

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 12 July 2016.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 12 July 2016

Present His Worship the Mayor, Councillor P Hawker (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
General Manager - Mrs L Deitz
Director Strategy - Mr J Lawrence
Acting Director Planning and Environment - Mr A Spooner
Acting Manager Development Services - Mr B Leo
Acting Manager Governance and Risk - Mr W Kear
Executive Assistant - Mrs K Peters

Apology (Matheson/Thompson)

That the apology from Councillor Greiss be received and accepted.

CARRIED

Also in Attendance

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

Councillor Mead

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Request for a State Environment Planning Policy for the Scenic Hills

Reporting Officer

Manager Environmental Planning

Attachments

1. Correspondence to the Minister for Planning (contained within this report)
2. Response letter from the Secretary of the Department of Planning and Environment (contained within this report)

Report

Council at its meeting held 16 February 2016 Council resolved:

That Council write to the Minister for Planning requesting that in consultation with Campbelltown City Council a State Environmental Planning policy be created to protect and preserve the environmental, historical, visual and rural landscape and character of the Scenic Hills consistent with the current Local Environmental Plan.

A copy of Council's correspondence to the Minister for Planning is provided in attachment 1.

Council at its meeting held 21 June 2016 considered this correspondence and resolved:

That a report be presented on the viability of Council preparing a planning proposal designed to protect the Scenic Hills from development.

On 20 May 2016, Council received a response to its letter from the Secretary of the Department of Planning and Environment, on the Minister's behalf (attachment 2).

Without specifically declining Council's request for a State Environmental Planning Policy (SEPP), the Secretary advised that should Council wish to make provision for additional matters to be considered as part of the assessment of future development applications with respect to land located within the Scenic Hills, a Planning Proposal (to amend the Campbelltown Local Environmental Plan, 2015) would be the appropriate mechanism to instigate such a Policy.

2.1 Request For A State Environment Planning Policy For The Scenic Hills

This response was taken up in further discussions between Council's Director City Growth and Economy and the Director Sydney Region West (NSW Planning and Environment). It was made clear by the Director Sydney West, that the Department would not support the creation of a specific State Environmental Planning Policy for the Scenic Hills. Council's Director City Growth and Economy raised the relevance (and significance) of a similar SEPP that was previously established for the Western Sydney Parklands area however, was advised by the Director Sydney West that this SEPP was currently in course of being repealed along with a number of other SEPP's as part of the Governments Policy Review Program.

Importantly, the Director Sydney West noted the potential for the forthcoming South West District Plan (being prepared by the Greater Sydney Commission) to address the issue of strategic planning for the Scenic Hills.

It is understood that District Plans will have statutory significance as part of the consideration of future local environmental plans, the assessment of development applications and the consideration of planning proposals.

Accordingly, it is imperative that Council make every effort to secure the appropriate recognition of the values of the Scenic Hills as part of the preparation of the South West District Plan and their protection from inappropriate development by means of clearly articulated planning outcomes.

In this regard, the Scenic Hills and the importance of this area to the community of Campbelltown has been tabled at earlier meetings of the development of the District Plan for Sydney's South West. The importance of the Scenic Hills, as a defining feature of the Campbelltown Area, has also been acknowledged by the District Commissioners. To this end, the importance of the Scenic Hills will continue to be placed high on the District Plan making agenda.

Officer's Recommendation

That Council make forward representation to the Greater Sydney Commission's District Commissioner for the South West to ensure the appropriate recognition of the values of the Scenic Hills be secured as part of the preparation of the South West District Plan, as well as protection from inappropriate development by means of clearly articulated planning outcomes consistent with Council's Planning position on the Scenic Hills.

Committee's Recommendation: (Lound/Thompson)

That the Officer's Recommendation be adopted.

Amendment: (Oates/Kolkman)

1. That Council make forward representation to the Greater Sydney Commission's District Commissioner for the South West to ensure the appropriate recognition of the values of the Scenic Hills be secured as part of the preparation of the South West District Plan, as well as protection from inappropriate development by means of clearly articulated planning outcomes consistent with Council's Planning position on the Scenic Hills.
2. That Council request the Director of Sydney Region West NSW Planning and Environment, Ms Catherine Van Laeren to address Council at the next available briefing evening.

CARRIED

Council Meeting 19 July 2016 (Hawker/Thompson)

That the Committee's Recommendation be adopted.

Amendment (Dobson/Thompson)

1. That Council make forward representation to the Greater Sydney Commission's District Commissioner for the South West to ensure the appropriate recognition of the values of the Scenic Hills be secured as part of the preparation of the South West District Plan, as well as protection from inappropriate development by means of clearly articulated planning outcomes consistent with Council's Planning position on the Scenic Hills.
2. That Council request the Director of Sydney Region West NSW Planning and Environment, Ms Catherine Van Laeren to address Council at the next available briefing evening.
3. That the Council send a delegation in to State parliament and to the Premier to request he acquires the privately owned CCT land and turn it into public parkland.

LOST

Council Minute Resolution Number 113

1. That Council make forward representation to the Greater Sydney Commission's District Commissioner for the South West to ensure the appropriate recognition of the values of the Scenic Hills be secured as part of the preparation of the South West District Plan, as well as protection from inappropriate development by means of clearly articulated planning outcomes consistent with Council's Planning position on the Scenic Hills.
 2. That Council request the Director of Sydney Region West NSW Planning and Environment, Ms Catherine Van Laeren to address Council at the next available briefing evening.
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ATTACHMENT 1



4 April 2016

The Hon Rob Stokes MP
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

Creation of a State Environmental Planning Policy for the Scenic Hills

Council has long promoted the strategic and environmental importance of the Scenic Hills, and the role that this landscape unit plays in providing:

- i) a buffer to the urban development areas of the Campbelltown, Camden and Liverpool Local Government Areas
- ii) a rural landscape backdrop to urban areas of Campbelltown.

When A Plan for Growing Sydney (Sydney Metropolitan Strategy) was released on 17 December, 2014 Council was encouraged that the Scenic Hills was finally identified in Sydney's principal strategic planning policy as potential parkland/reserve thereby reinforcing its strategic open space function, and its importance to the wider regional landscape.

The potential strategic link identified in the Sydney Metropolitan Strategy between the Western Sydney Parklands and the Australian Botanic Gardens - Mount Annan via the Scenic Hills supports the Council's long held views and strengthens the importance of this iconic landscape unit.

Unfortunately and despite the importance of this area and its significance to the greater Sydney region, this elevated significance has not prevented land owners from pursuing land uses within the Scenic Hills that are currently inconsistent with the Sydney Metropolitan Strategy and the objectives, zoning and development standards in Council's planning instruments for the Scenic Hills.

More recently, and in support of its long held desire to retain the visual landscape character of the Scenic Hills, Council resolved at its meeting on 16 February 2016 'not to support' two separate planning proposals which sought residential subdivision within the Scenic Hills.

In addition to 'not supporting' these planning proposal, Council also resolved:

- That Council oppose any urban, rural-residential or commercial development of the Scenic Hills that is not in line with the current zoning.

2.1 Request For A State Environment Planning Policy For The Scenic Hills

- That Council continues to oppose the planning proposal to permit a cemetery in the Scenic Hills.
- That Council continues to protect and preserve the Scenic Hills from Glenfield to Campbelltown.
- That Council write to the Minister for Planning requesting that in consultation with Campbelltown City Council a State Environmental Planning Policy be created to protect and preserve the environmental, historical, visual and rural landscape and character of the Scenic Hills consistent with the current Local Environment Plan.

These resolutions support and confirm Councils previous and consistent Policy position with regard to development within the Scenic Hills and further seek to strengthen planning controls via the creation of a State Environmental Planning Policy (SEPP).

The desire to create a SEPP to further protect the Scenic Hills is designed to send a strong policy message that the environmental, historical, visual and rural landscape character of the Scenic Hills are of significant importance, and are to be maintained and protected from further development that is inconsistent with the existing planning controls.

In this regard I would welcome a meeting with relevant staff from your department to discuss the creation of a SEPP that protects and preserves the environmental, historical, visual and rural landscape and character of the Scenic Hills, in accordance with Council's resolution. I would be happy to expand on any of the issues raised above and should you require any further information please contact me on 02 4645 4659.

Yours sincerely



Lindy Deitz
General Manager

ATTACHMENT 2



**Planning &
Environment**

16/04/2016 07:57:01 PM

Office of the Secretary

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

16/05573

Dear Ms Deitz

Thank you for writing to the Hon Rob Stokes MP, Minister for Planning, to discuss creating a State Environmental Planning Policy (SEPP) for the Scenic Hills Area. The Minister has asked me to reply on his behalf.

I appreciate that Council seeks to protect the environmental, historical, visual and rural landscape and character of the Scenic Hills area and your request for a SEPP. I note your comments regarding the strategic importance of Scenic Hills.

The Scenic Hills are largely zoned E3 Environmental Management under the LEP. This zone already provides considerable protection and limits to land uses through specific objectives. In addition the provisions for the Scenic Hills including scenic protection and escarpment preservation (cl. 7.6) and for development on steep land (cl. 7.8) provide another layer of protection. If Council wishes to provide additional considerations for development applications in the Scenic Hills, then a planning proposal would be appropriate.

In the meantime if you would like to discuss further protecting the Scenic Hills through a planning proposal, I have requested Catherine Van Laeren, Director Regions, Sydney Region West, to make herself available for a meeting. Mrs Van Laeren can be contacted on 02 9860 1520.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CA McNally', with a long horizontal line extending to the right.

Carolyn McNally
Secretary

18.5.16

2.2 Proposed Naming of a Park in the Willowdale Residential Development

Reporting Officer

Manager Environmental Planning

Attachments

Location plan (contained within this report)

Purpose

To seek Council's endorsement to publicly exhibit the proposed name of Willowdale Park, for a section of open space within the 'Willowdale' residential development in Denham Court.

History

On 27 January 2015, Council issued development consent for the construction of a district park and play area, associated earthworks, landscaping and car parking on Lot 3114 in DP 1195568, Jamboree Avenue, Denham Court. Council has now received a proposal from the developer (Stockland Development Pty Ltd) for a new name for this park.

Report

The name for this park proposed by Stockland is Willowdale Regional Park. The location and extent of the area proposed to be named is shown on the location plan included as attachment 1 to this report.

Council's policy on Parks, Reserves, Assets and Facilities Names

Council at its meeting held 21 June 2016, adopted the revised Parks, Reserves, Assets and Facilities Names Policy (the Policy) (Corporate Governance Committee Meeting Item 1.1).

The Policy contains a number of guiding principles that Council uses when naming parks. The proposed name Willowdale Regional Park generally complies with the guiding principles outlined in the Policy for the allocation of names.

However, when allocating names, Principle 1d) of this policy requires that a proposed name recognise the heritage of Campbelltown through the use of names of past residents and land grantees of the locality in which the park or reserve is located. Alternatively, Principle 1e) requires that a proposed name use traditional indigenous Australian names where appropriate, subject to agreement from the relevant indigenous communities. The proposed name for this park does not comply with either of those guiding principles.

Notwithstanding these guiding principles for the allocation of names, Principle 1.1b) of the Policy also allows a name to be allocated to an unnamed park to mark an important occasion or relationship.

With regards to Principle 1d), it is considered that it would be more appropriate to use the name of the original land grantee (William Cordeaux) and the names of other past residents when naming the parks and reserves which are proposed to be created closer to the location of the remains of Leppington Park House within this development.

With regards to Principle 1e), Council officers are currently liaising with a number of relevant indigenous groups and organisations, including the Tharawal Local Aboriginal Land Council, to compile a list of suitable words from the local Aboriginal language for the use in the future naming of roads and reserves. As this process is currently ongoing, it is considered that also seeking approval from these same groups and organisations for a single proposed name for this park at this time would not be appropriate.

In their proposal, Stockland state that their proposed park name represents an important link with the estate name of Willowdale which they have selected for this development. Stockland also state that, as the largest park within this area, the use of Willowdale in the name of this park will help cement it as an important amenity for the new residents of this residential development and also aid in its location by other visitors from the wider local area. It is therefore considered that the proposed name broadly complies with Principle 1.1b) by marking the relationship between it and the surrounding residential development.

Use of the designation Regional Park

Council's policy on Parks, Reserves, Assets and Facilities Names states that the designation to be included in an approved name is either Park or Reserve, whichever is the more euphonious with the preferred name. Where neither of these designations sounds appropriate, this policy also allows for the use of other designations such as sports complex.

The designation of Regional Park proposed by Stockland is not considered appropriate. As noted previously in this report, the development consent issued by Council for the proposed works in this area of open space was for the construction of a district park and the level of facilities that will be provided once works are completed are considered to be more in line with this level of classification of open space rather than a regional park. It is also anticipated that the future catchment area for this park will primarily be limited to the Willowdale residential development rather than the wider regional area.

In addition, it has been Council's practice not to include any designations relating to the classification of a park or reserve (such as regional, district or local) in names to avoid the possibility of having to go through the renaming process if the level of facilities changed in the future.

The designation Park is therefore considered more appropriate for use in the naming of this area of open space.

Conclusion

Having assessed this naming proposal against Council's policy on Parks, Reserves, Assets and Facilities Names and also the current guidelines for the determination of placenames issued by the Geographical Names Board of NSW, it is recommended that Council endorse the name Willowdale Park for the subject park.

Should Council endorse the name Willowdale Park, it is also recommended that this proposed reserve name be publicly exhibited by Council for 28 days to allow for community feedback. Should no objections be received during this period, it is recommended that Council complete the next step in the formal naming process by forwarding an application to the Geographical Names Board of NSW to have Willowdale Park assigned as the geographical name for the subject park. Should any objections be received during the exhibition period, a further report will be presented to the next available Council meeting.

Officer's Recommendation

1. That Council endorse the name Willowdale Park for the park situated on Jamboree Avenue and Baden Powell Avenue, Denham Court in the Willowdale residential development.
2. That Council publicly exhibit this naming proposal for a period of 28 days.
3. That should no objections to this naming proposal be received during the public exhibition period, Council submit an application to the Geographical Names Board of NSW to have the name Willowdale Park assigned as the geographical name for this park.

Committee's Recommendation: (Thompson/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

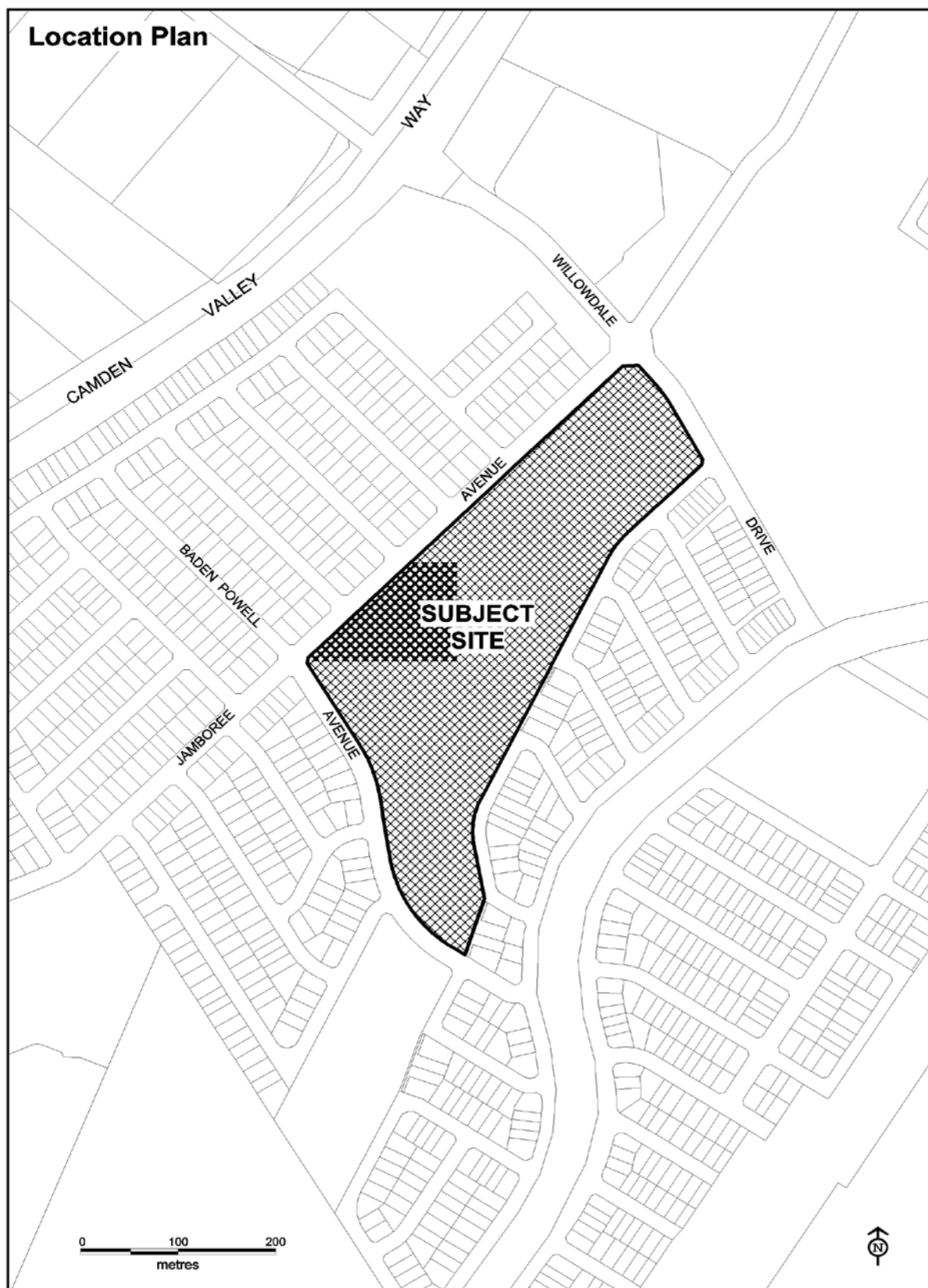
Council Meeting 19 July 2016 (Hawker/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 113

That the Officer's Recommendation be adopted.

ATTACHMENT 1



2.3 Campbelltown Heritage Study and Register Review

Reporting Officer

Manager Environmental Planning

Attachments

1. Heritage Study and Register Review (contained within this report)
2. Council Report and Resolution from its meeting held 12 April 2011 (contained within this report)

Purpose

To update Council on the implementation of actions from the Campbelltown Heritage Study and Register Review.

Report

In March 2009, Council appointed Paul Davies Pty Ltd Architects and Heritage Consultants to undertake a review of the existing Heritage Study and Register for the Campbelltown Local Government Area (LGA). The work was undertaken in accordance with NSW Heritage Council Guidelines and was timed to assist Campbelltown City Council with the preparation of the draft Campbelltown Local Environmental Plan (CLEP).

The review of Council's Heritage Study and Register was completed in December 2010 (attachment 1) and provided more detailed historic information, photographs and management guidelines for existing and potential heritage items in the Campbelltown LGA. The final document produced by the consultant included 23 specific recommendations for Council's consideration relating to the future management and listing of heritage items under the draft CLEP.

At its meeting on 12 April 2011, Council considered a report on the Campbelltown Heritage Study and Register Review and resolved to endorse the recommendations of the Review, subject to further consultation and no objection being raised by owners of properties nominated for heritage listing under the draft CLEP. A copy of the Council report and associated resolution is provided (attachment 2). This resolution required 24 specific actions to be undertaken by Council, some relating to the preparation of the draft CLEP.

At its meeting on 13 August 2013, Council considered a report on the draft CLEP and resolved to endorse the Plan for public exhibition in accordance with a Department of Planning direction made at that time to implement a general 'best-fit' approach. This resulted in the replication of the existing heritage schedule under the draft CLEP rather than; the expanded list of heritage items identified within the Heritage Study and Register Review endorsed by Council in 2011.

The final draft CLEP was considered and endorsed by Council at its meeting of 28 April 2015, which was later made as CLEP 2015. Following the operational commencement of CLEP 2015 on 11 March 2016, it has become apparent that a number of resolution items relating to Council's endorsement of the Heritage Study and Register Review in 2011 are still outstanding.

In this respect, the following table provides a summary of the status of each of the 24 components of the Council resolution on 14 April 2011. Relevant further recommendations are included at the right of the table, on how to proceed with the implementation of the outstanding actions from the Campbelltown Heritage Study and Register Review.

Resolution	Comments	Recommendation
1. That following the public exhibition a report be presented to Council that summarises the contents of the submissions received to the public exhibitions and that makes recommendations for Council's consideration as to any amendments or adjustments that should be made to the draft LEP based on all of the issues raised in the submission.	Completed - draft CLEP reported to Council 28 April 2015.	No further action required.
2. That Council include the draft proposed heritage items, as identified in the Campbelltown Heritage Study and Register Review (2010), in the new draft comprehensive LEP, subject to further consultation with the owners of the nominated properties and if at any stage, the owners object to the Heritage listing of their property then no further action be taken regarding that Heritage listing.	Outstanding - no new heritage items were included within the draft CLEP in accordance with Council resolutions of 13 August 2013 and 28 April 2015.	Consultation with owners of potential new items be undertaken as possible future amendment to CLEP 2015.
3. That Council include the draft proposed Schedule of Heritage Items (including groups and a heritage conservation area) as identified in the Campbelltown Heritage Study and Register Review (2010) in the new draft comprehensive LEP, subject to further consultation being undertaken with the owners of proposed new items.	Outstanding - no new heritage items were included within the draft CLEP in accordance with Council resolutions of 13 August 2013 and 28 April 2015.	Consultation with owners of potential new items be undertaken as possible future amendment to CLEP 2015.
4. That Council include heritage provisions in the Sustainable City Development Control Plan to guide the conservation of heritage items and ensure that any development is appropriate for the type of item, its heritage significance and its setting.	Completed - appropriate Heritage controls incorporated into Part 2.11 'Heritage Conservation' of SCDCP 2015 (11 March 2016), to complement new requirements under CLEP 2015.	No further action required.

Resolution	Comments	Recommendation
5. That Council include heritage provisions in the Sustainable City Development Control Plan that describe the principles for the design and siting of development to minimise the impact on the setting of a heritage item (or group) and its historic setting, and a requirement for a heritage curtilage study to be provided by the applicant with any application for subdivision that is likely to affect the curtilage of a heritage item, group or heritage conservation area.	Completed - appropriate heritage controls incorporated into Part 2.11 'Heritage Conservation' of SCDCP 2015 (11 March 2016). A heritage management document is required for any subdivision proposal likely to affect the heritage significance of a listed item or heritage conservation area under Clause 5.10 of CLEP 2015.	No further action required.
6. That Council include specific heritage provisions relating to the Queen Street Heritage Conservation Area and Group in the Sustainable City DCP, to assist in ensuring the ongoing protection of the significance of the heritage items in this area.	Completed - specific Heritage Controls for Queen Street Heritage Conservation Area incorporated into Volume 2 Part 4 'Site Specific Heritage Controls' of SCDCP 2015 (11 March 2016).	No further action required.
<p>7. Write to the NSW Department of Planning's Heritage Branch, after undertaking further consultation with the owners of the identified items, requesting that it consider listing on the State Heritage Register:</p> <ul style="list-style-type: none"> • The St Peters Anglican Church Group (including the church, rectory, stables, cemetery and Mawson Park) • The Reservoir, Cattle Tanks and Silt Traps (within Hurley Park) • The Old Campbelltown Court House • The Old Kendall Mill House (former Fisher's Ghost Restaurant) • The Milestones Group (along Campbelltown Road) • Meadowvale (at Gilead) • The Mount Gilead Group (at Gilead) • The Hilltop Special Schools (on part of the Hurlstone Agricultural High School site) • Menangle House (at Menangle Park). 	Outstanding - This action requires the proper investigation of the heritage significance of each nominated item in order to address the threshold criteria for State listing in accordance with NSW Heritage Office requirements. Additionally, the nomination of any new items would be subject to the concurrence of each respective land owner (in accordance with Council resolution).	That each of the nominated items be reviewed by an appropriately qualified and experienced Heritage Conservation Planner and outcomes of that review, be reported to the Council.

Resolution	Comments	Recommendation
<ul style="list-style-type: none"> amend the comprehensive LEP (as required) to reflect any changes to the endorsed significance of heritage items and groups listed within the LEP. 	Ongoing	Update CLEP as and when required to reflect changes in significance of heritage items.
<p>8. That Council:</p> <ul style="list-style-type: none"> proceed with the preparation of the new comprehensive LEP for the Campbelltown LGA using the existing curtilages for items listed on the State Heritage Register; write to the NSW Department of Planning's Heritage Branch, after undertaking further consultation with the owners of the identified items, requesting that it consider amending the State Heritage Register curtilages of Beulah, Macquarie Field House, Denfield, St Helens Park and Varroville, in accordance with Recommendation 7 of the Campbelltown Heritage Study and Register Review (2010) amend the comprehensive LEP (as required) to reflect any changes to the State Heritage Register curtilages of items included on that Register. 	<p>Completed</p> <p>Outstanding - this item is to be investigated in conjunction with Item 7 above.</p> <p>Ongoing</p>	<p>No further action required.</p> <p>That effective and comprehensive research and consultation with owners of identified items be undertaken in respect of any amendments to heritage items.</p> <p>Update CLEP as and when required to reflect changes to the State Heritage Register and any change in significance of heritage items.</p>
<p>9. That:</p> <ul style="list-style-type: none"> if Council is required to undertake an Archaeological Study for the Campbelltown LGA, in a future review of Council's LEP, that Council should consider applying for any funding assistance that may be available under the NSW Heritage Branch Heritage Grants Program to help fund the study; and, if funding for an Archaeological Study is limited, and subject to agreement from the NSW Department of Planning, the Archaeological Study could focus on the sites identified in the Campbelltown Heritage Study and Register Review (2010) as those sites likely to have high archaeological potential. 	No further action required - Council was not required to undertake an Archaeological Study for the LGA in the preparation of CLEP 2015.	No further action required.

Resolution	Comments	Recommendation
<p>10. That Council consider including a notation on the Section 149 Planning Certificates for properties that have been identified in the Campbelltown Heritage Study and Register Review (2010) as having high archaeological potential, subject to Council obtaining legal advice to determine if there are any unexpected ramifications for Council.</p>	<p>Council is complying with its statutory obligations for the disclosure of prescribed information on Section 149 Planning Certificates. This includes the identification of properties that are heritage listed and have archaeological potential. A review of whether the Council can include a notation on the 149 Planning Certificate for a property that is identified as having potential heritage value is to be undertaken as part of an overall legal review of Council's 149 Planning Certificate process.</p>	<p>As part of the legal review of Council's 149 Planning Certificate process, that legal advice be obtained on whether there are any circumstances that prevent the Council or otherwise contravene its legal powers if it were to include on a property's 149 Certificate, a note that the property is considered to have a 'high archaeological potential'.</p>
<p>11. That Council's Environmental Planning Section nominate a designated Senior Strategic Planner to:</p> <ul style="list-style-type: none"> undergo appropriate training to update the Heritage Study and Register; update the Heritage Study and Register as required; and send an updated copy of the electronic register to the NSW Department of Planning's Heritage Branch on an annual basis or whenever substantial changes have been made. 	<p>Partly completed - Council has updated its Heritage Study and Register in accordance with the resolutions of Council relating to the preparation of CLEP 2015.</p>	<p>That a qualified review and update of the Heritage Study and Register be undertaken.</p>
<p>12. That Council consider introducing a requirement for development applicants and other persons preparing Conservation Management Plans and Heritage Impact Statements to submit four hard copies of the documents and an electronic copy (in an appropriate format) to Council so that the information can be integrated into Council's Heritage Study and Register and add to the reference material available on heritage items within the Campbelltown LGA.</p>	<p>Ongoing - information being collated when applications lodged for future update of Heritage Study and Register.</p>	<p>That a qualified review and update of the Heritage Study and Register be undertaken.</p>

Resolution	Comments	Recommendation
13. That Council consider the appointment of a Heritage Advisor, and apply for funding from the NSW Department of Planning's Heritage Branch to assist with funding the position, should funding become available.	Outstanding	That Council engage an appropriately qualified Heritage planning resource to assist with implementation of actions outlined in this report and ongoing identification and management of Campbelltown's Heritage items, as resources permit.
14. That: <ul style="list-style-type: none"> continue to write annually to private owners of heritage items (within the Campbelltown LGA) to advise that they can apply for assistance under Council's Local Heritage Fund; and liaise with the NSW Department of Planning's Heritage Branch to ask that it write to the owners of Epping Forest to enforce the minimum standards for maintenance that apply to State listed heritage items. 	<p>Ongoing - Council undertakes this task on an annual basis to promote the Local Heritage Fund.</p> <p>Ongoing - a DA has been lodged for the site and Council is liaising with the property owner and their heritage consultant regarding maintenance issues. Applicant is currently liaising with the NSW Heritage Office.</p>	<p>Continue with current operational practices.</p> <p>Continue with current operational practices. No additional action required at this stage.</p>
15. That Council investigate future opportunities for funding to augment the Local Heritage Fund, and that application(s) be made to source this funding whenever funding is available.	Ongoing – routine operational responsibility.	Continue with current operational practices.
16. That Council: <ul style="list-style-type: none"> continue to write annually to private owners of heritage items (within the Campbelltown LGA) to advise that they can apply for assistance under Council's Local Heritage Fund consider, as a long-term project and subject to the required resources and funding being available, improving access to, and interpretation of, the Nepean River Reserve (including the Railway Bridge and Menangle Weir). 	<p>Ongoing - routine operational responsibility.</p> <p>Outstanding - can be considered as part of Council's current Open Space Review.</p>	<p>Continue with current operational practices.</p> <p>To be considered as part of Council's ongoing review of Open Space.</p>
17. That Council continue the current practice of investigating and applying for heritage assistance grants as they become available.	Ongoing - routine operational responsibility.	No additional action required.

Resolution	Comments	Recommendation
18. That Council consider, as a long-term project, options for enhancing the public appreciation of Council-owned heritage listed sites, as additional funds and resources become available.	Ongoing - routine operational responsibility.	No additional action required.
19. That Council consider, as a long-term project, the possibility of preparing or upgrading Conservation Management Plans (and Plans of Management, where appropriate), that include Heritage Maintenance Policies, for all Council-owned heritage properties, in consultation with relevant Council stakeholders.	Ongoing – currently being managed as a routine operational responsibility and subject to the necessary resources being available.	Continue with current operational practices.
20. That Council, subject to the necessary resources being available, upgrade and improve the heritage information provided on the Council, Council Library, and Quondong Visitor Information Centre websites. Improvements should include updating suburb history information, and providing links to heritage funding assistance information.	Ongoing - routine operational responsibility.	Continue with current operational practices.
21. That Council update the existing Heritage Walking Tour brochure and improve its online availability, as resources become available.	Ongoing - routine operational responsibility.	Continue with current operational practices.
22. That Council ensures that Heritage Week and History Week events are held annually.	Ongoing - routine operational responsibility.	Continue with current operational practices.
23. That Council investigate the possibility of providing links to Council's heritage information and publications on the website www.visitmacarthur.com.au	Completed - access links have been provided on the updated website www.macarthur.com.au to Campbelltown's Visitor Information Centre and Heritage Walking Tours for interested persons.	No additional action required
24. That Council, subject to the necessary resources and funding being available, continue to identify, investigate, assess and if appropriate, list items and places that are found to be of heritage significance, in consultation with the owners of the identified items and places.	Ongoing	That the ongoing identification, management and possible listing of Campbelltown's Heritage items be continued in consultation with owners of identified items.

Conclusion

Council's endorsement of the Campbelltown Heritage Study and Register Review at its meeting on 12 April 2011 resulted in the adoption of 24 specific recommendations relating to the preparation of the new CLEP and management of heritage items generally.

A review of the Council resolution has been undertaken and many of the endorsed recommendations have been completed or are continuing to be undertaken as a routine operational responsibility. However, a number of key recommendations remain outstanding, generally relating to the nomination of potential new heritage items and the administration of specific heritage projects.

In some cases, the completion of outstanding tasks may require the assistance of professionals with a more specialised level of expertise in the area of heritage planning and conservation. This may include the undertaking of a more detailed analysis of the heritage significance of particular items nominated for heritage listing, in order to provide the mandatory level of specialist evidence to the NSW Heritage Council that the nominated items achieve the prescribed threshold criteria for heritage listing. In this regard, the use of an appropriately qualified heritage planning and conservation resource to assist Council with its review of heritage items may be required on a case to case basis.

Officer's Recommendation

1. That Council continue the ongoing identification and management of Campbelltown's Heritage items and the assessment of Development Applications relating to heritage items and utilise the services of an expert heritage planning and conservation resource as the circumstances require.
 2. That Council continue to seek grant funding to assist with the ongoing identification and management of Campbelltown's Heritage items.
 3. That a review of the listings of each of the nominated heritage properties be undertaken prior to implementing the following actions:
 - a) write to the NSW Heritage Division, subject to the written concurrence being provided by the owners of the identified items, requesting that it consider listing: The St Peters Anglican Church Group (including the church, rectory, stables, cemetery and Mawson Park); The Reservoir, Cattle Tanks and Silt Traps (within Hurley Park); The Old Campbelltown Court House; The Old Kendall Mill House (former Fisher's Ghost Restaurant); The Milestones Group (along Campbelltown Road); Meadowvale (at Gilead); The Mount Gilead Group (at Gilead); The Hilltop Special Schools (on part of the Hurlstone Agricultural High School site); Menangle House (at Menangle Park) on the State Heritage Register.
 - b) write to the NSW Heritage Division, subject to the written concurrence being provided by the owners of the identified items, requesting that it consider amending the State Heritage Register curtilages of Beulah, Macquarie Field House, Denfield, St Helens Park and Varroville, in accordance with Recommendation 7 of the Campbelltown Heritage Study and Register Review (2010).
-

- c) update the Heritage Study and Register as required and send an updated copy of the electronic register to the NSW Department of Planning's Heritage Division whenever substantial changes have been made.

Committee's Recommendation: (Rowell/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 July 2016 (Hawker/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 113

That the Officer's Recommendation be adopted.

ATTACHMENT 1

TITLE CAMPBELLTOWN HERITAGE STUDY AND REGISTER REVIEW – ADDITIONAL INFORMATION

Attachments

1. Ingleburn Horse Trough - location of existing heritage item. (distributed under separate cover)
2. St Peter's Church Group - location and curtilage of the heritage item Group. (distributed under separate cover)
3. Campbelltown Railway Station - location and curtilage of the existing heritage item. (distributed under separate cover)

Report

At its meeting on 5 April 2011, the Planning and Environment Committee considered a report on the Campbelltown Heritage Study and Register Review. This report was Item 2.7 of the agenda. The purpose of this report is to clarify and provide further information regarding a number of questions that were raised during the Planning and Environment Committee Meeting. Each of the matters raised by the Planning and Environment Committee are addressed in the following paragraphs.

Questions Regarding Particular Heritage Items

1. Ingleburn Horse Trough

The Ingleburn Horse Trough (also known as the Annis and Bills Horse Trough) is an existing local heritage item. It is already listed under Campbelltown (Urban Area) Local Environmental Plan 2002, and it is recommended for inclusion in the new LEP. Its location is shown at Attachment 1.

2. St Peter's Anglican Church Group

The St Peter's Anglican Church Group is listed on the existing LEP (LEP 2002) as a heritage item. It includes the land occupied by the Church, the 19th Century (White House) Rectory, its stables (now used by the School) and the Cemetery. Several contemporary buildings of good architectural quality, including the current rectory, are included in the curtilage of the Group, but are not identified as significant structures.

Following a detailed investigation of the whole street block (which included both physical and historic research), the Study found that Mawson Park and the land between the Church and the Cemetery also have heritage significance and play an important part in the St Peter's Church Group. The Heritage Study recommends that:

- the existing heritage listings be retained (including the sites of the Church, Rectory, Stables and Cemetery);
 - Mawson Park be listed as a heritage item; and,
-

- The St Peter's Church Group also include Mawson Park and the land connecting the Church and the Cemetery.

St Peter's Church and Cemetery are amongst the oldest surviving churches and cemeteries in the State and together with Mawson Park, they form a Group which is likely to be of State heritage significance. The Heritage Study Review noted this and makes an additional recommendation that the Group also be referred to the NSW Heritage Council for further investigation and possible listing on the State Heritage Register. This process can proceed separately to the LEP listing.

The properties fronting Oxley Street (formerly occupied by the NSW Department of Health, part of the St Peter's School (including the oval) and the Funeral Home) were also investigated but none were found to have sufficient heritage significance to satisfy the criteria and they are not recommended for heritage listing as individual items or as part of the Group.

Attachment 2 shows the location and curtilage of the St Peter's Church Group (including Mawson Park).

3. Campbelltown Railway Station

The original buildings on the Campbelltown Railway Station are existing heritage items (LEP 2002). This listing is to be continued on the new LEP. The curtilage is shown on Attachment 3. It includes the historic buildings and the area of platform necessary to protect the setting of the historic buildings. It does not include the new railway bridge.

4. Varroville

Ms Jacqui Kirkby (one of the owners of Varroville), addressed the Planning and Environment Committee regarding the heritage item Varroville.

Ms Kirkby provided a letter in which she raised several issues including:

- The need to provide the full inventory sheet on Varroville to the NSW Heritage Council.

The full inventory sheets for all items will be provided to the Heritage Council as part of the terms of the funding agreement. If Council resolves to request that the Heritage Council consider extending the State Heritage Register curtilage of Varroville (or any other property identified in that recommendation) a second copy will be provided to the Heritage Council as part of the documentation.

- The area of land referred to the Heritage Council for inclusion on the State Heritage Register should include specified lots.

The intention of the Heritage Study Report was to refer to the whole of the original land grant and the wording of the relevant sections of the Heritage Study will be revised to make this clear.

The Scenic Hills

Ms Kirkby also addressed the Planning and Environment Committee in relation to the Scenic Hills not being recommended for listing as a heritage item.

During the preparation of the Heritage Study, the possibility of listing the Scenic Hills as a heritage item was investigated. Although the area is noted as being an aesthetically important cultural landscape which contains several individual heritage items, its scenic and

cultural landscape values derive mainly from the area's rural land uses and undeveloped character. These attributes can be protected most effectively through the identification of appropriate land uses and development controls in the new LEP rather than through a blanket heritage listing. The recently completed draft Visual and Landscape Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands explores this approach in detail, and a future briefing on this matter will be presented to Council.

Consultation with the owners of proposed new items

Consultation with the owners of the new heritage items (including the houses within the Soldier's Settlement Group) was undertaken at the commencement of the Heritage Study and Register Review. Where owners indicated that they did not wish for their properties to be investigated for heritage listing, these properties were removed from the review process. Further consultation will be undertaken (via written correspondence) with the owners of the new proposed heritage items during the preparation of the new draft LEP.

All owners (of both existing and proposed heritage items) will have the opportunity to comment or object during the formal public exhibition of the draft LEP.

Costs associated with the Campbelltown Heritage Study and Register Review

Managing heritage within the Campbelltown Local Government Area is part of Council's statutory obligation under the Environmental Planning and Assessment Act 1979 and the Heritage Act 1977.

As part of the preparation of its new comprehensive local environmental plan for the Campbelltown Local Government Area, Council is required to undertake a review of its existing Heritage Study and Heritage Listings. A total of \$65,227 was spent on the preparation of the draft Campbelltown Heritage Study and Register Review, with a grant of \$12,300 provided by the NSW Department of Planning's Heritage Branch to assist with the project. \$10,000 of the grant funds has been received and the remaining \$2,300 will be provided when the Heritage Branch has considered and accepted the draft Study. The cost has included the preparation of the Heritage Study Report and detailed inventory sheets for each existing and proposed heritage item, group and conservation area. It also includes the cost of the presentations of the findings and recommendations of the draft Heritage Study to Council's Heritage Protection Sub Committee and to Council.

The majority of the recommendations of the Heritage Study relate to matters Council is already required to fund as part of its statutory obligations as a local government authority or which can be absorbed using current resources. It also needs to be noted that, apart from the recommendations regarding heritage listings, the Heritage Study makes additional recommendations for Council to consider but does not state that Council must implement all of these. The additional matters identified in the following recommendations (8, 12, 14, 17, 18, 19, 20 and 23) will only be implemented should additional funds and resources become available, or (in the case of recommendation 8) if the NSW Department of Planning requires Council to undertake an additional study:

Recommendation	Details
8	<p>This recommendation relates to the possible requirement for Council to undertake an Archaeological Study as part of the five yearly review of the new LEP.</p> <p>The NSW Department of Planning may require Council to undertake this study at some time in the future (as other councils have already been required to undertake this type of study). The current LEP budget already</p>

	<p>notes that funding for this project may be required in the future.</p> <p>Recommendation 8 advises Council that if it is required to undertake an Archaeological Study, grant funding should be sought to assist in funding the project. It also advises Council that if the available funding is limited, any future study should focus on those sites likely to have high archaeological potential.</p>
12	<p>This recommendation asks Council to consider the appointment of a Heritage Advisor, should funding become available, and advises that Council may be eligible to apply for grant funding to assist with the costs of funding the position if it chooses to appoint a Heritage Advisor.</p>
14	<p>This Recommendation advises Council that it should continue to seek funding to augment its existing Local Heritage Fund, if and when this type of funding becomes available.</p> <p>Applying for this type of funding is a function which Council can absorb through its existing resources.</p>
17	<p>This recommendation asks Council to consider (in the long-term) options for enhancing public appreciation of Council owned heritage sites. It indicates that such actions should occur as funding and resources are available.</p>
18	<p>This recommendation asks that Council consider (as a long-term project) upgrading Conservation Management Plans and Plans of Management (that include Heritage Maintenance Policies) for all Council owned heritage properties.</p> <p>Maintaining heritage properties, and particularly those in its ownership, is part of Council's statutory obligations as a land owner and a local government authority. Recommending this task as a long-term project will allow any cost implications to be spread over a number of years.</p>
19	<p>This recommendation asks Council to consider upgrading the heritage information available on Council's websites, subject to the resources being available to do this work.</p> <p>Much of this work can be done using existing information and resources.</p>
20	<p>This recommendation asks that Council updates and improves the availability of the Heritage Walking Tour Brochure, when resources are available.</p> <p>Much of this work can be done using existing information and resources.</p>
23	<p>This recommendation asks that Council continue to update its heritage listings, subject to funding and resources being available.</p> <p>This recommendation reflects best practice and Council's statutory obligations as a local government authority. If Council adopts this recommendation, it is also likely to reduce the need to undertake extensive (and expensive) full reviews of the Heritage Study and Heritage Register in future.</p>

Grant funding is available periodically from the NSW Government's Heritage Branch and staff will pursue these grants in order to implement the above mentioned recommendations.

Officer's Recommendation

That the information be noted.

ATTACHMENT 2

7. REPORTS FROM COMMITTEES

PLANNING AND ENVIRONMENT

7.1 Minutes of the Planning and Environment Committee Meeting held 5 April 2011

It was **Moved** Councillor Kolkman, **Seconded** Councillor Oates that the report as a whole and the recommendations contained therein be adopted noting that under Section 375A of the Local Government Act, Items 3.2, 3.3, 3.4, 3.5 and 3.6 will be dealt with individually as voting is required to be recorded against these items and Item 3.1 will have to be dealt with separately as Councillor Rowell declared an interest in this Item.

It was **Moved** Councillor Kolkman, **Seconded** Councillor Oates that Item 12.1 - Campbelltown Heritage Study and Register Review - Additional Information - be brought forward and dealt with in conjunction with Item 2.7 - Campbelltown Heritage Study and Register Review.

WON and became part of the Motion.

An **Amendment** in regard to Item 2.7 - Campbelltown Heritage Study and Register Review was **Moved** Councillor Bourke **Seconded** Councillor Borg:

That Council endorses and adopts the findings and recommendations of the draft Campbelltown Heritage Study and Register Review 2010, and the following proposed implementation strategy for the recommendations of that Study noting that the preparation of the draft comprehensive LEP follows a direction from the NSW Department of Planning and Infrastructure. In addition to the Heritage Study and Register Review, a number of other studies are being prepared to provide recommendations about the content of the draft comprehensive LEP. It is also a requirement that supporting documents be placed on public exhibition when a draft LEP is made available for wide public examination, and that local residents, land owners and the broader community are provided with the opportunity to lodge formal written submissions on the draft comprehensive LEP:

1. That following the public exhibition a report be presented to Council that summarises the contents of the submissions received to the public exhibitions, and that makes recommendations for Council's consideration as to any amendments or adjustments that should be made to the draft LEP based on all of the issues raised in the submissions.
 2. That Council include the draft proposed heritage items, as identified in the Campbelltown Heritage Study and Register Review (2010), in the new draft comprehensive LEP, subject to further consultation with the owners of the nominated properties and if at any stage, the owners object to the Heritage listing of their property then no further action be taken regarding that Heritage listing.
-

3. That Council include the draft proposed Schedule of Heritage Items (including groups and a heritage conservation area) as identified in the Campbelltown Heritage Study and Register Review (2010) in the new draft comprehensive LEP, subject to further consultation being undertaken with the owners of proposed new items.
 4. That Council include heritage provisions in the Sustainable City Development Control Plan to guide the conservation of heritage items and ensure that any development is appropriate for the type of item, its heritage significance and its setting.
 5. That Council include heritage provisions in the Sustainable City Development Control Plan that describe the principles for the design and siting of development to minimise the impact on the setting of a heritage item (or group) and its historic setting, and a requirement for a heritage curtilage study to be provided by the applicant with any application for subdivision that is likely to affect the curtilage of a heritage item, group or heritage conservation area.
 6. That Council include specific heritage provisions relating to the Queen Street Heritage Conservation Area and Group in the Sustainable City DCP, to assist in ensuring the ongoing protection of the significance of the heritage items in this area.
 7. That Council:
 - Proceed with the preparation of the new comprehensive LEP for the Campbelltown LGA using the existing endorsed significance levels for heritage items and groups;
 - Write to the NSW Department of Planning's Heritage Branch, after undertaking further consultation with the owners of the identified items, requesting that it consider listing:
 - The St Peters Anglican Church Group (including the Church, Rectory, Stables, Cemetery and Mawson Park)
 - The Reservoir, Cattle Tanks and Silt Traps (within Hurley Park)
 - The Old Campbelltown Court House
 - The Old Kendall Mill House (former Fisher's Ghost Restaurant)
 - The Milestones Group (along Campbelltown Road)
 - Meadowvale (at Gilead)
 - The Mount Gilead Group (at Gilead)
 - The Hilltop Special Schools (on part of the Hurlstone Agricultural High School site)
 - Menangle House (at Menangle Park) on the State Heritage Register.
 - Amend the comprehensive LEP (as required) to reflect any changes to the endorsed significance of heritage items and groups listed within the LEP.
 8. That Council:
 - Proceed with the preparation of the new comprehensive LEP for the Campbelltown LGA using the existing curtilages for items listed on the State Heritage Register;
-

- Write to the NSW Department of Planning's Heritage Branch, after undertaking further consultation with the owners of the identified items, requesting that it consider amending the State Heritage Register curtilages of Beulah, Macquarie Field House, Denfield, St Helens Park and Varroville, in accordance with Recommendation 7 of the Campbelltown Heritage Study and Register Review (2010)
- Amend the comprehensive LEP (as required) to reflect any changes to the State Heritage Register curtilages of items included on that Register.

9. That:

- if Council is required to undertake an Archaeological Study for the Campbelltown LGA, in a future review of Council's LEP, that Council should consider applying for any funding assistance that may be available under the NSW Heritage Branch Heritage Grants Program to help fund the study; and,
- if funding for an Archaeological Study is limited, and subject to agreement from the NSW Department of Planning, the Archaeological Study could focus on the sites identified in the Campbelltown Heritage Study and Register Review (2010) as those sites likely to have high archaeological potential.

10. That Council consider including a notation on the Section 149 certificates for properties that have been identified in the Campbelltown Heritage Study and Register Review (2010) as having high archaeological potential, subject to Council obtaining legal advice to determine if there are any unexpected ramifications for Council.

11. That Council's Environmental Planning Section nominate a designated Senior Strategic Planner to:

- undergo appropriate training to update the Heritage Study and Register;
- update the Heritage Study and Register as required; and
- send an updated copy of the electronic register to the NSW Department of Planning's Heritage Branch on an annual basis or whenever substantial changes have been made.

12. That Council consider introducing a requirement for development applicants and other persons preparing Conservation Management Plans and Heritage Impact Statements to submit four hard copies of the documents and an electronic copy (in an appropriate format) to Council so that the information can be integrated into Council's Heritage Study and Register and add to the reference material available on heritage items within the Campbelltown LGA.

13. That Council consider the appointment of a Heritage Advisor, and apply for funding from the NSW Department of Planning's Heritage Branch to assist with funding the position, should funding become available.

14. That Council:

- Continue to write annually to private owners of heritage items (within the Campbelltown LGA) to advise that they can apply for assistance under Council's Local Heritage Fund; and
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- Liaise with the NSW Department of Planning's Heritage Branch to ask that it write to the owners of Epping Forest to enforce the minimum standards for maintenance that apply to State listed heritage items.
15. That Council investigate future opportunities for funding to augment the Local Heritage Fund, and that application(s) be made to source this funding whenever funding is available.
 16. That Council:
 - Continue to write annually to private owners of heritage items (within the Campbelltown LGA) to advise that they can apply for assistance under Council's Local Heritage Fund.
 - Consider, as a long-term project and subject to the required resources and funding being available, improving access to, and interpretation of, the Nepean River Reserve (including the Railway Bridge and Menangle Weir).
 17. That Council continue the current practice of investigating and applying for heritage assistance grants as they become available.
 18. That Council consider, as a long-term project, options for enhancing the public appreciation of Council-owned heritage listed sites, as additional funds and resources become available.
 19. That Council consider, as a long-term project, the possibility of preparing or upgrading Conservation Management Plans (and Plans of Management, where appropriate), that include Heritage Maintenance Policies, for all Council-owned heritage properties, in consultation with relevant Council stakeholders.
 20. That Council, subject to the necessary resources being available, upgrade and improve the heritage information provided on the Council, Council Library, and Quondong Visitor Information Centre websites. Improvements should include updating suburb history information, and providing links to heritage funding assistance information.
 21. That Council update the existing Heritage Walking Tour brochure and improve its online availability, as resources become available.
 22. That Council ensures that Heritage Week and History Week events are held annually.
 23. That Council investigate the possibility of providing links to Council's heritage information and publications on the website www.visitmacarthur.com.au
 24. That Council, subject to the necessary resources and funding being available, continue to identify, investigate, assess and if appropriate, list items and places that are found to be of heritage significance, in consultation with the owners of the identified items and places

WON and became part of the Motion.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

3. DEVELOPMENT SERVICES

3.1 Demolition of existing structures and construction of a four storey residential flat building comprising 28 apartments and two levels of basement car parking on the corner of Nardoo and Suffolk Streets, Ingleburn

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Landscape plans (contained within this report)
5. Elevations and external colours (contained within this report)
6. 3D perspective drawings (contained within this report)
7. Shadow diagrams (contained within this report)
8. Basement and floor plans (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
9. Detailed landscape plan (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)
10. Notification plan (distributed under separate cover - confidential - for privacy reasons this plan is not available to the public)

Purpose

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

Property Description	Lot D DP 373887 and Lots 1 and 2 DP 831402 Nos. 26 – 28 Nardoo Street and No. 6 Suffolk Street, Ingleburn
Application No.	3038/2015/DA-RA
Applicant	AAT Developers Pty Ltd
Owner	AAT Developers Pty Ltd
Provisions	State Environmental Planning Policy 65 - Design Quality of Residential Flat Development and its Apartment Design Guide State Environmental Planning Policy (BASIX) 2004 Campbelltown (Urban Area) Local Environmental Plan 2002

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

	Draft Campbelltown Local Environmental Plan 2014
	Campbelltown (Sustainable City) Development Control Plan 2014
Non-statutory	Campbelltown 2025 – Looking Forward
Provisions	Glenfield to Macarthur Corridor Strategy
Date Received	29 October 2015

Report

The application proposes the demolition of three existing dwellings and associated outbuildings and construction of a four storey residential flat building comprising 28 apartments and two basement car parking levels at Nos. 26 – 28 Nardoo Street and No. 6 Suffolk Street, Ingleburn.

The Site and Surrounds

The subject site is situated on the corner of Suffolk and Nardoo Streets and consists of three allotments with a total area of 1,725sqm. Each allotment contains a single storey dwelling and associated outbuildings.

Surrounding development predominantly includes low-rise single storey, detached and attached dwellings. The site is located on the south eastern side of Nardoo Street. The Ingleburn train station is located approximately 350 metres north-east of the site and the town centre is located a further 40 metres beyond that.

The site is relatively flat, with a small undulation and gradual fall towards the north.

The intersection of Nardoo and Suffolk Street is serviced by an existing roundabout.

The Proposal

Development consent is sought for the construction of a 28 apartment, four storey residential flat building that would contain the following apartment mix:

- 3 x one-bedroom apartments
- 22 x two-bedroom apartments
- 3 x three-bedroom apartments.

It is proposed to construct 38 car spaces including three accessible spaces, basement storage space, bicycle parking and plant equipment. The proposal also includes the removal of six on-site trees and the consolidation of the existing three lots into one lot.

Strata subdivision of the building is also included in the proposal and would be undertaken at the completion of the building's construction.

Vehicle access to the proposed residential flat building is provided via Nardoo Street. A waste room containing space for 1,100 litre bins in accordance with Council's requirements would be located on the ground floor.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

A communal open space area is provided on the ground floor which includes a shading structure, fixed seating area and an internal room. 10 bicycle spaces are located in the basement.

The building would be finished in an attractive palette of colours and materials and features a prominent architecturally designed skillion roof feature. Site landscaping and civil works relating to drainage and service provision complete the proposal.

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

1.2 Glenfield to Macarthur Corridor Strategy

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

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

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

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

The subject application proposes a building with a four storey height, which is not inconsistent with Council's current controls, however, could be considered an 'under development' under the height envisaged in the Strategy. It could also be reasonably argued that as this site is on the edge density residential area, its height might have been 'stepped down' to provide for a more progressive move to adjoining character area, being 'medium rise residential'.

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

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

1.3 Draft Ingleburn Structure Plan

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

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

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

Having regard to the above, it is considered that the proposed residential flat building is consistent with the draft Ingleburn Structure Plan.

2. Statutory Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a) requires Council to consider the application's compliance with planning objectives and controls. Relevant State and local planning controls and objectives are discussed in the following section of this report.

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

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) policy applies to the erection of a new residential flat building, and accordingly, the application has been assessed under the provisions of the Plan.

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

- (a) that he or she designed, or directed the design, of the residential flat development, and
- (b) that the design quality principles set out in Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

This certification has been provided by Nominated Registered Architect Nilesh Munot who is associated with Shobha Designs (NSW Architects Registration Board No. 7917).

Schedule 1 of the SEPP outlines nine design quality principles that apply to residential flat development. Under the SEPP, the qualified designer must verify that the design quality principles set out in the Schedule are achieved for the residential flat development.

The qualified designer has provided such verification. An assessment of the application against the design principles by Nilesh Munot is presented overleaf:

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

<p>Principle One: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Response</p> <p>The existing neighbourhood is characterised by single storey dwellings with some examples of two storey dwellings. The topography of the area is relatively flat and the site is located at an intersection with Nardoo Street and Suffolk Street. The proposed residential flat building will be the first such development in the area and will set the benchmark for future developments.</p> <p>The proposal will provide quality residential housing to suit the local market demand and will enable a greater number of people to have a healthy lifestyle by being situated within walking distance to the town centre and train station.</p> <p>Additionally, the proposal has considered the relatively flat site in the design by ensuring the floors are not separated by different levels and the proposed landscaping responds to the site topography.</p>
<p>Principle Two: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Response</p> <p>The proposed bulk and scale of the proposal is appropriate for the area given it is earmarked to provide a higher density living as envisaged in the draft Campbelltown LEP 2014 and the Draft Ingleburn Structure Plan to accommodate the future population. The proposed high quality design therefore responds to the future character of the area earmarked by these two planning policies.</p> <p>The amenity impacts to the adjacent residential properties are minimised utilising building separation and privacy mitigation measures.</p>

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<p>Principle Three: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>Response</p> <p>The proposal incorporates three x one-bedroom units, 22 x two-bedroom units and three x three-bedroom units. This proposed density is consistent with the projected housing targets for the area and is appropriate for the corner site.</p> <p>The location is well suited for easy access to schools, employment, transport and shops. A high level of amenity is proposed to each unit in terms of providing more than the minimum required unit sizes, sufficient natural ventilation, solar access, adequate storage, and private and communal open space.</p>
<p>Principle Four: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>Response</p> <p>A substantial deep soil area of 321.8sqm (36% of the site) is proposed across the site. Ample communal open areas are also provided on ground level. All apartments are provided with sufficient natural ventilation and solar access.</p> <p>The proposed plants are low maintenance and low maintenance materials and finishes are proposed. The proposed development achieves the required environmental outcomes set out in the BASIX Certificate.</p>
<p>Principle Five: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Response</p> <p>Two separate communal open spaces are proposed on the ground level, one is accessible via Suffolk Street and the other at the rear of the building. Proposed trees to be removed will be replaced by species suitable to the area.</p> <p>The proposed landscaping within the site will achieve a high level of amenity for residents while also improving the streetscape. It will also assist in the efficient management of stormwater disposal from the impervious areas within the site. The proposed landscaping will ensure privacy for the residents and for the neighbouring properties.</p>

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<p>Principle Six: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Response</p> <p>All above ground units are provided with a suitable sized balcony that allows solar access. The room size of each unit is considered appropriate and the internal layouts are well planned.</p> <p>Visual and acoustic privacy is provided for residents as well as the adjacent residential dwellings through various design techniques.</p> <p>Adequate storage is provided for all apartments and within the basement. Subsequently, the proposal will provide sufficient amenity for the residents and neighbours.</p>
<p>Principle Seven: Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Response</p> <p>In terms of safety, the main pedestrian entrance to the building is highly visible from Nardoo Street. Electronic access will be required into the building and basement using an intercom system.</p> <p>Appropriate lighting will be installed in the communal open space and other areas. Passive surveillance is promoted on the ground level by the proposed private open space areas facing Nardoo Street and the communal open space facing Suffolk Street.</p> <p>Proposed balconies and living areas on the upper levels facing the streets also encourage passive surveillance. Landscaping will be regularly maintained to ensure direct line of sight can be achieved.</p>
<p>Principle Eight: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>Response</p> <p>The proposed unit mix appropriately corresponds with the local market demand for different sized units. The proposed units will promote high amenity which will be an attractive housing choice for first home buyers, investors and young families.</p> <p>The proposed unit mix will therefore assist in promoting housing diversity. The proposed communal outdoor spaces encourage social interaction for residents and visitors.</p>

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Principle Nine: Aesthetics	Response
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposal offers a high quality design utilising a range of materials and finishes. It sets the benchmark for other similar developments, given it will be the first residential flat building in the immediate area. The closest residential flat building currently under construction is located approximately 800m away. The façade treatment has responded well to the two street frontages and also by visually separating the top level to the lower levels.</p> <p>This high quality design will create an interest to the area which is expected to undergo a transition to higher density housing over the next few years, as earmarked in the Draft LEP and Draft Structure Plan.</p>

2.2 Apartment Design Guide

Clause 30(2) of the SEPP states that:

- (2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:
 - (a) the design quality principles, and
 - (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

An assessment of the application against the relevant objectives and suggested controls provided in the Apartment Design Guide (ADG) below:

Design Criteria/Design Guidance	Proposal	Complies
<p>2F Building Separation</p> <p>Considerations</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms. 	<p>Min. 6m to habitable rooms, meaning that reciprocal setback on adjoining sites in the future will meet ADG recommended distances.</p>	<p>Yes</p>
<p>2G Street Setbacks</p> <p>Considerations</p> <p>To improve passive surveillance, promote</p>	<p>Street addressing balconies, street entry</p>	<p>Yes</p>

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Design Criteria/Design Guidance	Proposal	Complies
setbacks which ensure a person on a balcony or at a window can easily see the street.	location(s) are provided. Setbacks comply with DCP controls.	
2H Side and Rear Setbacks Considerations Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces. Test side and rear setbacks with the requirements for: <ul style="list-style-type: none"> • building separation and visual privacy • communal and private open space • deep soil zone requirements. 	Shadow diagrams provided – favourable aspect minimises impacts on neighbours. Discussed later – building is compliant with design guidelines for each.	Yes Yes
3A Site analysis Design Guidance Each element in the Site Analysis Checklist should be addressed.	Site analysis plan as per checklist provided. Notes prevailing winds, path of sun, site context plan.	Yes
3B Orientation Design Guidance Buildings along the street frontage define the street, by facing it and incorporating direct access from the street. Where the street frontage is to the east or west, rear buildings should be orientated to the north. Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west. Living areas, private open space and communal open space should receive solar access. Solar access to living rooms, balconies and private open spaces of neighbours should be considered. Where an adjoining property does not currently receive the required hours of solar access, the	Site benefits from two street frontages and the design will improve the streetscape. The main pedestrian and vehicular access is via Nardoo Street. Building is orientated to the west with living rooms on northern units facing north. Communal open space provided with adequate sunlight. Balconies provided with sunlight throughout various parts of the day. Adjoining properties currently receive required solar access.	Yes Yes Yes Yes

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Design Criteria/Design Guidance	Proposal	Complies
proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.		
It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	Achieved due to south of site is Suffolk Street. Overshadowing minimised.	Yes
A minimum of four hours of solar access should be retained to solar collectors on neighbouring buildings.	More than four hours achievable.	Yes
3C Public domain interface		
Design Guidance		
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.	Direct street access for ground level units not appropriate for the site.	Yes
Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.	Change in level not required because the land is relatively flat.	Yes
Upper level balconies and windows should overlook the public domain.	The majority of balconies and windows face the public domain.	Yes
Front fences and walls along street frontages should use visually permeable materials and treatments.	The front fences to ground floor units will be 1.8m high comprising of 600mm solid wall with a 1.2m high permeable slat fence on top.	Yes
The height of solid fences or walls should be limited to 1m. Length of solid walls should be limited along street frontages.	Proposed fence will be open style as mentioned above.	Yes
Opportunities should be provided for casual interaction between residents and the public domain.	Casual surveillance provided by proposed ground level gardens and upper level balconies facing the street.	Yes
Opportunities for people to be concealed should be minimised.	The design minimises such areas.	Yes
Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.	Appropriate level of planting proposed.	Yes
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual	Located on Nardoo Street next to basement entry ramp.	Yes

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Design Criteria/Design Guidance	Proposal	Complies
street entries are provided.		
The visual prominence of underground car park vents should be minimised and located at a low level where possible.	Vents are provided through garbage room and on the main driveway so it will not affect the visual appearance.	Yes
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	All such services provided in basement car park.	Yes
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	Appropriate use of ramps provided into building.	Yes
Durable, graffiti resistant and easily cleanable materials should be used.	High quality materials proposed.	Yes
3D Communal and public open space		
Design Criteria		
Communal open space has a minimum area equal to 25% of the site.	31% (540.3sqm).	Yes
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9.00am and 3.00pm on 21 June (mid-winter).	More than two hours provided.	Yes
Design Guidance		
Communal open space should be consolidated into a well designed, easily identified and usable area.	Proposed communal open space will be clearly legible and usable for residents.	Yes
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.	More than 3m in diameter provided.	Yes
Communal open space should be co-located with deep soil areas.	Deep soil planting is proposed in communal open space areas.	Yes
Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.	Equitable access proposed.	Yes
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.	Located on ground level.	Yes
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban	Proposed communal open space complies with the design criteria and design guidance.	Yes

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Design Criteria/Design Guidance	Proposal	Complies
area, they should:		
<ul style="list-style-type: none"> • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or • provide contributions to public open space. <p>Facilities are provided within communal open spaces and common spaces for a range of age groups incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms. <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.</p> <p>Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy.</p> <p>Communal open space should be well lit.</p> <p>Where communal open space/facilities are provided for children and young people they are safe and contained.</p> <p>The public open space should be well connected with public streets along at least one edge.</p> <p>Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.</p> <p>Solar access should be provided year round along with protection from strong winds.</p>	<p>Play and barbecue areas provided.</p> <p>Proposed communal open space is appropriately located given site conditions and microclimate.</p> <p>No visual impact created.</p> <p>Visual privacy maintained and proposed communal open space will be visible.</p> <p>Appropriate lighting to be installed.</p> <p>Proposed communal open space will encourage a safe environment.</p> <p>Direct connection to Suffolk Street provided.</p> <p>Appropriate connections proposed.</p> <p>Ample solar access and wind protection provided.</p> <p>The size of the communal open space</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Design Criteria/Design Guidance	Proposal	Complies						
<p>Opportunities for a range of recreational activities should be provided for people of all ages.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas.</p>	<p>encourages numerous activities.</p> <p>One portion faces Suffolk Street.</p> <p>Appropriate fencing will be provided.</p>	<p>Yes</p> <p>Yes</p>						
<p>3E Deep soil zones</p> <p>Design Criteria</p> <p>Deep soil zones are to meet the following minimum requirements:</p> <p>> 1,500sqm – 6m dimensions and deep soil zone - 7%</p> <p>Design Guidance</p> <p>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> 10% of the site as deep soil on sites with an area of 650sqm - 1,500sqm 15% of the site as deep soil on sites greater than 1,500sqm. <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees.</p>	<p>Approximately 35% (621.8sqm).</p> <p>Proposal exceeds recommended 15%.</p> <p>Existing large trees in corners of site would be retained.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>						
<p>3F Visual privacy</p> <p>Design Criteria</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <tr> <td>Building height</td><td>Habitable rooms and balconies</td><td>Non-habitable rooms</td></tr> <tr> <td>Up to 12m (four storeys)</td><td>6m</td><td>3m</td></tr> </table> <p>Design Guidance</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (four storeys)	6m	3m	<p>Habitable rooms and balconies- >6m</p> <p>Non-habitable rooms- >3m</p>	<p>Yes</p>
Building height	Habitable rooms and balconies	Non-habitable rooms						
Up to 12m (four storeys)	6m	3m						

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Design Criteria/Design Guidance	Proposal	Complies
Generally one step in the built form as the height increases due to building separations is desirable.	Four storeys only, adjoining two roads – step down provided by roads.	Yes
Additional steps should be careful not to cause a 'ziggurat' appearance.	Not proposed.	
New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings.	Visual privacy maintained due to window locations and louvres on balconies.	Yes
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping.	Adjoining sites are zoned the same - R4.	Yes
Direct lines of sight should be avoided for windows and balconies across corners.	Line of sight preserved.	Yes
Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.	Clear separation proposed due to fences. Habitable room windows face communal open space to achieve compliance with BASIX.	Yes
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Habitable rooms separated from service areas.	Yes
Balconies and private terraces should be located in front of living rooms to increase internal privacy.	Proposed.	Yes
Windows should be offset from the windows of adjacent buildings.	Window offsets proposed.	Yes
Recessed balconies and/or vertical fins should be used between adjacent balconies.	Not required as habitable rooms separate the unit balconies.	Yes
3G Pedestrian access and entries		
Design Guidance		
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	Main entrance provided via Nardoo Street and side entrance provided via Suffolk Street.	Yes
Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	Suitable entry locations proposed.	Yes

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Design Criteria/Design Guidance	Proposal	Complies
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	Private and communal entries to be clearly defined.	Yes
Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.	Only one building proposed on the site.	Yes
Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.	Main foyer area visible from Nardoo Street.	Yes
The design of ground floors and underground car parks minimise level changes along pathways and entries.	Direct pathways proposed on ground floors. This is also required for accessible units.	Yes
Steps and ramps should be integrated into the overall building and landscape design.	Front ramp appropriately integrated in landscape.	Yes
For large developments 'way finding' maps should be provided to assist visitors and residents.	To be provided at the main entry foyer – condition of consent imposed.	Yes
For large developments electronic access and audio/video intercom should be provided to manage access.	To be provided at the outside door to main entry foyer.	Yes
Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.	Suitable pedestrian links provided through the site.	Yes
Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	Appropriate pedestrian links proposed.	Yes

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Design Criteria/Design Guidance	Proposal	Complies
<p>3H Vehicle access</p> <p>Design Guidance</p> <p>Car park access should be integrated with the building's overall facade.</p> <p>Car park entries should be located behind the building line.</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access should be located on secondary streets or lanes where available.</p> <p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare to habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections.</p> <p>The width and number of vehicle access points should be limited to the minimum.</p> <p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Pedestrian and vehicle access should be separated and distinguishable.</p>	<p>Proposed basement entrance is integrated with building façade.</p> <p>Located behind building line.</p> <p>Appropriate location for the basement entrance.</p> <p>Basement entrance via Nardoo Street is considered suitable.</p> <p>Not proposed.</p> <p>Habitable rooms not located directly facing basement access point.</p> <p>Adequate distance proposed.</p> <p>One access point proposed via Nardoo Street.</p> <p>Visual impact avoided due to driveway design.</p> <p>Garbage room is located within the building.</p> <p>Clear sight lines proposed.</p> <p>The main pedestrian entrance to the building is well setback from the basement access.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3J Bicycle and car parking</p> <p>Design Criteria</p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a 		

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Design Criteria/Design Guidance	Proposal	Complies
railway station in the Sydney Metropolitan Area.	All required car parking to be accommodated in the basement.	Yes
The car parking needs for a development must be provided off street.		
Design Guidance		
Where less car parking is provided in a development, council should not provide on street resident parking permits.	The required amount of car parking is provided within the site, no permits in CCC in any case.	Yes
Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Provided in the basement.	Yes
Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.	Facilities appropriately located within the basement.	Yes
Direct, clearly visible and well lit access should be provided into common circulation areas.	Proposed – also included in conditions of consent.	Yes
A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.	Proposed.	Yes
For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards.	Safe pedestrian access provided in the basement.	Yes
Excavation should be minimised through efficient car park layouts and ramp design	Excavation minimised.	Yes
Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.	The proposed car parking layout is appropriate.	Yes
Protrusion of car parks should not exceed 1m above ground level.	Car park proposed below ground level.	Yes
Design solutions may include stepping car park levels or using split levels on sloping sites.	Not required as the site is relatively flat.	Yes
Natural ventilation should be provided to basement and sub-basement car parking areas.	Natural vents are proposed.	Yes
Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.	Ventilation grills will be located on small portion of driveway wall.	Yes
On-grade car parking should be avoided.	All parking is located in basement.	Yes
Positive street address and active frontages	Landscaping, pedestrian entrances and private open space areas proposed on	Yes

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Design Criteria/Design Guidance	Proposal	Complies
should be provided at ground level.	ground level.	
<p>4A Solar and daylight access</p> <p>Design Criteria</p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two hours direct sunlight between 9.00am and 3.00pm at midwinter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at midwinter.</p> <p>Design Guidance</p> <p>The design maximises north aspect and the number of single aspect south facing apartments is minimised.</p> <p>Single aspect, single storey apartments should have a northerly or easterly aspect.</p> <p>Living areas are best located to the north and service areas to the south and west of apartments.</p> <p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows. <p>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1sqm of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</p> <p>Achieving the design criteria may not be possible on some sites. This includes:</p> <ul style="list-style-type: none"> • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the 	<p>85.7%</p> <p>14.3%</p> <p>Proposed north-facing units have living rooms orientated towards the north. Proposed south- facing units have living rooms orientated towards the east and west.</p> <p>Proposed where possible.</p> <p>Proposed where possible.</p> <p>Appropriate amount of direct sunlight provided.</p> <p>Proposal complies for all apartments receiving direct sunlight.</p> <p>Proposal complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
<p>noise source</p> <ul style="list-style-type: none"> on south facing sloping sites where significant views are oriented away from the desired aspect for direct sunlight. <p>Opportunities for reflected light into apartments are optimised through:</p> <ul style="list-style-type: none"> reflective exterior surfaces on buildings opposite south facing windows positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light light coloured internal finishes. <p>A number of the following design features are used:</p> <ul style="list-style-type: none"> balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting horizontal shading to north facing windows vertical shading to east and particularly west facing windows operable shading to allow adjustment and choice. 	<p>Internal colour palette to respect ADG's recommendation.</p> <p>Shading devices proposes, would also be used for privacy, balconies at upmost level provided with shading devices.</p>	<p>Yes</p> <p>Yes</p>
<p>4B Natural ventilation</p> <p>Design Guidance</p> <p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Light wells are not the primary air source for habitable rooms.</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> adjustable windows with large effective 	<p>Building orientation maximises natural ventilation.</p> <p>Proposed.</p> <p>At least 5% provided.</p> <p>No light wells proposed.</p> <p>Provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
<p>openable areas</p> <ul style="list-style-type: none"> a variety of window types that provide safety and flexibility such as awnings and louvres windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors. 		
Apartment depths are limited to maximise ventilation and airflow.	Apartment depths are limited.	Yes
<p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells. 	Stack ventilation shall be provided to bathroom and laundries.	Yes
Design Criteria		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	60.7% (17 units).	Yes
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Less than 18m.	Yes
Design Guidance		
The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	Provided where possible.	Yes
In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side).	Window and opening sizes approximate each other where available.	Yes
Apartment depths are designed to minimise the number of corners, doors and rooms that might obstruct airflow.	Apartment depths designed to minimise these elements.	Yes
Apartment depths, combined with appropriate	Cross ventilation and airflow maximised by the design and the building's location	Yes

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies			
ceiling heights, maximise cross ventilation and airflow.	on a street corner.				
4C Ceiling heights Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable rooms</td><td>2.4m</td></tr></table> Design Guidance Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.	Habitable rooms	2.7m	Non-habitable rooms	2.4m	
Habitable rooms	2.7m				
Non-habitable rooms	2.4m				

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies						
<p>Design Criteria</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> 3.6m for studio and one bedroom apartments 4m for two and three bedroom apartments. The width of cross-over or cross- through apartments are at least 4m internally to avoid deep narrow apartment layouts. <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.</p> <p>All bedrooms allow a minimum length of 1.5m for robes.</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.</p> <p>Apartment layouts allow flexibility over time, design solutions may include various options.</p>	<p>Bedrooms less than maximum depth permissible.</p> <p>Less than 8m depth when measured from the distance from the back of the kitchen wall to the first opening i.e. the sliding door to the side of the living room.</p> <p>Mostly complies except for bed 2 in unit 3 - 8.9sqm and bed 3 in units 2.5, 3.5, 4.5 - 9sqm.</p> <p>Proposal complies.</p> <p>Proposal complies.</p> <p>More than 1.5m length for each unit.</p> <p>Provided for each unit.</p> <p>Flexible apartment layouts provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes, generally</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>						
<p>4E Private open space and balconies</p> <p>Design Criteria</p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Apartment type</th><th>Min. area</th><th>Min. depth</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>4sqm</td><td>-</td></tr> </tbody> </table>	Apartment type	Min. area	Min. depth	Studio	4sqm	-	<p>Ground level courtyard spaces between 36.5sqm to 61.4sqm. Upper level</p>	<p>Yes</p>
Apartment type	Min. area	Min. depth						
Studio	4sqm	-						

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance			Proposal	Complies
One bedroom	8sqm	2m	balcony sizes range from 11.24sqm to 15.71sqm – depths okay	
Two bedroom	10sqm	2m		
Three + bedroom	12sqm	2.4m		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony.			Private open space dedicated to each ground floor unit.	Yes
It must have a minimum area of 15sqm and a minimum depth of 3m.			More than 15sqm and depth of 3m proposed.	Yes
Design Guidance				
Increased communal open space should be provided where the number or size of balconies are reduced.			Adequate sized communal open space is provided.	Yes
Storage areas on balconies is additional to the minimum balcony size.			No storage on balconies proposed.	Yes
Natural ventilation also needs to be demonstrated.			Natural ventilation proposed.	Yes
Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.			Proposed for each unit.	Yes
Private open spaces and balconies predominantly face north, east or west.			The majority of the units face these directions.	Yes
Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.			Longer side faces outwards.	Yes
Solid, partially solid or transparent fences and balustrades are selected to respond to the location.			Suitable balustrades and fences to be used.	Yes
They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony.			Balconies designed to encourage passive surveillance and allow views.	Yes
Solid and partially solid balustrades are preferred.			A range of solid and transparent balustrades is proposed.	Yes
Full width full height glass balustrades alone are generally not desirable.			Only corner balconies have part glass and part solid balustrade.	Yes
Projecting balconies should be integrated into the building design and the design of soffits considered.			Balconies are integrated with the building design.	Yes

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
Downpipes and balcony drainage are integrated with the overall facade and building design.	Proposed.	Yes
Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	Condition of consent to be imposed.	Yes
Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.	Condition of consent to be imposed.	Yes
Ceilings of apartments below terraces should be insulated to avoid heat loss.	Insulation installed to these units.	Yes
Water and gas outlets should be provided for primary balconies and private open space.	To be provided at CC stage.	Yes
Changes in ground levels or landscaping are minimised.	Minimal changes proposed.	Yes
Design and detailing of balconies avoids opportunities for climbing and falls.	Suitable balcony designs to avoid such activities.	Yes
4F Common circulation and spaces		
Design Criteria		
The maximum number of apartments off a circulation core on a single level is eight.	Seven units proposed on each level.	Yes
Design Guidance		
Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.	Appropriate corridor widths and ceiling heights proposed.	Yes
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.	Not proposed.	No
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.	Not proposed.	No
Longer corridors greater than 12m in length from the lift core should be articulated.	Less than 12m from lift core.	Yes
Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	Common circulation designed to achieve different unit layouts.	Yes

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies										
<p>Achieving the design criteria for the number of apartments off a circulation core may not be possible.</p> <p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.</p> <p>Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.</p> <p>Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.</p> <p>Tight corners and spaces are avoided.</p> <p>Circulation spaces should be well lit at night.</p> <p>Legible signage should be provided for apartment numbers, common areas and general wayfinding Incidental spaces.</p>	<p>Design criteria achieved - seven units on each level.</p> <p>Not proposed.</p> <p>Owners corporation to encourage low noise in common circulation areas.</p> <p>Direct and legible access provided.</p> <p>No such building elements proposed.</p> <p>Appropriate level of lighting proposed.</p> <p>Appropriate signage to be installed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>										
<p>4G Storage</p> <p>Design Criteria</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Apartment type</th><th>Min. volume</th></tr><tr><td>Studio</td><td>4 m³</td></tr><tr><td>One bedroom</td><td>6 m³</td></tr><tr><td>Two bedroom</td><td>8 m³</td></tr><tr><td>Three bedroom</td><td>10 m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p> <p>Design Guidance</p> <p>Storage is accessible from either circulation or living areas.</p> <p>Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.</p>	Apartment type	Min. volume	Studio	4 m ³	One bedroom	6 m ³	Two bedroom	8 m ³	Three bedroom	10 m ³	<p>Not proposed Between 7m³ and 7.7m³ Between 8.3m³ and 11.8m³ Between 11.4m³ and 12m³</p> <p>No apartments contain 50% within the unit.</p> <p>Accessible via both in most units.</p> <p>No storage on balconies – condition of consent recommended.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>
Apartment type	Min. volume											
Studio	4 m ³											
One bedroom	6 m ³											
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Three bedroom	10 m ³											

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
Left over space such as under stairs is used for storage.	Proposed.	Yes
Storage not located in apartments is secure and clearly allocated to specific apartments.	Storage allocated to each unit provided in basement.	Yes
Storage is provided for larger and less frequently accessed items.	Available for these types of items.	Yes
Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.	Storage areas will be accessible.	Yes
Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.	Storage located in basement, not visible.	Yes
4H Acoustic privacy		
Design Guidance		
Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses.	Adequate building separation provided.	Yes
Window and door openings are generally orientated away from noise sources.	Window and door openings strategically located.	Yes
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	Proposed.	Yes
Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.	Unit layouts designed to buffer noise.	Yes
The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.	Party walls limited and to be insulated in accordance with BCA.	Yes
Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	More than 3m distance to bedrooms.	Yes
Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:	Apartment layouts designed appropriately.	Yes

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
<ul style="list-style-type: none"> rooms with similar noise requirements are grouped together doors separate different use zones wardrobes in bedrooms are co-located to act as sound buffers. <p>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:</p> <ul style="list-style-type: none"> double or acoustic glazing acoustic seals use of materials with low noise penetration properties continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements. 	Acoustic mitigation measures installed where required	Yes
<p>4K Apartment mix</p> <p>Design Guidance</p> <p>A variety of apartment types is provided.</p> <p>The apartment mix is appropriate taking into consideration the distance to public transport, schools and employment.</p> <p>Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi- generational families and group households.</p> <p>Different apartment types are located to achieve successful facade composition and to optimise solar access.</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.</p>	<p>Three x one-bedroom units, 22 x two-bedroom units and three x three-bedroom units.</p> <p>Appropriate mix of units is provided given the characteristics of the area.</p> <p>Various apartment layouts are proposed to cater for different types of households.</p> <p>Proposed.</p> <p>Larger apartments throughout building but generally located on corners.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4L Ground floor apartments</p> <p>Design Guidance</p> <p>Direct street access should be provided to ground floor apartments.</p>	Ground floor units will have direct street access from private open space.	Yes

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
Activity is achieved through front gardens, terraces and the facade of the building.	Private and communal open space provided on ground level.	Yes
Privacy and safety should be provided without obstructing casual surveillance.	Proposed.	Yes
Solar access should be maximised through: <ul style="list-style-type: none"> high ceilings and tall windows trees and shrubs that allow solar access in winter and shade in summer. 	Solar access maximised due to taller sliding windows for living areas, landscape plan consistent with design guide.	Yes
4M Facades		
Design Guidance		
Design solutions for front building facades may include: <ul style="list-style-type: none"> a composition of varied building elements a defined base, middle and top of buildings revealing and concealing certain elements changes in texture, material, detail and colour to modify the prominence of elements. 	Proposed building faces two street frontages and the façade includes a number of building elements and materials including separation of the upper levels to the top level.	Yes
Building services should be integrated within the overall façade.	Building services to be integrated – condition imposed.	Yes
Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.	Proposed building scale is encouraged through building envelope controls.	Yes
Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.	Can be achieved.	Yes
Building entries should be clearly defined.	Entrance on Nardoo Street is clearly defined due to the awning structure and pedestrian access elements.	Yes
Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.	The site is located on a corner and it is agreed that its corner position is celebrated via a wide variety of attractive materials and colours as well as architectural building features.	Yes
The apartment layout should be expressed externally through facade features such as party walls and floor slabs.	Façade features achieve this expression.	Yes

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
<p>4N Roof design</p> <p>Design Guidance</p> <p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings. <p>Roof treatments should be integrated with the building design.</p> <p>Roof design maximises solar access to apartments during winter and provides shade during summer.</p>	<p>The proposed roof relates to the street. Skillion elements proposed that provide an interesting streetscape appearance and highlight the building's architectural merit.</p> <p>Roof treatments integrated with the building.</p> <p>Solar access maximised due to roof design.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4O Landscape design</p> <p>Design Guidance</p> <p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p> <ul style="list-style-type: none"> • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls. <p>Ongoing maintenance plans should be prepared.</p> <p>Microclimate is enhanced by:</p> <ul style="list-style-type: none"> • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards • tree and shrub selection considers size at maturity and the potential for roots to compete. 	<p>Proposed landscaping designed to be sustainable.</p> <p>To be prepared by owners corporation – condition of consent imposed.</p> <p>Choice of plant species and their locations are to enhance the microclimate – landscape plan submitted by practising professional designer.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
<p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> • changes of levels • views • significant landscape features including trees and rock outcrops. <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> • tree protection zones • appropriate signage and fencing during construction. <p>Plants selected should be endemic to the region and reflect the local ecology.</p>	<p>Suitable landscaping in response to the site conditions.</p> <p>Condition imposed requiring protection and preservation of trees that are to be kept on site.</p> <p>Landscape plan okay.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4P Planting on structures</p> <p>Design Guidance</p> <p>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> • drought and wind tolerance • seasonal changes in solar access • modified substrate depths for a diverse range of plants • plant longevity. <p>A landscape maintenance plan is prepared</p> <p>Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> • changing site conditions • soil profile and the planting regime • whether rainwater, stormwater or recycled grey water is used. <p>Building design incorporates opportunities for planting on structures.</p>	<p>Appropriate selection of plants chosen.</p> <p>Condition imposed.</p> <p>Creepers/green wall on two walls of garbage room.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4Q Universal design</p> <p>Design Guidance</p> <p>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.</p>	<p>21% (six units).</p>	<p>Yes</p>

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
Adaptable housing should be provided in accordance with the relevant council policy.	DCP requires 10% of dwellings to be adaptable - 11% (three units) to be provided on ground level.	Yes
Apartment design incorporates flexible design solutions which may include: <ul style="list-style-type: none"> rooms with multiple functions dual master bedroom apartments with separate bathrooms larger apartments with various living space options open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom. 	Flexible internal layouts proposed for adaptable units.	Yes
4U Energy efficiency Design Guidance Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access). Well located, screened outdoor areas should be provided for clothes drying. A number of the following design solutions are used: <ul style="list-style-type: none"> rooms with similar usage are grouped together natural cross ventilation for apartments is optimised natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible. 	Appropriate level of natural light is provided. Clothes lines to be located in communal open space. All these principles are optimised for the proposal.	Yes Yes Yes
4V Water management and conservation Design Guidance Water efficient fittings, appliances and wastewater reuse should be incorporated. Apartments should be individually metered. Rainwater should be collected, stored and reused on site. Drought tolerant, low water use plants should be used within landscaped areas.	Proposed as per BASIX Certificate. To be detailed at CC stage. Reuse tanks proposed. Proposed as per landscape plan.	Yes Yes Yes Yes

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Design Criteria/Design Guidance	Proposal	Complies
<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation porous and open paving materials is maximised on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits. 	Stormwater plan shows compliance – also condition(s) recommended	Yes
<p>4W Waste management</p> <p>Design Guidance</p> <p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared.</p> <p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p>	<p>Garbage room located within building on ground level.</p> <p>Proposed.</p> <p>Direct bin manoeuvrability proposed.</p> <p>Space in garbage room may be provided.</p> <p>Submitted with application and referenced in recommended condition.</p> <p>Provided in unit kitchens.</p> <p>Located adjacent to lift on each floor.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4X Building maintenance</p> <p>Design Guidance</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> roof overhangs to protect walls hoods over windows and doors to protect openings 	Roof overhang provided, window awnings/hoods as per BASIX. No planter boxes provided.	Yes

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Design Criteria/Design Guidance	Proposal	Complies
<ul style="list-style-type: none"> detailing horizontal edges with drip lines to avoid staining of surfaces methods to eliminate or reduce planter box leaching appropriate design and material selection for hostile locations. 		
Window design enables cleaning from the inside of the building.	All windows can be cleaned from the inside.	Yes
Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.	Proposed.	Yes
Design solutions do not require external scaffolding for maintenance access.	Proposed.	Yes
Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.	Proposed.	Yes
Centralised maintenance, services and storage should be provided for communal open space areas within the building.	Proposed within garbage room.	Yes
<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> sensors to control artificial lighting in common circulation and spaces natural materials that weather well and improve with time such as face brickwork easily cleaned surfaces that are graffiti resistant robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors. 	Would be detailed at CC stage.	Yes

The development exhibits a high level of compliance with the Apartment Design Guide (ADG). However, there are two aspects of the proposed development that do not accord with the guide. These are discussed below:

Provision of natural light to internal circulation spaces

The ADG recommends that internal circulation spaces are provided with natural light sources such as windows and skylights. The subject proposal does not comply with this recommendation.

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The internal circulation space on each level is located within the centre of the building. It is considered more appropriate and of greater long-term benefit to residents that apartments are located on the exteriors of the building, increasing the amount of natural light available to habitable living areas.

The non-compliance is considered to be minor and is therefore supported.

Internal storage areas

The ADG recommends that at least 50 per cent of the required internal storage space is provided within the unit. The subject proposal does not comply with this recommendation.

The applicant argues that the non-compliance with that recommendation has been offset by providing more than the minimum requirements for both internal storage space and private open space.

The minor non-compliance is considered to be less than significant and is therefore supported.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2002 (BASIX SEPP) required additional residential development to nominate and incorporate sustainability commitments to reduce water and energy consumption.

In accordance with the BASIX SEPP, mandatory sustainability commitments required in the accompanying BASIX Certificate (No. 666780M) have been included in the architectural plans. The proposed development satisfies the BASIX SEPP.

2.4 Campbelltown (Urban Area) Local Environmental Plan 2002

Owing to the time at which the development application was lodged, even though Campbelltown (Urban Area) Local Environmental Plan no longer applies to this site, it is the relevant local environmental planning instrument for the purpose of this assessment.

The subject site is zoned 10(b) - Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a residential flat building, and is permissible with Council's development consent within the zone.

The relevant objectives of the 10(b) - District Comprehensive Centre Zone are:

- a) to provide space for a wide range of retail, commercial and like needs to serve the districts within the City of Campbelltown, and
 - e) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities.
-

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

Consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

The proposed development is consistent with objective (e) listed above, as it proposes a higher density form of housing in a location which is highly accessible to public transport, employment, retail, commercial and service facilities.

In addition, the proposed development is consistent with the further objective of the zone (encouraging a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development).

As discussed earlier in the report, the proposal is considered to be very compliant with the recommendations made in the ADG. The proposal also responds well to the context of the site well and satisfies the objectives of the applicable recommended standards.

Clause 65 of the Plan applies to the site. The Clause was made following adoption of an amendment to the LEP in 2008, which permitted residential apartment buildings in certain parts of Ingleburn town centre where they had not previously been allowed. The Clause requires that the only permissible land uses on land affected by the Clause are home activities and residential flat buildings. The proposal is consistent with the Clause as it is seeking consent for a residential flat building.

Therefore, the development is permissible with Council's consent at the site.

2.5 Draft Campbelltown Local Environmental Plan 2014

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

Zoning

The draft zoning of the subject property under the draft CLEP 2014 is R4 – High Density Residential. Residential flat buildings are permissible within the R4 zone.

The objectives of the R4 zone are as follows:

- to provide for the housing needs of the community within a high density residential environment
 - to provide a variety of housing types within a high density residential environment
-

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

The proposed development provides for the housing needs of the community within walking distance of Campbelltown CBD and maintains an appropriate level of solar access to adjoining properties. The proposed development satisfies the applicable objectives above.

Height of Buildings

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

Under the draft CLEP, the maximum building height applying to the subject site is 15 metres. The proposed residential flat building would have a maximum height of 14.30 metres and therefore complies with the draft provision.

Clause 7.13 also applies and requires Council to consider the 'design excellence' of a building in certain zones, including the R4 zone.

In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

- a. whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - b. whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - c. whether the development detrimentally impacts on view corridors,
-

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d. how the development addresses the following matters:

- i. the suitability of the land for development
- ii. existing and proposed uses
- iii. heritage issues and streetscape constraints
- iv. bulk, massing and modulation of buildings
- v. street frontage heights
- vi. environmental impacts such as sustainable design, overshadowing, wind and reflectivity
- vii. the achievement of the principles of ecologically sustainable development
- viii. pedestrian, cycle, vehicular and service access, circulation and requirements
- ix. the impact on, and any proposed improvements to, the public domain
- x. the interface with the public domain
- xi. the quality and integration of landscape design.

The proposal exhibits a high level of architectural merit and is considered to provide a satisfactory level of liveability for future residents. The building's appearance at street level is acceptable and it contributes positively to future neighbourhood character for this precinct. Furthermore, the proposal is considered to be highly compatible with Council's current planning objectives and controls.

Accordingly, the proposal is deemed to be consistent with the draft LEP, which has since been gazetted in a relatively unchanged format as it relates to this specific site and development type.

2.6 Campbelltown (Sustainable City) Development Control Plan 2014

The application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2014 (SCDCP).

Part 2 – Requirements Applying to All Types of Development

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

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

Sustainable Building Design – A BASIX certificate (No. 666780M) has been submitted for the proposed apartment building demonstrating that the relevant water, energy and thermal comfort targets will be met.

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

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

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

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

Waste Management – A Waste Management Plan for construction and operation of the development has been submitted. Waste would be collected by truck from the kerb, using a combination of 1,100 litre bulk garbage bins and standard 240 litre recycling bins.

Part 5 – Residential Apartment Buildings and Mixed-Use Development

Control	Required	Proposed	Compliance
Height max.	Four storeys	Six storeys	Yes
Site area	Residential apartment buildings shall not be erected on land having an area less than 1,200sqm	The total site area of the proposed development is 1,725sqm	Yes
Allotment width	Minimum allotment width of 30m	The allotment width at both Nardoo and Suffolk Street exceeds 30m	Yes
Amalgamation	Sites shall be amalgamated where required	Condition of consent to comply	Yes
Isolated allotment	Development shall not result in an "isolated allotment" adjoining the development site	The proposed development is not considered to isolate the adjoining sites. All adjoining properties would remain available for future development at a higher density	Yes
Setbacks	Residential apartment buildings shall be setback a minimum of 5.5m from any street boundary	Minimum 6m	Yes

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Control	Required	Proposed	Compliance
Setbacks	Residential apartment buildings shall be setback a minimum of 6m from any other boundary	North eastern boundary: 6m South eastern boundary: 6m	Yes
One bedroom apartments	A minimum of 5% of the total number of dwellings within a residential apartment building shall be one-bedroom apartments(s) or a studio(s)	Total dwellings = 28 Number of one-bedroom = three 11% of all dwellings would be one-bedroom apartments	Yes
Adaptable dwellings	A minimum of 10% of the total dwellings shall be adaptable dwelling(s)	Total dwellings = 48 Adaptable dwellings = three 11% of all dwellings are adaptable	Yes
Floor space – 1 bedroom	The floor space occupied by each dwelling within a residential apartment building shall not be less than 60sqm in the case of a one-bedroom apartment	One apartment is less than 60sqm	Partial non-compliance See discussion below
Floor space – 2 bedroom	The floor space occupied by each dwelling within a residential apartment building shall not be less than 90sqm in the case of a two-bedroom apartment	The proposed two-bedroom apartments would range from 79sqm to 86sqm	No See discussion below
Floor space – 3 bedroom	The floor space occupied by each dwelling within a residential apartment building shall not be less than 125sqm in the case of a three-bedroom apartment or more	The proposed three-bedroom apartments are 99.5sqm	No See discussion below
Dwellings accessible from lobby	A maximum of eight dwellings shall be accessible from a common lobby area or corridor on each level of a residential apartment building	Seven dwellings are proposed to be accessed from a common lobby area on each floor	Yes

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Control	Required	Proposed	Compliance
Lift Access	All residential apartment buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space	Lifts provide access between basement parking levels and all floors within the building	Yes
Lift Access	A maximum of 50 dwellings shall be accessible from a single common lift	The development proposes a maximum of 28 apartments accessed from a single common lift	Yes
Lift Access	Access to lefts shall be direct and well illuminated	Access to the lift is centralised	Yes
Storage	Each apartment shall be provided with an ‘incidentals’ storage facility within the unit and/or the basement, which shall be available for personal use of the occupants off each dwelling, and designed and constructed of materials to Council's satisfaction. Such storage facility shall have a storage capacity of no less than: i. 8 cubic metres in case of a one bedroom apartment ii. 10 cubic metres in the case of a two-bedroom apartment iii. 12 cubic metres in the case of a three-bedroom apartment	Compliant storage is provided	Yes
		Condition of consent to comply	Yes
Car parking and access	All parking shall be in accordance with AS2890 (as amended), except as otherwise specified in the Plan	Condition of consent to comply with AS2890 (as amended)	Yes

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Control	Required	Proposed	Compliance
Parking dimensions	The minimum dimensions of any parking space shall be 2.5 x 5.5m. The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge	Condition of consent to comply	Yes
Driveways	Driveways shall be located a minimum distance of 6m from the splay of any un-signalised intersection	Access driveway is located >6m from the splay of an un-signalised intersection	Yes
Traffic Impact Statement	For development incorporating 75 or more dwellings, the DA shall be accompanied by a traffic impact assessment report	The proposal is for 28 apartments however, a traffic impact assessment has been provided demonstrating that the projected increase in traffic activity as a consequence of the development proposal would not have any unacceptable traffic implications in terms of road network capacity	Yes
Basement car parking	Development containing three or more storeys shall provide all required car parking at basement level	The application proposes parking in two basement levels	Yes
Ground level parking	Parking provided at ground level shall be appropriately screened from public view	Parking is not proposed to be located at ground level	N/A
Car parking rates	Each dwelling shall be provided with a minimum of one car parking space and: <ul style="list-style-type: none"> i. an additional car parking space for every four dwellings (or part thereof) and ii. an additional visitor car parking space for every 10 dwellings (or part thereof) 	28 spaces plus; <ul style="list-style-type: none"> i. seven additional spaces plus ii. three visitor spaces = 38 spaces required The development proposes 38 basement car parking spaces, including three visitor car parking spaces A car wash down bay is also provided	Yes

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Control	Required	Proposed	Compliance
Stacked parking	No required car parking space shall be in a stacked configuration	No stacked parking proposed	Yes
Bicycle storage	Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property	The proposal is required to provide for six bicycle storage areas. The proposal provides for eight spaces	Yes
Solar access	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open space	The building has been oriented and sited to maximise sunlight to living areas and open space areas	Yes
Solar access	A minimum 20sqm area of the required private open space on adjoining land (having a minimum width of 3m) shall receive three hours of continuous direct solar access on 21 June between 9.00am and 3.00pm measured at ground level	The adjoining dwellings would continue to receive three hours of continuous direct solar access on 21 June between 9.00am and 3.00pm measured at ground level of the required open space	Yes
Private open space	Apartments shall be provided with a private courtyard and/or balcony	All proposed 28 apartments have access to a private courtyard/balcony	Yes
Courtyards/balconies	<p>Courtyards/balconies shall be:</p> <ul style="list-style-type: none"> i. not less than 8sqm in area and have a minimum depth of 2m ii. clearly defined and screened for private use iii. oriented to achieve comfortable year round use iv. accessible from a main living area of the apartment 	<ul style="list-style-type: none"> i. All balconies have an area of 8sqm and 2m wide (plus additional area) ii. All proposed private open space is clearly defined and screened iii. Complies iv. Complies 	<ul style="list-style-type: none"> i. Yes ii. Yes iii. Yes iv. Yes

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Control	Required	Proposed	Compliance
Privacy screen	Ground level apartments, incorporating a courtyard shall be provided with a privacy screen	Ground level courtyards are proposed to be fitted with fences between them	Yes
Privacy	No windows of a habitable room or balcony shall directly face a window of another habitable room, balcony or private courtyard off another dwelling located within 9m of the proposed window or balcony	Windows of a habitable room or balcony do not directly face a window of another habitable room, balcony or private courtyard	Yes
Outdoor recreation	Each apartment building shall be provided with communal recreation facilities for use of all occupants comprising: <ul style="list-style-type: none"> i. a recreation room with a minimum area of 50sqm per 50 dwellings ii. a BBQ/outdoor dining area with a minimum area of 50sqm per 50 dwellings 	Indoor communal room and outdoor communal recreation/barbecue area is proposed	Yes
Recreation facilities	Communal recreation facilities shall not be located within the primary or secondary street boundary setback	The proposal provides a common/communal outdoor area which is not located within the primary or secondary setback	Yes
Waste Management	All buildings shall be provided with household garbage bins at the following rates: <ul style="list-style-type: none"> i. a 240L bin/three dwellings/week for household garbage; or ii. 1000L bulk bin/12 	<ul style="list-style-type: none"> i. N/A ii. 4 x 1100L garbage bins have 	Yes

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Control	Required	Proposed	Compliance
	dwellings or part thereof	been provided	
Waste Management	All buildings shall be provide with dry recyclable bins at the rate of a 240L bin/three dwellings/fortnight for dry recyclable	Location of recycle bins provided on plans – recycle bin placed next to each chute to ensure appropriate recycling	Yes
a) Garbage Chute	All buildings with a rise of four storeys or more shall make provision for a household garbage chute on each level which is accessible for all occupants	A garbage chute is provided on each level which is accessible for all occupants	Yes
b) Garbage chute	All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level	Condition of consent to comply	Yes
c) Garbage Chute	Garbage chutes shall not be located adjacent to habitable rooms in each apartment	The garbage chute on each level is not located adjacent to habitable rooms	Yes
d) Garbage Chute	Garbage chutes shall feed into bin storage room	Garbage chutes lead to bin room on ground floor	Yes
e) Garbage Chute	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants	Condition of consent to comply	Yes
f) Bin storage room	The development shall make provision for an appropriately sized communal bin storage		Yes

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Control	Required	Proposed	Compliance
	<p>room(s) that provides convenient access for occupants and collection contractors</p> <p>The storage room shall:</p> <ul style="list-style-type: none"> i. be located behind the primary and secondary building alignment ii. have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary) iii. be graded and drained to a Sydney Water approved drainage fitting iv. have coving at all wall and floor intersections v. be finished with a smooth faced, non-absorbent material(s) in light colour and capable of being easily cleaned vi. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock vii. have a self-closing door openable from within the room 	<ul style="list-style-type: none"> i. the garbage room is not visible from the street ii. condition of consent to comply iii. condition of consent to comply iv. condition of consent to comply v. condition of consent to comply vi. condition of consent to comply vii. condition of consent to comply 	Yes
Roof Terraces	Consideration will only be given to the provision of a roof top	Roof top terrace is not proposed	N/A

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Control	Required	Proposed	Compliance
	terrace as part of communal open space, subject to appropriate landscaping treatment and recreation facilities provided; and satisfying the respective provisions of the RFDC		
Bin storage room(s)	<p>Bin storage rooms shall be ventilated by:</p> <ul style="list-style-type: none"> i. a mechanical exhaust ventilation system, or ii. permanent, unobstructed natural ventilation openings having direct access to external air, and a total capacity iii. the maximum grade of any path of travel between the collection point and the bin storage area shall be 1V:8H, and iv. the maximum distance between the collection point and the bin storage area shall not exceed 25m 	<ul style="list-style-type: none"> i. condition of consent to comply ii. N/A iii. condition of consent to comply iv. complies 	<ul style="list-style-type: none"> i. Yes ii. N/A iii. Yes iv. Yes
Collection Vehicles	<p>A 1000L bulk bin service shall meet the following requirements:</p> <ul style="list-style-type: none"> i. adequate provision shall be made for a rear loading collection vehicle to make a three-point-turn on site ii. 1:14 grade for bin collection path provided 	<ul style="list-style-type: none"> i. not intended to accommodate trucks on site. Recycling and bulk bins would be collected from Suffolk Street at a time nominated by Council's contractor ii. condition of consent to comply 	<ul style="list-style-type: none"> i. Yes ii. Yes

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The application's non-compliance with the SCDP relates to the size of the apartments proposed within. Council's DCP requires apartment sizes that significantly exceed the SEPP 65 Apartment Design Guide (ADG) minimums.

As mentioned earlier in the assessment table against the ADG's development guidelines, the ADG's minimum apartment sizes are as follows:

Apartment type	Min. internal area
Studio	35sqm
One bedroom	50sqm
Two bedroom	70sqm
Three bedroom	90sqm

All apartment sizes proposed in the subject building comply with the ADG's minimums.

Clauses 6A and 30 of the SEPP provide that:

6A Development control plans cannot be inconsistent with Apartment Design Guide

- (1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:
 - (a) visual privacy
 - (b) solar and daylight access
 - (c) common circulation and spaces
 - (d) apartment size and layout
 - (e) ceiling heights
 - (f) private open space and balconies
 - (g) natural ventilation
 - (h) storage.
- (2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.
- (3) This clause applies regardless of when the development control plan was made.

and

30 Standards that cannot be used as grounds to refuse development consent or modification of development consent

- (1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

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- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,

The SEPP therefore makes it clear that its accompanying Apartment Design Guide is the authority by which assessments should be made when it comes to apartment sizes.

Therefore, notwithstanding the development's inconsistency with Council's DCP control, the proposal is considered to be compliant with the presiding planning instrument.

3. Planning Assessment

3.1 Impacts on Natural and Built Environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the development's potential impacts on the natural and built environment. The scale, density and built form is considered satisfactory with respect to the context of the site and the future desired character of the area. The development is considered to be of high architectural quality which celebrates the corner of Nardoo and Suffolk Streets. Further, it is considered that the scale and bulk would not result in significant amenity impacts to the adjoining residential developments.

3.2 Social and Economic Impacts

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

3.3 Site Suitability

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

The principal matters for attention have been discussed in considering Campbelltown (Sustainable City) DCP and SEPP 65. It is considered that the site is suitable for the development of a residential flat building given the land's zoning, locality and unique site attributes. The proposal is also consistent with the draft Glenfield to Macarthur Corridor Strategy.

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4. Public Participation

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

The application was publicly exhibited and notified to 201 surrounding property owners between 26 November and 11 December 2015. During this period, Council received two submissions on the proposal. Matters raised in the submissions are discussed below.

Car parking

Both submissions raised concern with the provision of car parking for the development and also noted that the streets surrounding the development were frequently used for long-term parking by rail commuters.

In response, the proposal provides a suitable number of car spaces in its two level basement to be compliant with Council's requirements. It might be argued that at the conclusion of the building's construction, additional car parking on the street might be provided as only one driveway would remain in use with two others being removed.

Impacts on commuter car parking during construction

A submission noted the development's potential to impact on the supply of commuter car parking during construction.

It is acknowledged that temporary loading zones would be required for the unloading of trucks and other vehicles associated with the building's construction. A recommended condition of consent requires that the applicant submit a construction traffic management plan for Council's written approval prior to work commencing.

This plan will identify the extent of any temporary loading areas required as well as the staging location(s) for trucks delivering goods to the site so as to ensure disturbance to neighbours and commuters alike is minimised.

Proposal out of character with Nardoo Street

A submission raised issue with the building's height and its atypical scale compared to existing buildings in the immediate vicinity.

It is acknowledged that this would be the first apartment building that would be approved in the immediate vicinity should Council grant consent. The predominant built form of the locality is single storey residential buildings.

The proposal's height, setbacks and built form are compliant with Council and State Government controls. The building would provide for an attractive entrance to the higher density core of Ingleburn's town centre as the neighbourhood's density increases in the medium to long term.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Inconsistent with planning controls

A submission noted that the proposal “does not comply with the existing development guidelines for Ingleburn” and “it runs counter to existing policy”.

The site has been zoned for the construction of residential apartment buildings up to four storeys in height since 2008. The building complies with the height limit established by Council’s recently gazetted local environmental plan and is also consistent with the draft Glenfield to Macarthur Corridor Strategy, which would be used to guide future strategic planning for areas of the City near railway stations into the future.

Shadowing impacts of the building

A submission raised issue with the potential overshadowing that the building might create. Attachment 7 to this report illustrates the shadows that the building would create on June 21, which is used as the ‘worst case scenario’ for shadows throughout the year as the sun is lowest above the horizon on the winter solstice.

The diagrams show the greatest impact would be on neighbouring property No. 68 Carlisle Street. However, the shadows falling on that site would still be compliant with Council’s controls. In the morning through to past midday, most shadow would be cast on roads, which has a negligible impact on neighbours.

Impacts of excavation

A submission raised issue with the potential for the site to subside during excavation works and the impacts this might have on neighbouring properties.

In response, recommended conditions of consent require the applicant to undertake dilapidation reports on surrounding private and public assets, including dwellings and to adequately shore up excavated areas in accordance with relevant Australian Standards. Council’s standard recommended conditions of consent in relation to these two issues are included in attachment 1.

5. Conclusion

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

The application is fully compliant with the 10 design quality principles under the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development and is fully compliant with Campbelltown (Urban Area) Local Environmental Plan 2002. The application is almost entirely compliant with the recommended standards of the Apartment Design Guide.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Where the current proposal departs from these guidelines, the objectives of the recommended standards have been met. In addition, the application is generally compliant with the relevant standards within the Campbelltown (Sustainable City) Development Control Plan 2012, and where the proposal departs from these standards, the objectives of the standards have been met.

The development is considered to be suitable for the site, having regard to existing planning controls and Council's desired future character for the area, noting its proximity to rail and shopping amenities. The building's construction and occupation is not considered likely to have a significant detrimental impact on the natural or built environment.

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

Accordingly, the application is recommended for approval.

Officer's Recommendation

That development application 3038/2015/DA-RA for the demolition of existing dwellings and construction and subdivision of a four storey residential flat building comprising 28 apartments with two levels of basement parking at Nos. 26 – 28 Nardoo Street and No. 6 Suffolk Street, Ingleburn be approved, subject to the conditions detailed in attachment 1 of this report.

Committee Note: Mr Sharma addressed the Committee.

Committee's Recommendation: (Kolkman/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

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

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

Council Meeting 19 July 2016 (Mead/Matheson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 114

That the Officer's Recommendation be adopted.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

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

Voting against the Council Resolution were Councillors: Brticevic, Chanthivong, Dobson, Lound and Oates.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Drawing No.	Issue	Prepared by	Date
DA 01	B	Shobha Designs	11 March 2016
DA 02	B	Shobha Designs	11 March 2016
DA 03	B	Shobha Designs	11 March 2016
DA 04	A	Shobha Designs	22 October 2015
DA 05	B	Shobha Designs	11 March 2016
DA 06	B	Shobha Designs	11 March 2016
DA 07	B	Shobha Designs	11 March 2016
DA 08	B	Shobha Designs	11 March 2016
DA 09	B	Shobha Designs	11 March 2016
DA 10	B	Shobha Designs	11 March 2016
DA 11	B	Shobha Designs	11 March 2016
DA 12	B	Shobha Designs	11 March 2016
DA 13	B	Shobha Designs	11 March 2016
DA 14	B	Shobha Designs	11 March 2016
DA 15	B	Shobha Designs	11 March 2016
DA 16	B	Shobha Designs	11 March 2016
DA 17	A	Shobha Designs	22 October 2015
DA 18	B	Shobha Designs	11 March 2016
DA 19	B	Shobha Designs	11 March 2016
DA 20	B	Shobha Designs	11 March 2016
DA 21	A	Shobha Designs	22 October 2015
DA 22	B	Shobha Designs	11 March 2016
DA 23	B	Shobha Designs	11 March 2016
DA 24	B	Shobha Designs	11 March 2016
DA 25	B	Shobha Designs	11 March 2016
DA-01*	01	Stonerose Landscapes	9 October 2015
DA-02*	01	Stonerose Landscapes	9 October 2015
DA-03*	01	Stonerose Landscapes	9 October 2015
DA-04*	01	Stonerose Landscapes	9 October 2015

*As amended by changes to the floor and site plan in Revision B of the Shobha Designs drawings.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

NITMA Consulting Pty Ltd

Project No. 2015H, Issue B, Sheets 1 – 7, dated 11 March 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. 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.

4. Notification of *Home Building Act 1989* Requirements

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

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

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

5. Landscaping

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

The landscaping shall be maintained by the owner's corporation in good order at all times.

All street trees are to be in accordance with Campbelltown City Council Street Tree Technical Guidelines.

6. 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.

7. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor
 - b. have a non-slip floor constructed of concrete or other approved material at least 75mm thick and provided with a ramp to the doorway (where necessary)
 - c. be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket and drained to a Sydney Water approved drainage fitting
 - d. have coving at all wall and floor intersections
 - e. be finished with a smooth faced, non-absorbent material(s) in light colour and capable of being easily cleaned
 - f. be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock
 - g. have a self-closing door openable from within the room
 - h. be constructed in such a manner to prevent the entry of vermin and
 - i. signage on the use of the waste management system shall be displayed in all bin storage rooms.
-

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

The bin storage rooms shall be ventilated by:

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

8. Retaining Walls

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

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

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

9. Basement Storage Compartments

Storage compartments are to be provided within the basement levels in accordance with the Apartment Design Guide.

10. Air Conditioning Units/Hot Water Systems

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

11. Waste Collection

Waste collection shall occur weekly rear loading waste vehicle accessing a loading zone area on Suffolk Street. At any given time, a maximum of four 1100L bins for general waste and 10 240L bins for recyclable materials, shall be placed for collection within the loading zone. Recycling shall be collected by Council's contractor at an agreed time.

12. Fencing

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

13. 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.

14. Lighting

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

15. Basement Car Parking

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

16. Basement Operation and Car Parking Spaces

The basements shall be provided with electronic access controls to ensure the safety of residents and to also ensure the availability of off-street parking in accordance with Council's controls. A suitable sign directing visitors to the ground level's casual parking for the commercial tenancies shall be affixed in a location that provides easy navigation of the site once a visitor enters the driveway.

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

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

17. Common Area

The common room and adjacent paved open space shall be made available for the use of residents and their visitors at all times.

The applicant shall install at least one permanent barbecue within the outdoor paved open space area for use by residents. The barbecue shall be maintained in a hygienic manner and kept in good order by the managing body of the unit complex.

18. Graffiti Removal

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

19. Unreasonable Noise, Dust and Vibration

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

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

20. Wayfinding Map

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

21. Engineering Design Works

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

22. 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.

23. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation in accordance with Section 2.4.1 of Campbelltown (Sustainable City) Development Control Plan. The rain water tanks must be located behind the front building line and not visible from a public place.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

24. 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.

25. Sight Distance

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

26. Evacuation Routes

Evacuation routes from the basement car park other than the access ramp, shall be provided to ensure that safe evacuation is possible during extreme events in excess of a one per cent AEP flood event.

27. Work Zone

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone', external to the site, may be approved by Council.

The applicant is advised that if a work zone is warranted, an application is to be made to Council's Traffic Unit at least eight weeks prior to the commencement of works. The application shall detail why a work zone is required and include a suitable 'Traffic/Pedestrian Management/Control Plan'.

All costs incurred in the preparation of the traffic/pedestrian management/control plan, including any associated fees, shall be borne by the applicant.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

28. Utility Servicing Provisions

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

The location of the substation must be determined in consultation with the relevant electricity authority. The substation must be located in a non-obtrusive location and not contravene State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development.

A site plan identifying the proposed location of the substation must be submitted to Council's Manager Development Services for written approval prior to a construction certificate being issued. The site plan shall illustrate that the substation is not visible from a public place.

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

29. Geotechnical Report

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

30. Soil and Water Management Plan

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

31. Traffic Control Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the RTA manual "Traffic Control at Work Sites" and Australian Standard AS 1742.3 (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with Work Cover Authority requirements. A copy shall be submitted to Council for its records.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

32. Construction Traffic Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and receive Council's written approval (via its Local Traffic Committee) for a 'Construction Traffic Management Plan', which shall contain details of the following as a minimum:

- required loading zones and parking restriction areas near the development site to allow for manoeuvring and loading/unloading of heavy vehicles associated with the development
- 'staging' locations, where heavy vehicles wait until such time that adequate space is available adjacent to the development site for loading/unloading
- traffic management and intersection control near to the development site including the intersections of Nardoo and Suffolk Streets (if necessary, subject to proposed loading/staging locations)
- proposed access routes for heavy vehicles loading/unloading at the site
- hours of truck movements
- consultations made with potentially affected residents in preparation of the Plan.

Copies of the approved CTMP shall be kept on site for the duration of the works, in accordance with Safe Work NSW requirements and copies shall also be forwarded to Council for its records.

Council reserves the right to request modification to the CTMP during the development works, in order to maintain adequate and safe management of vehicular and pedestrian traffic.

33. Salinity Analysis and Remedial Action Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide a detailed Salinity Analysis and Remedial Action Plan to Council for written approval.

34. Architectural Finishes Validation Statement

A construction certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'Architectural Finishes Validation Statement'.

The 'Architectural Finishes Validation Statement' shall confirm that the plans relied upon for issue of the construction certificate are not inconsistent with the approved plans described in Conditions 1 and 2 with specific regard to the architectural design elements, colours, finishes and treatments that are provided to the building's exterior.

Where circumstances require, another qualified designer may prepare the written confirmation, subject to receipt of written approval for such a change from Council's Manager Development Services.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

35. Stormwater Management Plan (Development)

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

Floor levels of all buildings shall be in accordance with the approved levels. A minimum of 300mm freeboard shall be provided to the finished floor level from the designed 100 year ARI water surface level of On-Site Detention system.

Stormwater from the site shall be directed to an On-Site Detention system and then discharged to the existing Council drainage system in Suffolk Street. Details of the proposed stormwater connection to the Council drainage system shall be submitted to Council for approval. Inspection for stormwater connection shall be undertaken by the Council. All proposals shall comply with the requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

36. Dilapidation Report

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

37. Work on Public Land

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

38. Consolidation of Allotments

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a copy of the plan which consolidates the allotments that are the subject of the development application prior to registration at the Department of Land and Property Information (NSW).

39. Pump Out System

A minimum of two independent pumps shall be provided to the pump out system proposed for basement car park. Each pump shall be sized to satisfy the pump out volumes individually. The pump out system shall be designed in accordance with the requirements detailed in the Campbelltown City Council Engineering Design Guide for Development (as amended).

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

40. No Loading on Easement

Prior to issue of a construction certificate, the principal certifying authority shall ensure that the foundations of proposed structures adjacent to the drainage and/or services easements have been designed clear of the zone of influence.

41. 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.

42. 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.

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.
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3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

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

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

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

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

43. 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.

44. 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.

45. Waste Management

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council details of the collection and disposal of internal waste generated by the occupants to be arranged through a licensed contractor (which may include Council's contractor).

The details to be submitted shall also include information regarding the appointment and retention of a caretaker, who would be responsible for circulating the recycling bins throughout the building and the bulk bins beneath the chute in the garbage room and to the street for collection.

The details shall also include information regarding the method for collection, storage and disposal of 'green waste' resulting from maintenance of the site's landscaped areas.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

46. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for the placement of regulatory sign posting within Suffolk Street.

In this regard, sign posting shall be provided that stipulates that the area in front of the development is a "No Parking" zone for a period of at least one hour either side of the scheduled garbage and recycling collections that would take place at the site once these have been determined in consultation with Council's Manager Waste Services.

47. 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.

48. Nuisance Flooding – Basement Car Park

Prior to the issue of a construction certificate, a design for a minor stormwater system to cater for nuisance flows from rainfall on the entry ramp and water from cars entering the basement shall be prepared. The design shall also detail a higher capacity system such as an automatically activated electric pump with an appropriate safety backup system is also to be provided to remove any overland flows from larger storm events.

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.

49. 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.

50. 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
-

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

- 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.

51. 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.

52. 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.

53. 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.

54. Public Property

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

55. 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.

56. Hoarding / Fence

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

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

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

57. Fencing

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

58. 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.

58. Geotechnical Reference

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

59. Structural Engineer Details

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

60. Demolition of Existing Dwelling

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

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

61. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work

62. 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 \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

63. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees have been approved for removal by Council.

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

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

64. 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
-

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

- 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.

65. 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.

66. 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.

67. 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.

68. 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 consent from Council.

69. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, a minimum of 1.2 metres wide and separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times.

The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with Australian Standard AS 1742.3, the requirements set out in the RMS manual Traffic Control at Work Sites (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all WorkCover Authority requirements are complied with.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

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

70. Compliance with Council Specification

All design and construction work shall be in accordance with:

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

71. Footpath

The footpath on each side of the existing concrete path paving, and adjoining the subject site, shall be graded at a cross fall of 2.5 per cent towards the kerb, 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.

72. Footpath, Kerb and Gutter

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

73. Medium Density Footpath Crossing and Layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrances to the property, in accordance with Council's Medium Density Vehicle Crossing Specification and Council's 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.

74. 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.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

75. Redundant Laybacks

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

76. Completion of Construction Works

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

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

77. Certification of Location of Building upon Completion

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

78. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate (or subdivision certificate, whichever shall occur first), a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

79. 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.

80. Works as Executed Plans

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

81. Positive Covenant

The applicant shall create positive covenant under Section 88B of the Conveyancing Act over the proposed On-Site Detention system prior to the principal certifying authority issuing an occupation certificate.

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

82. Restoration of Public Roads

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

83. Public Utilities

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

84. BASIX

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

85. Landscaping

Prior to the principal certifying authority issuing an occupation certificate the applicant shall complete the landscaping in accordance with the approved landscape plan.

86. End Architectural Finishes Validation Statement

An occupation certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'End Architectural Finishes Validation Statement'.

The 'End Architectural Finishes Validation Statement' shall confirm that the building's exterior has been constructed and completed in a manner that is not inconsistent with the approved plans described in Conditions 1 and 2 and the plans relied upon for issue of the construction certificate, with specific regard to the architectural design elements, colours, finishes and treatments.

Where circumstances require, another qualified designer may prepare the written 'End Architectural Finishes Validation Statement', subject to receipt of written approval for such a change from Council's Manager Development Services.

87. Loading Zone Signage

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall erect suitable signage identifying that the loading zone is to be kept clear at all times, except when loading/unloading/waste collection vehicles are utilising the zone. The signage is not to be unsightly or impede sight lines.

88. 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.

89. Consolidation of Allotments

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision 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 a subdivision certificate.

90. Subdivision Certificate

Prior to the principal certifying authority issuing a subdivision certificate, a **final** occupation certificate is required to be issued for the building.

91. Revised Strata Plan

Prior to Council or an accredited certifier issuing a strata subdivision certificate, the applicant shall amend the approved strata subdivision plan that accompanied the development application so as to provide for at least one accessible car space as visitor parking. The plan shall also be amended to ensure that each accessible unit is provided with an accessible car space.

92. Owner's Corporation

Prior to Council or an accredited certifier issuing a strata subdivision certificate, the applicant shall incorporate the requirements of:

- the waste management plan approved in Condition 45 of this consent
- the requirement that no air conditioners be affixed to the exterior of the building (including balconies) that are visible from a public place) as per Condition 10 of this consent and
- the landscape area management plan prepared in response to Condition 5 of this consent

into the by-laws prepared for the property, pursuant to the *Strata Schemes Management Act 2015* and Regulation 2010.

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.

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

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.
- f. Obtain a subdivision certificate prior to registration of plans to subdivide the building.

Advice 2. Dial 1100 Before You Dig

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - www.dialbeforeyoudig.com.au.

Advice 3. Tree Preservation Order

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

A tree is defined as a perennial plant with self-supporting stems that are more than 3 metres in length or has a trunk diameter of more than 150mm, measured 1 metre above ground, and excludes any tree declared under the *Noxious Weeds Act (NSW)*.

Advice 4. Provision of Equitable Access

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

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

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

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 5. Smoke Alarms

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

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

Advice 6. Buried Waste

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

Advice 7. 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 8. 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.
-

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

Advice 9. Salinity

Please note that Campbelltown is an area of known salinity potential and as such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Council's Engineering Design Guide for Development (as amended).

Advice 10. Asbestos Warning

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

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

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

Advice 11. Telecommunications Act 1997 (Commonwealth)

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

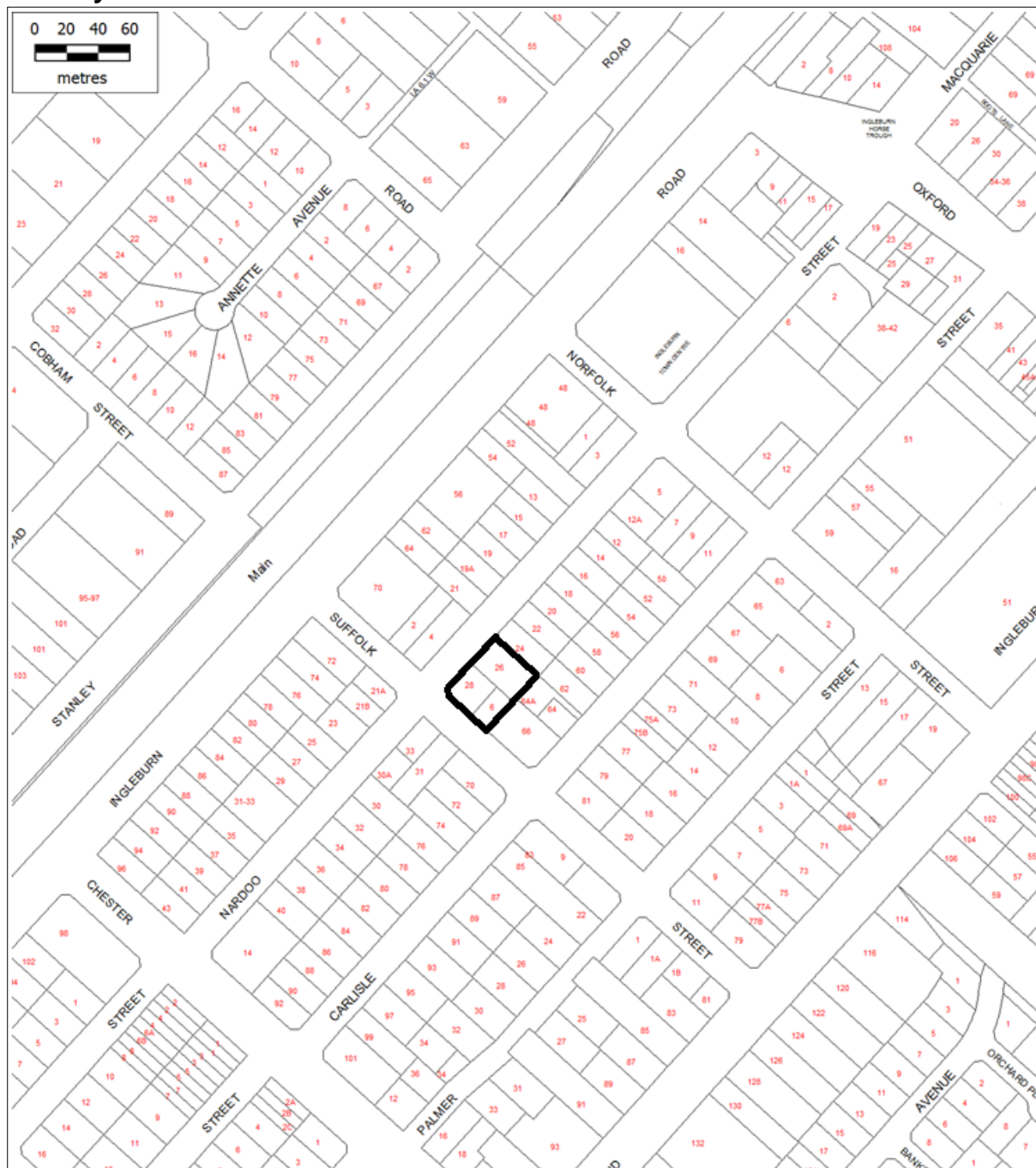
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

END OF CONDITIONS

3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

ATTACHMENT 2

Locality Plan



3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

ATTACHMENT 3

Site Plan



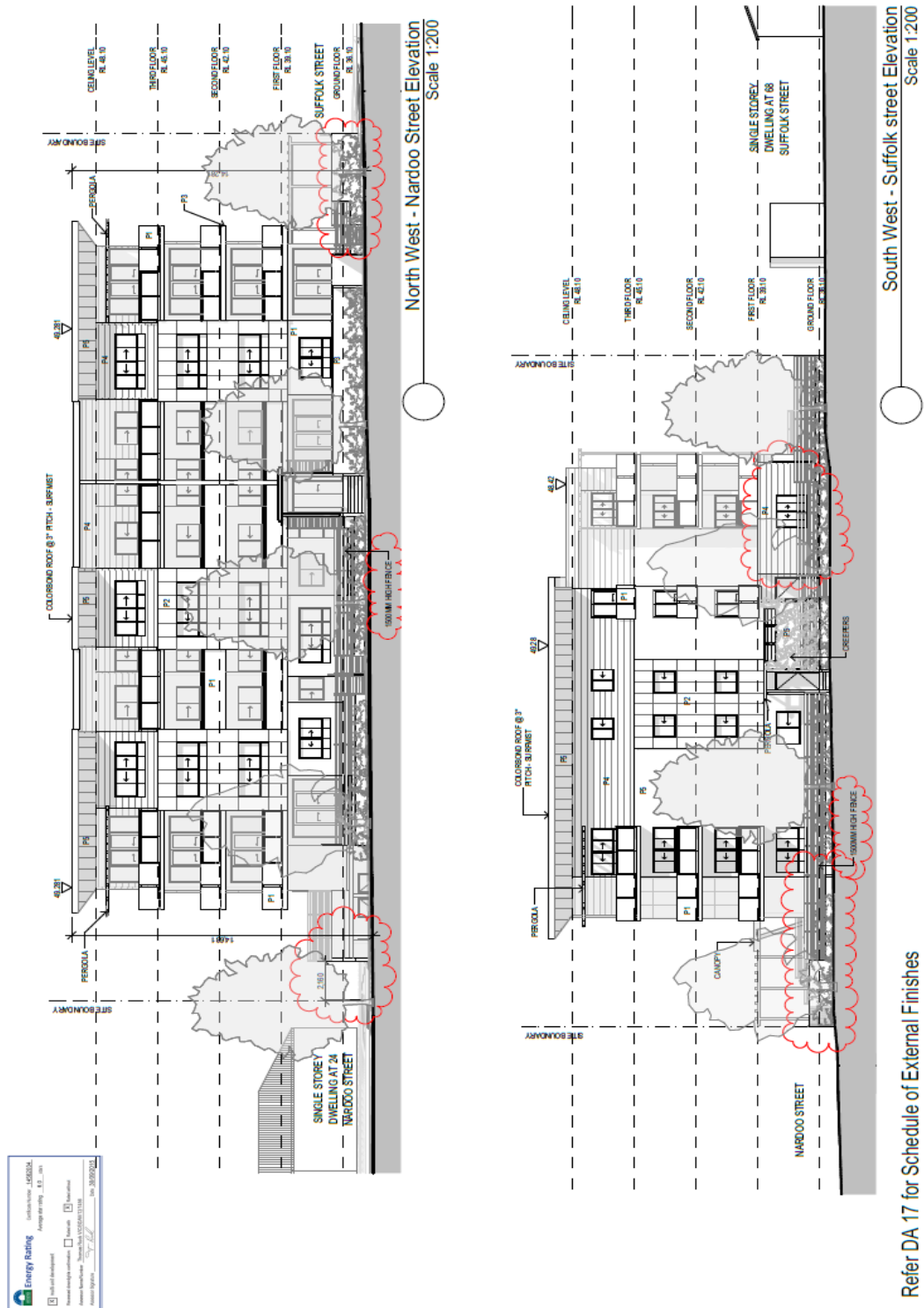
3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn



3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

ATTACHMENT 5

Elevations and colours schedule





3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

ATTACHMENT 6

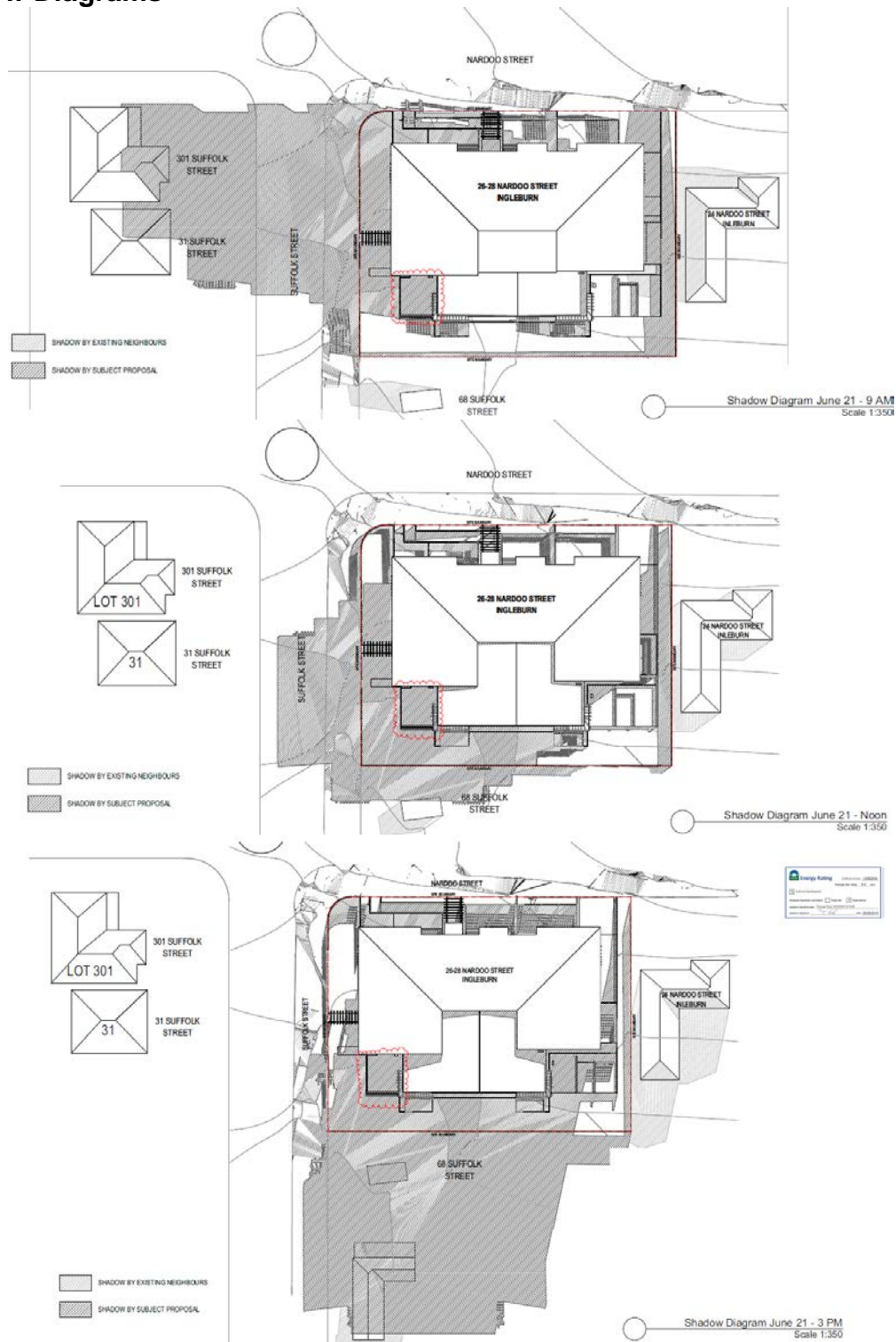
3D perspectives



3.1 Demolition Of Existing Structures And Construction Of A Four Storey Residential Flat Building Comprising 28 Apartments And Two Levels Of Basement Car Parking On The Corner Of Nardoo And Suffolk Streets, Ingleburn

ATTACHMENT 7

Shadow Diagrams



4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

Planning and Environment Division Monthly Legal Matters Status and Costs Summary
(contained within this report)

Purpose

To update Council on the current status of the Planning and Environment Division's legal matters.

Report

This report contains a summary of the current status of the Division's legal matters for the 2015-2016 period as they relate to:

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

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

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 July 2016 (Hawker/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 113

That the Officer's Recommendation be adopted.

ATTACHMENT 1

1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications
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Total ongoing Class 1 DA appeal matters (as at 24/06/2016)	1
Total completed Class 1 DA appeal matters (as at 24/06/2016)	4
Costs from 1 July 2015 for Class 1 DA appeal matters:	\$148,969.99

1 (a)	Multiplan Constructions Pty Ltd
Issue:	An appeal against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for demolition of an existing dwelling and the construction of nine two-storey dwellings and associated strata subdivision.
Property:	Lot 36 DP 13118, 17 Lyndia Street, Ingleburn.
Property Owner:	Mr Ramy Maher Youssef and Mrs Nevine Magdy Youssef
Council File:	Development Application No: 2775/2014/DA-MAH
Court Application:	Filed on 22 September 2015 - File No. 10848 of 2015
Applicant:	Multiplan Constructions Pty Ltd
Costs Estimate:	\$40,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$65,721.19
Status:	Completed – appeal upheld and conditional consent granted. Discussions are ongoing concerning recovery of Council's costs incurred in addressing the amended plans submitted during the appeal proceedings.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for demolition of an existing dwelling and the construction of nine two-storey dwellings and associated strata subdivision.</p> <p>On 22 October, the proceedings were adjourned to 23 November 2015 for a section 34 conciliation conference.</p> <p>At the conclusion of the section 34 conciliation conference held on 23 November 2015, the applicant agreed to make some amendments to the application as discussed. The Commissioner made certain procedural directions and listed the matter for telephone callover on 16 December 2015.</p> <p>At the telephone callover on 16 December 2015, the Registrar adjourned the proceedings to 10 February 2016 for a section 34 conciliation conference so as to allow Council time to</p>

assess the amended plans submitted by the applicant.

The matter was before the Court for section 34 conciliation conference on 10 February 2016. A number of issues were identified which would necessitate amended plans, which the applicant intends to rely on, being prepared by the applicant and re-advertised by Council. The Commissioner terminated the conciliation conference and adjourned the proceedings for further callover on 18 February 2016 at which time the matter would be listed for either contested hearing or consent orders hearing.

At the callover on 18 February 2016 the Registrar made certain procedural directions concerning the applicant's intention to rely on amended plans and the need for Council to prepare amended facts and contentions in the matter. The Registrar listed the proceeding for hearing commencing onsite at 10:00am on 29 April 2016. The objectors to the development were advised in writing of the hearing listing.

Given that the proposed development involves the broader issues of affordable rental housing and community concerns surrounding the application of the relevant standards under the Affordable Rental Housing SEPP, Council's Solicitor will be instructing a Barrister for the hearing.

The matter was heard before the Court on 29 April 2016. At the completion of the hearing the Commissioner made certain directions to the parties in respect of filing and service of conditions and reserved judgment to a date to be advised by the Court. Council's Solicitor has written to the objectors advising that judgment had been reserved and that they would be further advised when judgment is handed down.

On 31 May 2016 the Commissioner handed down judgment upholding the applicant's appeal and granted conditional consent to development application No. 2775/2014/DA-MAH for demolition of an existing dwelling and construction of multi dwelling housing comprising nine two-storey dwellings and strata subdivision at Lot 36 DP 13118, 17 Lyndia Street, Ingleburn. Council remains in discussion with the applicant concerning its costs incurred in addressing the amended plans submitted during the appeal proceedings.

1 (b)	JD One Enterprise Pty Ltd
Issue:	An appeal against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking.
Property:	Lot 50 DP 1028174, Campbellfield/Redfern's Cottage, 20 Lind Street, MINTO
Property Owner:	JD One Enterprise Pty Ltd

Council File:	Development Application No: 2952/2014/DA-C
Court Application:	Filed on 14 April, 2016 - File No. 10351 of 2016
Applicant:	JD One Enterprise Pty Ltd
Costs Estimate:	\$40,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$8,839.00
Status:	Ongoing - proceedings listed for conciliation conference on 9 August 2016.
Progress:	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2952/2014/DA-C that sought consent for the construction of a medical centre and a childcare centre, and associated car parking on land known as Campbellfield/Redfern's Cottage, 20 Lind Street, Minto.</p> <p>The proceedings were before the Court for first callover on 12 May 2016. The Registrar made certain directions and adjourned the proceedings to 9 August 2016 for conciliation conference to commence onsite at 9:30 AM.</p>

2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council

Total ongoing Class 1 and 2 appeal matters (as at 24/06/2016)	0
Total completed Class 1 and 2 appeal matters (as at 24/06/2016)	2
Costs from 1 July 2015 for Class 1 & 2 appeal matters:	\$1,578.13

3. Land and Environment Court Class 4 Matters – Civil Enforcement in respect of non-compliance with Planning Law or Orders issued by Council

Total ongoing Class 4 matters before the Court (as at 24/06/2016)	0
Total completed Class 4 matters (as at 24/06/2016)	0
Costs from 1 July 2015 for Class 4 matters	\$570.00

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

Total ongoing Class 5 matters before the Court (as at 24/06/2016)	0
Total completed Class 5 matters (as at 24/06/2016)	0
Costs from 1 July 2015 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 24/06/2016)	0
Total completed Class 6 matters (as at 24/06/2016)	0
Costs from 1 July 2015 for Class 6 matters	\$0.00

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

Total ongoing matters (as at 24/06/2016)	0
Total completed (as at 24/06/2016)	1
Costs contribution from 1 July 2015 for this matter	\$35,759.20

7. District Court of NSW – Appeals from the Local Court in respect of the Magistrate erred at law or severity of sentence imposed

Total ongoing matters (as at 24/06/2016)	0
Total completed (as at 24/06/2016)	2
Costs contribution from 1 July 2015 for this matter	\$2,000.00

8. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 24/06/2016)	8
Total completed Local Court Matters (as at 24/06/2016)	49
Costs from 1 July 2015 for Local Court Matters	\$5,955.66

File No: LP08/16 – Penalty Notice Court Election
Offence: Transport waste to unlawful waste facility
Act: *Protection of the Environment Operations Act 1997*

Costs to date: \$0.00 – Matter being dealt with by Council's Legal and Policy Officer. Solicitor from Council's external panel to be instructed.

Status: Ongoing – listed for hearing on 28 July 2016.

Progress: The matter was before the Court for first mention on 24 May 2016 where the defendant entered a not guilty plea. The Registrar adjourned the proceeding to 28 July 2016 for hearing.

File No: LP10/16 – Penalty Notice Court Election
Offence: Neglect to comply with Chapter 7 requirement (failed to attend interview to answer questions regarding waste dumping incident)
Act: *Protection of the Environment Operations Act 1997*

Costs to date: \$0.00 – Council's Legal and Policy Officer instructing external solicitor in this matter.

Status: Ongoing – listed for hearing on 8 August 2016

Progress: The matter was before the Court for first mention on 21 June 2016 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 8 August 2016 for hearing.

File No: LP11/16 – Penalty Notice Court Election
Offence: Disobey no-parking sign – school zone
Act: *Road Rules 2014*

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

Status: Completed – Fine and Court costs imposed

Progress:	The matter was before the Court for first mention on 7 June 2016 where the defendant, Christopher Ward, made no appearance. The Magistrate granted Council's application for the matter to proceed in the defendant's absence and after hearing the evidence and submissions found the offence proved and convicted the defendant imposing a \$200 fine and Court costs of \$85.
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File No:	LP12/16 – Penalty Notice Court Election
Offence:	Stop at side of road with continuous yellow line
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed – Proved without conviction/penalty, order for Court costs imposed.
Progress:	The matter was before the Court for first mention on 14 June 2016 where the defendant entered a guilty plea with explanation. After considering the evidence and submissions the Magistrate found the offence proved and determined the matter without conviction or penalty and imposed an order for Court costs of \$85.

File No:	LP13/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign
Act:	<i>Road Rules 2014</i>
Final costs:	\$0.00 – Matter dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed - Fine and Court costs imposed
Progress:	The matter was before the Court for first mention on 21 June 2016, where the defendant, Dai Shi, entered a guilty plea with explanation. After considering the facts and submissions, the Magistrate found the offence proved and imposed a \$248 fine and an order for \$85 Court costs.

File No:	LP14/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.

Status:	New Matter – listed for mention
Progress:	The matter is listed for first mention on 28 June 2016.

File No:	LP15/16 – Charge matter
Offence:	Dog attack animal (cat)
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer.
Status:	New Matter – listed for mention
Progress:	The matter is listed for first mention on 12 July 2016.

File No:	LP16/16 – Charge matter
Offence:	Allow dog to escape premises where kept
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer.
Status:	New Matter – listed for mention
Progress:	The matter is listed for first mention on 12 July 2016.

File No:	LP17/16 – Penalty Notice Court Election
Offence:	Stop on path/strip in built up area
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New Matter – listed for mention
Progress:	The matter is listed for first mention on 5 July 2016.

File No:	LP18/16 – Penalty Notice Court Election
Offence:	Stop within 10-metres of intersection
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New Matter – listed for mention

Progress:	The matter is listed for first mention on 5 July 2016.
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File No:	LP19/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign (school zone)
Act:	<i>Road Rules 2014</i>

Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
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Status:	New Matter – listed for mention
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Progress:	The matter is listed for first mention on 28 June 2016.
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9. Matters referred to Council's solicitor for advice

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

Total Advice Matters (as at 24/06/2016)	5
Costs from 1 July 2015 for advice matters	\$16,073.79

10. Legal Costs Summary		
The following summary lists the Planning and Environment Division's net legal costs for the 2015/2016 period.		
Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$148,972.72	\$4,400.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$1,578.13	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$570.00	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Supreme Court hearing and appeal matters	\$35,759.23	\$0.00
District Court appeal matters	\$2,000.00	\$2,200.00
Local Court prosecution matters	\$5,955.66	\$4385.00
Matters referred to Council's solicitor for legal advice	\$16,073.79	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$212,909.53	\$10,985.00
Overall Net Costs Total (GST exclusive)	\$201,924.53	

4.2 Keeping of Exotic Animals on Private Property

Reporting Officer

Manager Compliance Services

Attachments

Nil

Purpose

To advise Council on the requirements that may apply to the keeping of exotic animals on private property.

History

Council at its Ordinary Meeting of 17 May, 2016 resolved:

That a report be presented outlining the keeping of exotic animals on private property, any advice received regarding the legitimacy of keeping such animals and any development application requirements.

Report

Keeping of Exotic Animals for Public Exhibition (Commercial Purposes)

The Department of Primary Industries - Agriculture (DPI) is the authority responsible for regulating the exhibition of animals. It specifically deals with the administration of the *Prevention of Cruelty to Animals Act 1979*, *Non Indigenous Animals Act 1987* and the *Exhibited Animals Protection Act 1986*.

All zoo and animal exhibition facilities such as the proposed development at No. 49 Hansens Road, Minto Heights are required to comply with the abovementioned legislation and obtain permits from the DPI in respect of animal displays and the exhibition of animals.

Generally, the DPI requires development consent to be issued before assessing any associated permit application lodged in relation to public exhibition.

Where Council determines the development permissible, and issues the appropriate form of approval, the DPI then looks separately at the appropriateness of any proposed exhibition, taking into account animal welfare, location, enclosure requirements etc.

Keeping of Exotic Animals for Private Recreation (Domestic Purposes)

With the exception of exotic animals specified under Schedule 1 of the Non-Indigenous Animals Regulation (as controlled category species) there are generally no approvals required from the DPI for the keeping of exotic animals on private property for recreational purposes (ie as pets). The Dromedary Camel is listed as an animal that may require a permit issued by DPI under the Non-Indigenous Animals Regulation, however this is exempted if the animal is micro-chipped or tagged and is not kept within the Western Division of New South Wales.

Local Land Services must provide a Property Identification Code for certain prescribed exotic animals that are kept on private property including camels, ponies, donkeys, alpacas and goats. The issue of this code verifies that Local Land Services have been formally notified of an animal being kept at a specific property.

A permit is required from Local Land Services for the keeping of certain animals declared as pest species such as the European Red Fox and the Wild European Rabbit.

An Animal Keepers License from the NSW National Parks and Wildlife Service is required for the keeping of various reptiles including and not limited to the Bearded Dragon, Shingleback Lizard, Pygmy Mulga Monitor, Pythons (various breed types) and Eastern Longneck Turtle.

In addition, any short term wildlife rehabilitation facilities involving the keeping of non-indigenous fauna may also require a Rehabilitation Licence issued by NSW Department of Primary Industry and Local Land Services.

Development Application Requirements for the Keeping of Exotic Animals

Generally, a development application is not required for the keeping of exotic animals for private recreational purpose (ie as pets).

In the event exotic animals are kept for a commercial purpose whether it be for associated use such as animal boarding, training, breeding or exhibition, development consent would be required (subject to the use being permitted in the zone) along with construction certificate approval for associated structures.

Any development application submitted would be required to be assessed having regard to the provisions of Section 79(c) of the *Environmental Planning and Assessment Act 1979* (as amended).

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 July 2016 (Hawker/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 113

That the Officer's Recommendation be adopted.

5. GENERAL BUSINESS

5.1 Bardia Heritage Precinct

Committee's Recommendation: (Oates/Kolkman)

That a report be presented on the condition of the Bardia Heritage Precinct and the developer's plans for its maintenance and enhancement.

CARRIED

Council Meeting 19 July 2016 (Hawker/Thompson)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 113

That the Committee's Recommendation be adopted.

5.2 Wedderburn Fire Trail

Committee's Recommendation: (Kolkman/Lound)

1. That Council write Wollondilly Shire Council seeking their support for this Councils bid to have the fire trail between the NSW Sports Aero Club, Wedderburn and the Appin Road declared a public road.
2. That Council write to the Hon Duncan Gay requesting that the fire trail be declared a public road to provide a high quality fire trail and a second point of access to and from Wedderburn, particularly during times of emergency.

LOST

5.3 Green/Open Space - Residential Apartment Buildings

Committee's Recommendation: (Kolkman/Hawker)

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.

CARRIED

Council Meeting 19 July 2016 (Hawker/Thompson)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 113

That the Committee's Recommendation be adopted.

5.4 Feasibility of additional on-ramp for the M31

Committee's Recommendation: (Kolkman/Lound)

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.

CARRIED

Council Meeting 19 July 2016 (Hawker/Thompson)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 113

That the Committee's Recommendation be adopted.

5.5 Feasibility Of Additional Facilities And Proposed Changes To Operational Hours At The Animal Care Facility

5.5 Feasibility of additional facilities and proposed changes to operational hours at the Animal Care Facility

Committee's Recommendation: (Rowell/Thompson)

1. That Council undertake construction of an additional three exercise pens/yards for dogs as a matter of priority preferable within a four month time frame to allow one exercise yard for each kennel block.
2. That a report be presented to Council outlining all possible options to extend the opening hours of the Animal Care Facility, which would include:
 - 1) opening Thursday evenings to 8.30pm
 - 2) extending Saturdays to 4.30pm.

LOST

A **Division** was called in regard to the Motion for Item 5.4 - Feasibility of additional facilities and proposed changes to operational hours at the Animal Care Facility with those voting for the Motion being Councillors Matheson, Rowell and Thompson.

Voting against the Motion were Councillors Hawker, Kolkman, Lound and Oates.

Confidentiality Motion: (Kolkman/Lound)

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

CARRIED

Council Meeting 19 July 2016 (Brticevic/Oates)

That the Notice of Motion Item 17.9 - Animal Care Facility be brought forward and dealt with in conjunction with this item.

5.5 Feasibility Of Additional Facilities And Proposed Changes To Operational Hours At The Animal Care Facility

Council Meeting 19 July 2016 (Rowell/Thompson)

1. That Council upgrade the Animal Care Facility to meet NSW Government Companion Animal Standards by adding an additional three exercise pens to allow one exercise pen for each of the six kennel blocks.
2. That this upgrade be completed within a reasonable timeframe, preferably within four months to alleviate stress on animals that are not able to be exercised daily.
3. That a report be presented to Council outlining options to extend opening hours of the Animal Care Facility by looking at closing but not limited to, Thursday night at 8.00pm or Saturday afternoon at 4.00pm. The report should include the positive outcomes for better community access and also any associated costs or negative impacts if any on the Animal Care Facility, involving staff or any other aspects of the Animal Care Facility.

LOST

A **Division** was called in regard to the Motion for Item 5.5 - Feasibility of additional facilities and proposed changes to operational hours at the Animal Care Facility with those voting for the Motion being Councillors Dobson, Greiss, Matheson, Rowell and Thompson.

Voting against the Motion were Councillors Borg, Bricevic, Chanthivong, Glynn, Hawker, Kolkman, Lake, Lound, Mead and Oates.

21. CONFIDENTIAL ITEMS

21.1 Confidential Report Directors of Companies

Reason for Confidentiality

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

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

Motion: (Oates/Kolkman)

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

CARRIED

There being no further business the meeting closed at 8.20pm.

P Hawker
CHAIRPERSON
