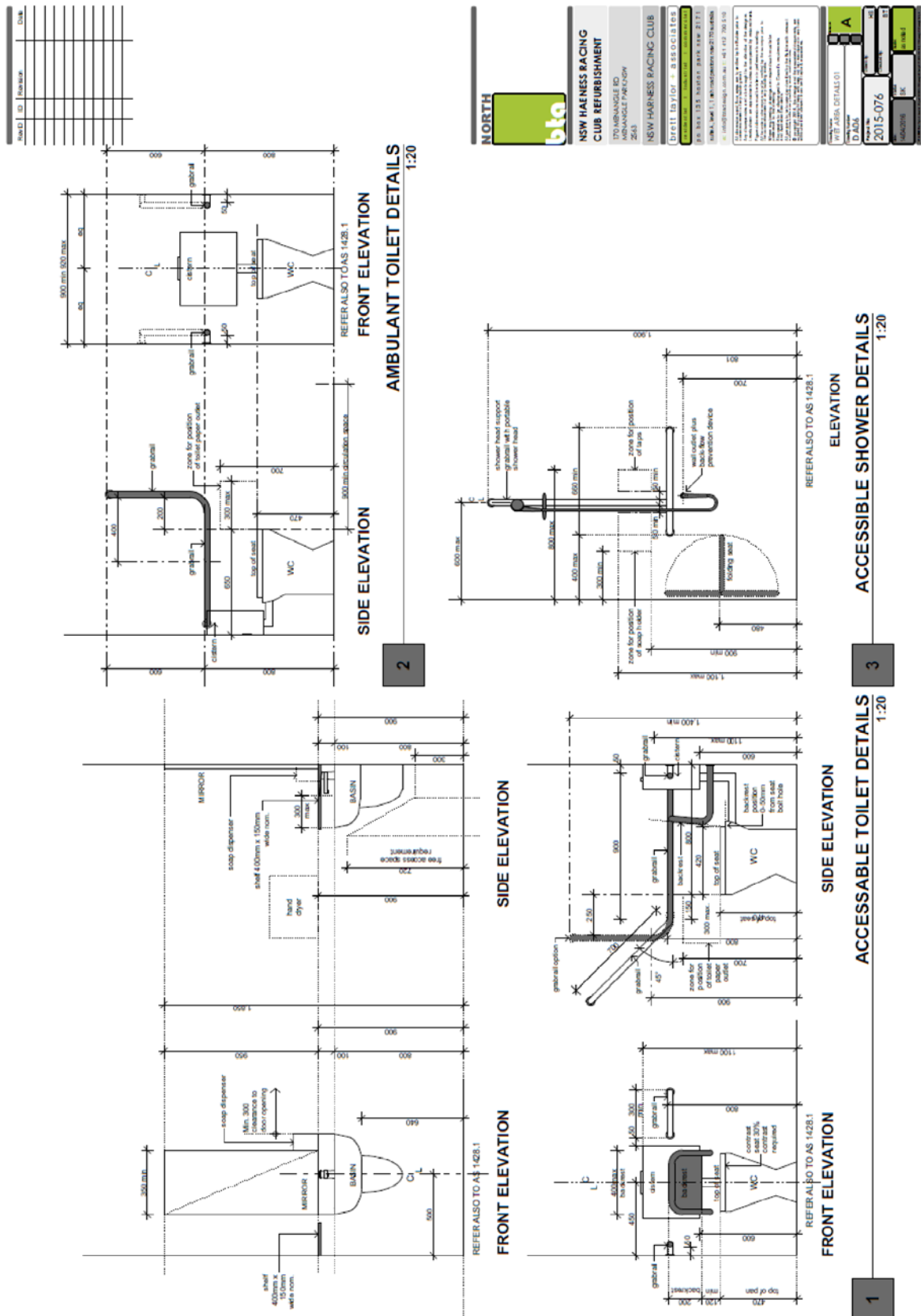


### 8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre - No. 170 Menangle Road, Menangle Park

## ATTACHMENT 5

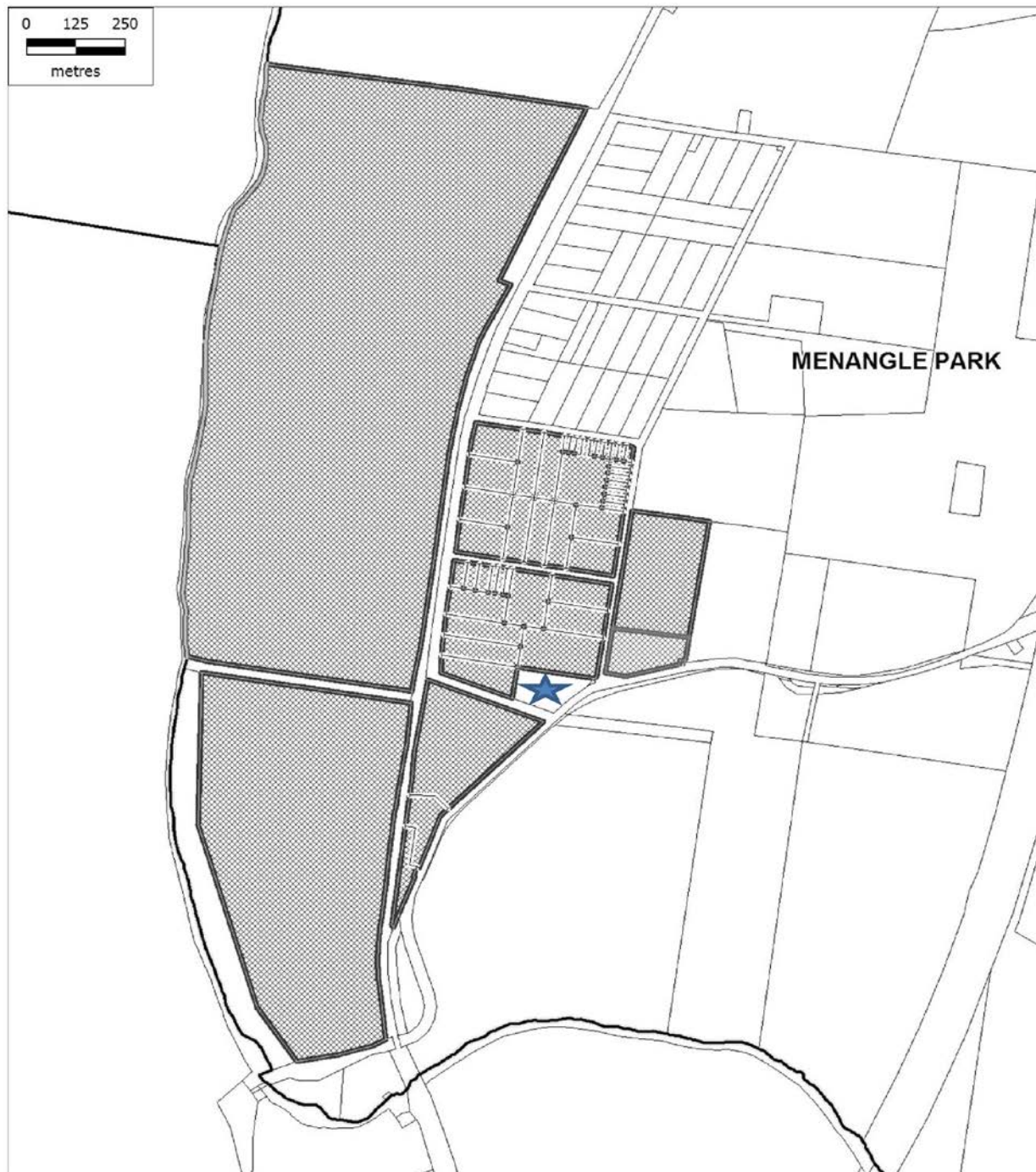
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### 8.3 Change Of Use From A Hotel And Function Centre To A Club And Function Centre - No. 170 Menangle Road, Menangle Park






## ATTACHMENT 6



 Properties notified

 Site location - Menangle House, 170 Menangle Road, Menangle Park

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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## 8.4 Construction of a 10 bedroom boarding house within two detached buildings - No. 27 Saywell Road, Macquarie Fields

### Division

City Development

### Reporting Officer

Acting Manager Development Services

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### Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Shops, Parks, Bus Stop and Train Station Plan (contained within this report)
4. Site and sediment control plan (contained within this report)
5. Site analysis plan (contained within this report)
6. Elevations (contained within this report)
7. Shadow diagrams (contained within this report)
8. Landscape plan (contained within this report)
9. Schedule of finishes (contained within this report)
10. Plan of management (contained within this report)
11. Floor plans (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
12. Section plan (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
13. 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 twenty-one submissions from occupants of nearby properties in response to the public notification of the proposed development.

<b>Property Description</b>	Lot 41 DP 8676, No. 27 Saywell Road, Macquarie Fields
<b>Application No</b>	545/2016/DA-BH
<b>Applicant</b>	Michael Formosa

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#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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<b>Owner</b>	Miclia Pty Ltd
<b>Provisions</b>	State Environmental Planning Policy (Affordable Rental Housing) 2009 Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014
<b>Non-Statutory</b>	Campbelltown 2025 - Looking Forward Glenfield to Macarthur Corridor Strategy
<b>Date Received</b>	9 March 2016

### Report

The development application was lodged with Council on 9 March 2016 for the construction of a ten bedroom boarding house within two detached buildings at No. 27 Saywell Road, Macquarie Fields.

### The Site and Surrounds

The site is located in a low density residential zone, near the intersection of Saywell and Atchison Roads. The site is 866.3sqm in area, 15.2m wide and is currently vacant.

The site is located near the Macquarie Fields Neighbourhood Centre which offers a range of goods and services that help serve the day-to-day needs of nearby and surrounding residents and businesses.

Nearby land uses operating within the residential zone include two child care centres, religious establishment, bicycle shop, service station and licensed premises.

The site adjoins a two storey multi-dwelling development of five dwellings currently under construction to the east and single storey dwelling houses to the south and west.

The site is located in an accessible area, being approximately 135 metres in walking distance to a sheltered bus stop in Fields Road.

The site is located greater than 800 metres in walking distance from the Macquarie Fields train station when measured along public footpaths and pedestrian crossings.

### The Proposal

The proposed development is single storey and contains two detached buildings one behind the other. The street front building contains two boarding rooms, including one accessible boarding room. The rear building contains eight boarding rooms, a common room and combined garbage and bin storage room.

Nine boarding rooms contain their own separate bedroom, living room, bathroom and kitchen. The accessible boarding room contains an open bedroom and living area, bathroom and kitchen. The proposal is stated as providing accommodation for ten lodgers.

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#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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The proposal provides two off-street car parking spaces, including an accessible space and associated shared area. Pedestrian access would be provided to each boarding room via footpaths located adjacent to the side property boundaries.

Communal private open space is located behind the rear building and adjoins the rear property boundary. Landscape planting is incorporated throughout the development.

### **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.

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 considered to be not inconsistent with the desired outcomes of 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.

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## **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 each of 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.

The subject application proposes a single storey building which is permissible under Council's controls, however, when having regard to the relevant aspects of the Strategy, the proposal could be seen as an 'under development' of the site.

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.

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.

The proposal is not considered to significantly hinder the progression of the strategy.

## **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.

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#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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### 2.1 Relationship of Environmental Planning Instruments

The development application was lodged on 9 March 2016. At that time, Campbelltown Local Environmental Plan 2015 (CLEP 2015) had been gazetted, however, it did not formally commence until 11 March 2016. This means that despite CLEP 2015 now being the relevant local planning instrument, the previous planning instrument, (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) provide a consistent planning regime for the provision of affordable rental housing
- (b) 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) facilitate the retention and mitigate the loss of existing affordable rental housing
- (d) 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) facilitate an expanded role for not-for-profit-providers of affordable rental housing
- (f) support local business centres by providing affordable rental housing for workers close to places of work
- (g) 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.

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 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.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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
<b>Clause 29 (1) – Density and Scale</b>  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 under Section 3.7.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014.  The proposed development has a floor space ratio of 0.35:1 and therefore complies with this Clause.	Yes
<b>Clause 29 (2) (a) – Building Height</b>  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 SCDCP is not an environmental planning instrument).	N/A
<b>Clause 29 (2) (b) – Landscaped Area</b>  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 extent of landscape treatment within the front setback area is considered to be compatible with the streetscape.	Yes
<b>Clause 29 (2) (c) – Solar Access</b>  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 one common room which is oriented to receive at least three hours direct sunlight during mid-winter.	Yes
<b>Clause 29 (2) (d) – Private Open Space</b>  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 90sqm in area and between 4.7 – 8.1m wide for the use of all lodgers.	Yes

8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No.  
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<p><b>Clause 29 (2) (d) – Private Open Space</b></p> <p>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):</p> <p>(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.</p>	<p>Based on the capacity of the proposed boarding house, the proposal does not require a boarding house manager to reside on-site. Therefore this clause is not applicable to the subject application.</p>	<p>N/A</p>
<p><b>Clause 29 (2) (e) – Parking</b></p> <p>A consent authority must not refuse consent to development to which this Division applies, if:</p> <p>(i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room.</p>	<p>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 10 boarding rooms, two car parking spaces are required. Two car parking spaces are provided, including one accessible space and associated shared area.</p>	<p>Yes</p>
<p><b>Clause 29 (2) (f) – Accommodation Size</b></p> <p>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:</p> <p>(i) 12sqm in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16sqm in any other case.</p>	<p>The proposal includes 10 single boarding rooms which are a minimum of 12sqm. No double boarding rooms are proposed.</p>	<p>Yes</p>
<p><b>Clause 29 (3) – Kitchen and Bathroom Facilities</b></p> <p>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.</p>	<p>The proposed boarding house provides private kitchen and bathroom facilities in each boarding room.</p>	<p>Yes</p>
<p><b>Clause 30 (1) (a) – Communal Living Room</b></p> <p>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.</p>	<p>The proposed boarding house contains 10 boarding rooms and provides a communal living room.</p>	<p>Yes</p>

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<b>Clause 30 (1) (b) – Gross Floor Area</b>  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
<b>Clause 30 (1) (c) – Number of Lodgers</b>  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 each boarding room will be occupied by a maximum of one adult lodger.	Yes
<b>Clause 30 (1) (d) – Bathroom and Kitchen Facilities</b>  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
<b>Clause 30 (1) (e) – Boarding House Manager</b>  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.	An onsite Boarding House Managers room is not proposed. An onsite boarding house manager is not required as the proposed boarding house has a maximum capacity of 10 adult lodgers.	N/A
<b>Clause 30 (1) (g) – Residential Space Fronting a Street</b>  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.	N/A
<b>Clause 30 (1) (h) – Bicycle and Motorcycle Parking</b>  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 two bicycle and two motorcycle parking spaces for a 10 room boarding house.	Two motorcycle spaces have been provided adjacent to the internal driveway. Space has been provided for the storage of two bicycles to the rear of the bin storage room.	Yes
<b>Clause 30A – Character of Local Area</b>  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

#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

<p><b>Clause 52 - No subdivision of Boarding House</b></p> <p>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</p>	<p>The proposal does not involve subdivision.</p>	<p>Yes</p>
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#### 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 majority of buildings within the locality are characterised as being single and two storeys in height.

The proposed boarding house is a single storey building with a proposed maximum building height above ground level of four metres. This is below the maximum building height of two storeys, applicable to the site under the Campbelltown (Sustainable City) Development Control Plan 2014.

In addition, the building would be less than the maximum building height of 8.5 metres, permitted under the current Campbelltown Local Environmental Plan 2015.

The proposed building height is therefore considered to be not inconsistent with the existing and desired character of the locality.

- **Building bulk and scale** – The overall bulk and scale of the development is limited by its floor space ratio.

The proposal is compliant with the provisions of the Affordable Rental Housing SEPP (ARHSEPP), 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 permitted is 0.55:1, being the maximum floor space ratio that a single dwelling would be able to achieve, under the Campbelltown (Sustainable City) Development Control Plan 2014.

The floor space ratio of the proposed development is 0.35:1.

In addition, the building would be less than the maximum floor space ratio of 0.55:1, permitted under the current Campbelltown Local Environmental Plan 2015.

The proposed development comprises two detached buildings. The rear building comprises the bulk of the development and contains eight boarding rooms, a common room and a bin storage room.

The rear building does not present any excessive visual bulk to the streetscape and has been setback modestly to limit its impacts on adjoining properties.

#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

The smaller building fronting Saywell Road contains two boarding rooms. The front building is considered to be sympathetic to the street in terms of bulk and scale and would not appear out of proportion with streetscape and neighbouring built form.

- **Setbacks** - The setbacks distances of the proposed boarding house from the respective boundaries comply with the setbacks specified for both single and multi-dwellings under Part 3 of the Campbelltown (Sustainable City) Development Control Plan 2014 as shown in the table below:

Control	Dwelling House	Multi-dwelling	Proposed	Compliance
Primary street setback	Minimum 5.5m	Minimum 5.5m	5.7m setback provided from Saywell Road.	Yes
Side boundary	Minimum 0.9m	Minimum of 0.9m from the side boundary for the ground level	1.5m side setbacks.	Yes
Rear setback	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	Maximum building height of 4m. Rear setback of 4.7m.	Yes

The proposed boundary setbacks comply with Council's minimum requirements. The setbacks of the proposed boarding house provide separation between the proposed boarding house and adjoining properties. All setback areas incorporate landscape planting which is considered to assist in streetscape presentation, internal amenity and screening to adjoining properties.

- **Architectural style/materials** – Nearby and surrounding dwellings comprise of a wide range of architectural styles and materials, which indicate the different eras in which buildings were constructed in the area. External facades consist of face brick, rendered finish, fibro or weatherboard. Common roof styles within the area are hipped, gable and skillion that are constructed of tiles and sheet metal.

The proposed dwellings incorporate a combination of external materials, including cladded walls, sheet metal roofing, timber poles and steel slats. Further visual interest would be provided through the use of different exterior colours, variations in the size and placement of window openings, and the erection of awnings and columns forward of the building line, which assist in creating facades with scale and proportions that respond to the desired contextual character. The proposed building exhibits skillion roofs, which assist in reducing the visual height of the development and maximise solar access to open spaces and adjoining properties. All car parking would be setback within the development, which reduces the visual dominance of car parking upon the streetscape



#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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It is considered the architectural presentation of the development would not be dissimilar to the appearance of a new single storey dwelling house.

In this regard, the architectural style of the proposed development is considered to be compatible with the existing and desired future character of the local area.

- **Landscaping** – Landscaping is proposed to be provided within the front, side and rear setback areas of the development, as well as within common areas adjacent to the driveway and footpaths.

The proposal involves the planting trees along the rear boundaries of the development which would assist in minimising the impacts of the development on neighbours and maintain the pattern of rear boundary deep soil planting.

The proposed planting in front setbacks would assist in minimising the impacts of the new development on the streetscape enabling it to blend into the street.

Impervious areas comprise of a limited range of coloured concrete and pavers and adjacent deep soil zones would facilitate absorption of run-off.

The proposal does not involve the removal of any trees as the site has previously been cleared of mature vegetation.

### 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:

- (a) to permit the development of a range of housing types, and
- (b) 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 instrument at the time of reporting to the Council, LEP 2002 is the relevant document for the purpose of assessing this application as it was the applicable planning instrument when the development application was lodged with Council.

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## **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 recommendation includes a draft condition requiring a 10,000 litre rainwater tank(s).

**Landscaping** - A landscape plan has been provided. The proportion of landscaped area for the site is considered appropriate. Planting within front setbacks minimises impacts of the development on the streetscape. Planting at the rear of the development reduces impacts of the development. Landscaping enhances amenity by providing planting around driveways, pedestrian paths, boundary fences and dwelling entries.

**Cut, Fill and Floor Levels** – The proposal involves minimal levels of cut and fill. The extent of earthworks has been minimised by arranging the development into two separate buildings which step down the slope to keep floor levels as close as possible to natural ground level.

**Storm Water** - The proposal involves the drainage of storm water to the kerb and gutter under gravity. 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. Windows would be provided adjacent to entry doors allowing residents to see who approaches their dwellings without the need to open the front door. General observation of communal and public areas would be provided from habitable room windows.

**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 and Recycling Services.

## **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*.

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#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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### 3. Planning Assessment

#### 3.1 The Likely Impacts of the Development

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

#### 3.2 Impacts on the Natural and Built Environment

It is considered any impacts of the development on the built environment would be minimal.

The overall building design consists of articulated facades, and is considered satisfactory with respect to the context of the site and the future desired character of the area. It is considered that the overall development is of an acceptable and complimentary built form, in terms of building height, bulk and scale, setbacks, architectural style and materials and landscaping in the neighbourhood.

The design of the proposal is considered to have given satisfactory regard to existing adjoining residential dwellings, in terms of separation, privacy, overshadowing and views.

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

**Noise Generation** - The boarding house plan of management contains the following rules to minimise noise generation:

- a sign shall be maintained at the entrance to the boarding house advising occupants to be aware and mindful of the amenity of neighbours when entering or leaving the premises and refrain from making excessive noise.
- lodgers will not drink alcohol or play music in the outdoor areas of the property between 10:00pm and 10:00am.
- lodgers will not use the outdoor areas of the boarding house for recreation between the hours of 10:00pm and 7:00am.
- lodgers will not play music or make noise inside or outside the boarding house at a level that disturbs neighbours or other lodgers.
- lodgers will not operate musical instruments or sound equipment (radios, TVs, computers, tape recorders, record players, compact disc, MP3 players, computer games or the like) from 12 midnight to 8:00am on any Friday, Saturday or day immediately before a public holiday, or 10:00pm to 8:00am on any other day, inside a bedroom or communal area unless windows are closed or headphones are used and noise levels do not cause offensive noise to neighbours or other lodgers.
- lodgers may use the communal rooms at any time other than between the hours of 10:00pm and 6:00am, unless with the agreement of the Property Manager.
- lodgers will not bring visitors to stay overnight.

Whilst it is acknowledged the proposal would increase the number of residents and that common noise levels are likely to increase in the vicinity of the site, the ARH SEPP permits the higher density development and it is considered the proposal is acceptable in this regard. The noise generated by the boarding house site is considered to be of a residential nature that is acceptable within the residential zone.

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#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**Waste** - The application was referred to Council's Waste and Recycling Services. A response was received which confirmed that the kerbside presentation of the bins is satisfactory due to adequate street frontage for bin placement. A contract cleaner will deliver bins to the kerb for collection, return bins to the bin storage room after emptying and clean the bins and store room as necessary. While the property adjoins the end of the cul-de-sac, the sealed area directly opposite the property provides adequate space for waste collection vehicles to turn around. The proposed waste management arrangements for the boarding house are satisfactory.

A condition of consent is recommended for the provision of four 240 litre general waste bins and four 240 litre recycle bins to be accommodated within the bin storage area.

**Overshadowing** - The proposed boarding house is single storey and not excessive in building height. The submitted shadow diagrams demonstrate that overshadowing impacts to adjoining properties would be minor and not result in any unacceptable impacts.

### 3.3 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 affordable housing choices within Macquarie Fields. The location of the site would benefit from the services offered by the nearby centres through convenient access to public transport. While not all people desire to live in such accommodation, it is recognised that a need exists for such affordable housing.

Economically, it is considered the provision of affordable housing within an accessible area would offer residents with better opportunities to obtain employment, when compared to less accessible residential suburbs. It is also considered the proposal may employ local tradespeople for the construction of the development.

On the other hand, community opposition has been received objecting to the proposed development. Some long term residents and members of the community believe the proposal will have negative social and economic impacts on the locality. Issues of concern are summarised within the public participation section of this report below.

## 4. Site Suitability

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

The principal matters which determine the suitability of the site have been discussed in the consideration of State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Campbelltown (Urban Area) Local Environmental Plan 2002. It is considered the site is suitable for the development of a boarding house.

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#### 8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

Notwithstanding, having regard to the intensity of the development and its likely impact on the built environment and nearby residents in terms of reducing the level of car parking availability, reducing accessibility along the access road as well as manoeuvrability within the road, it is considered appropriate that additional car parking and regulatory parking signage be provided as part of this development to reduce the likely impacts of the development on the amenity and safety of residents, and general public, using the access road. In this regard, draft conditions are included requiring the provision of five additional offsite parking bays, a formalised turning bay for garbage trucks and the applicable regulatory parking controls along the north side of the access road.

### 5. Public Participation

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

The application was publicly notified to surrounding property owners between 21 March 2016 and 4 April 2016.

Council has received twenty-one submissions which included petitions objecting to the development. The issues of objection are summarised and discussed below.

Theme	Objection Detail	Response
<b>Occupants</b>	Potential occupation by sex offenders, convicted criminals, drug addicts and alcohol abusers. Potential occupation by people with mental illness, violent and antisocial behavior. Deviants of such nature will threaten the safety, security and amenity of established families and the broader community.	The ARH SEPP does not specify criteria for occupants or require police checks of occupants. The responsibility of arranging appropriate occupants of the boarding house lies with the owner of the property and their managing agent.
<b>Safety and security</b>	The proposal will threaten the safety and security of residents in the area, especially children. The proposal will increase crime rates and vandalism. The proposal will increase the number of vulnerable and volatile people in a concentrated area that may lead to issues similar to the 2005 riots.	Council is unable to control the identity of the ultimate tenants. In this regard, there is insufficient evidence to determine if the proposal will result an increase in criminal activity associated with the boarding house.
<b>Loiterers</b>	Potential loiterers within the road reserve affecting the feeling of safety in the area.	It is difficult to restrict individual movements within public areas. The police should be contacted should suspicious activity be observed. Measures such as landscaping, fencing, lighting, CCTV could be implemented to enhance security.



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<b>Child care centres and school</b>	The proposal is located too close to two child care centres and Macquarie Fields Public & High School and risks the safety and welfare of children. Children will be exposed to safety risks as residents of the boarding house constantly walk past and have full view of the children.	There are no specific controls which prevent a boarding house from being located within a certain distance of a child care centre or school. The proposal satisfies the locational criteria for a boarding house specified under the ARH SEPP. The proposal is permitted within the zone and is located within an accessible area.
<b>Families</b>	The proposal is not designed to be used by families. The suburb predominantly comprises of working class families. Future families and investors will no longer be interested in the area. Tenants of the boarding house will be frequently changing. The proposal does not suit the area.	The proposal is not specifically designed for use by families. As each room is less than 16sqm (excluding kitchen and bathroom facilities), only a single adult lodger is permitted to occupy each room. The boarding house plan of management states the length of occupancy shall not be less than 90 days, on the explicit understanding that accommodation is not to be provided on a temporary basis.
<b>Migrants</b>	Future migrants will be forced into closed, cramped environments where they can hear arguments next door.	The boarding rooms meet the minimum floor area requirements of the ARH SEPP. Each room is only to be occupied by a single lodger. The Boarding House Management Plan restricts anti-social behaviour.
<b>Density</b>	The proposal is a high density development and is not compatible with the low density character of the area and zone of the land and represents an overdevelopment of the site. The cramped living environment is inconsistent with the open spaces of the suburb. The living conditions are not desirable and are more alike to that of a motel.	The proposal represents a higher density living environment compared to Council's standard requirements for multi-dwelling housing. The ARH SEPP permits this type of compact and self-contained living, even within a low density residential zone.
<b>Character</b>	The proposal is not complimentary to the existing and desired residential buildings in the neighbourhood. The proposal does not enhance the local area and does not fit harmoniously within the surrounding neighbourhood.	A relatively low proportion of dwellings in the area have been redeveloped. In this regard, it is important for the boarding house to be consistent with the desired future character of the area, more so than the current character of the area. It is considered the architectural presentation of the development would not be dissimilar to the appearance of a standard dwelling house, should one be constructed on the site.

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<b>Floor space ratio</b>	The proposal will have a floor space ratio that is more than twice that of other dwellings in the cul-de-sac. The proportion of the rear building is much larger than any neighbouring property.	The proposal would have a floor space ratio of 0.35:1, noting the maximum floor space ratio allowed is 0.55:1. The ARH SEPP states that Council must not refuse to grant consent on the basis of floor space ratio if the proposal complies with the existing maximum floor space ratio of residential accommodation permitted on the land.
<b>Facilities</b>	The availability of laundry and cooking facilities.	<p>It is noted that no separate laundry tubs or washing machines are indicated as being provided on the plans except for a potential washing machine 'WM' within the bathroom of Room 6. It is considered that laundry facilities should be provided within each room, as the communal living room is required to be used for recreational purposes, such as a lounge room, dining room, recreation room or games room. A relevant condition has been included should consent be granted by Council.</p> <p>Two outdoor clothes lines would be provided.</p> <p>Each boarding room would be provided with a kitchenette comprising of a bench top, sink, drying rack, cooktop, pantry, fridge and breakfast bar.</p>
<b>On-site management</b>	The proposal should be managed by a competent and qualified authority. Owners as managers are mainly concerned with profits. The building will be a haven for crime and social unrest. If there is no resident manager there will be no one to handle noise complaints and maintain the property.	As the proposal has capacity to accommodate a maximum of ten lodgers, under the ARH SEPP an onsite boarding house manager is not required to be provided. The submitted plan of management contains a public complaints resolution procedure and general house rules.
<b>Noise and privacy</b>	The increase in traffic and pedestrian activity raises noise and privacy concerns. The parking spaces directly face neighbouring bedroom windows raising noise concerns. Several entry doors directly face neighbouring private open space areas raising privacy concerns.	The car park directly faces the windows of the adjoining dwelling. Pedestrian paths are located within the side setback areas servicing numerous boarding room entry doors. Minimal landscape buffering would be provided to dampen noise. Only tokenistic landscaping would be provided. The majority of screening would be provided by boundary fencing.

8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

<b>Solar access</b>	The poor design provides a lack of natural light to the eastern side of the development. The neighbouring two storey development will also overshadow the development. The rooms on the western side will find the summer heat unbearable. The communal living room and washing line will lack solar access due to their southerly orientation, proximity to trees and neighbouring residences.	The proposal complies with the solar access requirements of the ARH SEPP. The communal living room would receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter. The ARH SEPP does not require solar access for individual boarding rooms or clothes lines.
<b>Quality</b>	The proposal is a large scale low quality development. Such ghetto style development contradicts Council's aims of high quality and healthy sustainable development. The external wall cladding is cheap and unsightly.	The ARH SEPP permits this type of development. Cladding is considered to be an acceptable building material.
<b>Parking</b>	The proposal would have 20 occupants and potentially 20 additional visiting vehicles. Only two parking spaces would be provided which is not realistically adequate. People will park in the street placing demand on the cul-de-sac, in addition to the neighbouring five multi-dwellings under construction. Vehicles will also park on the grassed road reserve causing erosion as the cul-de-sac will overflow with vehicles. The proposal will remove the amenity of easy on street car parking.	All rooms are proposed for single lodgers and the proposal would accommodate a maximum of 10 adults. Due to the boarding house being located within an 'accessible area' the ARH SEPP only requires 0.2 parking spaces per boarding room. Therefore the proposal only requires a total of two car parking spaces to be provided. The ARH SEPP states that Council must not refuse to grant consent on the basis of car parking if the proposal complies with the car parking standard.
<b>Traffic safety</b>	The road is only single lane with no line marking. If cars park on both sides of the road, vehicles will not be able to safely pass each other. Consideration should be given to making the road double lane, installing no parking signs in the cul-de-sac, or providing additional sealed footpaths along the road reserve to increase road safety.	A draft condition is recommended that requires the installation of parking controls along the north side of the access road to ensure unimpeded vehicular access is maintained at all times along the access road for all vehicle types, including waste vehicles.
<b>Waste collection</b>	No space will be available for the presentation of bins to the kerb for collection as the street will be full of vehicles parked on the road. The garbage truck will have inadequate area to maneuver and exit the street in a forward direction.	The proposal was reviewed by Council's Waste and Recycling Services and it considered that the Waste Management response is appropriate. However, a draft condition is recommended requiring that the existing parking/turning bay on the north side of the access road, be formalised by the developer by way of the inclusion of pavement line-marking and regulatory signage, to ensure an area for truck

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		manoeuvring/turn around is available at all times.
<b>Waste management</b>	General, recycling and green waste disposal arrangements.	The proposal provides an adequately sized bin storage room situated within the development and screened from public view. The site has adequate frontage to present bins to the kerb for collection.
<b>Litter</b>	The proposal will produce syringes, broken beer bottles and rubbish in neighbouring yards and the road reserve.	The development provides adequate residential waste management facilities and servicing arrangements.
<b>Flooding</b>	The proposal may cause flooding of neighbouring properties due to increased runoff and reduced deep soil planting. A rainwater tank should also be provided.	The storm water plan was reviewed by Council's Development Engineers. The proposed method of storm water collection and disposal was considered to be satisfactory. A draft condition of consent requires a 10,000 litre rainwater tank(s).
<b>Footpath</b>	There is no footpath along the cul-de-sac for the safe passage of pedestrians.	The applicant has agreed to construct a footpath from the site to connect to the existing footpath on Saywell Road in order to access the bus stop.
<b>Property values</b>	The proposal will devalue nearby properties.	Property values are not a relevant planning consideration. While nearby property values could decline or rise in value, it is considered the proposal would not have a broad economic impact on the region.
<b>Socio-economics</b>	The proposal will bring down the socio-economics and general living standards of the area. Macquarie Fields has had positive change of the past 12 years. The area already contains a large proportion of social housing and it would be unwise to add to the concentration.	The proposal complies with the provisions of the ARH SEPP and this type of development is permitted.
<b>Hospital</b>	The proposal should be located within close proximity of a hospital as the occupants are more likely to require its services.	The site is located within close proximity to an existing medical centre and pharmacy.
<b>Profiteering</b>	The proposal is for financial gain and lacks respect for the local residents and community. Developers are using the Macarthur Region as a dumping ground to make a quick buck with loans and grants from the state government at the expense of local residents and taxpayers. It is unlikely the proprietor lives the suburb. The proposal is a more alike to commercial development, than a residential development.	The proposal complies with the provisions of the ARH SEPP and this type of development is permitted.

8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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<b>Tree removal</b>	The site contained native trees that have been removed.	A review of Council records indicates that Council has not issued a permit for the removal of any trees on the site. It is noted a recent Complying Development Certificate was issued by a private certifier which involved the demolition of the house, swimming pool, garage and outhouse. The certificate appeared to contain tree protection measures. It is recommended this matter be investigated as a separate issue.
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## 6. 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 not inconsistent 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.

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

Adequate provisions to ensure the unimpeded access, turning and parking of vehicles at all times have been included as draft conditions of consent.

Accordingly, the application is recommended for approval.

## Officer's Recommendation

1. That development application 545/2016/DA-BH for the construction of a ten bedroom boarding house within two detached buildings at No. 27 Saywell Road, Macquarie Fields, be approved, subject to the conditions detailed in attachment 1 of this report.
  2. That an investigation is conducted to confirm if prior approval was obtained with respect to the removal of trees that were previously situated on the site.
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## 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 the 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.

Sheet Number	Sheet Title	Issue	Author	Plot Date
1/17	Cover Page	I	M.A.D.S	22/07/2016
2/17	Floor Plan – Front Building	I	M.A.D.S	22/07/2016
3/17	Floor Plan – Rear Building	I	M.A.D.S	22/07/2016
4/17	Typical Room Plan	I	M.A.D.S	22/07/2016
5/17	Elevations – Front Building	I	M.A.D.S	22/07/2016
6/17	Elevations – Rear Building	I	M.A.D.S	22/07/2016
7/17	Elevations – Rear Building	I	M.A.D.S	22/07/2016
8/17	Sections – Rear Building	I	M.A.D.S	22/07/2016
9/17	Sections – Front Building	I	M.A.D.S	22/07/2016
10/17	Site / Sediment Control Plan	I	M.A.D.S	22/07/2016
11/17	Landscape Plan	I	M.A.D.S	22/07/2016
12/17	Perspectives	I	M.A.D.S	22/07/2016
13/17	Streetscape	I	M.A.D.S	22/07/2016
14/17	Site Analysis Plan	I	M.A.D.S	22/07/2016
15/17	Shadow Diagram 21 <sup>st</sup> June	I	M.A.D.S	22/07/2016
1/2	Drainage Plan	-	DMC	19/2/16

#### Association Documentation:

Boarding House Plan of Management and House Rules For 27 Saywell Road, Macquarie Fields, Pages: 1 – 4, Prepared By: Mark Shanahan Planning Pty Ltd, Dated: March 2016.

#### 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:

8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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- Drainage Plan, Sheet 1 of 2, prepared by DMC, to be amended to be consistent with the approved plans.
- Floor plan and elevations to be amended to include a secure and lockable bicycle cage designed in accordance with AS 2890.2 (as amended).
- Each boarding room to include a washtub (separate to the kitchen sink) and space in the same room for a washing machine.

**3. 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.

**4. Building Code of Australia**

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

**5. Contract of Insurance (residential building work)**

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

This clause does not apply:

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

**6. Notification of *Home Building Act 1989* Requirements**

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

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

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

## **7. Landscaping**

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

## **8. Noise Mitigation Measures**

The following boarding house management restrictions must be adhered to at all times:

- i. Outdoor common area is not used after 10.00pm or before 7.00am
- ii. Doors and windows to the indoor communal area are to be kept closed after 10.00pm and before 7.00am
- iii. No music to be played in outdoor areas
- iv. 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 four 240 litre general waste bins and four 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
  - 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.
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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No.  
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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.

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.

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**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 Engineering Design Guide for Development (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.

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.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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## 21. Parking Spaces

- a. Two 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 6 (as amended).
- b. Two motorcycle parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 (as amended).
- c. A bicycle cage shall be provided to securely accommodate two bicycles, designed and made available to users of the site in accordance with Australian Standards 2890.3 (as amended).

## 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 10 persons. The maximum occupancy rate of each boarding room shall be in accordance with the table below:

Room Number	Maximum occupancy
Room 1	One
Room 2	One
Room 3	One
Room 4	One
Room 5	One
Room 6	One
Room 7	One
Room 8	One
Room 9	One
Room 10	One

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 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or two square metres or more for each person sleeping in it (in any other case) (*Public Health Regulation 2012*).

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**24. Maximum Number of Lodgers in the Building**

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

**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)**

A 10,000 litre 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.

**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.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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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. Waste Management Plan**

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

**30. Geotechnical Report**

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

**31. Soil and Water Management Plan**

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

**32. Classification of Residential Lots (Development with dwelling construction)**

Prior to the principal certifying authority issuing a construction certificate for any dwellings approved under this consent, all proposed residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard AS 2870-1996 Residential Slabs and Footings (as amended).

All slabs and footings shall be designed in accordance with the relevant site classifications and recommendations resulting from a geotechnical investigation of the site. The designing structural engineer shall certify that the design of all slabs and footings is in accordance with the geotechnical investigation and soil classification for the site.

**33. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed and discharged directly to the rear of the kerb and gutter utilising Council's standard kerb roof water outlets and kerb adaptors. All proposals shall comply with the requirements detailed in Council's Engineering Design Guide for Development (as amended).

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**34. Work on Public Land**

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

**35. 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.

**36. Telecommunications Infrastructure**

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

**37. 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](http://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.

**38. Erosion and Sediment Control**

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

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**39. Erection of Construction Sign**

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

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

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

**40. Toilet on Construction Site**

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

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

**41. Trade Waste**

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

**42. Vehicular Access during Construction**

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

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**43. 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.

**44. Fencing**

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

**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.

**45. 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.

**46. 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.**

**47. 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.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**48. 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.

**49. Fill Compaction Requirements**

Any filling carried out on the site shall be compacted to a minimum dry density of 98 per cent Standard Compaction. Density testing, which is to be certified by a qualified geotechnical engineer, shall be undertaken for every 300mm rise in vertical height, with test locations being selected randomly across the site. At least 1 test shall be taken for every 500m<sup>2</sup> of the filled area (minimum 1 test per 300mm layer).

**50. 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.

**51. 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.

**52. 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.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**53. 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.

**54. 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.

**55. Public Safety**

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

**56. Compliance with Relevant Authority's Specification**

All design and construction work shall be in accordance with:

- a. Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. 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.

**57. Footpath Construction**

The developer shall provide by new construction and/or adjustment to the existing footpaths, a continuous accessible concrete sealed footpath(s) of 1.2 metre width to the satisfaction of Council along the frontage of the site which connects to the existing footpath of Saywell Road so as to provide pedestrian access to service the bus stop located on Fields Road. All proposed works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works, the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3.

**58. Footpath, Kerb and Gutter**

The applicant shall re-construct all damaged bays of kerb and gutter adjacent to the site. Areas not concreted shall be regraded, topsoiled and turfed. The footpath formation may need to be extended beyond the site boundaries to provide an acceptable transition to the existing footpath levels. All works shall be in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**59. 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.

**60. Associated Works**

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

**61. Redundant Laybacks**

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

**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.

**62. 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](http://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.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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**63. 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.

**64. Final Inspection – Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council a copy of a work as executed plan, certified by a qualified surveyor, which has been prepared in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Engineering Design Guide for Development (as amended).

**65. 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.

**66. 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.

**67. House Numbers**

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

The applicant shall contact Council's Land Information Unit on 4645 4465 to ensure the correct house numbers are stencilled onto the kerb.

**68. Council Fees and Charges**

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

**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.

**69. Registration**

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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

**70. 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.

**71. 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.

**72. 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).

**73. Lighting and Ventilation**

Adequate light and ventilation must be maintained in the premises.

**74. 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.

**75. 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.

**ADVISORY NOTES**

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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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. 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.

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**Advice 4. 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 5. 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 6. 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 7. 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 8. 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](http://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.

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**Advice 9.      *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**

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## ATTACHMENT 2

### Locality Plan





8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No.  
27 Saywell Road, Macquarie Fields

## ATTACHMENT 3

### Shops, Parks, Bus Stop and Train Station Plan



#### Legend:

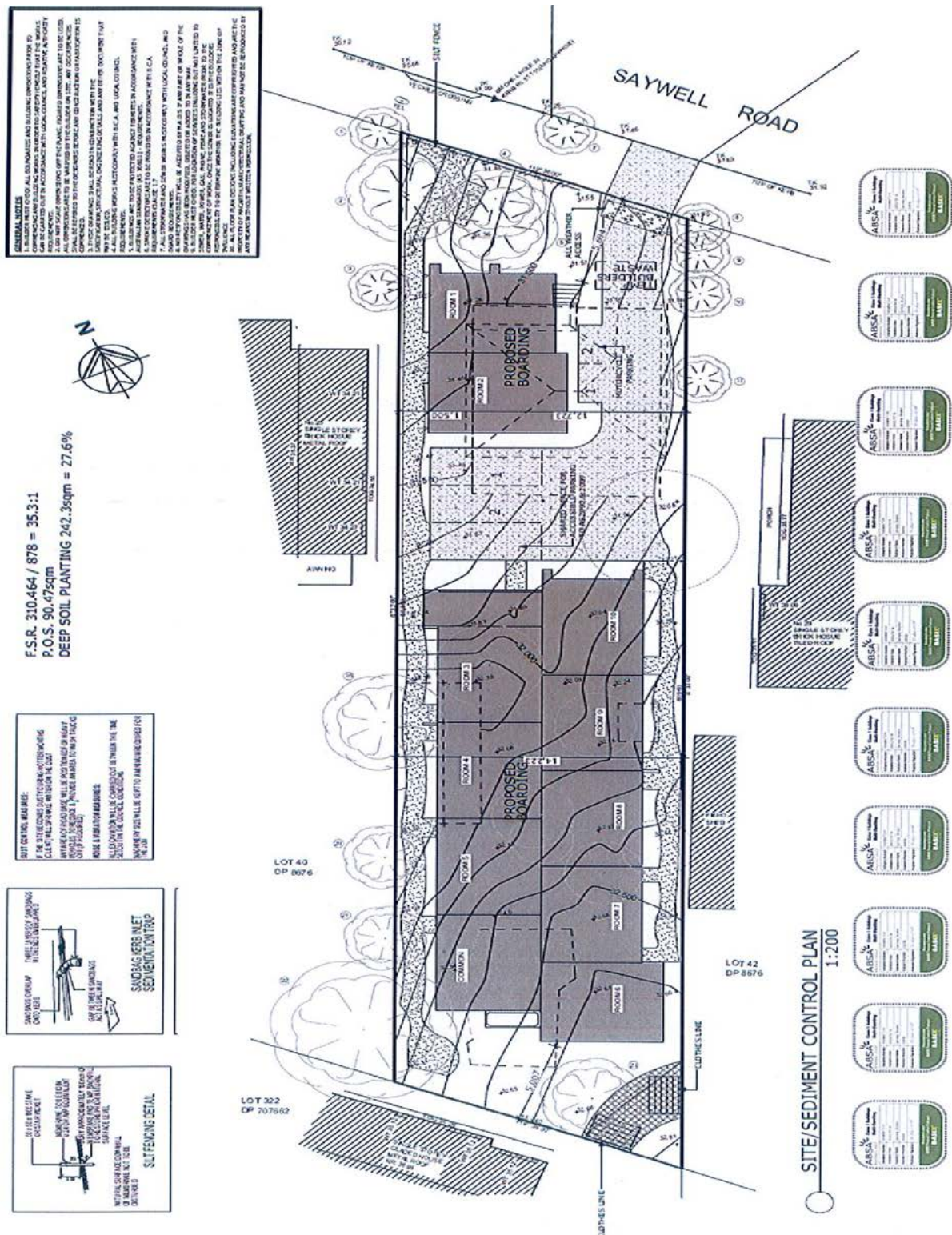
- 1 = Bus Stop
- 2 = Neighbourhood Shops
- 3 = Milton Park
- 4 = Macquarie Fields Park
- 5 = James Meehan Park
- 6 = Macquarie Fields Train Station
- 7 = Glenquarie Shopping Centre
- RED = Subject Site
- BLUE = Walking distance to Bus Stop (approx. 135m)



8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

## ATTACHMENT 4

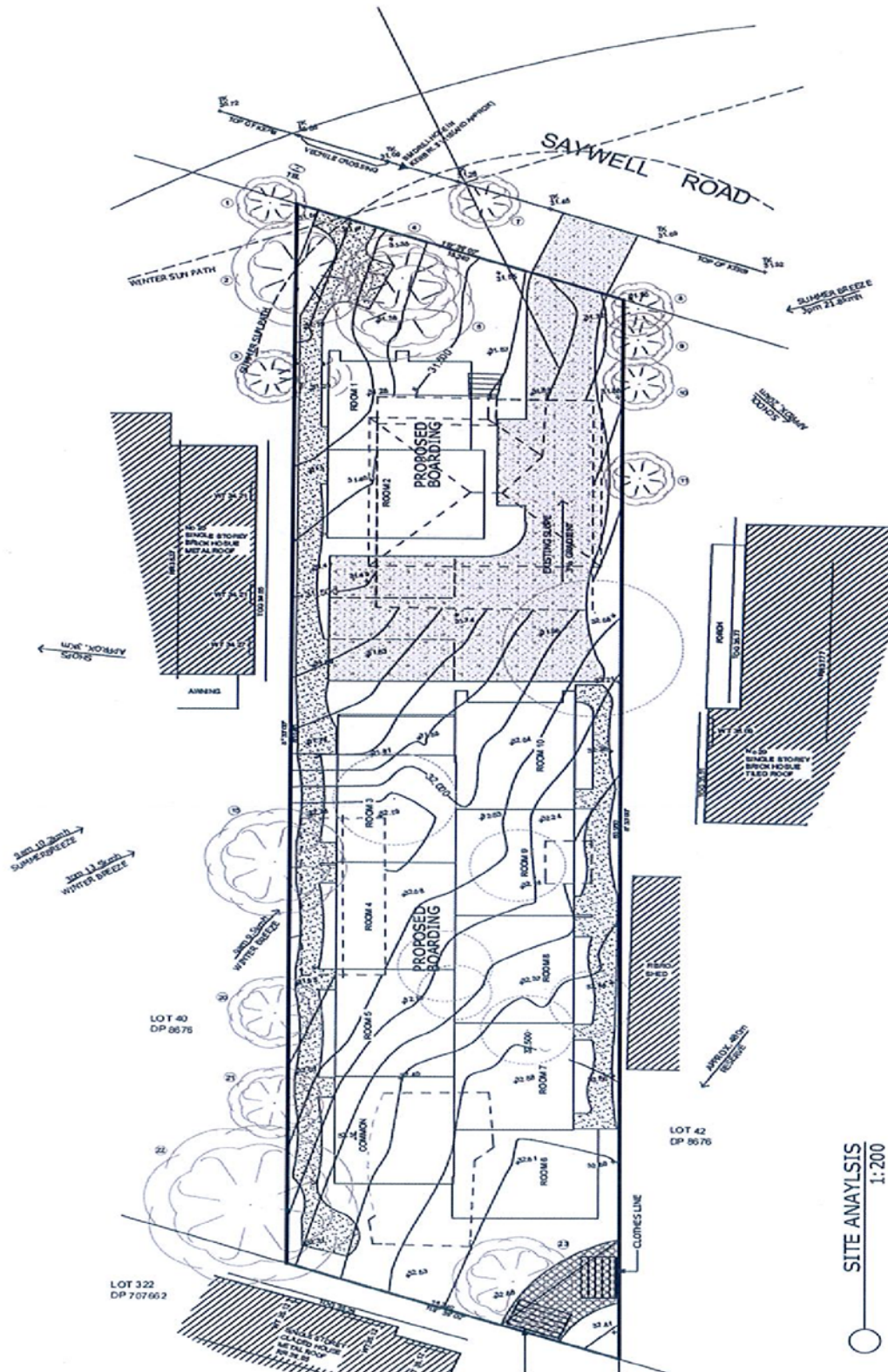
## Site Plan



8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No.  
27 Saywell Road, Macquarie Fields

## ATTACHMENT 5

### Site Analysis Plan

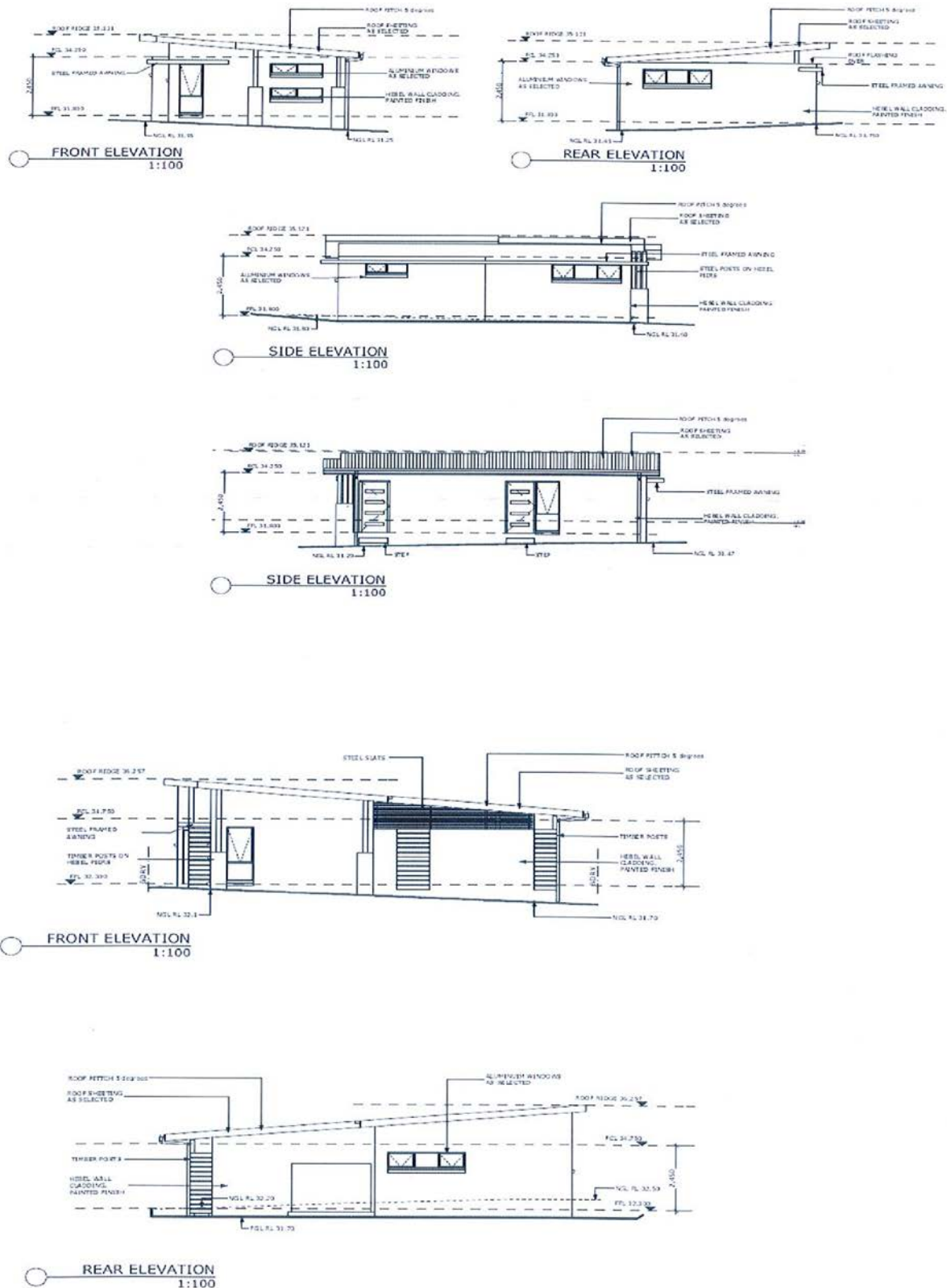




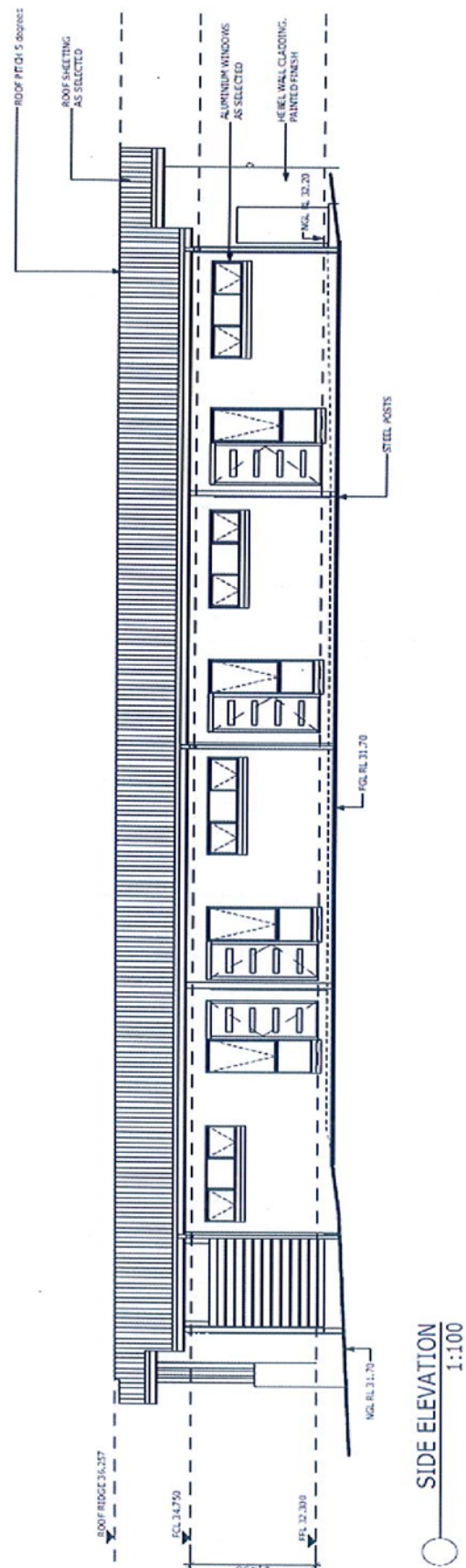
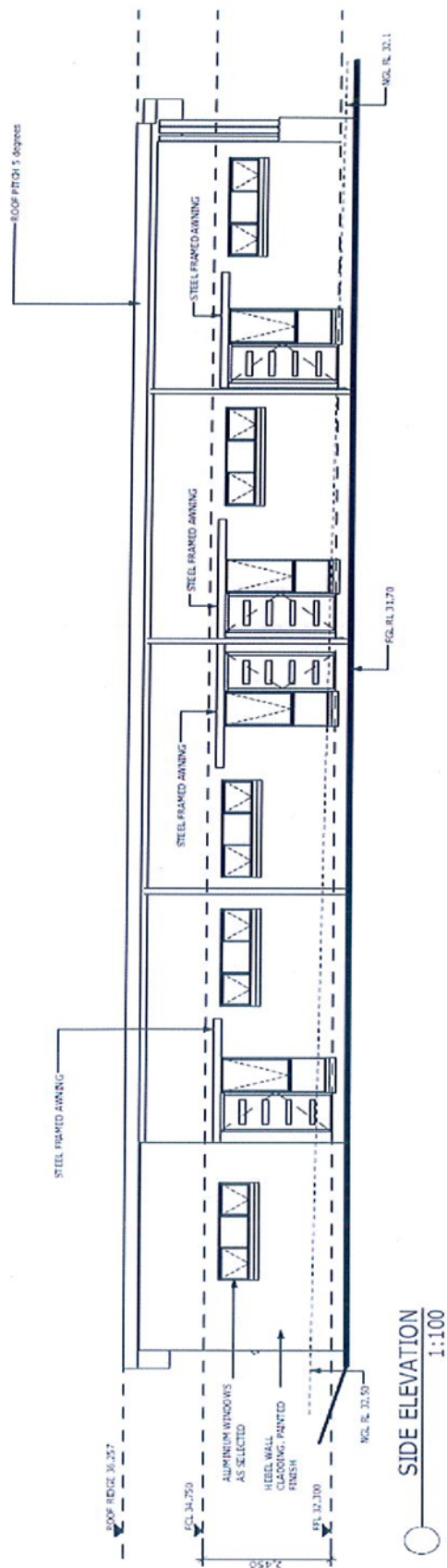
8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

# ATTACHMENT 6

## Elevations



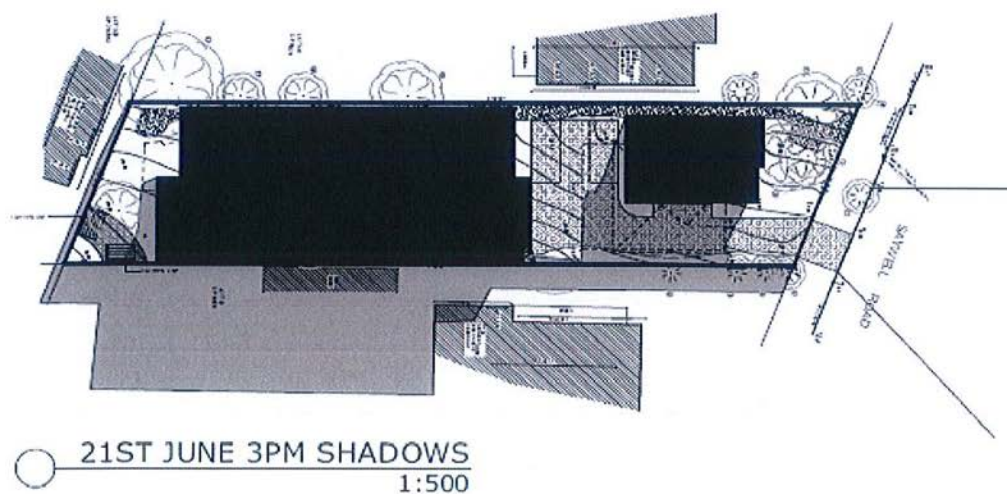
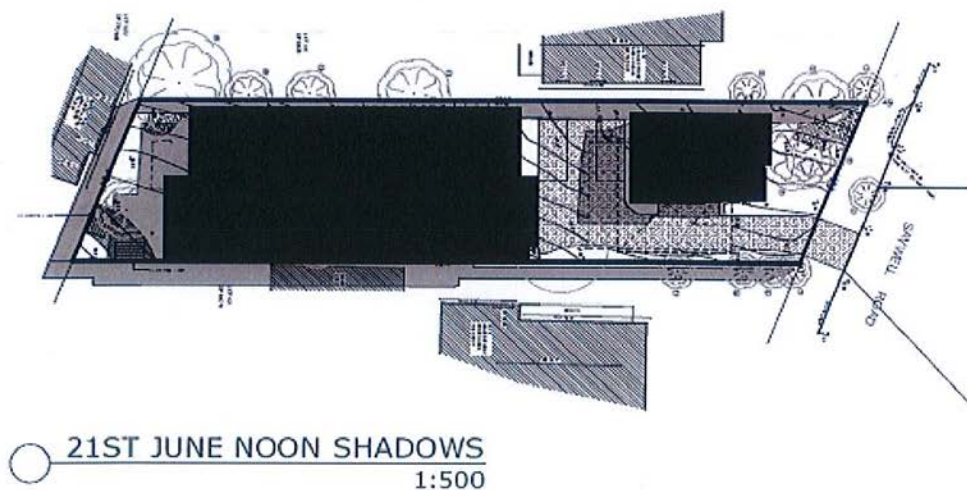
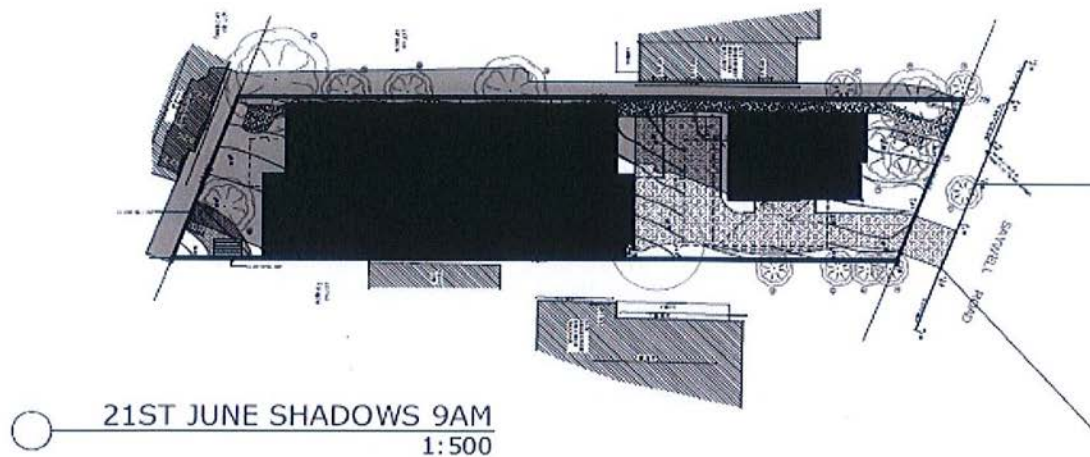
8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields





## ATTACHMENT 7

### Shadow Diagrams



## ATTACHMENT 8

## Landscape Plan





## ATTACHMENT 9

### Schedule of Finishes



COLOUR SCHEDULE:  
WALLS - CAFE LATTE  
ROOF DUNE  
WINDOWS: WHITE FRAMES  
FASICA/GUTTER: SURFMIST  
TIMBER: STAIN TIMBER  
DRIVEWAY: CHARCOAL

## ATTACHMENT 10

### Plan of Management

#### **BOARDING HOUSE PLAN OF MANAGEMENT AND HOUSE RULES FOR 27 SAYWELL RD, MACQUARIE FIELDS**

##### **Preliminary**

27 Saywell Rd, Macquarie Fields is a *registrable boarding house* under Section 5(1) of the *Boarding Houses Act 2012*, being operated as a *general boarding house* with 10 boarding rooms with maximum occupancy of 10 lodgers. It is not an *assisted boarding house*.

This management plan implements those *occupancy principles* for boarding houses in force under Section 30(1) of the *Boarding Houses Act 2012* that relate to the management and operation of this boarding house.

The occupancy principles in force at the time this management plan was prepared are set out in Schedule 1 of this plan.

##### **1. Object of this Plan**

1.1 A primary purpose of this Management Plan is to ensure that neighbours' amenity is not reduced by the operation of the premises. To achieve this, the Management Plan has been drafted with the following matters in mind:

- a) to minimise disturbance to neighbours;
- b) to discourage behaviour of occupants which may cause neighbour's amenity to be reduced;
- c) to provide a procedure to receive and resolve complaints;
- d) to maintain the appearance and hygienic condition of the premises;
- e) to ensure a responsible person is readily contactable to assist in the ongoing implementation of this Management Plan;
- f) to ensure that this Management Plan is enforceable, and
- g) to make provision for this plan to be amended from time to time (with the approval of Council) in order to facilitate timely and responsive operational changes to improve residential amenity within and external to the site.

##### **2. Responsibilities of Manager**

2.1 The manager of the premises is responsible for ensuring that this Management Plan is properly implemented at all times.

2.2 This Management Plan shall be displayed in a common area of the boarding house at all times. The Manager shall give occupants copy of a document called "Boarding House Rules" ("the Rules") before they move into the boarding house. The Rules include guidelines for the conduct of occupants to minimise inappropriate behaviour that might reduce the amenity of neighbours or other lodgers. The Rules may not be inconsistent with this Management Plan or the conditions of development consent.

2.3 All residents in the boarding house are to sign an Occupancy Agreement which includes a requirement to comply with the Rules. The length of occupancy shall not be less than 90 days, on the explicit understanding that accommodation is not to be provided on a temporary basis to persons on recreational pursuits.

2.4 The Manager is responsible for enforcing the Rules.

2.5 The Manager shall have discretion to remove any person from the Boarding House who fails to comply with any Rule after due warning.

2.6 The Manager shall maintain a register of lodgers who have been evicted from the Boarding House and shall ensure that they are prevented from entering the premises in the future.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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2.7 The Manager shall take all reasonable steps necessary to ensure that occupants of the Boarding House do not affect the amenity of neighbours. The Manager may evict occupants who unreasonably affect the amenity of neighbours.

2.8 The Manager shall ensure that the Rules are displayed in the entrance, common rooms, corridors and bedrooms of the Boarding House.

2.9 A sign shall be maintained at the entrance to the Boarding House advising occupants to be aware and mindful of the amenity of neighbours when entering or leaving the premises and refrain from making excessive noise.

2.10 A mobile phone number for contacting the Manager shall be displayed on the outside wall at the entrance to the boarding house, so that it is visible from outside the boarding house.

2.11 The Manager shall provide a mobile phone number to immediate neighbours and to lodgers on which the Manager can be contacted 24 hours a day.

### **3. Resident Manager**

3.1 As the capacity of the boarding house is less than 20 people, the Manager is not required to reside on the premises.

### **4. Residents Register**

4.1 The Manager shall maintain a register which includes the lodger's name, previous address, identification details, room number, the tariff charged, date of commencing occupancy and date of ceasing occupancy. The register may be kept in writing and/or on computer.

4.2 Only one lodger can be registered at any one time to occupy any of the boarding rooms. There are to be no more than 10 lodgers residing in the boarding house at any time. Inspections of the property and the Register may be undertaken by authorised officers of Council from time to time to ensure that this requirement is being satisfied.

4.3 Preference in allocation of Room 2 shall be given to a lodger with disability. If Room 2 is already occupied by a lodger without disability when a prospective lodger seeks accessible accommodation, the agreement of the current lodger shall be sought to move to another room that is (or becomes) available so that Room 2 can be allocated to the lodger with disability.

### **5. Boarding House Rules**

5.1 The Boarding House Rules shall include the following:

Lodgers:

- a) Will not smoke inside the Boarding House.
  - b) Will not drink alcohol or play music in the outdoor areas of the property between 10.00pm and 10.00am.
  - c) Will not use the outdoor areas of the Boarding House for recreation between the hours of 10.00pm and 7.00am.
  - d) Will not play music or make noise inside or outside the boarding house at a level that disturbs neighbours or other lodgers.
  - e) Will not operate musical instruments or sound equipment (radios, TVs, computers, tape recorders, record players, compact disc, MP3 players, computer games or the like) from 12 midnight to 8am on any Friday, Saturday or day immediately before a public holiday, or 10pm to 8am on any other day, inside a bedroom or communal area unless windows are closed or headphones are used and noise levels do not cause offensive noise to neighbours or other lodgers.
  - f) May use the communal rooms at any time other than between the hours of 10pm and 6.00am, unless with the agreement of the Manager.
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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No. 27 Saywell Road, Macquarie Fields

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- g) Will remove their personal items and leave the common room in a clean and tidy condition after each use.
- h) Will not give or lend their key to the premises to anyone who is not a current lodger of the premises.
- i) Will not bring visitors to stay overnight.
- j) Will not be rude or offensive or create tension with other lodgers or neighbours.
- k) Will respect the right of other lodgers and neighbours to the quiet enjoyment of their premises.
- l) Will not jeopardize the safety of other lodgers or neighbours.
- m) Will not bring illegal drugs or substances onto the property.
- n) Will not bring pets onto the property.
- o) Will not use candles, incense, element heaters or other device or thing that is liable to cause a fire in their room or common areas.
- p) Will pay lodging fees by the due date.
- q) Will vacuum, clean and maintain their room in a hygienic condition.
- r) Will restore common rooms to a neat, clean and tidy condition after using them.
- s) Will turn lights and power off when not in use.
- t) Will put garbage and recyclable materials into the appropriate bin.
- u) Will safely convey bicycles in and out of the property without causing danger to other lodgers or neighbours.
- v) Will only park bicycles in the appropriate allocated parking space and not on any other common space of the property.
- w) Will let the owner or Manager inspect their room at least once a month or at other times as requested, with reasonable notice.
- x) Will notify the Manager immediately when there is reason to believe that the behaviour or action of other lodgers may cause harm or endanger lives or may cause damage to the premises/property.

## **6. Safety**

6.1 The Manager shall ensure that all fire safety requirements of the Boarding House are met at all times, including ensuring the following:

- a) Fire exit signs are in working order.
- b) Emergency access routes are clear.
- c) Smoke detectors/alarms are in good working order.
- d) Any items that are a fire hazard are removed from the premises without delay.
- e) Generally maintain the premises in a fire-safe condition.

6.2 All occupants are to be informed of the fire safety facilities and evacuation procedures for the Boarding House including the fire exits, assembly area, fire blankets, fire extinguishers and fire warning devices installed in the Boarding House.

## **7. Cleaning & Waste Management**

7.1 All common areas of the premises are to be professionally cleaned on a regular basis, and garbage bins presented at the kerbside at the appropriate time for collection and returned to the bin store after emptying. Arrangements for this will at all times be the responsibility of the Manager.

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No.  
27 Saywell Road, Macquarie Fields

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7.2 The common open space areas are to be maintained in a neat and orderly manner and in accordance with the approved Landscape Plan. This will require mowing and garden maintenance at least fortnightly during spring and summer and at least monthly during autumn and winter, and replacement of any plants identified in the approved Landscape Plan that fail to thrive. Contractors shall remove lawn clippings and other green waste at the completion of each service.

7.3 An adequate number of waste bins, including recycling bins, shall be provided to accommodate waste generated by the boarding house. Bins and the bin storage room must be kept in a clean, odour-free and vermin-free state at all times.

7.4 The Manager shall arrange for the removal within 48 hours of any graffiti on the exterior of the building.

### **8. Pets**

8.1 No pets of any kind are allowed on the boarding house premises.

### **9. Public Complaints Resolution Procedure**

9.1 The Manager shall maintain a Complaints Register of public (external) complaints.

9.2 This register shall comprise of forms to be completed by the Manager, lodgers and/or complainants. The form is to record the nature and date of any complaint and the name, address and phone number of the person making the complaint.

9.3 The Manager shall respond by telephone to a written or oral complaint within 24hrs (provided that the complainant has provided a phone number).

9.4 The Manager shall respond in writing within 7 days to a written complaint (provided that the complainant has provided contact details).

9.5 The Manager shall use best endeavours to arrange a meeting with complainants so that the complaint is resolved. The Manager shall keep minutes of such meetings in the Complaints Register. The register is to be made available for inspection at any time by an authorised officer of the Council.

9.6 If a complaint cannot be resolved and the complainant wishes to escalate the matter, the complaint may be referred for resolution to the Community Justice Centre.

### **10. Variations to Plan of Management and House Rules**

10.1 This approved Plan of Management may be varied from time to time by an authorised officer of the Council, on the application of the owner, without the need for formal modification of the development consent, providing Council's written endorsement is recorded below. A copy of the current endorsed Plan of Management shall be kept on the premises and retained by the owner, the Manager and Council at all times.

### **11. Authorisation**

This Plan of Management was endorsement by:

Name of authorised Council officer:.....

Position of officer:.....

Signature of officer:.....

Date signed:.....

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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No.  
27 Saywell Road, Macquarie Fields

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## **Schedule 1 Occupancy principles**

(as in force under Section 30 of the *Boarding Houses Act* 2012)

### **1 State of premises**

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

### **2 Rules of registrable boarding house**

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

### **3 Penalties for breaches of agreement or house rules prohibited**

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

### **4 Quiet enjoyment of premises**

A resident is entitled to quiet enjoyment of the premises.

### **5 Inspections and repairs**

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

### **6 Notice of increase of occupancy fee**

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

### **7 Utility charges**

- (1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:
  - (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
  - (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the following:
  - (a) the supply of electricity,
  - (b) the supply of gas,
  - (c) the supply of oil,
  - (d) the supply of water,
  - (e) the supply of any other service prescribed by the regulations.

### **8 Payment of security deposits**

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
  - (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
  - (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
  - (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
  - (e) any other amounts prescribed by the regulations.
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8.4 Construction Of A 10 Bedroom Boarding House Within Two Detached Buildings - No.  
27 Saywell Road, Macquarie Fields

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(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

**9 Information about occupancy termination**

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

**10 Notice of eviction**

- (1) A resident must not be evicted without reasonable written notice.
- (2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.
- (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

**11 Use of alternative dispute resolution**

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

**12 Provision of written receipts**

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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### 8.5 Construction of a telecommunications facility comprising of a 40 metre high monopole and ancillary equipment at No. 206 Minerva Road Wedderburn

#### Division

City Development

#### Reporting Officer

Acting Manager Development Services

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#### Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site specific notes (contained within this report)
4. Overall site plan (contained within this report)
5. Site setout plan (contained within this report)
6. Site elevation (contained within this report)
7. NBN antenna configuration and setout plan (contained within this report)
8. Photo montage (contained within this report)
9. Rural Fire Service practice note (contained within this report)
10. Electromagnetic energy report (contained within this report)
11. Applicant's response to submissions (contained within this report)
12. Wedderburn Airport flight tracks (contained within this report)
13. 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 telecommunications facility and the receipt of six submissions from occupants of nearby properties in response to the public notification of the proposed development.

<b>Property Description</b>	Lot 1 DP 119341, No. 206 Minerva Road, Wedderburn
<b>Application No</b>	253/2016/DA-O
<b>Applicant</b>	NBN (Visionstream)
<b>Owner</b>	Mr Anur Karan Raman and Mrs Mohini Lata Raman

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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<b>Provisions</b>	State Environmental Planning Policy (Infrastructure) 2007 Campbelltown Local Environmental Plan No 1 Campbelltown (Sustainable City) Development Control Plan 2014 Campbelltown City Council Section 94A Development Contributions Plan 2011
<b>Non-Statutory</b>	Campbelltown 2025 - Looking Forward
<b>Date Received</b>	5 February 2016

### Report

The development application was lodged with Council on 5 February 2016 for the construction of a telecommunication facility comprising of a 40 metre high monopole and ancillary equipment at No. 206 Minerva Road, Wedderburn.

### The Site and Surrounds

The subject site has an area of 68.6ha and contains an existing dwelling, various outbuildings, access track and dam. The site is predominantly cleared of vegetation and mainly contains grassland.

The site is located within bushfire prone land and within a region that contains threatened species of flora and fauna.

The site adjoins Wedderburn Christian Campsite which contains a heritage item of local significance known as Morning Glory house. The building is estimated as being constructed within the late 1880's–1890's and is recognised for its historic, cultural and architectural significance.

Wedderburn Airport is situated approximately 2.6km south of the site.

### The Proposal

The components of the proposed development are described below:

- construction of a 40 metre high monopole and circular head frame
- installation of one parabolic dish antenna
- installation of three panel antennas
- erection of 2.4 metre high chain link security fencing and access gate
- provision of two outdoor equipment cabinets and associated concrete slab
- provision of underground cables that connect the equipment cabinets to the monopole and antennas.

The proposed facility would form part of the upgrade to the National Broadband Network.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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The fixed wireless transmission site would provide wireless internet coverage to approximately 120 premises within the Wedderburn area using 4G technology that would result in a more consistent bandwidth to households.

The proposed facility would be constructed on land that is already cleared. The proposal does not involve the removal of any trees, but some tree branches that overhang the property boundary would be trimmed.

### 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.

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

### 2. Planning Provisions

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

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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### 2.1 Relationship of Environmental Planning Instruments

The development application was lodged on 5 February 2016. At that time, Campbelltown Local Environmental Plan 2015 (CLEP 2015) had been gazetted, however, it did not formally commence until 11 March 2016. This means that despite CLEP 2015 now being the relevant local planning instrument, the previous planning instrument, (Campbelltown Local Environmental Plan No 1), 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 (Infrastructure) 2007

Pursuant to sub-clause 115 (1) of State Environmental Planning Policy (Infrastructure) 2007, development for the purpose of telecommunications facilities, may be carried out with development consent on any land, except for certain telecommunications facilities which are permitted without consent. The proposed telecommunications facility is not permitted without consent.

Sub-clause 115 (3) of State Environmental Planning Policy (Infrastructure) 2007, requires consideration to be given to any guidelines concerning, site selection, design, construction or operating principles for telecommunications facilities, that are issued by the Director-General for the purposes of this clause.

The NSW Telecommunications Facilities Guideline including Broadband has been issued by the Director-General. The Guideline requires that consideration be given to the following Principles:

**Principle 1:** A telecommunications facility is to be designed and sited to minimise visual impact.

The proposed telecommunications facility would be situated to the rear of the site, approximately 520m from Minerva Road.

The use of a monopole tower rather than a lattice tower would minimise visual impact. The antennas mounted to the top of the structure are considered to be suitably proportioned to the scale and height off the monopole and not result in excessive visual clutter. The monopole would be finished with a neutral colour to reduce its visual prominence. The equipment cabinets housing the radio and electrical equipment would be located adjacent to the base of the monopole and would not protrude above the fence line creating excessive visual bulk.

While the proposed 40m monopole would extend above the nearby tree line, the applicant has advised that a 40m high monopole is the smallest structure capable of meeting coverage and operational objectives.

Neighbouring vegetation will provide a green backdrop that would assist to integrate the proposal within the rural setting. The proposal would not require the removal of any trees and has indicated only minor pruning of tree branches overhanging the property boundary.

Should the facility ever be no longer required, it could be removed and the site could be restored to a condition similar to its condition before the facility was constructed.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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It is considered the facility is not likely to have significantly adverse impact on the visual amenity of the surrounding landscape.

In order to further reduce the potential for adverse visual impact, a draft condition has been included that requires the surface of the proposed monopole to be finished in a non-reflective and recessive colour/texture.

**Principle 2:** Telecommunications facilities should be co-located wherever practical.

The applicant's response to Principle 2 outlined that there is no opportunity for co-location on another facility as there are no facilities or structures located within the proposed location that would offer suitable attachment. A network map accompanied the application showing the locations of other existing telecommunications infrastructure within the region. There are no other facilities within the vicinity capable of providing sufficient communications coverage to the Wedderburn area.

Accordingly, it is considered the proposal has satisfied Principle 2.

**Principle 3:** Health standards for exposure to radio emissions will be met.

The applicant's response to Principle 3 outlined that the proposal will comply with the Australian Communications and Media Authority regulatory arrangements with respect to electromagnetic radiation exposure levels.

The application has been accompanied by a report detailing the maximum projected radiofrequency (RF) electromagnetic energy (EME) levels at 1.5m above ground level at various distances from the base station. In this regard, it is stated that the maximum EME for the site would only be in the order of 0.072 per cent of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). Based on this information it is considered that the proposal satisfies Principle 3.

**Principle 4:** Minimise disturbance and risk, and maximise compliance.

The applicant's response to Principle 4 outlined that the proposal is located approximately 17 kilometres from the nearest registered airport at Camden and the proposal would not impede the safety and operation of the airport. Whilst the Wedderburn is located approximately 2.6 kilometres south of the subject site, the applicant has advised the tower would not penetrate the Obstacle Limitation Surface (OLS) of this airport.

The telecommunications facility is required to be reported to the Civil Aviation Safety Authority (CASA). The Royal Australian Air Force (RAAF) Aeronautical Information Service (AIS) is responsible for maintaining a database of tall structures, the top measurement of which is 30 metres or more above ground level within 30 kilometres of an aerodrome. The database is available for use by mapping agencies such as the Australian Surveying and Land Information Group, and domestic and international aviation organisations.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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In order to ensure reporting of the telecommunications facility to aviation authorities, a draft condition has been included requiring the telecommunications facility to comply with the OLS and for the structure to be reported to CASA. In this regard, it is considered the proposed facility is unlikely to cause a disturbance or risk to the operations of any airport or aircraft flying in the proximity.

A map showing the flight paths used by Wedderburn Airport is included as attachment 12. The proposal would be located well outside of the flight paths.

The applicant has outlined the telecommunication facility has been designed to create no electrical interference problems with other radio based systems and complies with the relevant Australian Standard with respect to electrical interference and grounding.

The proposed facility would be installed in accordance with manufacturer specifications, thereby minimising disturbance and risk associated with the facility.

The proposal would be constructed within bushfire prone land. While the proposal does not satisfy the Asset Protection Zone (APZ) of 10m recommended by the Rural Fire Service, the proposed 7m APZ is considered satisfactory and is discussed within section 3.2 of this report below.

Accordingly, it is considered that the proposal satisfies Principle 4.

In light of the above discussion, it is considered that the proposal satisfies the provisions of Clause 115 of State Environmental Planning Policy (Infrastructure) 2007.

### **2.3 Campbelltown Local Environmental Plan No 1**

The subject site was zoned '1(c) Rural "C" (small holdings)' under the provisions of Campbelltown Local Environmental Plan No 1 (CLEP No 1) when the application was made.

It is considered the proposed development could fit the purpose of a television and broadcasting transmitter and relay station which is listed as a prohibited development; however, CLEP No 1 does not define such development, nor does the Plan contain any zone objectives.

It is noted that under this plan, any purpose may be carried out with Council's consent providing it is not a prohibited development. It is therefore considered not unreasonable to more accurately define the development as being a telecommunications or communications facility. Hence the proposal would be considered to be a permissible form of development within the zone.

In the event the proposal is prohibited under CLEP No 1, it would still be permissible under the provisions of the SEPP (Infrastructure). This inconsistency between the two planning instruments is prevailed in favour of the SEPP by virtue of Clause 8(1) of the SEPP.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

In accordance with the *Environmental Planning and Assessment Act 1979*, despite the CLEP 2015 being the current environmental planning instrument at the time of reporting to the Council, CLEP No 1 is the relevant environmental planning instrument for the purpose of assessing this application as it was the applicable planning instrument when the development application was lodged with Council.

### 2.4 Campbelltown (Sustainable City) Development Control Plan 2014

Part 12 of the Campbelltown (Sustainable City) Development Control Plan 2014 contains specific development controls concerning the construction of telecommunications facilities. An assessment of the proposal against the controls is detailed below:

#### Part 12 – Telecommunications Facilities

Campbelltown (Sustainable City) Development Control Plan 2014			
Control	Requirement	Proposed	Compliance
<b>General Requirements</b>	A network masterplan shall be provided by the applicant showing the proposal in the context of all other similar infrastructure types in order to identify opportunities for co-location or sharing of facilities.	A network map accompanied the application. Co-location within the vicinity is not available. It is stated the nearest facility is over 4.7km away and would not be able to provide sufficient coverage to the Wedderburn area.	Yes
<b>General Requirements</b>	<p>The applicant shall demonstrate that co-location opportunities have been adequately pursued where new stand alone telecommunication facilities are proposed. This shall include information to demonstrate:</p> <p>i) The possibility of sharing equipment, via the use of combiners or similar technology;</p> <p>ii) Existing towers and poles or other appropriate structures should be investigated for appropriateness for the sharing of antennas.</p>	<p>The provision of equipment cabinets enables the facility to be used by multiple service providers.</p> <p>There are no appropriate structures which are considered suitable to enable co-location.</p>	<p>Yes</p> <p>N/A</p>

8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

<b>General Requirements</b>	Transmitting roof top antennas and towers should preferably be located in industrial or business zones, rather than residential zones or areas that include dwellings.	The proposal would be erected within a rural zone that contains scattered dwellings. The area is not densely populated.	Yes
<b>General Requirements</b>	Telecommunication facilities are to be sited to avoid locations which are visually prominent in the landscape, particularly when viewed from the public domain.	The proposal would not be located on a visually prominent landform. The proposal would be located to the rear of the property approximately 520m from Minerva Road. The presence of mature trees within the foreground assists to retract the scale of the monopole when viewed from Minerva Road.	Yes
<b>General Requirements</b>	For new towers a photomontage of the proposal must be submitted to assist with the assessment of visual impact.	The application has been accompanied by a photomontage, depicting the visual context of the facility from Minerva Road.	Yes
<b>General Requirements</b>	<p>The applicant must demonstrate that all reasonable measures to reduce the visual impact of the proposal have been examined, including:</p> <p>i) Co-location and use of existing structures;</p> <p>ii) Innovative design to harmonise with the existing setting;</p> <p>iii) Use of vegetation for screening;</p> <p>iv) Use of materials and finishes consistent with surroundings; and</p> <p>v) Compact and slim line construction techniques.</p>	<p>Co-location not available as discussed previously.</p> <p>Modern design.</p> <p>Existing mature woodland provides limited screening.</p> <p>Materials/finishes not provided.</p> <p>Slim line.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Condition of consent to comply.</p> <p>Yes</p>

8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

<b>General Requirements</b>	No advertising signs shall be permitted on any telecommunication facilities.	No proposed advertising signs.	Yes
<b>Electromagnetic Radiation</b>	The applicant in selecting a site for telecommunication facilities, shall demonstrate to Council that a precautionary approach has been adopted with respect to minimising electromagnetic radiation (EMR) exposures to sensitive land uses such as residential areas, schools, child care centres, hospitals, aged care accommodation or areas regularly frequented by groups of children.	Electromagnetic energy levels would be in the order of 0.072% of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency.	Yes
<b>Electromagnetic Radiation</b>	Where possible, EMR emitting telecommunication facilities, including mobile base stations, shall be located in the following land uses:  i) Industrial areas;  ii) Rural areas; and  iii) Low-use open space.	Telecommunication facility proposed within rural area and low-use open area.	Yes
<b>Electromagnetic Radiation</b>	Where telecommunication facilities are proposed within 300 metres of a sensitive land use, the applicant shall demonstrate that no viable alternative sites are available.	There are no sensitive land uses located within 300m of the site.	Yes The proposed location is considered satisfactory given the strategic location of the facility with respect to other existing facilities in the locality, the benefits in terms of providing higher grade servicing to the local community. Further to this, given the expected electromagnetic energy levels would be in the order of 0.072% of the public exposure limit permitted by Australian Radiation Protection

8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

			and Nuclear Safety Agency, this requirement is considered to have been satisfactorily addressed.
<b>Electromagnetic Radiation</b>	For all EMR emitting telecommunication facilities, documentary evidence is required from a suitably qualified person which analyses the cumulative effect of the proposal and demonstrates compliance with the relevant Australian exposure standard.	A report estimating the radiofrequency electromagnetic energy levels accompanied the application, demonstrating compliance with the relevant standards.	Yes
<b>Landscaping</b>	Development applications for telecommunication facilities shall include measures to restrict public access. Approaches to the facility must contain appropriate signs warning of EMR and provide contact details for the site owner and / or site manager.	2.4m high fencing would restrict public access.  Warning signs are proposed but details have not been provided.	Yes  Yes A condition has been included within the draft consent requiring the provision of warning signs.  However, it is noted the electromagnetic energy levels emitted from the proposed facility is very low being estimated to be 0.072% of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency.
<b>Landscaping</b>	For stand alone telecommunication facilities, a landscape plan must be submitted to Council that provides plantings of a suitable scale to reduce the visual impact of the proposal, and where possible screen the facility from public view.	Landscape not plan submitted.	<b>No</b> – see discussion below

## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

<b>Heritage</b>	Where a telecommunication facility is proposed on a site occupied by or in the vicinity of a listed heritage item, a Heritage Impact Statement shall be prepared and submitted to Council.	The site adjoins the property containing Morning Glory House. A Heritage Impact Assessment has been submitted to Council.	Yes
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### Landscape Plan

A landscape plan has not been submitted to reduce the visual impact of the proposal from neighbouring properties or to screen the facility from Minerva Road.

The applicant has requested a variation to this control. The applicant's arguments are summarised as follows:

- The site is located within bushfire prone land. Planting vegetation around the base of the tower would make it more susceptible to bushfire, therefore threatening communications coverage in the event of a bushfire. Access to various forms of communications is vital for public safety during a bushfire emergency.
- While this argument is considered to be valid, it is not considered to be well founded, based on the applicant's reluctance to provide a 10m APZ recommended by the NSW Rural Fire Service, which would further enhance bushfire protection and public safety during a bushfire emergency. Notwithstanding, as the site is located within bushfire prone land it is considered that any required landscaped screening would need to be located outside of the 10m APZ of the tower and associated infrastructure.
- The proposal would be screened by existing established trees that reach heights up to 20m, particularly when viewed from the north and east, where the visual impact of the proposal would be greatest on residents and the public.
- It is understandably difficult to fully screen by way of landscaping such a tall and slim line facility. However, given the height of the existing mature trees around neighbouring dwellings and fronting Minerva Road, and the proposal's lengthy setback of approximately 520m from Minerva Road, the visual impact of the monopole on the wider neighbourhood is expected to be low. The height of the two equipment cabinets and security fencing would be visually imperceptible when viewed from Minerva Road.

Consequently, it is considered not unreasonable to not provide landscaped screening having regard to the contextual setting of the proposal.

### 2.5 Campbelltown City Council Section 94A Development Contributions Plan 2011

The Campbelltown City Council Section 94A Development Contributions Plan 2011 applies to the subject site. It is considered that development contributions are not applicable to the proposed development. The proposal is considered to be infrastructure and an exception to the plan being a Class 10b building. Therefore it is considered the payment of a levy is not applicable.



## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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### 3. Planning Assessment

#### 3.1 The likely impacts of the development

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

#### 3.2 Impacts on the natural and built environment

It is considered the impacts of the development on the natural and built environment would be minimal. The following issues are considered to be relevant when considering the development's potential impacts on the natural and built environment:

**Bushfire Protection** - The site is mapped as being located within bushfire prone land.

Section 79BA of the *Environmental Planning and Assessment Act 1979* requires Council to be satisfied the development conforms to the specifications and requirements of the document titled Planning for Bushfire Protection 2006 prepared by the NSW Rural Fire Service. Alternatively, a certificate can be provided by a person recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

Planning for Bushfire Protection 2006 only requires an antenna (class 10b building) in bushfire prone areas to be non-combustible. Accordingly, a relevant condition has been included within the draft consent.

The applicant has also submitted a bushfire risk assessment prepared by an accredited practitioner of bushfire planning design.

The Bushfire Risk Assessment identifies the location of the proposed telecommunication facility as having a Bushfire Attack Level (BAL) rating of BAL - Flame Zone (FZ).

While the proposed telecommunications facility complies with the legislative provisions of Section 79BA of the *Environmental Planning and Assessment Act 1979* and Planning for Bushfire Protection 2006, it is noted the submitted bushfire risk assessment contains a Practice Note titled Telecommunication Towers in Bush Fire Prone Areas published by the NSW Rural Fire Service.

The practice note identifies towers in bushfire prone areas as critical infrastructure for fire fighting communications. Towers provide warnings, information and communication channels for people in bush fire prone areas during bush fire emergencies through infrastructure associated with mobile phones, internet and radios.

The practice note recommends a minimum Asset Protection Zone (APZ) of 10m and for the APZ to be free of surface fuel and elevated fuel with minimum tree canopy. The practice note recommends the telecommunications facility to be designed of materials to withstand 40kw/sqm of radiant heat and to withstand ember penetration into the structure and associated infrastructure.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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The proposed telecommunication facility has been provided with a 7m APZ of does not meet the 10m APZ recommended within the practice note.

The applicant was asked by Council Officers to move the tower to meet the 10m APZ recommendation, however, the applicant mentioned the land owner had already entered into agreement for the lease of the site. Furthermore, the bushfire risk assessment states that while such an outcome is desirable, in this instance land owner restrictions and monopole locations requirements mean that such an APZ is not possible.

The bushfire risk assessment states that the expected radiant heat would be greater than 40kw/sqm within BAL - FZ. It is further stated that certain materials due to engineering constraints on operability may not be able to withstand 40kw/sqm and these elements should be protected or elevated on the structure where possible to reduce the risk of loss due to fire.

The bushfire risk assessment states that following advice from the NSW Rural Fire Service, where all measures have been implemented, where possible, to achieve resilience for the infrastructure, it is considered that the best outcome is still to provide the infrastructure even if some components cannot withstand 40kw/sqm.

The bushfire risk assessment states that access to the site will be via an existing access track off 206 Minerva Road which is capable of supporting fully loaded fire fighting vehicles.

The bushfire risk assessment has provided the following protective measures to be incorporated into the design of the development:

- battery back-up power in case of power loss
- enclosure of all cabling in metal cable trays with thermal insulation
- use of non-combustible materials for retaining walls and edge-boardings
- underground power cabling wherever practical

Accordingly, it is considered prudent to include these recommendations within a draft condition of consent.

In the event of a bushfire, no confidence can be given the telecommunications facility would withstand BAL - FZ and radiant heat levels exceeding 40kw/sqm with a 7m APZ. In addition, no assurance can be given the proposal would survive a bushfire even with a 10m setback APZ due to the amount of fuel loads on adjoining properties and unpredictable nature of bushfires.

Notwithstanding, the proposal satisfies the relevant legislative provisions of Section 79BA of the *Environmental Planning and Assessment Act 1979* and Planning for Bushfire Protection 2006 and although not required, the proposal will incorporate additional protective measures into the design of the development to minimise loss resulting from bushfire.

Although not ideal, it is considered not unreasonable to permit the proposed 7m APZ as, although it does not strictly meet the recommendations of the Practice Note it is not inconsistent with the statutory requirements.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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**Flora and Fauna** - The locality is recorded as containing several types of vulnerable, endangered and critically endangered species of flora and fauna.

Particular concern was raised with respect to *Grevillea Parviflora* (Small-Flower Grevillea) which is listed as vulnerable under the *Threatened Species Conservation Act 1995* and mapped as being located within the immediate vicinity of the property.

Due to the extension of the access track and disturbance that may occur directly next to vegetation during the construction phase, the applicant has submitted an Ecological Assessment Report prepared by Environmental Property Services which considers the potential impact of the development on threatened species and their habitats either directly or indirectly.

The ecological assessment report outlines the site was specifically selected due to its already disturbed low-quality nature when compared to other areas of similar elevation in the locality and this approach has maximised avoidance of impacts to threatened species, populations and ecological communities.

It is noted the proposal would be constructed on cleared land and the existing driveway would provide vehicle access to the majority of the site.

The key findings of the ecological assessment report are summarised as follows:

- the subject site contains disturbed herb and grassland containing exotic vegetation with sparse natives with no lower-mid-upper canopy layer and a ground cover of mostly exotic herb and grass species.
- no threatened flora or fauna species, endangered populations or communities listed under the *Threatened Species Conservation Act 1995* or the *Environmental Protection and Biodiversity Conservation Act 1999* were recorded within the subject site.
- a total of 12 threatened fauna species and three threatened flora species were considered to have at least a moderate chance of occurrence within the subject site at some stage.
- no critical habitat occurred within the investigation area.
- the total maximum impact equates to approximately 0.17 hectares and includes the compound and, access track and underground power line.
- the construction of the proposal will not require the removal of any trees and only six trees will required branch trimming that fringe the Asset Protection Zone (APZ) and along the vehicle access track.

The ecological assessment report provides the following recommendations to minimise potential impacts:

- ensure the extent of clearing is clearly marked in the field prior to the commencement of vegetation clearing and that only the minimum vegetation clearing required is undertaken.
  - no trees are to be removed
  - relocate all fallen timber and woody debris currently on the ground to nearby (outside of the APZ). Exercise caution in moving timber to minimise potential impacts to fauna that may be occupying fallen logs
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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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- have the contact details of the nearest veterinary clinic and accredited wildlife carer in the case of injured fauna
- ensure appropriate erosion and sediment control measures are implemented during the construction phase to minimise potential indirect off site impacts.

Council's Environmental Officer has reviewed the proposal and has provided the following additional recommendations:

- there shall be no impact to the road verge, both on Minerva Road and the private access road within the property, nor shall anything be stockpiled within these areas.
- no vehicles shall park anywhere along the public and private road verge or within 3 metres of the vegetation on the adjoining properties.

Accordingly, a relevant condition has been included within the draft consent incorporating all recommendations.

**Heritage Conservation** - The proposal adjoins the property containing Morning Glory which is a house identified as a heritage item of local significance. The applicant has submitted a Heritage Impact Assessment prepared by NGH Environmental.

The heritage impact assessment summarises the proposal would have a negligible visual impact on the heritage item.

The proposal would be sited approximately 370m away from the heritage item and would be screened by a significant amount of woodland. No part of the facility is likely to be seen from the heritage item, except the top of the tower which may be visible from the road when accessing the property. The proposal would not impact upon any elements of the heritage item's significance.

the heritage impact assessment states the proposal is consistent with the main principle of The Burra Charter - to do as much as necessary, but as little as possible. The proposal involves necessary works to construct the facility and would not directly impact on the built heritage or setting of the nearby heritage item.

The proposal would not impact on the built structure of the heritage item. Having regard to the proposal's distance of 370m from the heritage item and its screening by dense woodland, the proposal is considered to be capable of integrating within the contextual setting of the heritage item.

**Electromagnetic Energy Levels** - The application has been accompanied by a report detailing the estimated radiofrequency electromagnetic energy levels generated by the facility.

The report provides calculated estimations on the expected cumulative radiofrequency electromagnetic energy levels generated by the proposal, and concludes that the maximum electromagnetic energy levels at 1.5m above ground level is estimated to be only 0.072 per cent of the public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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**Views and Vistas** - While the tower would extend above the nearby tree line, it is considered that having regard to its relatively slim line design and neutral colour, the proposal would not present unacceptable visual bulk or unsightliness to the surrounding visual catchment.

The proposal would not be erected on a prominent landform and is considered to be not insensitive to the views and vistas of the locality.

**Security** - The proposed development is satisfactory with regard to security. A 2.4m high chain link fence would surround the telecommunications facility to prevent unauthorised access.

### 3.3 Social and Economic Impacts

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

Socially, it is considered the telecommunications facility would provide the current and future residents of Wedderburn with greater options, speeds and reliability for social interaction via the worldwide web.

Economically, it is considered the proposal would encourage employment and economic growth having regard to the technological needs of the local community for a satisfactory provision of wireless telecommunication coverage to conduct business operations.

## 4. Site Suitability

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

The proposal is considered to be suitable for the site. The proposal would satisfy the proponent's coverage objectives within an area that lacks internet coverage.

The proposal would cause minimal environmental disturbance. The proposal would be constructed on cleared land.

The proposal has responded adequately to the presence of flora and fauna, bushfire prone land and Morning Glory house.

The proposal would be constructed within an area containing a low population and the proposed electromagnetic energy levels would be well below the allowable public exposure limits permitted by the Australian Radiation Protection and Nuclear Safety Agency.

## 5. Public Participation

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

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

The application was publicly notified to nearby property owners on 17 March 2016 and the application was exhibited between 22 March 2016 and 8 April 2016 at the HJ Daley Library and Council's Civic Centre. The application was also advertised in the local newspaper.

Council has received five submissions objecting the proposal and one submission in support of the proposal. The issues raised within the submission are summarised and discussed below. The applicant has also provided a response to the issues contained within the submissions listed as attachment 11.

Theme	Detail	Response
<b>Support of proposal</b>	This will likely be the only way Wedderburn will receive NBN.	No other proposals have currently been lodged with Council for the provision of NBN facilities within Wedderburn.
<b>Scenic beauty</b>	The proposal will decrease the scenic and environmental beauty of Wedderburn and nearby Dharawal National Park. The tower will be twice the height of nearby trees and will be a visual eye sore. Safety lights will ruin the night sky view within Wedderburn as far away as Razorback.	The proposal is slim line, will be finished with a neutral colour and setback substantially from Minerva Road. No trees are required to be removed causing minimal environmental impact on species or habitats. Safety lights are not proposed.
<b>Permissibility</b>	Towers are not permitted under the Local Environmental Plan.	CLEP No 1 is inconsistent with SEPP (Infrastructure) in terms of permissibility. The SEPP prevails and the proposal is permissible.
<b>Military helicopters</b>	Military helicopters frequently fly within the area just above the tree tops. A 40m high tower would endanger military personnel.	Military personnel will be made aware of the tower. The tall structure is required to be registered with the Royal Australian Air Force Aeronautical Information Service.
<b>Consultation</b>	Council informed very few residents and has only given a few days to comment on the application.	A total of 29 nearby and surrounding properties were notified. A three week public submission period was afforded which is considered adequate time to provide a written submission.
<b>Liaison</b>	Council should inform the Wedderburn Airport and Holsworthy Military Base.	During the public exhibition process no submissions were received by nearby airports.
<b>Wedderburn Airport</b>	Planes take off and land at Wedderburn Airport. The planes fly low and the tower would be a danger. An error in navigation may cause pilots to crash.	The facility would be erected approximately 2.6km north of the runway of Wedderburn airport. The facility is not expected to interfere with the flight tracks used by this airport. See Attachment 12.

### 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

<b>Lights</b>	Will the tower be fitted with navigational hazard lights?	Navigational hazard lights are not proposed. It is considered lights could be fitted to the tower to warn pilots, should the relevant authority deem required.
<b>Private and commercial helicopters</b>	Private and commercial helicopter fly low within the locality.	It is considered that pilots would be adequately trained and capable of avoiding the structure. The applicant is required to give notice to CASA of the existence of the tower.
<b>Bushfire</b>	If an aircraft hits the tower it could potentially create a bushfire resulting in a loss of homes and lives.	Land owners are responsible for maintaining Asset Protection Zones within their properties to prevent loss caused from bushfire.
<b>Lightning strike</b>	A dwelling and several trees have been hit by lightning in the past. The proposal could be hit by lightning and spark a surrounding bushfire.	The antenna will be constructed of non-combustible material.
<b>Future subdivision</b>	What impact would the proposal have on potential future subdivision?	The proposal will not impact on minimum lot sizes.
<b>Location of facility</b>	Where exactly would the facility be located?	It would be located to the rear of the site. See attached locality plan and overall site plan.
<b>Health issues</b>	What health issues could arise living close the proposal?	Given the proposal is shown as complying with the Australian Radiation Protection and Nuclear Safety Agency, no unacceptable health impacts are anticipated.
<b>Property values</b>	Will it devalue nearby properties?	Potential impacts on property prices are not a relevant matter for consideration.
<b>Future towers</b>	If the proposal is approved more towers are likely to be erected within Wedderburn.	If another tower is required it could be proposed, however this current proposal is considered to satisfy servicing and coverage requirements for the time being.
<b>Radiation</b>	What are the expected radiation levels of the facility with respect to distance?	The radiation levels are shown within Electromagnetic Energy report listed as Attachment 10. The highest exposure limit would be at a distance between 200-300m from the facility with a reading of 0.072% of the allowable standard. The RF EME levels decline either side of this distance.

## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

<b>Monitoring</b>	Who will independently monitor the radiofrequency electromagnetic levels?	The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is an independent regulator that is responsible for conducting inspections, performing monitoring and issuing licenses for the facility so as to ensure the facility is operating safely.
<b>Future upgrades</b>	Will future upgrades to the facility increase radiation output?	No details of future upgrades have been provided. Comment in this regard is unable to be provided however the facility would still be required to comply with ARPANSA operating and safety requirements.

## 6. Conclusion

A development application has been lodged seeking Council consent for the construction of a telecommunication facility comprising of a 40 metre high monopole and ancillary equipment.

The application has been assessed under Section 79C of the *Environmental Planning and Assessment Act 1979* and the relevant matters for consideration have been discussed within this report.

While not expressly permitted within the zone under the Campbelltown Local Environmental Plan No 1, pursuant to State Environmental Planning Policy (Infrastructure) 2007 the proposed development is permissible.

The proposal is considered to satisfy the principles of site selection, design, construction and operation for telecommunications facilities issued by the Director General and published by the NSW Department of Planning.

The proposal is considered to be generally compliant with the Campbelltown (Sustainable City) Development Control Plan 2014 with respect to the specific controls concerning telecommunications facilities. Where the current proposal departs from these guidelines, adequate justification has been provided or appropriate conditions of consent have been included.

The proposal is considered to have minimal visual impact on the heritage significance of Morning Glory house. The proposal is considered to be a type of development that would have minimal impact on threatened species of flora and fauna within the locality.

The likely impacts of the development have been considered, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Whilst there would be visual impacts, these are considered to be acceptable having regard to the slim line structure proposed and the absence of other suitable sites, balanced with the resultant benefits arising from improved telecommunication services within the area.

## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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With respect to the matter of generation of electromagnetic energy from the facility (based on the technical report provided by the applicant), the proposed facility is expected to generate electromagnetic energy levels of only up to 0.072 per cent of the allowable standard (measured 1.5m high above ground level). This level is well below the allowable public exposure limits permitted by the Australian Radiation Protection and Nuclear Safety Agency. In this respect, there are no adverse health effects expected from electromagnetic emissions generated by the facility.

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development. While the proposal does not satisfy the 10m Asset Protection Zone recommended within the practice note published by the NSW Rural Fire, the proposal satisfies Section 79BA of the *Environmental Planning and Assessment Act 1979* and Planning for Bushfire Protection 2006 prepared by the NSW Rural Fire Service and published by the NSW Department of Planning.

Having regard to the requirement for the monopole to not penetrate any Obstacle Limitation Surface shown on any relevant Obstacle Limitation Surface Plan prepared by the operator of an aerodrome or airport operating within 30 kilometers of the proposed development, the requirement for the construction and existence of the monopole to be reported to the Civil Aviation Safety Authority Australia, and requirement for the existence of the monopole and its details to be included on the relevant aviation databases in providing notice to pilots of its existence, it is considered the proposed development is not likely to pose an adverse risk to flying aircraft.

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

The development application is recommended for approval subject to the draft conditions of consent.

### **Officer's Recommendation**

That development application 253/2016/DA-O for the construction of a telecommunication facility comprising of a 40 metre high monopole and ancillary equipment at No. 206 Minerva Road, Wedderburn, be approved, subject to the conditions detailed in attachment 1 of this report.

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## ATTACHMENT 1

### Recommended Conditions of Consent

#### GENERAL CONDITIONS

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

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

#### 1. Approved Development

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

Drawing Number	Revision	Author
2TAH-51-13-WEDD-C1	B	Visionstream
2TAH-51-13-WEDD-C2	B	Visionstream
2TAH-51-13-WEDD-C3	B	Visionstream
2TAH-51-13-WEDD-C4	B	Visionstream
2TAH-51-13-WEDD-A1	B	Visionstream

#### 2. Building Code of Australia

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

#### 3. Ecological Protection

- a. The development is required to implement the recommendations contained within the Ecological Assessment Report prepared by Environmental Property Services provided as follows:
    - i. Ensure the extent of clearing is clearly marked in the field prior to the commencement of vegetation clearing and that only the minimum vegetation clearing required is undertaken.
    - ii. No trees are to be removed.
    - iii. Relocate all fallen timber and woody debris currently on the ground to nearby (outside of the APZ). Exercise caution in moving timber to minimise potential impacts to fauna that may be occupying fallen logs.
    - iv. Have the contact details of the nearest veterinary clinic and accredited wildlife carer in the case of injured fauna.
    - v. Ensure appropriate erosion and sediment control measures are implemented during the construction phase to minimise potential indirect off site impacts.
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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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- b. The development is required to implement the following recommendations to avoid impacts on the potential habitat of *Grevillea Parviflora* (Small-Flower Grevillea) which is listed as vulnerable under the *Threatened Species Conservation Act 1995*, provided as follows:
  - i. There shall be no impact to the road verge, both on Minerva Road and the private access road within the property, nor shall anything be stockpiled within these areas.
  - ii. No vehicles shall park anywhere along the public and private road verge or within 3 metres of the vegetation on the adjoining properties.

### 4. Bushfire Protection

- a. The monopole, antennas and equipment cabinets are required to be designed and constructed of non-combustible materials.
- c. The seven metre Asset Protection Zone shall be maintained in accordance with the document titled Planning for Bushfire Protection 2006 prepared by the NSW Rural Fire Service.
- b. The development is required to incorporate the recommendations contained within the Bushfire Risk Assessment prepared by Sarah Jones (registration BPAD: 26512) provided as follows:
  - i. Battery back-up power in case of power loss
  - ii. Enclosure of all cabling in metal cable trays with thermal insulation
  - iii. Use of non-combustible materials for retaining walls and edge-boarding
  - iv. Underground power cabling wherever practical

### 5. External Finishes

The surface of the monopole and panel antennas are to be finished with a non-reflective surface and is to be designed so as to recede (not be dominant) into the surrounding landscape. The applicant is to provide the Council with a proposed colour and surface finish chart, and obtain Council's written approval prior to the erection of the monopole.

### 6. Signage

Signage is to be appropriately erected at the base of the monopole and displayed at all times, warning the public to the electromagnetic radiation hazard and providing contact details of the site manager.

### 7. Graffiti Removal

- a. 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.
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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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- b. The surfaces of the monopole and equipment building are to be coated with an anti-graffiti coating to a minimum height of 3 metres above the surrounding ground level.

### 8. 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.

### 9. Utility Servicing Provisions

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

### 10. Airspace

The Principal Certifying Authority must, prior to the release of the Construction Certificate, be given a report by a suitably qualified and experienced person:

- a. showing compliance with any relevant site, safety lighting and /or height requirements specified by the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth, and
- b. showing that the tower does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.
- c. the construction and operation of the tower must comply with the Advisory Circular 139-08(0) entitled Reporting of Tall Structures issued by the Civil Aviation Safety Authority Australia on 5 April 2005 and the NSW Telecommunications Facilities Guideline Including Broadband issued by the NSW Department of Planning dated July 2010.

### 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.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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### 11. Erosion and Sediment Control

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

### 12. 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; and
- 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.

### 13. 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.

### 14. 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.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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### 15. Hoarding/Fence

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

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

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

### 16. Fencing

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

### 17. Sydney Water

Prior to works commencing, 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 works commencing.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au)

## 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.

### 18. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 3.00pm
Saturday	No Work
Sunday and public holidays	No Work.

### 19. 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.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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

### 20. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

### 21. 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.

## 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:** For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

### 22. Completion of Works

Prior to the Principal Certifying Authority issuing an Occupation Certificate, all works are to be completed to the satisfaction of the Principal Certifying Authority.

### 23. Council Fees and Charges

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

## ADVISORY NOTES

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

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**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. 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 3. Adjustment to Public Utilities**

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

**Advice 4. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application.

**Advice 5. 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](http://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.

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**Advice 6.      *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.

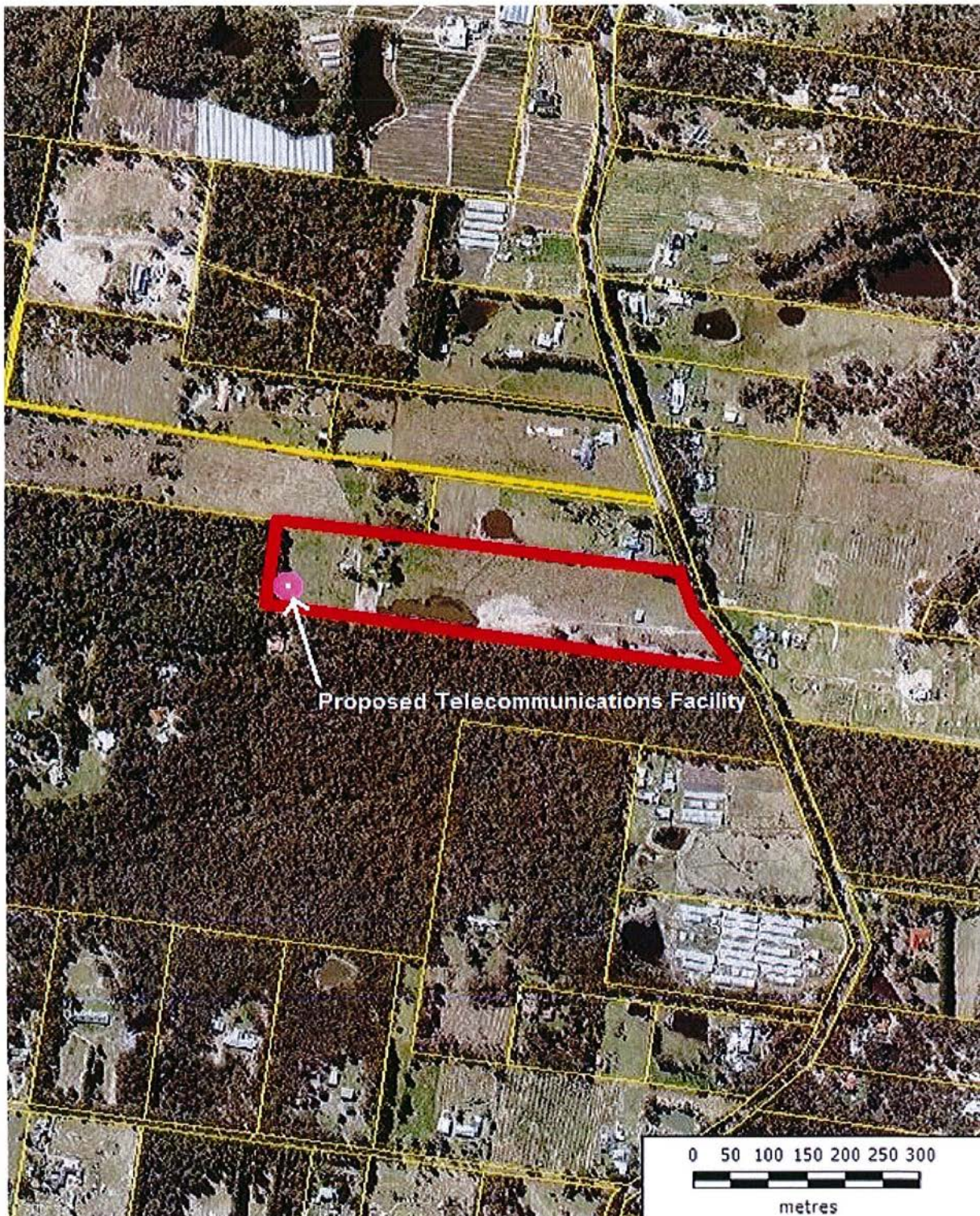
**THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE**

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## ATTACHMENT 2

### Locality Plan - No. 206 Minerva Road, Wedderburn







### 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

## ATTACHMENT 3

### Site Specific Notes

## SITE INFORMATION:


- SITE ADDRESS**  
206 MINERVA ROAD, WEDDERBURN, NSW 2560.
- GENERAL**  
THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT NBN CONSTRUCTION STANDARDS, AUSTRALIAN STANDARDS AND SPECIFICATIONS.
- SITE ACCESS**  
SITE OWNER TO BE CONTACTED PRIOR TO ACCESSING SITE.  
FROM WEDDERBURN TOWN CENTRE (WEDDERBURN RD), HEAD SOUTH ON WEDDERBURN RD FOR APPROX 1.7km, THEN TURN RIGHT ON MINERVA RD, HEAD SOUTH ON MINERVA RD FOR APPROX 2.1km, THEN TURN RIGHT INTO DRIVEWAY TO 206 MINERVA RD, FOLLOW DRIVEWAY, THEN DRIVE TO PADDOCK TO REAR OF THE PROPERTY WHERE THE NBN SITE IS LOCATED.  
NBN LOCK TO BE INSTALLED IN LINE WITH NEW ACCESS GATE LOCKING SYSTEM (I-OFF).
- EQUIPMENT**  
NBN OUTDOOR CABINETS (I-OFF SSC-02, I-OFF BBS610) TO BE INSTALLED WITHIN NBN LEASE AREA.
- STRUCTURE**  
NBN 40m MONOPOLE WITH CIRCULAR HEADFRAME.
- ANTENNA ACCESS**  
PANEL ANTENNA ACCESS VIA MONOPOLE MOUNTED STEP-PEGS WITH FALL ARREST OR EMP (BY QUALIFIED PERSONNEL ONLY).  
PARABOLIC ANTENNA ACCESS VIA MONOPOLE MOUNTED STEP-PEGS WITH FALL ARREST OR EMP (BY QUALIFIED PERSONNEL ONLY).
- EXISTING SERVICES**  
THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES AS REQUIRED PRIOR TO THE COMMENCEMENT OF WORKS.
- EXISTING SITE HAZARDS**  
THE FOLLOWING HAZARDS ARE PRESENT ON SITE:  
- ELECTRICAL CABLING AND/OR TRIP HAZARDS  
- MANUAL HANDLING  
- WORKING AT HEIGHT
- ELECTRICAL SUPPLY**  
REFER TO DRAWINGS C1, C3, E0, E1 AND E2 FOR ELECTRICAL DETAILS.
- TRANSMISSION LINK**  
REFER TO NBN ANTENNA CONFIGURATION ON DRAWING A1 FOR DETAILS.
- SITE SPECIFIC INFORMATION**  
- NBN CONTRACTOR TO TRIM TREE BRANCHES (I-OFF)  
- NBN CONTRACTOR TO SUPPLY AND INST ALL NEW FARM GATE (I-OFF)  
- NBN CONTRACTOR TO LEVEL LEASE AREA PRIOR TO CONSTRUCTION  
- "ALL WORKS MUST COMPLY WITH THE NSW GOVERNMENT 'MANAGING URBAN STORMWATER: SOILS AND CONSTRUCTION PUBLICATIONS'. THIS PROVIDES GUIDANCE ON EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION AND OTHER LAND DISTURBANCE ACTIVITIES.  
PLEASE REFER TO <http://www.environment.nsw.gov.au/stormwater/publications.htm>"  
- NBN CONTRACTOR TO CARRY OUT EASEMENT SURVEY (EXISTING OVERHEAD POWER LINES) PRIOR  
- NEW PRIVATE POLE INSTALLATION

**13. SITE SIGNAGE REQUIREMENTS**  
THE CONTRACTOR TO SUPPLY AND INSTALL:  
- MERCS-1, 1500mm AGL, REFER TO NBN-STD-0025  
- MERCS-2, 400mm TO SITE ACCESS GATE, REFER TO NBN-STD-0025  
- HAZARDOUS VOLTAGE SIGN, REFER TO ERICSSON NBN RAN INSTALLATION DESIGN/CONSTRUCTION SPECIFICATION  
- CLIMBING FALL ARREST DEVICE SIGN, REFER TO ERICSSON NBN RAN INSTALLATION  
- DESIGN/CONSTRUCTION SPECIFICATION  
- SITE ENQUIRY

**12. WIND LOAD PARAMETERS**

SITE TOPOGRAPHICAL DATA		
REGION	TERRAIN CATEGORY	TOPOGRAPHIC MULTIPLIER
A3	2	1.0



**VISIONSTREAM PPT LTD**  
20 Corporate Drive  
Sydney NSW 1513  
Tel: (02) 9525 5122 Fax: (02) 9525 5102  
www.visionstream.com.au

**DRAFTED BY:** KE  
**CHECKED BY:** KL  
**APPROVED BY:** MW

**Drawing Title:** SITE SPECIFIC NOTES

**PROJECT:**  
NATIONAL BROADBAND NETWORK  
SITE No: 2TAH-S1-13-WEDD  
WEDDERBURN SOUTH  
206 MINERVA ROAD  
WEDDERBURN NSW 2560

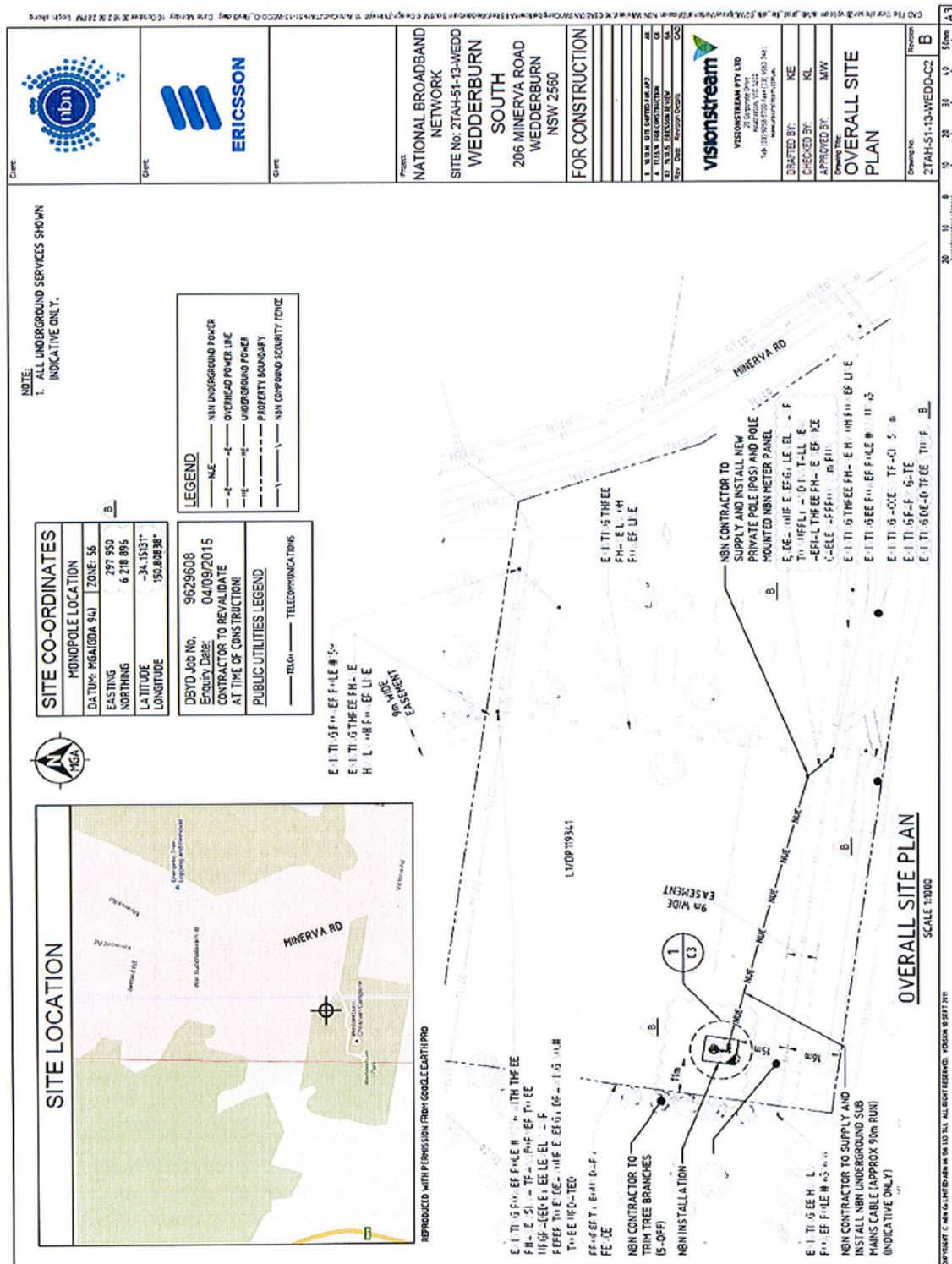
**FOR CONSTRUCTION**

1. SIGNAGE REQUIREMENTS	KE
2. SITE SPECIFIC INFORMATION	KL
3. TRANSMISSION LINK	KL
4. ELECTRICAL SUPPLY	KL
5. ANTENNA ACCESS	KL
6. EXISTING SITE HAZARDS	KL
7. EXISTING SERVICES	KL
8. TRANSMISSION LINK	KL
9. ELECTRICAL SUPPLY	KL
10. TRANSMISSION LINK	KL
11. SITE SPECIFIC INFORMATION	KL

### 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

## ATTACHMENT 4

## Overall Site Plan

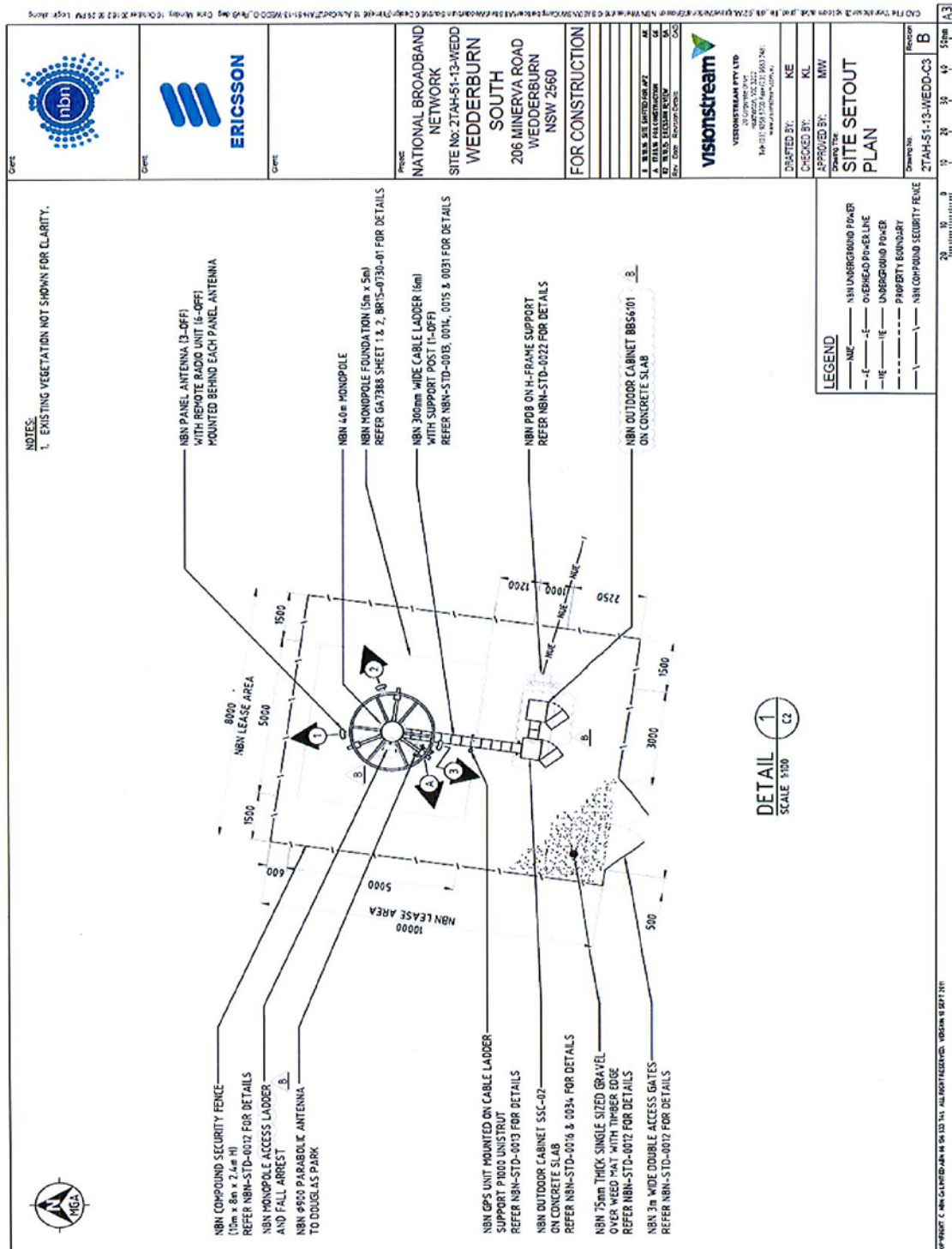




# 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

## ATTACHMENT 5

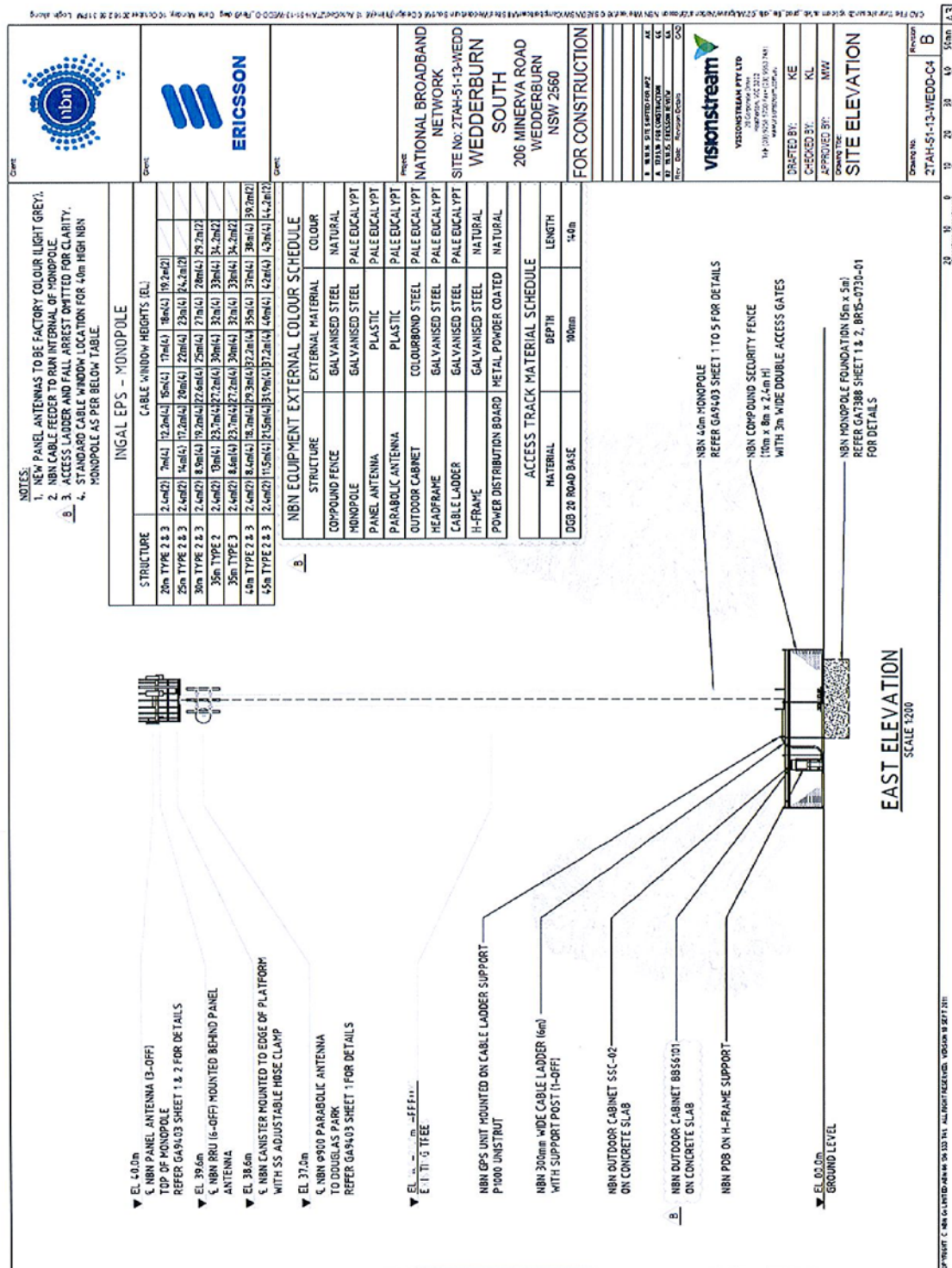
### Site Setout Plan



# 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

## ATTACHMENT 6

### Site Elevation



### 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

## ATTACHMENT 7

## NBN Antenna Configuration & Setout Plan

[illegible]

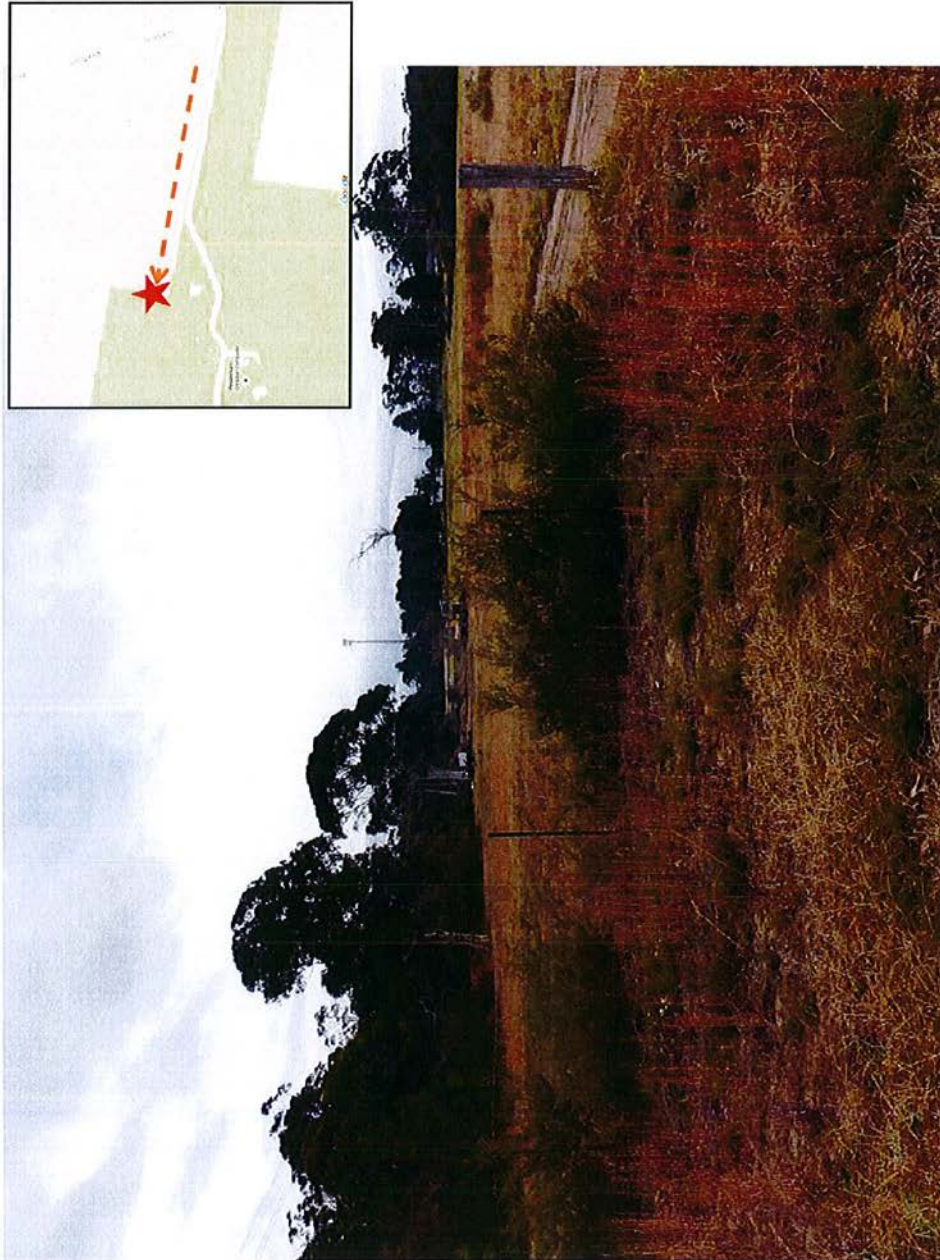


8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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## ATTACHMENT 8

### Photo Montage



#### Proposed 40m Monopole Installation - Wedderburn

Indicative view from eastern part of subject property, approximately 450m east from the proposed site, and a 120m to the west of Minerva Road.



## ATTACHMENT 9

### NSW RURAL FIRE SERVICE

COMMUNITY  
RESILIENCE  
PRACTICE NOTES

1/11

## Telecommunication Towers in Bush Fire Prone Areas

This Practice Note provides direction on the application of bush fire protection measures to Telecommunication Towers in Bush Fire Prone Areas.

Towers in Bush Fire Prone Areas are critical infrastructure for fire fighting communications and for providing warnings, information and communication channels for people in bush fire prone areas during bush fire emergencies.

Telecommunications sites support wide range of communications services, broadly they are those sites that have infrastructure associated with mobile phones, internet, microwave radio links, trunk mobile radio or private mobile radio (PMR). In some instances, a number of users establish autonomous sites adjacent to one another at the same geographic location. This is variable depending on the size, purpose, complexity and remoteness of the site and could be one hut connected to a shared antenna on a tower alternatively, It could be multiple huts on a location and connected to multiple towers.

As such, a 'precautionary approach' should be taken with respect to critical infrastructure associated with communications during emergencies.

Actions should be taken by owners/ operators to reduce the risk of loss of such infrastructure and associated infrastructure from the effects of bush fire attack.

The asset protection zone is only concerned with the underlying infrastructure required to support such services which are predominately structures and buildings. Essential equipment should be designed and housed in such a way as to minimise the impact of bush fires on the capabilities of the infrastructure to provide communications capability during bush fire emergencies.

When the RFS is asked for comment on new towers or for existing towers, a 10 metre APZ from the tower/ buildings/ infrastructure associated with the tower shall be provided.

Infrastructure does not include:

- road access to the site;
- power or other services to the site;
- associated fencing;

The APZ must be free of surface fuel and elevated fuel and should have minimum canopy.

When RFS provides comments on critical telecommunications infrastructure a recommendation to the owner of the critical infrastructure is made that the materials be designed to withstand 40kWm<sup>2</sup> of radiant heat and to withstand ember penetration into the structure and associated infrastructure.





## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

### NSW RURAL FIRE SERVICE

COMMUNITY  
RESILIENCE  
PRACTICE NOTES

1/11

When considering notices to manage fuel, distances should be consistent with the above criteria.

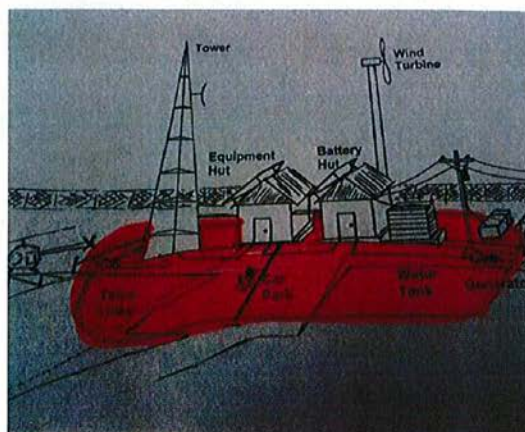
Owners/operators of critical telecommunications infrastructure may accept the risk of loss of the structure from the effects of bush fire.

However, the RFS does not accept loss of such structures as it will have a direct impact on life safety within the fire ground.

#### Definitions

**Critical telecommunications infrastructure** is identified in a Bush Fire Risk Management Plan.

A **location** is defined as the area of land which includes one or more co located Telecommunications sites.



**Figure 1:** 10 metre APZ from the tower/ buildings/ infrastructure

Disclaimer: Any representation, statement opinion, or advice expressed or implied in this publication is made in good faith on the basis that the State of New South Wales, the NSW Rural Fire Service, its agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement or advice referred to above.



## ATTACHMENT 10



### Environmental EME Report Wedderburn South 206 Minerva Road, WEDDERBURN NSW 2560

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 19/10/2015

RFNSA Site No. 2560042

#### Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Wedderburn South 206 Minerva Road WEDDERBURN NSW 2560. These levels have been calculated by Ericsson using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.072% of the public exposure limit.

#### The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

#### How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all mobile phone antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m<sup>2</sup>) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

#### Results

The maximum EME level calculated for the proposed systems at this site is 1.65 V/m; equivalent to 7.18 mW/m<sup>2</sup> or 0.072% of the public exposure limit.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

### Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
NBN Co	LTE3500 (proposed)

### Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at Wedderburn South 206 Minerva Road in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m <sup>2</sup>	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m <sup>2</sup>	% ARPANSA exposure limits
0m to 50m				0.48	0.62	0.0062%
50m to 100m				0.69	1.27	0.013%
100m to 200m				1.16	3.58	0.036%
200m to 300m				1.65	7.18	0.072%
300m to 400m				1.6	6.82	0.068%
400m to 500m				1.29	4.43	0.044%
<b>Maximum EME level</b>				1.65	7.18	0.072
	272.93 m from the antennas at Wedderburn South 206 Minerva Road					

### Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m <sup>2</sup>	% of ARPANSA exposure limits
No locations identified				



## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

### RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m<sup>2</sup>), microwatts per square centimetre (μW/cm<sup>2</sup>) and milliwatts per square metre (mW/m<sup>2</sup>). Note: 1 W/m<sup>2</sup> = 100 μW/cm<sup>2</sup> = 1000 mW/m<sup>2</sup>.

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m <sup>2</sup> = 375 μW/cm <sup>2</sup> = 3750 mW/m <sup>2</sup>
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m <sup>2</sup> = 450 μW/cm <sup>2</sup> = 4500 mW/m <sup>2</sup>
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m <sup>2</sup> = 450 μW/cm <sup>2</sup> = 4500 mW/m <sup>2</sup>
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m <sup>2</sup> = 900 μW/cm <sup>2</sup> = 9000 mW/m <sup>2</sup>
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m <sup>2</sup> = 1000 μW/cm <sup>2</sup> = 10000 mW/m <sup>2</sup>

### Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard  
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.  
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

## ATTACHMENT 11



Our Ref: 2TAH-51-13-WEDD

10 October 2016

Statutory Planning Manager  
Campbelltown Council  
PO Box 57  
Campbelltown  
NSW 2560

**Response to Submissions - Proposed Fixed Wireless NBN (Telecommunications) Facility, 206 Minerva Road, Wedderburn, NSW 2560.**

Thank you for the opportunity to provide a response to the submissions made to the public advertising of the abovementioned Development Application.

We understand that six (6) submissions were made to the council; one (1) in support of the proposal, and five (5) that did not support the proposal.

The submission that supported the application noted the need for improved wireless broadband in the Wedderburn South locality, and was keen to see its progress.

A number of the submissions that did not support the proposal appear to be based on a form letter with additional issues raised in individual submissions.

The response below is structured to address the key issues raised by the submissions not in support of the proposal:

### **Consultation**

**nbn** takes a broad and transparent approach to community consultation, complying strictly with statutory requirements.

In a letter dated 17<sup>th</sup> March 2016, Council required that **nbn** place a community information sign on the site with all the relevant site information until the application has been determined.

**nbn** has complied with this statutory requirement, as specified by Council.

### **EME and public health and safety**

**nbn** has carefully reviewed public health and safety concerns raised by members of the community, specifically regarding Radio Frequency Electromagnetic Energy (RF EME) and compliance with Safety Standards.

We can advise that all **nbn** facilities operate well within the prescribed health standards developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is the Federal Government agency charged with responsibility for protecting the health and safety of people, and the environment, from all sources of RF EME.

The proposed **nbn** facility at Wedderburn South will operate substantially below the ARPANSA maximum public exposure limit. As per the EME report provided in the Development Application,



## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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the Wedderburn South facility has a maximum predicted output of just 0.072 % of the allowable limit. This is over 3,000 times below the government regulated ARPANSA safety standard.

### Safety Regulations & Scientific Research

Licensed radio frequency transmitters, including the **nbn** fixed wireless communications facilities and commercial radio and TV broadcast towers, are regulated to protect all people in all environments, 24-hours a day. The national safety regulations operate by placing a limit on the strength of the signal (or radio frequency EME) that our antennas can transmit. The Australian government has adopted the safety regulations recommended by the World Health Organisation (WHO). These regulations have a significant safety margin, or precautionary approach built into them.

The WHO provides the following advice:

*"From all the evidence accumulated so far, no adverse short or long term health effects have been shown to occur from the RF signals produced by base stations...Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF [radio frequency] signals from base stations and wireless networks cause adverse health effects."*<sup>1</sup>

The current standard, recommended by the WHO, was introduced to Australia in 2003, and in June 2014, an independent, expert Review Panel reconfirmed the adequacy of the standard following a detailed assessment of recent scientific literature. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) advises that its Review Panel considered more than 1300 separate pieces of scientific literature as well as the results of 72 major panel reviews. ARPANSA states:

*"Based on the assessment of the scientific evidence from January 2000 till August 2012, the Expert Panel find that the underlying basis of the ARPANSA RF exposure Standard remains sound and that the exposure limits in the Standard continue to provide a high degree of protection against the known health effects of RF electromagnetic fields."*<sup>2</sup>

ARPANSA also constantly evaluates emerging science, publishing a Literature Survey which is updated monthly, and is available on their website.<sup>3</sup>

Importantly, the public health and safety standards recommended by the WHO are based on a very large body of peer-reviewed science. The WHO, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and other international safety bodies advise that the *weight of evidence* shows that there are no substantiated or established health effects from radio frequencies employed within safety limits. The citation of individual papers does not undermine the rigorous, weight-of-evidence, approach that is undertaken by public health authorities when establishing safety limits. This approach includes the consideration of thousands of scientific papers published over many decades. With respect to the risk of disease, the WHO states:

*"Studies to date provide no indication that environmental exposure to RF fields, such as from base stations, increases the risk of cancer or any other disease."*<sup>4</sup>

### Provision for future subdivisions and population growth

**nbn's** Fixed Wireless network is designed to provide optimal coverage to the greatest number of local premises possible within a given area. This requires each facility to be located reasonably close to the premises intended to be serviced. When investigating opportunities for new infrastructure proposals, **nbn** must consider a range of variables to determine if a site location is feasible. This includes radio frequency objectives, transmission connection to other facilities within the Fixed Wireless network, engineering and construction feasibility, community, environment and planning considerations, and the ability for **nbn** to secure tenure.

<sup>1</sup> WHO Fact Sheet: Electromagnetic Fields and Public Health – Base Stations and Wireless Technologies

<sup>2</sup> Review of the Radiofrequency Health Effects Research – Scientific Literature 2000 – 2012, Technical Report Series No. 164

<sup>3</sup> <http://www.arpansa.gov.au/RadiationProtection/EMR/literature/index.cfm>

<sup>4</sup> <http://www.who.int/features/qa/30/en/>

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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**nbn's** planners and radio engineers take into account factors such as population density, potential for population growth and subdivision, as well as other network-specific considerations when defining roll out plans. **nbn's** planning is guided by the Council's town planning provisions that reflect the likely supply and demand for residential dwelling and population. Each **nbn** fixed wireless network facility has capacity to cater for the likely future population growth in the coverage area.

The rights to subdivision by individual property owners are regulated through the Council's planning policies. The proposal does not limit future subdivision of allotments, subject to their compliance with the Council's planning objectives for this locality.

### Property Values

Since the mid 1990's there have been thousands of telecommunications facility developed throughout Australian metropolitan and regional areas. During this period, property values across the board have continued to increase, showing no sign of deterioration as a result of specific factors such as the location of telecommunications base stations. The improvements to broadband connectivity resulting from access to the **nbn** are likely to be very significant, which will in turn support business, health, education and a range of other sectors.

Notwithstanding, **nbn** is not aware of any credible evidence that directly links the siting of a telecommunications facility to either an increase or a decrease in property prices.

Furthermore, this is not a consideration under current planning legislation.

### Visual Impact of the Facility

Following review of the visual impact concerns of the proposal, **nbn** have undertaken further investigations into design and siting options to help address these community concerns as far as practicable.

We confirm that the 40 metre height of the proposed tower at Wedderburn South is considered to be the minimum required to achieve **nbn's** radio frequency objectives within the wider network. Given the nature of the Fixed Wireless infrastructure, the facility must be high enough to achieve line-of-sight to premises to be serviced by the facility within the local area (coverage) and to other existing network (transmission) sites. The transmission sites connect directly to **nbn's** fibre.

Planning policy favours proposals for telecommunications facilities which actively seek to minimise the impact on the amenity of the area. There is an acknowledgement and acceptance in planning policy that facilities will possibly be needed in a wide range of areas, land uses and settings. But in that context what is important is how the proponent has sought to use available measures to minimise impact.

The proposal has been carefully sited to minimise visual impact utilising available measures including selection of a monopole design for the structure rather than a lattice tower, which is a standard design option for structures 40m and above. **nbn** have also located the proposed facility to the rear of the subject allotment, approximately 600 metres from Minerva Road, using the established trees and the topography behind the proposed facility to provide a camouflage backdrop, effectively masking the visual impact of the tower.

**nbn** considers that the proposed facilities are sensitively sited and designed to minimise visual impact and to complement the landscape qualities of the surrounding vegetation and topography.

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## 8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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### Proximity and Safety of Airport

The proposed facility is located 17 kms from the nearest Civil Aviation Safety Authority (CASA) registered airport at Camden. The proposed facility will not penetrate the Obstacle Limitation Surface (OLS) of the Camden Airport, and does not require identification for safety by lighting or painting, or similar.

The Wedderburn airfield is a private airfield, not regulated by CASA, that is located approximately 3 kms to the south of the proposed facility. There are no statutory requirements in relation to the Wedderburn airfield.

It is not expected that the proposed facility will impede the safe operations of either airport / field.

### Potential for Bushfires / Emergencies

Some residents expressed concern about lightning strike causing bushfires. The proposed telecommunication facilities are earthed as required by Australian Standards and also have the ability to work in extreme weather conditions or bushfires. Whilst there remains a risk that the tower could be destroyed by a catastrophic bushfire, steps are taken during the design phase to mitigate these potential risks, for example; all electrical equipment for the facilities are stored in an equipment cabinet for protection. This site is strategically located in a cleared area to reduce the risks associated with bushfires. In addition, the site is located outside the 10 m Asset Protection Zone as recommended by the Rural Fire Service.

The proposed **nbn** facility has been designed so as not to pose bushfire risk to the community. Rather, telecommunication facilities within bushfire prone areas can support communication channels for people during bushfire emergencies. Once the **nbn** facility is established, it will also provide opportunities for other communication service providers to co-locate on the existing structure in the future. The proposed facility is designed to be fully earthed, which negates the risk of lightning strikes to the surrounding community. The proposal itself does not present a fire risk to the community.

### Need for the Proposal

Whilst we understand that there are some people that are concerned and have questions about the proposal, we also note that there is a significant need for the improvements that will be delivered by the **nbn** network in Wedderburn South and surrounds.

With provision of wholesale speeds of up to 50 Mbps, the **nbn** Fixed Wireless network will greatly improve broadband in and around Wedderburn South. There will be obvious benefits of improved broadband to substantially benefit the community by;

- Providing the opportunity to work and study from home,
  - Providing greater access to essential services such as bushfire warnings,
  - Providing greater accessibility to the internet for young people, particularly for educational purposes,
  - Assisting the local tourism market, and
  - Providing improvement to service delivery and productivity in a number of areas such as health, education, business and financial services to name a few.
-



8.5 Construction Of A Telecommunications Facility Comprising Of A 40 Metre High Monopole And Ancillary Equipment At No. 206 Minerva Road Wedderburn

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**Conclusions**

We consider that the proposal offers a reasonable planning solution that both minimises visual impacts and provide significant improvements to broadband connectivity and service in Wedderburn South. Based upon a review of the submissions received by Council and our subsequent investigations to address issues raised by those submissions, **nbn** respectfully contends that there is compelling planning rationale to approve this application.

Should you have any further queries please do not hesitate to contact me.

Yours Sincerely,

SIGNATURE HAS BEEN REMOVED

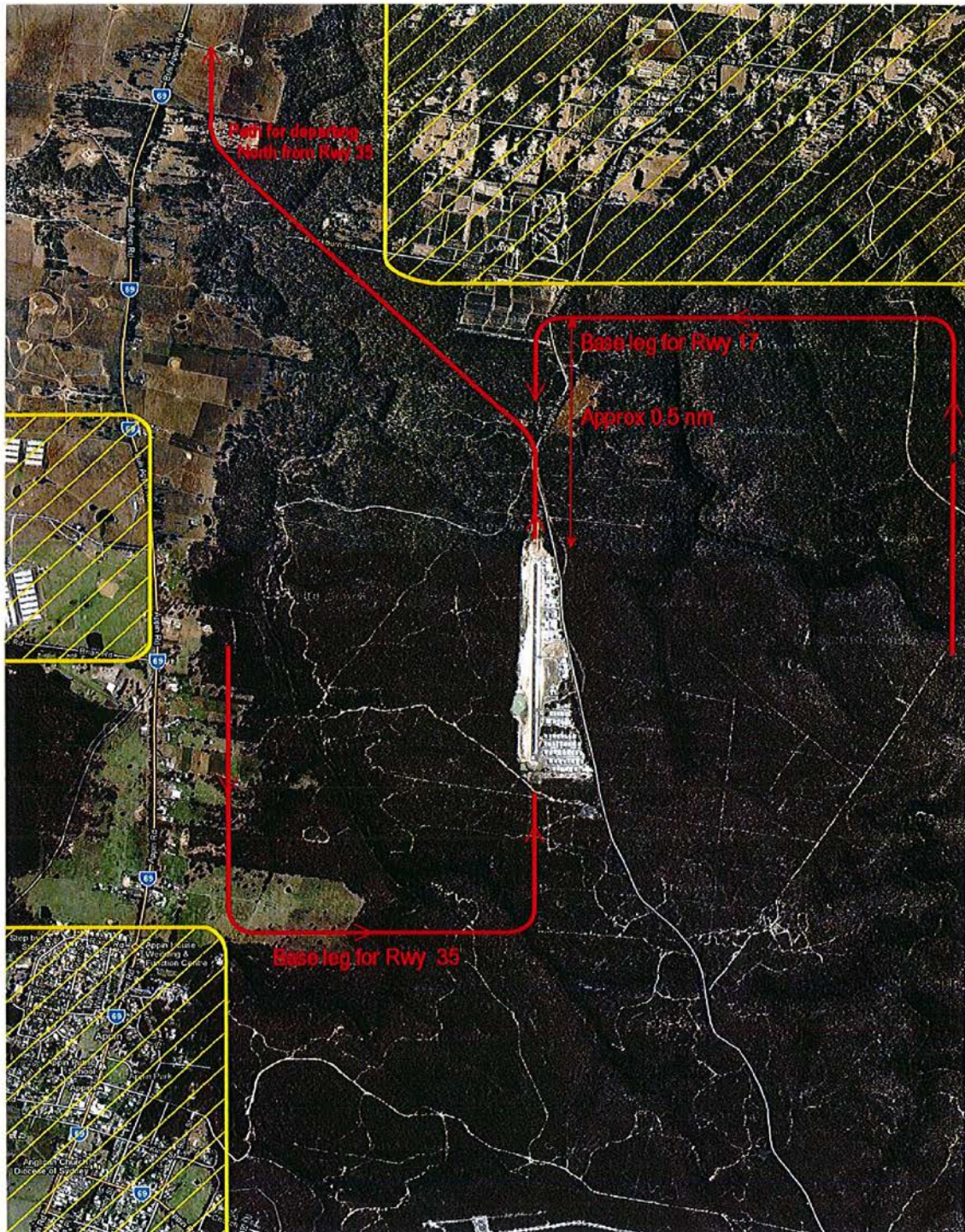
Peter Turnbull

Senior Environmental Planner – Wireless  
Visionstream  
03 – 9242 8802  
0429 888 276  
[peter.turnbull@visionstream.com.au](mailto:peter.turnbull@visionstream.com.au)

---

## ATTACHMENT 12

Wedderburn Airport Flight Tracks (shown in red)



Source: <http://www.wedderburnairstrip.com.au/node/86>



## **8.6 Renaming of Gilchrist Drive Bridge**

### **Division**

City Delivery

### **Reporting Officer**

Executive Manager Infrastructure

---

### **Attachments**

1. Locality Plan (contained within this report).
2. Parks, Reserves, Assets and Facilities Names Policy (contained within this report)

### **Purpose**

To seek Council's approval to undertake community consultation for the renaming of Gilchrist Drive Bridge to James Rookes Bridge.

### **Report**

Council has been approached about the renaming of the Gilchrist Drive Bridge, Campbelltown that passes over the railway line and Menangle Road after a young man, Mr James Rookes, who tragically lost his life at the bridge on 4 March 2001. The proposed name for the bridge is James Rookes Bridge. A locality plan has been provided to identify the current bridge location for Councillors.

Council does have a Parks, Reserves, Assets and Facility Names Policy and the renaming of this bridge falls within the framework of this policy. A copy of this policy is provided for Councillors information.

To coincide with the renaming of the bridge, it is proposed that a 1.2 metre high, plinth style sign be installed at either end of the bridge, within the central median of Gilchrist Drive. It is also proposed that at the northern end of the bridge the area around the plinth should also be landscaped to compliment the signage. Unfortunately, the area on the southern side of the bridge is narrow and is only concrete. As such, there is limited opportunity to provide any quality landscaping in that area. Finally, it is also proposed that the existing name plates attached to the side of the section of the bridge over Menangle Road be replaced with the proposed new James Rookes Bridge signage.

Following advice from the Geographical Names Board of NSW, Council has been advised to follow the process relating to the naming of roads. The process in naming of a road is embedded within the NSW Road Regulation 2008. The authority to name a road is found within the *NSW Roads Act 1993*. In renaming this bridge, Council will need to place the proposal on public exhibition for a period of 28 days (which is consistent with the process of the naming of roads).

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As a part of the public exhibition process, there are a number of authorities that Council will need to notify to gauge if there are any objections to the proposal. Following the exhibition period a further report will be presented to Council highlighting any issues that may arise from the submissions received. Upon reviewing the submissions, Council will be in a position to resolve whether or not to proceed with the renaming of the bridge.

Should Council resolve to rename the bridge, this decision will be then be advertised in the papers and placed in the NSW Government gazette, in accordance with the *NSW Roads Act 1993*. Following these notifications Council will be in a position to erect the James Rookes Bridge signage.

### **Officer's Recommendation**

1. That in accordance with the *NSW Roads Act 1993* Council advertise and place on public exhibition the proposal to rename the Gilchrist Drive Bridge, Campbelltown as the James Rookes Bridge.
  2. That following the public exhibition period, staff report back to Council with the results of the consultation.
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[illegible]

## Gilchrist Drive Bridge



## ATTACHMENT 2

		<b>POLICY</b>
Policy Title	Parks, Reserves, Assets and Facilities Names	
Relevant Legislation/ Corporate Plan	<i>Geographical Names Act 1966</i>	
Responsible Officer	Director Business Services	

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

### Objectives

To establish Council policy in relation to the naming of public parks, reserves, assets and facilities.

To guide the naming of public reserves so that the official name can be assigned as a place name under the *Geographical Names Act 1966*.

To provide for the allocation of names to parts of public reserves which are used for a special purpose or associated with a sporting sponsor, in a manner which will not cause confusion with the official name.

In observing this policy, Council will endeavour to create a "sense of place" and strive to honour and observe the local character of the relevant area. Council will also aim to honour heritage, historical and indigenous connections of the relevant location.

### Policy Statement

This Policy details the criteria and procedures to be followed in the naming of public reserves or parts of public reserves within the Campbelltown Local Government Area.

#### Scope

The Naming of Council Parks and Reserves, Assets and Facilities Policy applies to proposals to name or rename Council Parks and Reserves, Assets and Facilities in the Campbelltown Local Government Area, whether they are internal or external applicants.

Any existing property name cannot be taken as a precedent for future approvals and any alterations to any existing property will need to comply with this policy and with the guidelines issued under the *Geographic Names Act 1966*, ("the Act").

#### Legislative Context

*Geographical Names Act 1966*

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## **Principles**

### **1. Council allocation of names**

- a) Names must be written in standard Australian English or a recognised format of an Australian Indigenous language local to the feature, locality or road.
- b) Names are easy to pronounce, spell and write (there may be exceptions with Indigenous names).
- c) If insufficient names of past residents, land grantees or aboriginal names from the local dialect are available, parks and reserves be named after the street from which the park or reserve achieves access.
- d) Where a name is to be allocated to a particular part of a park or reserve or a sponsor's name is to be used, the designation be restricted to Oval, Field, Gardens, Memorial Gardens, Playground, etc.
- e) Recognise the long term public interest.
- g) Do not affect public safety.
- h) Ensure names are not duplicated.
- i) Avoid the use of directional names eg north, south, etc.
- j) Ensure feature, locality or road extent is clearly defined and link the name to the location of the feature.
- k) Avoid using names of people that are still alive.
- l) Must not propose names that are discriminatory.
- m) Proposed names should not inappropriately impact the environment of Campbelltown through unnecessary signage .
- n) Proposed names conform to the principles set out in the Guidelines issued by Geographical Names Board.

### **2. Geographical Names Board assignment of names**

Only names which have been allocated pursuant to clauses 1(a), 1(b) and 1(e) be submitted to the Geographical Names Board to be assigned as place names in accordance with the *Geographical Names Act 1966*. Any naming proposals submitted by Council to the Geographical Names Board should be in accordance with the Board's Guidelines.

### **3. Community Engagement in naming process**

Council recognises the importance of community consultation in naming its property and the public should be involved in the naming exercise particularly those that are directly concerned or affected and will follow the Community Engagement Framework.

For all proposals to name a public park, reserve, asset or facility, Council will:

- a) Consult with the public.
  - b) Exhibit the proposal
  - c) Consider all submissions lodged in the 28 day feedback period.
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From time to time Council may receive or invite suggestions from our community in relation to the naming rights of Parks and Reserves, Assets and Facilities. In this case the following procedure will apply:

- a) Name of park, reserve, asset or facility is suggested or requested by community member.
- b) Proposed name is referred to the assessing officer and the Geographical Information officer. The proposal will be researched and the suitability is evaluated against the guiding principles of the policy.
- c) A report will go to the next available Committee Meeting to be recommended for public exhibition and if required, referred to the GNB.
- d) If resolved by Council the proposed name is then placed on public exhibition in the local newspaper and on Council's website for 28 days. If the name referred to the Geographical Names Board and is accepted by the Board, it is then publicly exhibited for 28 days in the local newspaper and NSW Government Gazette.
- e) At the end of the exhibition period any objections will be reported back to Council for consideration.
- f) Where the names has been referred to the Geographical Names Board and there are no objections, the Board will Gazette the name in the NSW Government Gazette. The name is then legal.

### **Responsibility**

Director Business Services is responsible for the regular review of this Policy to ensure that the criteria and procedures regarding the naming of public parks, reserves, assets or facilities is appropriate.

### **Effectiveness of this Policy**

The Policy will be reviewed in accordance with Council's adopted procedure for Policy Development and Review to ensure the criteria and general requirements comply with the requirements of the Geographical Names Board.

## **END OF POLICY STATEMENT**

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## **8.7 Insurance and Care NSW - Expression of Interest - Life Designs NSW**

### **Division**

City Lifestyles

### **Reporting Officer**

Manager Community Resources and Development

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### **Attachments**

Nil

### **Purpose**

To seek Council's endorsement of an Expression of Interest (EOI) for icare funding through a consortium led by Community Options Australia (COA).

### **History**

Life Designs NSW (formerly known as Macarthur Community Options) is a well-regarded case management service that has been run by Council since 1989. The service provides a range of quality services which include aged, disability and post-hospital services.

Insurance and Care NSW (icare) delivers the insurance and care schemes for the New South Wales community.

icare provides services which protect, insure and support the community by offering simple and affordable insurance, return to work solutions, and care for people who have been severely injured in the workplace or on the roads.

The services of icare include Builders Warranty, Lifetime Care, Self-Insurance, Workers Insurance and Dust Diseases Care. icare is governed by an independent Board of Directors accountable to the Minister for Finance, Services and Property.

### **Report**

Council currently provides Regional Assessment Service (Aged Care) and ComPacks services (Post-hospital) through consortium arrangements with Community Options Australia. The current application for icare funding has been submitted by COA as the lead partner in the consortium.

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icare's Lifetime Care and Support Scheme provides treatment, rehabilitation and care for people severely injured in motor accidents in NSW, regardless of who was at fault in the accident. The scheme, which is funded through a levy paid by motorists on the CTP Green Slip, currently supports around 1000 people. Participants have severe injuries, including spinal cord injury, traumatic brain injury, amputations, burns or permanent blindness.

Council, through Life Designs NSW, will provide self-managed care - peer mentoring support service, under icare's Lifetime Care and Support Scheme should the EOI be successful. Life Designs NSW would be involved with completing the comprehensive assessment, developing an individual plan, making referrals and linkages for the customer and providing case management and support coordination.

Life Designs NSW has experience with working with people who have these injuries and have had success in increasing their well being and keeping them independent in their homes and communities. Life Designs NSW is fully funded from external sources and operates at no cost to Council.

### **Officer's Recommendation**

1. That Council endorse the Expression of Interest for Insurance and Care NSW funding through a consortium led by Community Options Australia.
  2. That Council be advised of the outcome of the Expression of Interest process once known.
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## **8.8 Community Capacity Building Funding Projects**

### **Division**

City Lifestyles

### **Reporting Officer**

Manager Community Resources and Development

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### **Attachments**

Community Capacity Building Guidelines (included within this report)

### **Purpose**

To seek Council's approval for the provision of financial assistance under the Community Capacity Building Program 2016-2017.

### **History**

Council at its meeting on 17 May 2016, endorsed changes to the Community Grants under section 356 of the *Local Government Act 1993* to align the Council's policy and strategic direction. Community Grants are now administered within a broader Community Capacity Building Program.

Council's Community Capacity Building Program provides funding opportunities for small community groups in the Campbelltown Local Government Area (LGA). The Community Capacity Building Program will be delivered in two parts:

1. Applications for a Seeding Grant of up to \$500 for community groups who have successfully completed Council's Community Capacity Building training program.
2. Applications for a Project Grant of up to \$5,000 for community groups who have received a Seeding Grant.

To be eligible groups must meet the following eligibility criteria:

- the applicant must be a not-for-profit group/organisation and be located within the boundaries of the Campbelltown Local Government Area and/or principally service Campbelltown residents
  - the project must demonstrate a benefit to residents and/or service organisations/groups within the Campbelltown Local Government Area
  - provide Council with detailed information about its management structure, activities, annual budget and proposed use of grant
-

- should not be in receipt of more than \$50,000 in funding per annum
- should not be able to access funding for the proposed project from other grant bodies
- should not be controlled or funded by a larger organisation
- the applicant must have successfully completed Campbelltown City Council's Capacity Building Course
- the grant proposal must be for a specific project that does not require recurrent or ongoing project grants. The same criteria applies for project grants, except that in place of criteria the applicant must have successfully completed a Campbelltown City Council seeding grant
- the grant allocation for the proposed project must be for the specific purpose listed in the application, and must be fully expended during the proposed funding period
- the same criteria applies for Project Grants, with the addition that the applicant must have successfully completed a Campbelltown City Council seeding grant or demonstrated organisational capacity.

The applications received for this funding round were eligible for a seeding grant as their projects met the eligibility criteria as outlined in the attached guidelines.

Community groups may apply for a Seeding Grant with a maximum of \$500 to develop and support local community programs and activities. Council has a total of up to \$10,000 to distribute in this funding round.

## Report

A community information session was held on 1 September 2016 in Council's Staff Training Centre to inform interested groups of changes in the capacity building program. All applicants were required to attend a three part training and development program to enable participants to ensure the practicalities of the project were reflected in the application and the application is consistent with the guidelines of the program.

Four applications were received totalling \$1,999.

A summary of the applications is below.

<b>Applicant</b>	<b>Project</b>	<b>Location</b>	<b>Amount (\$)</b>
Filipino and Friends Parish Community Association	Reduce isolation in western side of Campbelltown	Mary Immaculate Parish Hall	\$500
Macfields Master Chef	Sensory Garden	Curran Public School	\$500
Te kopu o te reo	Cultural and language development	Surrey Street Community Centre	\$499
Macquarie Fields Homework Club	Homework Club - Assisting children in the completion of home work	ADRA Community Centre Mallee Rose Cottage	\$500
<b>Total</b>			<b>\$1,999</b>



All projects were assessed according to the criteria for funding as set out in Council's Community Grants Policy and Guidelines.

The following groups are recommended to receive funding for the following reasons:

Filipino and Friends Parish Community Association: Funding is recommended for an end of year event to reduce isolation by bringing together people of different ages and backgrounds from the western side of Campbelltown.

Macfields Master Chef: Funding is recommended for this project to purchase materials to create a sensory garden. The project aims to have children outside with parents to develop their senses and make connections between growing and eating food.

Te kopu o te reo: Funding is recommended for this project to purchase equipment and materials for the group to provide cultural training throughout the year. The group encourages participation to create cohesion and reduction in social isolation.

Homework Club – Funding is recommended for this project to purchase materials for the group to support children in the Macquarie Fields area. The group assist with homework and provides nutritious afternoon tea for participants.

Successful groups will receive ongoing support from Council staff to ensure effective implementation of their projects.


### Officer's Recommendation

That Council approves funding to the following groups under the Seeding Grants Program, with the amounts specified below.

Applicant	Project	Amount
Filipino and Friends Parish Community Association	Reduce isolation in western side of Campbelltown	\$500
Macfields Master Chef	Sensory Garden	\$500
Te kopu o te reo	Cultural and language development	\$499
Macquarie Fields Homework Club	Homework Club - Assisting children in the completion of home work	\$500
<b>Total</b>		<b>\$1,999</b>

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## ATTACHMENT 1

 <p><b>campbelltown</b> city council</p>	<p><b>COMMUNITY RESOURCES &amp; DEVELOPMENT</b> 46 45 4579</p>
<p><b>Community Capacity Building Guidelines</b></p>	
<p><b>Introduction</b> Council's Community Capacity Building Program provides funding opportunities for small community groups in the Campbelltown Local Government Area (LGA). Council's commitment to providing support to a wide range of community groups and organisations is based on the principle of fair and equitable distribution of resources to assist those groups in developing activities that contribute to the strategic objectives and community vision statements of the Campbelltown Community Strategic Plan. The Community Capacity Building Program will be delivered in two parts:</p>	
1.	Applications for a Seeding Grant of up to \$500 for community groups who have successfully completed Council's Community Capacity Building training program.
2.	Applications for a Project Grant of up to \$5000 for community groups who have received a Seeding Grant.
<p><b>Objectives</b></p>	
1.	To support community organisations to improve social outcomes for the city.
2.	<p>To support community based groups to develop effective, sustainable projects that address the community needs of residents in the Campbelltown Local Government Area by:</p> <ul style="list-style-type: none"> <li>• Providing training and development, leading and mentoring (funded groups). Access to coaching and mentoring and support and advice about alternate funding sources (non-funded groups)</li> <li>• Encouraging community participation in the development and delivery of projects and activities.</li> <li>• Support the development of networks and partnerships between communities, local community groups, agencies and Campbelltown City Council.</li> <li>• Maximise access to and use of community resources, services and facilities, including equity of access for people experiencing social exclusion, marginalisation or isolation.</li> <li>• Supplementing funds that groups themselves raise for their own activities; or providing an initiating grant for groups that have demonstrated that their programmes are essential to a perceived need in the community.</li> </ul>
<p><b>Nominated Grants Selection Criteria</b></p>	
<p>Projects seeking funding must demonstrate how they meet the funding criteria categories:</p>	
1.	Activities that foster a sense of community spirit.
2.	Have a self-help focus
3.	Directly build on the strengths of the community to improve social outcome for the Campbelltown LGA.
4.	Be managed by local residents or service users
5.	Maximise access to a broad section of community by providing resources, activities or facilities.
6.	Purchase of items or equipment that are directly related to community capacity building project/s.
7.	Successful completion of Campbelltown City Council's Capacity Building training program.

<b>Eligibility</b>	
To be eligible for a seeding grant from Campbelltown City Council, you must meet the following criteria:	
1.	The applicant must be a not-for-profit group/organisation and be located within the boundaries of the Campbelltown Local Government Area and/or principally service Campbelltown residents.
2.	The project must demonstrate a benefit to residents and/or service organisations/groups within the Campbelltown Local Government Area.
3.	Provide Council with detailed information about its management structure, activities, annual budget and proposed use of grant.
4.	Should not be in receipt of more than \$50,000 in funding per annum.
5.	Should not be able to access funding for the proposed project from other grant bodies.
6.	Should not be controlled or funded by a larger organisation.
7.	The applicant must have successfully completed Campbelltown City Council's Capacity Building Course.
8.	The grant proposal must be for a specific project that does not require recurrent or ongoing project grants. The same criteria applies for project grants, except that in place of criteria the applicant must have successfully completed a Campbelltown City Council seeding grant.
9.	The grant allocation for the proposed project must be for the specific purpose listed in the application, and must be fully expended during the proposed funding period.
10.	The same criteria applies for Project Grants, with the addition that the applicant must have successfully completed a Campbelltown City Council seeding grant or demonstrated organisational capacity.
<b>Ineligibility</b>	
1	Any organisation/applicant that has not acquitted prior grants from Campbelltown City Council in accordance with Council's Community Capacity Building funding agreement.
2	Any organisation/applicant that has received a project grant within one calendar year of the date of cheque requisition.
3	Renovations, repairs or maintenance to building are outside the scope of this program.
4	Funding requests from individuals, government organisations, schools, religious purposes, sporting groups or political purposes are not eligible.
5.	Projects seeking funding for activities that will be conducted outside the Campbelltown Local Government Area.
6.	Projects requesting funding for ongoing operational costs such as rent, rates or electricity.
7.	Projects requesting funding for capital purchase items that will not contribute to a community capacity building outcome.
<b>Funding Principles</b>	
1.	A total of \$20,000 is available to groups annually.
2.	Groups that do not have financial facilities for the deposit of funds must come under the auspice of an incorporated not-for-profit organisation. In this case a letter of support from the organisation providing auspice needs to be included, indicating support for the project.
3.	The grant allocation for the proposed project must be for the specific purpose listed in the application, and must be fully expended during the proposed funding period.
4.	Unsuccessful applicants are entitled to apply for a grant in the subsequent half year.
5.	The group should have attempted to obtain funds from other sources, e.g. public fundraising, submissions to other levels of government (although ineligibility for funding from other levels of government should not necessarily imply ineligibility for Council subsidy). Groups who contribute towards a project will be given priority.

6.	Council recognises the need to encourage new community programs by the provision of seeding grants during the startup period of new groups.
7.	Funds provided by Council should not be used in a way, which would encourage the organisation to become dependent on Council for ongoing financial support.
8.	Applications for funding must be for a specific purpose and not just to fill a shortfall in operational budgets funded by other government departments.
9.	Applicants may not vary the purpose of the grant for which they have been funded without receiving written approval from Council.
10.	Applications for items of equipment should include at least two comparable quotes.
11.	Applicants will be assessed on a relative need basis, subject to budgetary constraints.
12.	If funds are approved for the purchase of equipment, the equipment is to be identified and should the organisation cease to exist in the manner for which funds were originally allocated the equipment is to become the property of Council.
13.	In making allocations Council takes into account the necessity to give significant support to those programs which help achieve the Community Strategic Plan 2012-2022 community vision of 'A Safe, Healthy and Connected Community' and contribute to wide community benefit.
<b>Applications</b>	
Before you write your application, you are encouraged to have already planned your project and read these guidelines thoroughly. If you need assistance in understanding the guidelines, or have any questions, please contact the Community Wellbeing section of Campbelltown City Council on 4645 4579.	
1.	Applications for the Community Capacity Building Program will be advertised locally half yearly.
2.	The maximum funding available to any one group is \$500 per annum for a Seeding Grant and \$5000 per annum for a Project Grant.
3.	All applicants are required to discuss their application with an appropriate Project Officer from Council's Community Well-being section well before the due date.
4.	Applications must be made on the Community Capacity Building application form outlining: <ul style="list-style-type: none"> <li>• Project Objectives</li> <li>• How the group's activities benefit the community</li> <li>• Link to Council's Community Strategic Plan</li> <li>• Management Structure</li> <li>• Budget and proposed use of funds</li> <li>• Signed by two office bearers of the organisation</li> <li>• All sections of the application form must be completed</li> <li>• The application must be received before the relevant closing date.</li> </ul>
<b>Accountability</b>	
1.	Projects must be acquitted within twelve months of receiving the funds, by providing Council with a financial acquittal and evaluation report/s. Photographic and video records are encouraged as inclusions in the evaluation report
2.	Any group that experiences difficulty with implementing or acquitting their project should contact Council's Community Wellbeing section for assistance as soon as difficulties are identified.
3.	Acknowledgment of Campbelltown City Council's support must be given wherever practicable. The sentence "The project has been supported by Campbelltown City Council's Community Capacity Building Program" in annual reports and advertising material, as well as media releases where appropriate, is sufficient to meet this requirement. Promotional artwork involving Council's logo must be submitted to Council for approval.



**Examples of Community Capacity Building Funded Projects**

**Community Group:** Gillmore Greenies Community Gardens  
**Project Name:** Greening, Growing and Giving

A volunteer group would like to regenerate their local community garden. There are key groups consisting of the volunteer group, community greening, food security and government organisations, who will work together to build and maintain the gardens. The group would like to encourage community participation, share in the produce of the garden with participants and provide workshops educating residents to grow cook and eat healthy foods. They seek funds to purchase an irrigation system, gardening materials and resources.

**Community Group:** Campbellfields Youth Mentoring Group  
**Project Name:** Young Marvels

A new established project provides a mentoring program for young people. The program provides an opportunity to learn about good nutrition and the benefits of regular exercise, promote self-esteem and confidence. It also teaches the importance of routine and commitment and establishing realistic and achievable goals. Certified volunteer mentors are available to oversee the training, provide support and monitor progress in a safe environment. The program works in partnership with various government and non-government services to provide in kind support. Due to the popularity of the program, there has been a large increase in the number of participants. The group is seeking funds to purchase additional exercise equipment and materials to cater for the extra demand.

**Community Group:** South West Community Cultural Group  
**Project Name:** The Pacific Pipes

A cultural music groups wants to build its membership by recruiting new members. They also want to have the resources and equipment needed to teach participants how to play a wide range of instruments as well as read and write music. The group would like to use these skills learnt to provide music and entertainment at various community events and activities across the Campbelltown area. They are seeking funding to purchase musical instruments and books, promotional material and performance expenses.

**For more information or assistance with your application please ring Council's Community Wellbeing section on 4645 4579.**



## 8.9 Proposed operating hours during the Christmas holiday period 2016-2017

### Division

City Lifestyles

### Reporting Officer

Director City Lifestyles

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### Attachments

Nil

### Purpose

To seek Council approval for the proposed operating hours over the 2016-2017 Christmas and New Year holiday period.

### Report

Council has reduced opening hours during the Christmas/New Year period in line with community usage and expectation during this time of year.

In line with previous years practice, it is proposed that the Council offices and the Depot will operate on Friday 23 December 2016 closing at normal times after which, they will remain closed for the period between Boxing Day and New Year's Day public holidays, that is, 28 - 30 December 2016 (inclusive). The Council offices and Depot will reopen at 8.30am on Tuesday 3 January 2017, as Monday 2 January is a designated public holiday. Staff will be required to take annual leave or flexi leave from Wednesday 28 December - Friday 30 December 2016.

The following arrangements are proposed for the Animal Care Facility, Campbelltown Visitor Information Centre:

Animal Care Facility	
24 December 2016	Open 9.00am-12.00pm
25 - 27 December 2016	Closed
28 December 2016	Open 9.00am-3.00pm
29 - 30 December 2016	Closed
31 December 2016	Open 9.00am-12.00pm
1-2 January 2017	Closed
3 January 2017	Normal hours resume

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## 8.9 Proposed Operating Hours During The Christmas Holiday Period 2016-2017

<b>Visitor Information Centre</b>	
25 - 27 December 2016	Closed
28 - 31 December 2016	10.00am - 3.00pm
1 - 2 January 2017	Closed
3 January 2017	Normal hours resume

The following arrangements are proposed for the for Education and Care Services, Leisure Services, Library Services and the Campbelltown Arts Centre during the Christmas and New Year period this year:

Education and Care Services		
Service	Closure Date	Opening Date
All Long Day Care Centres	Close 6.00pm - 23 December 2016	10 January 2017
Before and After School Care	16 December 2016 (public school closes)	30 January 2017 (public school returns)
Campbelltown Child and Family Centre	Close 5.00pm – 22 December 2016	10 January 2017
Family Day Care	Office is closed on Public Holidays, however care continues to be available every day of the year i.e. care is available on public holidays, overnight and on weekends	
Campbelltown City School Holiday Care	This service will operate from 19 to 23 December and 3 to 27 January 2017	
Eagle Vale School Holiday Care	This service will operate from 9 January to 27 January 2017	
Leisure Services		
Service	Closure Date	Opening Date
Bicycle Education Centre	Close 3.00pm - 19 December 2016	Opens 10.00am - 3 January 2017
Eagle Vale Central and Macquarie Fields Leisure Centre	Close 5.00pm - 24 December 2016	Opens 9.30am - 27 December 2016
	Close 5.00pm - 31 December 2016	Opens 9.30am - 1 January 2016
Gordon Fetterplace Aquatic Centre	Close 5.00pm - 24 December 2016	Opens 9.30am - 27 December 2016
	Close 5.00pm - 31 December 2016	Opens 9.30am - 1 January 2017
Macquarie Fields Indoor Sports Centre	Close 5.00pm - 24 December 2016	Opens 10.00am - 27 December 2016
	Close 5.00pm - 31 December 2016	Opens 8.00am - 3 January 2017

Council's Leisure Centres close for Christmas and Boxing Day each year. However, Council at its meeting of 14 April 2009 resolved to open The Gordon Fetterplace Aquatic Centre on Boxing Day public holidays. Accordingly, this year The Gordon Fetterplace Aquatic Centre will reopen on Monday 26 December 2016 at 9.30am.

A small number of patrons use the leisure centres on Christmas Eve and New Year's Eve, therefore it is recommended that the centres close earlier on these days.

Macquarie Fields Leisure Centre and Eagle Vale Central will re-open at 10.00am on Sunday 1 January 2017. Swimming clubs, swim coaching squads, learn to swim, gymnastics and fitness classes are in recess during this period at all centres.

## 8.9 Proposed Operating Hours During The Christmas Holiday Period 2016-2017

<b>Library Services</b>		
<b>Service</b>	<b>Closure Date</b>	<b>Opening Date</b>
All Libraries	Close 5.00pm - 23 December 2016	Open 9.30am - 3 January 2017
Home library service	Close 16 December 2016	30 January 2017

During the lead up to Christmas from Monday 19 December 2016 to Friday 23 December 2016, libraries will be closing at 5.00pm. Library usage records indicate that a relatively small number of customers use library services leading up to and during the Christmas/New Year period.

As in previous years it is proposed that library customers and users of the Home Library service will be allowed to borrow an increased number of items for extended loan periods throughout the holiday period from 1 December 2016, returning to normal loan periods and limits from 30 January 2017, for the start of the academic year.

Customers wishing to return material may do so using the return chutes, which are available at all library branches.

<b>Campbelltown Arts Centre</b>		
<b>Service</b>	<b>Closure Date</b>	<b>Opening Date</b>
Arts Centre	Close 4.00pm - 23 December 2016	Open 10.00am - 3 January 2017
Cafe	Close 4.00pm - 23 December 2016	13 January 2017

In previous years, Campbelltown Arts Centre has been closed between the Christmas/New Year period as usage records indicate low attendance rates during this time.

### Public notice

The amended operating hours will be advertised on Council's website, in the local newspapers and notices will be displayed at Council offices, libraries and the affected services to minimise any inconvenience for members of the public.

### Conclusion

The proposed hours of Council operations are in line with community expectation for this and reflect similar practice by the business community for this time of year. Given the proposed advertising, it is considered that the proposed reduced opening hours will create minimal impact on Council's customer service levels.

### Officer's Recommendation

1. That Council Offices and the Works Depot close from Wednesday 28 December - Friday 30 December 2016 with staff taking annual or flexi leave for these days.
2. That the holiday opening hours for the Council offices, Depot, Animal Care Facility, Campbelltown Visitor Information Centre, Education and Care Services, Leisure Services, Campbelltown Arts Centre and Libraries as detailed in the report, be approved and advertised through local papers, on Council's website, social media and at the relevant centres and services.

## **8.10 Parliament of NSW Aboriginal Art Prize update**

### **Division**

City Lifestyles

### **Reporting Officer**

Manager Cultural Services

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### **Attachments**

Parliament of New South Wales Aboriginal Art Prize Proposal (contained within this report)

### **Purpose**

To update Council on the Parliament of NSW Aboriginal Art Prize.

### **History**

The Parliament of New South Wales Aboriginal Art Prize (PNSWAAP) was established in 2005 as a partnership with Parliament of NSW, Arts NSW, University of NSW (UNSW) and Campbelltown City Council. A prize of \$20,000 was offered and a separate artists in residence scholarship at UNSW. Funding was received from Arts NSW. In 2011, a new five year Memorandum of Understanding (MOU) was signed which included former partners and Coal & Allied as a sponsor. This boosted the prize from \$20,000 to \$40,000 and offered \$60,000 per year through scholarships to Aboriginal students at UNSW.

The MOU specified a review of the PNSWAAP in 2014. Coal and Allied elected to no longer continue with the partnership and whilst the new award was being developed Parliament would continue to host the prize in 2015, however, the scholarships were no longer offered. Council was briefed on 1 March 2016 and a proposal presented to the NSW Parliament and Arts NSW by the Manager Cultural Services. Key points from the briefing are outlined below:

- the purpose of the PNSWAAP and Scholarship Program is to promote, support and develop the strength and diversity of Aboriginal visual artists born or living in New South Wales
  - the MOU specified a review of the PNSWAAP in 2014 which made recommendations
  - in 2014, the NSW Parliament and Coal and Allied elected to no longer continue with the partnership
  - while a new award was being developed Parliament continued to host the prize in 2015, however the scholarships were no longer offered
  - significant changes are required to refresh the program and improve its delivery and impact
-

- this award or a program of a similar nature is important to NSW Aboriginal artists
- significant changes are required to refresh the program and improve its delivery and impact
- a new sponsor will be sourced that will add prestige to the award
- proposed to launch in 2016 with the view to commence the new award in 2017
- proposed exhibition dates: 12 August – 15 October 2017
- the total prize pool is valued at \$70,000
- funding is confirmed from Arts NSW
- Council's contribution of \$50,000 will remain the same
- artists will have access to all NSW State cultural institutions collections
- new location - exhibition and award to be presented at Campbelltown Arts Centre as part of the Visual Arts Program.

## **Report**

Campbelltown Arts Centre secured a partnership with the Australian Museum and the NSW State Government through Arts NSW to continue to present a bold and iconic vision for the celebration of NSW-based contemporary Aboriginal visual arts practice.

There will be no prize in 2016, however, the new prize will be launched/announced in 2016 and presented in 2017. The total prize pool is valued at \$70,000 with Council's contribution of \$50,000 remaining the same.

Arts NSW will contribute funding directly to Campbelltown Arts Centre to support the delivery of the award and provide ongoing policy directives in relation to the implementation of the NSW Aboriginal Arts and Cultural Strategy 2015-2018 Connection, Culture Pathways. The NSW Government, through Arts NSW Aboriginal Cultural Development team will continue to play an active and supportive policy and stakeholder management role.

An additional funding partner/corporate donor will be sought. The new curatorium has been established and the first meeting was held on 10 October, 2016. The curatorial and creative vision of the award will be shaped by senior Aboriginal members of the arts community, reflecting up to six members at any time. The curatorium will develop a structure, model, criteria and make recommendations for judges for the new award. The final proposal will be presented to the Deputy Premier for approval.

The Parliament of NSW Aboriginal Art Prize being facilitated by Campbelltown Arts Centre is prestigious and valuable as it recognises and profiles Campbelltown City Council as a key cultural player in the State of NSW, with strong relationships and great respect from the Aboriginal communities, the arts and cultural sector. Most importantly this being led by a respected curatorium and overseen by the Deputy Premier.

## **Officer's Recommendation**

That Council endorse the proposal to be presented to the Deputy Premier.

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## **ATTACHMENT 1**

### **NSW Contemporary Aboriginal Art Awards (Bi-Annual)**

#### **Proposal**

NSW has a rich and expanding community of Aboriginal artists and the NSW Contemporary Aboriginal Art Awards presents a new era that reflects a current, diverse and multi-dimensional visual art platform across NSW.

Leading this ground-breaking initiative, Campbelltown Arts Centre (CAC) in a proposed partnership with the Australian Museum (AM), will present a bold and iconic vision for the celebration of NSW- based contemporary Aboriginal visual arts practice with a renewed collaborative and strategic framework.

AM will afford established and emerging NSW Aboriginal artists with an opportunity to showcase the highest artistic calibre and cultural processes Aboriginal practitioners are using to tell their stories. Investing in new partnerships, with access and exposure to NSW's most outstanding cultural museum is filled with new possibilities for the visual arts sector.

This new era and narrative symbolises an opportunity for NSW Aboriginal visual artists to activate the AM within a contemporary multi-arts context. This platform commands recognition for established Aboriginal artists coupled with development opportunities for emerging Aboriginal artists to extend the scope of their practice by exhibiting in a cultural institution. This not only leverages prestige, but encourages international engagement opportunities for new creative and cultural markets.

With support from the State Government (through Arts NSW) this partnership can foster Aboriginal artistic development and assist in sustaining benchmarks of artistic excellence, by infusing disparate arts and cultural perspectives with a vibrant and current NSW Contemporary Aboriginal Art Awards. This is established through the current trajectories of each venue. CAC, as a leading Western Sydney arts centre has a significant Aboriginal artistic programming with deep connections to local Aboriginal communities. AM offers expertise staff across multiple areas, including the Indigenous Programming, education and public program teams.

#### **Background**

The NSW Contemporary Aboriginal Art Awards has been developed from the achievement and success of the Parliament of NSW Aboriginal Art Prize, which spanned over 10 years and concluded in 2015. CAC led the development of the Parliament of NSW Aboriginal Art Prize during this time and has extensive experience in continuing to deliver an Aboriginal art prize, in partnership with Aboriginal artists and cultural leaders.

This Prize highlighted the value of a dedicated Aboriginal art award to support high quality Aboriginal artistic practice in NSW. This was the only high quality dedicated award in NSW specifically for Aboriginal visual artists. Counterpart Awards such as the National Aboriginal and Torres Strait Islander Art Award, The Western Australian Indigenous Art Awards and the Victorian Indigenous Art Award have a strong and supported framework similar to the previous NSW Award and support the importance of such Awards while allowing for vibrancy of artistic practice with specific opportunities for artists.

#### **Selection and Presentation**

The NSW Contemporary Aboriginal Art Awards will be announced as an open call out to NSW-based Aboriginal artists to submit proposals for the development of new work to a theme that profiles a distinctive, expressive and diverse Aboriginal visual arts practice. There will be two categories; the Established Aboriginal Artist Award and the Emerging Aboriginal Artist Award.

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### **NSW Contemporary Aboriginal Art Awards (Bi-Annual)**

A Curatorium of Aboriginal arts and cultural leaders (determined by CAC, AM and Arts NSW) will develop the Award theme, short-list the proposals and curate the Awards exhibition. Artists will be paid a fee to produce the work for exhibition as outlined in their proposal. The Curatorium, through a peer process, will nominate three Aboriginal arts and cultural leaders as judges for the Award. In consultation with the Curatorium the Awards will be judged using criteria that include artistic merit, quality of the work, contribution to the sector and impact on cultural transmission.

During the Awards announcement event, the winners will be awarded by the Deputy Premier, Minister for the Arts or delegate, the official presentation includes two Awards; Established Aboriginal Artist Award to the value of \$50,000 as a cash prize and the Emerging Aboriginal Artist Award to the value of \$20,000 as a cash prize.

#### **Sector Engagement**

The awards will have a strong focus on professional development for NSW Aboriginal artists. The Curatorium will guide the development of the awards and exhibition to ensure it maintains artistic rigour whilst seeking out innovative ways to promote and foster NSW Aboriginal arts and culture to national and international audiences.

The Awards 'call out' application process will be managed and facilitated by CAC staff and it is proposed the installation of the Award will be managed by AM in conjunction with CAC and the Curatorium who will be on-site for the installation to ensure integrity and curatorial direction.

As an iconic Museum, the Awards held at the AM will increase associations with the visual arts sector across the state. By encouraging strong sector engagement, the Awards provide opportunities for the involvement of the AM's Indigenous Programming Team in establishing the framework of the Award and involvement in the Curatorium.

CAC is the leading contemporary arts and cultural institution in Western Sydney with a strong focus on Aboriginal arts. The opportunity to partner with CAC allows for increased audience numbers from the region and access/engagement with Aboriginal artists.

Community engagement, networking opportunities and regional access will also be an important component of this process. Maintaining culturally appropriate processes and protocols will be a vital element of the ongoing success of the Awards, exhibition and stakeholder engagement.

#### **Promotion and Media**

To present and promote the Awards, CAC in consultation with AM will establish partnerships with media agencies and seek funding from a major **donor** or **sponsor** to deliver the NSW Contemporary Aboriginal Art Awards.

CAC will develop a cohesive and exciting branding campaign for the Awards, communicating to audiences a new, invigorated and revitalised Award established with new and exciting possibilities for NSW-based Aboriginal visual artists.

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## NSW Contemporary Aboriginal Art Awards (Bi-Annual)

### Education

CAC, in partnership with AM, will produce an education program aimed to engage with Western Sydney and metropolitan primary and high schools; this will include education kits, in-school activities and excursions. CAC will work closely with the AM's Learning Program team to converge, streamline and increase opportunity to develop NSW Aboriginal art and cultural education resources for young audience engagement and learning outcomes.

It is also proposed that the Awards engage tertiary students in internship roles to support a number of key arts administration roles that will provide invaluable professional development experiences through school based internships.

### Partnership and Benefits

CAC seeks a 3 year partnership with the AM and the NSW State Government through Arts NSW in developing and presenting the inaugural NSW Contemporary Aboriginal Art Awards in 2017. This newly revised and invigorated award presents unique opportunities and benefits for all partners in establishing the foundation of the Awards, creating a deep and longstanding association to this important and prestigious initiative.

Cost sharing of this major Award has been detailed; as a starting point this proposal seeks from AM a financial and in-kind contribution to space hire, preparation of gallery setting, production of the official proceedings, curatorial support, marketing support and security. CAC will project manage the logistics of the Awards including the formation of the Curatorium, Artist liaison management, publication, media and marketing relationships and public/education programs in consultation with AM.

Arts NSW will contribute funding directly to CAC to support the delivery of the Award and provide ongoing policy directives in relation to the implementation of the NSW Aboriginal Arts and Cultural Strategy 2015-2018 Connection, Culture Pathways. CAC will work with AM to identify an appropriate donor that aligns with AM's values and positioning as a major centre of performance in Sydney. The NSW Government, through Arts NSW Aboriginal Cultural Development team will continue to play an active and supportive policy and stakeholder management role.

### Proposed Timeline for discussion

Dates	Activity
July – October 2016	<ul style="list-style-type: none"><li>• MOU to be negotiated between CAC, AM and Arts NSW</li><li>• Confirm Donor/Sponsorship</li><li>• Appointment of Curatorium Members</li></ul>
November 2016	<ul style="list-style-type: none"><li>• Launch new Award</li></ul>
September – November 2016	<ul style="list-style-type: none"><li>• Curatorium to establish award thematic with Campbelltown Arts Centre &amp; Australia Museum</li><li>• Award Branding and Marketing Strategy</li></ul>
November – January 2016 (3 months)	<ul style="list-style-type: none"><li>• Open Call for entries</li></ul>
February 2017 (early)	<ul style="list-style-type: none"><li>• Short-list of artworks and notify artist to commence developing artwork.</li></ul>
February (end) – August (end) 2017	<ul style="list-style-type: none"><li>• Artwork development (Artist research/development/production)</li><li>• Publication Development</li><li>• Invitations and opening arrangements</li></ul>
October 2017	<ul style="list-style-type: none"><li>• Exhibition &amp; Award Presentation - dependent on AM programming and suitable calendar of Aboriginal recognised events</li></ul>

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## **8.11 Audit, Risk and Improvement Committee Member Fees**

### **Division**

Office of the General Manager

### **Reporting Officer**

Internal Auditor

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### **Attachments**

Nil

### **Purpose**

To seek Council approval to increase professional fees payable to the independent chair and independent members of the Audit, Risk and Improvement Committee.

### **History**

Council at its meeting of 19 October 2010 approved the establishment of an Audit Committee in accordance with the guidelines issued by the Division of Local Government.

Council resolved that the Committee consist of two independent members, the Mayor, the Deputy Mayor and the Chairperson or a member of the Corporate Governance Committee.

At the Council meeting of 14 December 2010, it was resolved that the Committee members be remunerated for their Committee activities at a rate of \$500 per meeting.

At the Council meeting of 16 July 2016, it was resolved to extend the tenure of the current Audit Committee independent members for a period of 12 months effective 10 September 2016 and advertise via expression of Interest for a further independent Audit Committee member.

At the extraordinary Council meeting of 27 September 2016, it was resolved to appoint a delegate to the Mayoral position on the Audit, Risk and Improvement Committee, to meet three times per year.

Information was provided on the Local Government Amendment (Governance and Planning) Bill 2016, the *Local Government Act 1993* with respect to functions of the Audit, Risk and Improvement Committee and further prescription of Council's internal audit, risk and business improvement functions under Schedule 6 19B, Local Government Regulations.

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## **Report**

In developing the Expression of Interest for the additional member and reviewing the charter for the newly established Audit, Risk and Improvement Committee, it was considered prudent to review the responsibilities of the members and appropriate remuneration to attract suitably qualified applicants to the additional position.

The Local Government Internal Audit Network recently conducted a market survey of professional fees paid to local government independent Audit Committee members and standard rates ranged from nil to \$5000 per sitting. The majority of Committees sit quarterly.

Given Local Government Act reforms and the forthcoming Regulations on internal audit, risk and business improvement, the responsibilities and functions of the Committee are likely to be expanded and as such it is appropriate to adjust the rate of remuneration for the independent membership commensurate with market rates and increased responsibilities.

As part of the new committee structure, reports previously presented to the Innovation and Performance Sub Committee will now form an item on the agenda for the Audit, Risk and Improvement Committee.

It is recommended that Council consider increasing the remuneration of external Committee members with the Chairperson fee being \$1200 and other Committee members \$1000 per meeting inclusive.

## **Officer's Recommendation**

That Council approve an increase in professional fees for independent Audit, Risk and Improvement Committee members of \$1200 per meeting for the Chairperson, and \$1000 per meeting for the two independent members. Fees are inclusive of travel expenses.

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## 8.12 Investment Report - September 2016

### Division

City Governance

### Reporting Officer

Executive Manager Corporate Services and Governance

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### Attachments

Investment portfolio performance for the month of September 2016 (contained within this report)

### Purpose

To provide a report outlining Council's investment portfolio performance for September 2016.

### Report

Council holds a number of reserves in order to fund significant future liabilities or future objectives. These liabilities include insurance claims, employee leave entitlements and asset replacement. In addition, Council is also required to hold funds that under the *Local Government Act 1993*, are not permitted to be used for any other purposes than those originally collected for. These include developer contributions, specific purpose grants, domestic waste management, contributions and stormwater management funds.

Council invests funds through the financial instrument designated by the Ministerial Order from the Office of Local Government. The *Local Government Act 1993* and the *Local Government (General) Regulation 2005* requires a monthly investment report be presented to Council.

Council's Investment Portfolio as at 30 September 2016 stood at approximately \$197m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Council's Investment Policy.

### Portfolio Performance

Directly managed investments have consistently outperformed the AusBond bank bill index benchmark.

Monthly annualised return	September
Council Managed Funds	2.84%
Benchmark: AusBond Bank Bill Index	1.70%

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Investment returns can fluctuate during any one reporting period based on market perceptions, or as in the case of funds under management, changes in asset classes. As such, any measurement of performance is better reflected over a rolling 12 month period to average out any fluctuations in monthly performance. Council's total investment portfolio has outperformed the benchmark on average over the last 12 months.

<b>Rolling year to date return</b>	<b>September</b>
Council Managed Funds	3.08%
Benchmark: AusBond Bank Bill Index	2.17%

Council's portfolio as at 30 September 2016 is diversified with 64% in term deposits of varying lengths of maturity which are managed in accordance with market expectations and Council's investment strategy, 15% in floating rate deposits which gives Council a set margin above either 30 or 90 day bank bills, 6% in funds in a short term at call account and 15% in a Treasury Corp Hour-Glass managed fund.

<b>Maturity profile</b>	<b>30 September</b>
Short term at call	\$41,058,979
0 – 3 months	\$30,639,627
3 – 6 months	\$45,738,254
6 – 12 months	\$44,868,026
12 months +	\$35,000,000

All investments are placed with approved deposit taking institutions. No funds are placed with any unrated institutions. Any funds placed with institutions that have a BBB long term rating have maturity lengths in the short term of up to 12 months, effectively A-2 rated, in accordance with Council's investment policy.

<b>Credit exposure (S&amp;P Long Term / Short Term Rating)</b>	<b>30 September</b>
Long AAA to AA- / Short A-1	70%
Long A+ to A- / Short A-1	22%
Long BBB+ to BBB- / Short A-2	8%

### **Economic outlook**

The Board of the Reserve Bank of Australia (RBA) elected to maintain the cash rate at its present level of 1.50% at its 4 October meeting, which was largely anticipated by the market. New Reserve Bank governor, Philip Lowe, was optimistic about Australia's economic growth outlook amid the downturn in the resources sector stating an increase in economic growth in other areas including residential construction. While some economists predict further easing of monetary policy, the general consensus of adopting a wait and see approach was deemed to be prudent at this point in time.

### **Summary**

Council's investment portfolio continues to outperform the benchmark of the AusBond bank bill index. The Local Government Investment Guideline leaves little scope for the enhancement of Council's investment portfolio with the various investment products being offered. However, to enhance the portfolio, advantage is taken on the length of maturity of the investment given the rating of the institution, as well as reviewing any new investment products offered in consultation with Council's financial advisor, Spectra Financial Services.

Regular liaison with Council's external financial advisor assists in monitoring all of the risk factors to maximise Council's return on the investment portfolio, while minimising the risk associated with this strategy.

### **Officer's Recommendation**

That the information be noted.

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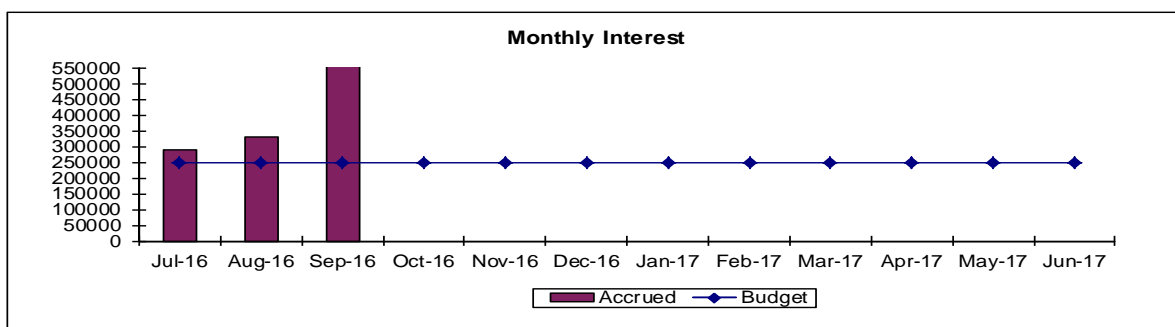
## ATTACHMENT 1

### CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO

September 2016

Benchmark AusBond Bank Bill Index  
Portfolio Balance \$197,381,002.76

Monthly Performance	Return (mth)	Return (pa)
AusBond Bank Bill Index	0.14%	1.70%
Portfolio - Direct Investments	0.23%	2.81%
<i>Performance to Benchmark</i>	+ 0.09%	+ 1.11%
Short Term Call Account	0.17%	2.08%
Managed Funds	0.19%	2.26%

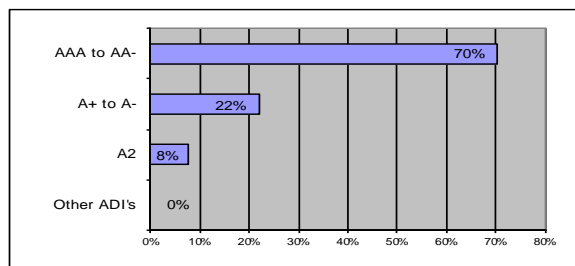


### Year to Date Performance

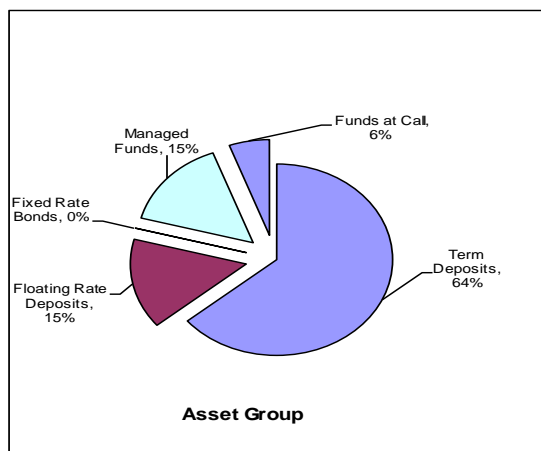
### Credit Exposure (S&P Long Term Rating)

*Rolling 12 Month Period*  
3.08% Council Managed Funds  
2.17% Benchmark

*Interest Budget to Actual*  
Average Budget to Period \$746,200  
Actual Accrued to Period \$1,189,071



### Portfolio Diversity



			%
Funds at Call	\$ 11,118,345.30	AA-	6%
NSW Treasury	\$ 32,826,750.00	AA+	17%
National Australia Bank	\$ 58,491,344.37	AA-	30%
Westpac Bank	\$ 3,052,520.55	AA-	2%
Commonwealth Bank	\$ 25,000,000.00	AA-	13%
Bank Western Australia	\$ 8,409,830.50	AA-	4%
AMP Bank	\$ 5,000,000.00	A+	3%
Suncorp Metway	\$ 23,373,915.60	A+	12%
ING Bank	\$ 3,000,000.00	A	2%
Rural Bank	\$ 2,000,000.00	A-	1%
Bank of Queensland	\$ 10,029,980.31	A-	5%
Peoples Choice CU	\$ 1,000,000.00	A2	1%
My State CU	\$ 3,000,000.00	A2	2%
Credit Union Aust	\$ 4,000,000.00	A2	2%
Heritage Bank	\$ 2,000,000.00	A2	1%
ME Bank	\$ 5,078,316.13	A2	3%
	<b>\$ 197,381,002.76</b>		<b>100%</b>

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## **8.13 Reports Requested**

### **Division**

City Governance

### **Reporting Officer**

Manager Governance and Risk

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### **Attachments**

Status list of reports requested (contained within this report)

### **Report**

Attached for the information of Councillors is a status list of reports requested of Council as at 4 October 2016.

### **Officer's Recommendation**

That the information be noted.

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## ATTACHMENT 1

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
<b>City Lifestyles</b>			
03.06.14 BT 3859092	CS3.5 - That a report be provided examining the feasibility of establishing an artist walk as part of the new street scape in Queen Street, Campbelltown. <b>Comment:</b> Update has been provided to Council via Campbelltown Arts Centre Sub-committee meeting dated 24 June 2015 - Council's Manager Cultural Services provided the Committee with an update in relation to the proposed Artist Walk project to be located in Queens Street, Campbelltown. It was noted by the Committee that this project will not progress until such a time as restoration works have been completed in Queen Street. Once these works are completed Council's Manager Cultural Services will liaise with Council's City Works Division in relation to the placement of plaques which represent artists that have lived in the Campbelltown area. A report to this project will be submitted to Council for consideration.	CL	December 2016
29.7.14 PL 3934158	CG3.3 - Report identifying alternative methods for managing the hire of Council's sporting fields. <b>Comment:</b> Sport and Recreation plan currently being commissioned.	CL	December 2016
19.04.16 PL 4770731	CG7.1 - Bicycle Education and Road Safety Centre That a report be presented investigating the feasibility of hiring out bicycles and helmets to people attending Council's Bicycle Education and Road Safety Centre. <b>Comment:</b> Healthy Lifestyles Manager is currently looking at resourcing for this investigation and tasked to the appropriate Council officers.	CL	October 2016
19.04.16 RT 4770735	PE5.2 - Bensley Road Soccer Complex - Macquarie Fields That a report be presented on the current condition of Bensley Road Soccer Complex and any proposed upgrade works including associated costs. <b>Comment:</b> Healthy Lifestyles Manager is currently looking at resourcing for this investigation and tasked to the appropriate Council officers.	CL	December 2016
21.06.16 MO 4874926	CS8.1 - That a report be presented investigating opportunities to create arts and cultural activities in the northern part of the Local Government Area.	CL	November 2016
16.08.16 GB 4976827	CS8.1 - That a report be presented investigating the feasibility of holding a summer basketball competition (similar to the Midnight Basketball competition) at the new multipurpose courts located at Macquarie Fields.	CL	December 2016
16.08.16 GB 4976615	NM17.3 - That Council prepare a feasibility report into a possible Vivid Lighting Event or similar event during the Fishers Ghost Festival, with a ghost theme, to assist in promoting a night time economy/entertainment for Campbelltown	ORD (CL)	December 2016

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
16.08.16 RK 4962373	PE5.2 - That Council be provided with a report outlining how the 200th anniversary of Campbelltown's founding in 1820 will be celebrated.	CL (CG)	December 2016
17.05.16 MO 4816113	CS8.2 - That a report be presented investigating the feasibility of providing wi-fi services at all skate parks located within the Local Government Area. <b>Comment:</b> This item is reported as part of the Corporate Governance Committee business paper - Item 5.1.	CL (CG)	December 2016

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
<b>City Delivery</b>			
17.05.16 MO 4816112	CS8.1 - That a report be presented investigating the feasibility of installing shaded seating and BBQ facilities as well as a foam pit at Macquarie Fields Skate Park. <b>Comment:</b> This item will be presented at a Briefing evening in November 2016.	CD	December 2016
21.06.16 FB 4851108	CW1.3 - 3. - That following completion of the Floodplain Risk Management Study and Plan, a further report be tabled for Council's consideration.	CD	August 2018
19.07.16 GB 4737423	CW1.2- 2. - That a further report be presented to Council following completion by Deloitte and Arup of their study work for the Western Sydney Rail Alliance for the provision of a rail solution connecting Campbelltown and Marsden Park	CD	November 2016
19.07.16 RK 4837880	PE5.4 - That a report be presented updating Council on the potential to provide a south bound on-ramp for the M31, skirting around the edges of Jackson Park.	CD (PE)	April 2017
16.08.16	PE5.4 - 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.	CD (PE)	March 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
<b>City Governance</b>			
18.6.13 PL 3450946	CG3.1 - Further report following expressions of interest on the ground lease in Blaxland road. <b>Comment:</b> Currently addressing Sydney Water regarding Section 73 requirements.	CG	TBA
14.10.14 RK 4033794	CG2.3 - 4. That a further report will be submitted to Council once a draft VPA/Infrastructure Services Delivery Plan (ISDP) have been finalised which will deal with the compulsory acquisition/land transfer issues concerning the whole of the Claymore Urban Renewal Project. <b>Comment:</b> Still in the process of finalising the VPA/ISDP with Urban Growth.	CG	February 2017

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
<b>City Development</b>			
13.12.11 BT 3421776	2.4PE - Further Report detailing the outcome of all submissions received as a result of the public exhibition of all Menangle Park documentation. <b>Comment:</b> The Menangle Park Urban Release Area has been included into the Greater Macarthur Land Release Investigation. The NSW Government is formulating a special infrastructure contribution levy to fund the required road infrastructure. A decision on the levy is expected August 2016.	CDVP (EP)	November 2016
16.7.13 RK 3483315	PE4.1 - Further report to review implementation of the draft Swimming Pool Barrier Inspection Program including the cost and resourcing implications after 12 months of the programs implementation. <b>Comment:</b> Additional time required to assess impact of the implementation of the provisions of the <i>Swimming Pools Act 1992</i> requiring pool owners to obtain a Certificate of Compliance before selling or leasing their property commencing on 29 April 2016. Report to be completed 12 months from this date so a full 12 month period can be assessed.	CDVP (CS)	July 2017
27.10.15 GG 4526199	PE5.2 - That Council's Public Notification Policy, in respect to Development Applications, be reviewed and a report provided back to Council recommending options for a more comprehensive community notification process. <b>Comment:</b> Review of notification requirements being incorporated into further review Amendment No.3 of SCDCP which will require new requirements for green and blue roofs and walls.	CDVP (EP)	March 2017
15.12.15 RK 4607896	PE5.2 - 1. That a full report be presented to Council outlining the cost of a pet giveaway and the likely implications for sales from the Animal Care Facility in the balance of the year. 2. That the report include information about the potential for pets freely given from the Animal Care Facility to be abandoned by virtue of the fact that they were acquired at no cost. <b>Comment:</b> Deferred by Executive for Briefing	CDVP (CS)	December 2016
22.03.16 GG	PE2.3 - Amendment to Campbelltown Local Environmental Plan 2015 to reflect the Re-alignment of the Campbelltown - Camden Local Government Boundary 4. That at the conclusion of the public exhibition, a report be submitted to Council detailing any outcome of the exhibition and a strategy for finalising the planning proposal amendment. <b>Comment:</b> Gateway determination issued 11 May 2016, proposal placed on exhibition until 26 August 2016.	CDVP (EP)	December 2016
22.03.16 GG 4725155	PE2.4 - Planning Proposal - Rezoning of the Glenfield Waste Site 3. That a further report be submitted to Council on the outcome of the public consultation. <b>Comment:</b> Planning Proposal was placed on public exhibition from 6 April to 6 May 2016, submissions being considered.	CDVP (EP)	December 2016

*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
19.04.16 MO 4770730	CS8.1- Old Clinton's development site That a report be presented outlining any action taken by Council with regards to the dead trees on the old Clinton's development site - Queen Street, Campbelltown. <b>Comment:</b> Meeting held with development representatives to discuss financial contribution for street tree damage. Estimate of financial contribution being prepared for further consideration.	CDVP (CS)	November 2016
21.6.16 RK 4884516	PE2.1 - 2. That at the conclusion of the public exhibition, a separate report be provided to Council on the outcome of the public exhibition of the Draft Amendment 2 to Campbelltown (Sustainable City) Development Control Plan 2015. <b>Comment:</b> Presented as Item 7.3 - Ordinary Meeting 25 October 2016.	CDVP (EP)	
19.7.16 MO 4937877	PE5.1 - That a report be presented on the condition of the Bardia Heritage Precinct and the developer's plans for its maintenance and enhancement.	CDVP (EP)	December 2016
19.7.16 RK 4937879	PE5.3 - That a report be presented on ways through which Council can encourage or mandate developers of residential apartment buildings in the CBD's to design roof space and/or green walls as either private, open or green space for the occupants or for some other beneficial purpose. <b>Comment:</b> Matter to be incorporated into Amendment No 3 of SCDCP 2015.	CDVP (EP)	March 2017
16.08.16 RK 4971886	NM17.2 - That Council be presented with a report with regard to rezoning a large tract of land at Glen Alpine, used as the Campbelltown Golf Course, from R2 (low density residential) to one that reflects Council's long term intentions to preserve the land as open space. <b>Comment:</b> This report will be a joint City Delivery/City Development Report.	CDVP and CD	March 2017



*Date of Decision *Mover *DocSet	Item/Comments	Div.Resp	Comp Date
<b>City Growth and Economy</b>			
29.7.14 PL 3934241	CW5.1 - detailed report on the Leumeah Sports Precinct by the Strategic Planner for a new 40,000 seat sporting/entertainment complex with parking facilities to include both the eastern and western side of the railway line. <b>Comment:</b> scoping investigations proceeding under direction of the General Manager. Government Policy - Stadia Strategy under assessment. Review of Policies - Campbelltown Sports Stadium Precinct Draft Options Report under review.	CGE	March 2017
29.7.14 GG 3939939	PE5.3 - Report investigating possible further partnerships with University Western Sydney, Campbelltown and Campbelltown TAFE. <b>Comment:</b> Draft MOU with TAFE finalised and due to be reported to Council in November 2015 for endorsement and action.	CGE	November 2016
17.02.15 GG 4189107	PE3.3 - 3. That a future report be presented to the Council which investigates options and identifies practical limits for a core Campbelltown CBD precinct, for the purposes of permanently varying the commercial parking rates within that precinct. <b>Comment:</b> Campbelltown CBD Parking nearing finalisation by Consultants in conjunction with CBD Traffic Strategy and Campbelltown Information Project.	CGE	December 2016
24.04.15 GG 4275787	PE2.6 - The Council receive a further report on a proposal to establish a Business Advisory Board following further consultation with the Campbelltown and Ingleburn Chambers of Commerce. <b>Comment:</b> Continues to be under investigation.	CGE	December 2016
16.08.16 RK 4971886	PE5.3 - 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. <b>Comment:</b> To be dealt with as part of the preparation of the Campbelltown Economic Development Strategy.	CGE	March 2017

## **8.14 Draft Submission on the Western Sydney Rail Needs Scoping Study Discussion Paper**

### **Division**

City Growth and Economy

### **Reporting Officer**

Director City Growth and Economy

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### **Attachments**

1. Draft Council Submission on the Western Sydney Rail Needs Scoping Study Discussion Paper (distributed under separate cover due to size of document)
2. Western Sydney Rail Needs Scoping Study - Discussion Paper, September 2016 (distributed under separate cover due to size of document)
3. Western Sydney Rail Alliance Submission on the Western Sydney Rail Needs Scoping Study Discussion Paper (distributed under separate cover due to size of document)
4. Campbelltown Strategic Inter-Regional Connectivity Plan (distributed under separate cover due to size of document)
5. Campbelltown Strategic Intra-Regional Connectivity Plan (distributed under separate cover due to size of document)
6. Proposed rail loop from Narellan via Menangle Park to Campbelltown-Macarthur (distributed under separate cover due to size of document)
7. Proposed 'y-link' between Edmondson Park and Macquarie Fields (heading south towards Campbelltown) (distributed under separate cover due to size of document)
8. Possible 'y-link' corridor reservation between the extended South West Rail Line and the proposed north-south line (within the Camden LGA) (distributed under separate cover due to size of document)

### **Purpose**

To inform Council about the Western Sydney Rail Needs Scoping Study - Discussion Paper and to seek Council's endorsement of a draft submission on the matter (provided at attachment 1 to this report).

### **History**

The Australian and NSW Governments are considering making significant investments into transport infrastructure to enhance connectivity across Western Sydney and capitalise on the potential of the region.

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In September 2016, the Western Sydney Rail Needs Scoping Study - Discussion Paper was released for public comment with submissions being required by 28 October 2016. It seeks to achieve a better understanding of the need, timing and service options for rail investment to support Western Sydney and the Western Sydney Airport (WSA).

In order to prepare a cohesive response, a number of major stakeholders in Western Sydney formed a Western Sydney Rail Alliance (WSRA). The members are:

- Campbelltown City Council
- Liverpool City Council
- Penrith City Council
- Celestino
- Defence Housing Australia
- Ingham Property
- Lendlease
- Perich Group
- Medich Corporation
- Sydney Business Park
- The Committee for Sydney
- Twin Creeks Golf and Country Club
- University of Sydney
- Western Sydney Leadership Dialogue.

The WSRA jointly commissioned Deloitte and ARUP to prepare a submission. A copy of this submission is provided for information at attachment 3 to this report.

Council officers have also worked collaboratively across the organisation to prepare a draft submission focussed primarily on the Campbelltown Local Government Area and the critical need for better connectivity across Western Sydney to ensure that people are connected to employment, education, health and lifestyle opportunities. Council has also been granted an extension to lodge its submission by 9 November 2016 to allow time for Council to formally consider and endorse the submission. A copy of the draft submission is provided at attachment 1 to this report.

On 27 October 2016, senior Council officers met with representatives from Transport for NSW to discuss views on the most appropriate rail option.

## **Report**

### **Introduction**

The Western Sydney Rail Needs Scoping Study - Discussion Paper examines the following matters as they relate to Western Sydney:

- growth
  - transport projects underway
  - rail demand
-

- the options for connecting Western Sydney to WSA and the broader rail network
- criteria for assessing the proposed options
- funding and delivery.

The Scoping Study Discussion Paper discusses the substantial residential and employment growth that will occur in Western Sydney in response to Sydney's expected population increase and the development of the forthcoming WSA. It also acknowledges the need for improved public transport and rail connectivity to the new airport and throughout Western Sydney and puts forward a range of options for consideration and comment.

A close review of the discussion paper reveals a number of concerns in relation to assumptions made about future growth and development in south western Sydney, not the least appearing to be a lack of recognition of the future residential and employment potential associated with the Greater Macarthur Priority Growth Area.

Overall, there is some concern that the discussion paper illustrates a broad social inequity that currently applies across metropolitan Sydney in terms of local community's access to employment, services and facilities and the varying levels of public transport that are available to connect people with these places.

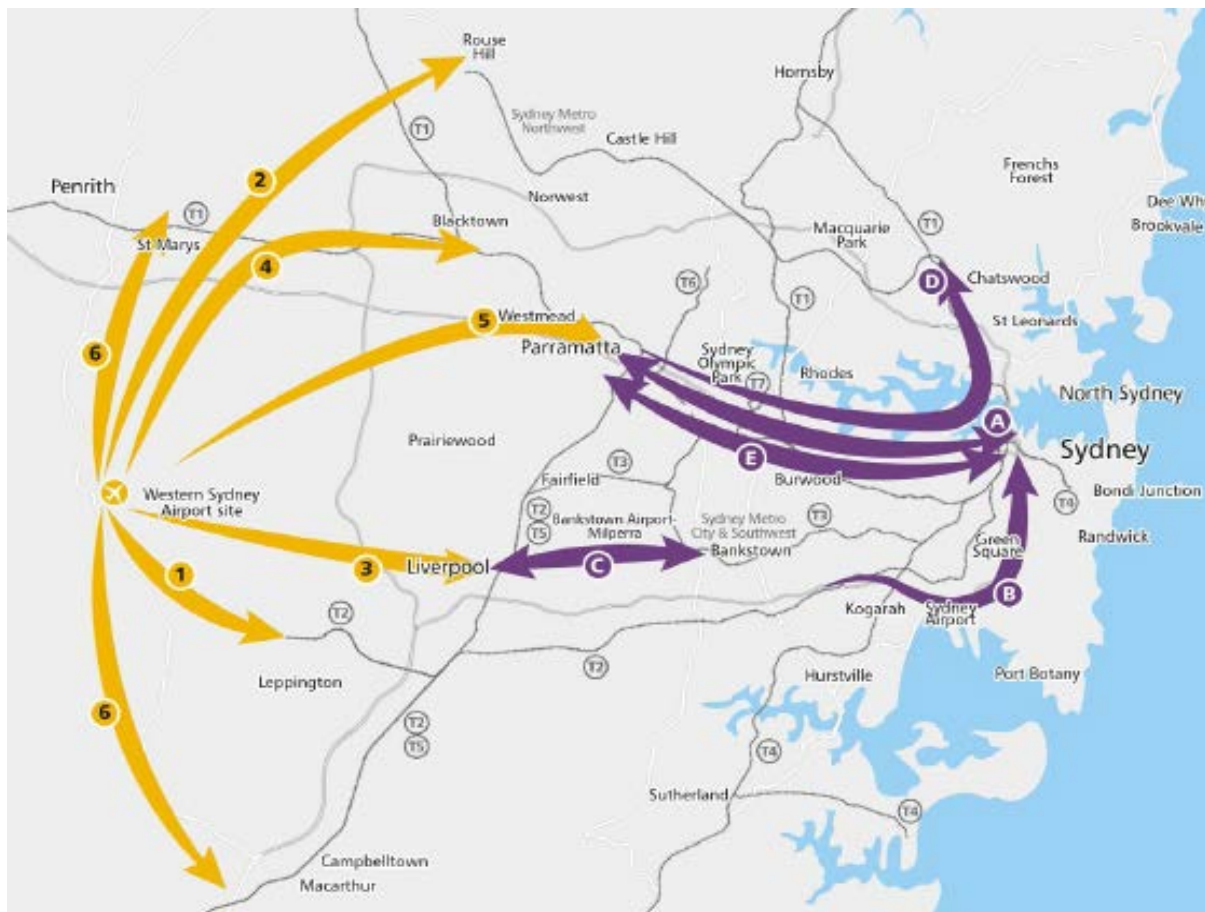
The scoping study represents one of the most significant opportunities for the NSW Government to better understand the significance of linking south western Sydney to the WSA, centres and jobs, and foster the growth of more sustainable communities.

### **Options Proposed in the Scoping Study**

The Scoping Study Discussion Paper is a strategic document that puts forward six main initial options for linking Western Sydney to the WSA site (Options 1 to 6) and five initial options for linking Western Sydney and the WSA back to Sydney, Kingsford Smith Airport and Parramatta (options A to E):

- Option 1 - WSA to the South West Rail Link
  - Option 2 - WSA to the Sydney Metro Northwest
  - Option 3 - WSA to Liverpool
  - Option 4 - WSA to the T1 Western Line via St Marys
  - Option 5 - Direct rail express service from WSA to Parramatta
  - Option 6 - A north-south rail link from Macarthur to WSA to St Marys to Schofields
  
  - Option A - New western metro-style service
  - Option B - Converting the T2 Airport Line between Revesby and Sydney CBD to a separate metro-style service
  - Option C - Extending the Sydney Metro City and South West
  - Option D - Increase capacity of existing network
  - Option E - New higher speed tunnel linking Parramatta and the Sydney CBD.
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## 8.14 Draft Submission On The Western Sydney Rail Needs Scoping Study Discussion Paper



### The Preferred Option

Campbelltown City Council supports Option 6 (Extended) from the WSA linking to the South West and extended through to Rouse Hill in the north. However, instead of a 'stand-alone-shuttle' as described in the Western Sydney Rail Needs Scoping Study, Campbelltown City Council (Council) has commissioned a study detailing a proof of concept for the extension of the proposed southern portion of Option 6 through Narellan and looping through the proposed new land release area at Menangle Park, south of Campbelltown-Macarthur Regional City Centre, and linking back up to Macarthur Station. This would enable exponentially increased connectivity to the WSA and the Western Sydney Aerotropolis as proposed by the Greater Sydney Commission, the broader Western Sydney Employment Area, Western Sydney Science Park, St Marys and Penrith as well as the North West Growth Centre and other economic/employment nodes. Council refers to this as 'Option 6 extended'.

Council's preferred option is Option 6 Extended but incorporating (in order of priority):

- construction of a connection from the T2 Southern Line to the proposed South West Rail Link extension at Narellan via a proposed relocated Menangle Park Station as per the sketch plan shown as attachment 6 to this report. This proposal should incorporate provision for the required stabling of a limited number of trains as well as a turn back facility



- planning and construction of Option 1 linking with the South West Rail Line at Leppington
- construction of a new Y junction connector between the T2 Southern Line and the existing South West Rail Line located between Edmondson Park and Macquarie Fields stations as shown at attachment 7 to this report
- planning and construction of a Y junction connector between the north heading and south heading legs of the proposed South West Rail Line extension just west of the proposed station at Rossmore (in the Camden LGA) as shown at attachment 8 to this report
- extension of Option 6 connecting to Rouse Hill and the North West Growth Centre.

The draft submission also highlights the importance of supporting the extended rail network with a satellite commuter car parking station at Gregory Hills with the capacity to accommodate 1800 cars and a shuttle bus service to bring commuters into Campbelltown and Macarthur stations.

The option outlined above is considered to be the most appropriate for Western Sydney and particularly for the existing and future residents of the Campbelltown LGA and the broader Macarthur Region as it will significantly improve connectivity and access to employment, education, new and existing centres and promote further economic investment. In turn this will improve social equity and economic prosperity across the region.

The proposed option also compares favourably against a number of the strategic criteria against which the various rail options will be assessed:

- connectivity and city shaping
- environmental sustainability
- productivity
- social inclusion.

Details of how the preferred option addresses these criteria are provided in the draft submission at attachment 1 to this report.

## **Conclusion**

After considering and reviewing the Western Sydney Rail Needs Scoping Study - Discussion Paper and the WSRA submission, Council officers have prepared a draft submission which focusses more directly on the need for connectivity both within the Campbelltown LGA and broader regional connectivity and access for the existing and future residents of Campbelltown, the Macarthur Region and Greater Western Sydney.

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Council officers are of the view that the preferred rail option, as put forward in the body of this report, is the most strategic and effective mechanism to achieve optimal rail connectivity, assist in shaping the Campbelltown-Macarthur Strategic Centre, increase local and regional economic productivity and promote greater social equity and environmental sustainability.

### **Officer's Recommendation**

1. That Council note the information provided on the Western Sydney Rail Needs Scoping Study - Discussion Paper.
  2. That Council note the submission on the Western Sydney Rail Needs Scoping Study - Discussion Paper, prepared by Deloitte and ARUP on behalf of the Western Sydney Rail Alliance.
  3. That Council endorse the draft submission that has been prepared by Council officers in response to the Western Sydney Rail Needs Scoping Study - Discussion Paper (provided at attachment 1 to this report).
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## **9. QUESTIONS WITH NOTICE**

Nil at time of print.

## **10. RESCISSION MOTION**

**No rescission motion this round**

## **11. NOTICE OF MOTION**

### **11.1 Proposed Georges River Bush Cycle Track**

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Councillor Oates has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 8 November 2016.

1. That Council investigate the potential to establish a Georges River Bush Cycle Track from Glenfield to Wedderburn.
  2. That a report be presented including:
    - possible route and various access points
    - potential and existing sources of funding - Local, State, Federal and Non-Governmental Organisation
    - estimated initial construction costs and ongoing maintenance costs
    - suggested time frame and schedule
    - potential impediments to the development.
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## **11.2 Proposed extension of shelter structures**

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Councillor Chowdhury has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 8 November 2016.

That Council works with the Roads and Maritime Service to provide extensions to the shelter structures for both taxi drivers and passengers at Ingleburn Station and Minto Station to provide for increased numbers of users.

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### **11.3 Intersection of Minto and Ohlfsen Roads, Minto**

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Councillor Chowdhury has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 8 November 2016.

That Council investigate the incidence of traffic accidents at the intersection of Minto Road and Ohlfsen Road, Minto with a view to creating a roundabout or other safety device to address the serious accident history at this intersection.

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## **11.4 Trial program for Children on the Autism Spectrum**

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Councillor Chivers has given Notice in writing of her intention to move the following Motion at the next meeting of Council on 8 November 2016.

That Council investigate the feasibility of providing a program that could be trialled through the Library Services, that caters for children on the autism spectrum, that includes but is not limited to:

- a. considering timing options for the program, as well as how best to promote such a program to targeted audiences
  - b. obtaining advice from experts in programming for children on the autism spectrum on how this can best be delivered
  - c. providing a collection of resources for parents and carers of children on the autism spectrum.
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## 11.5 Design Excellence Panel

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Councillor Greiss has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 8 November 2016.

1. That Campbelltown City Council establish a Design Excellence Panel (DEP) to encourage high quality urban design within the Campbelltown Local Government Area (LGA). The panel will provide an independent and transparent specialist peer review of major urban development and high density dwellings within the LGA.
    - a. The Design Excellence Panel should comprise of five members consisting of, four professionals and one community representative, with membership open to:
      - o Well-known and respected professionals who are involved in the design of major projects and have extensive expertise in areas of architecture, urban design and/or landscape architecture; and
      - o A community representative with a demonstrated understanding and experience in architecture, urban design, landscape architecture or a related field.
      - o To ensure the Panel's independence, a Panel member cannot be a Councillor or council employee.
    - b. Expert members must not live or do business in the council area in a related field. Community representatives must live in the area, but not do business in the Campbelltown area in a related field.
  2. That the panel members' tenure should be limited to two years with an optional extension for another two years.
  3. That a selection committee be established to undertake the selection of panellists. The selection committee should include the Mayor or his/her Councillor, representative and one other Councillor. Two senior staff members and two distinguished independent people with knowledge of the development assessment system. All members of the selection committee to be approved by a council resolution.
  4. That the appropriate Policy and Procedure and Code of Conduct be developed in line with ICAC recommendations to ensure the panel demonstrate the highest ethical standards in the exercise of their duties and responsibilities, maintain the integrity of the panel and to provide for fair and transparent dealings in making decisions.
  5. That a report be presented to Council detailing the cost associated with the establishment and running of the panel including any honorariums, and the feasibility of any other options to ensure the best practice function of the panel.
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## 11.6 Independent Hearing and Assessment Panel

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Councillor Greiss has given Notice in writing of his intention to move the following Motion at the next meeting of Council on 8 November 2016.

1. That Campbelltown City Council establish an Independent Planning and Assessment Panel (IHAP) to provide an independent and transparent specialist peer review of the officers' assessment and recommendations to the Council/Councillors on development applications that are significant in size or complexity or have unresolved objections.

The IHAP must include the following characteristics:

The IHAP to consist of five members including the chair of the design panel, two professional members and one community member.

- a. The chairperson should be a renowned expert in one of the specialist fields or with experience in the Land and Environment Court.
  - b. A pool of panel members of at least ten independent experts and four community members should be established to enable random selection.
  - c. The pool should include experts in the fields of planning, design, law and environmental science, traffic/engineering, heritage, land economics and social planning.
  - d. To ensure the panel's independence and transparency, a panel member cannot be a Councillor or council employee.
2. That an expert members must not live or do business in the council area in a related field. Community representatives must live in the area, but not do business in the Campbelltown area in a related field.
  3. That the panel members' tenure should be limited to two years with an optional extension for another two years.
  4. That a selection committee be established to undertake the selection of panellists. The selection committee should include the Mayor or his/her Councillor representative, and one other Councillor, two senior staff members and two distinguished independent people with knowledge of the development assessment system. All members of the selection committee to be approved by a council resolution.
  5. That the appropriate Policy and Procedure and Code of Conduct be developed in line with ICAC recommendations to ensure the panel demonstrate the highest ethical standards in the exercise of their duties and responsibilities, maintain the integrity and transparency of the panel and to provide for fair dealings in making decisions.
  6. That a report be presented to Council detailing the cost associated with the establishment and running of the panel including any honorariums, and the feasibility of any other options to ensure the best practice function of the panel.
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## **12. URGENT GENERAL BUSINESS**

**No reports this round**

## **13. PRESENTATIONS BY COUNCILLORS**

## **14. CONFIDENTIAL REPORTS FROM OFFICERS**

### **14.1 Directors of Companies - City Development**

#### **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