

Reports of the Planning and Environment Committee Meeting to be held at 7.30pm on Tuesday, 15 March 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 15 March 2016

Present

Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
General Manager - Mrs L Deitz
Director Strategy - Mr J Lawrence
Acting Director Planning and Environment - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Acting Manager Development Services - Mr B Leo
Manager Emergency Management and Community Safety - Mr R Blair
Acting Manager Sustainable City and Environment - Mrs R Winsor
Senior Development Planner - Mr L Joseph
Senior Strategic Environmental Planner - Mrs R Haddad
Manager Governance and Risk - Mrs M Dunlop
Executive Assistant - Mrs D Taylor

Apology (Rowell/Thompson)

That the apology from Councillor Matheson 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:

His Worship the Mayor, Councillor Hawker - item 3.4 only
Councillor Mead - from item 3.4 to the conclusion of the Planning and Environment Committee meeting

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Resources for Regions

Reporting Officer

Manager Environmental Planning

Attachments

Nil

Purpose

To update Council on the NSW Government's mining royalties program, Resources for Regions.

History

At its meeting on 21 September 2010 Council considered a report on the Association of Mining Related Councils (AMRC) draft Royalties for Regions Plan.

A Mining Royalty is the price charged by the Crown for the transfer of the right to extract a mineral resource. Previously revenue raised from mining royalties in NSW was solely directed to consolidated revenue and spent as determined by the State Government.

At this time the AMRC was investigating alternative royalty models for NSW and developed a proposed model based on the Western Australian 'Royalties for Regions' Policy. Under this policy 25% of that State's mining royalties are distributed to regional communities.

The AMRC advised that it intended to engage a suitably qualified consultant to examine the viability and merits of the proposal. In this regard, Council subsequently resolved:

"That Council consider the outcome of the consultancy review of the Association's Royalties for Regions Plan, when the information becomes available."

Despite the intentions of the AMRC, a review of the proposed plan did not proceed and the AMRC continued to lobby the NSW Government to examine its mining royalty distribution.

Report

In 2013 the NSW Government introduced the Resources for Regions program which aimed to relieve infrastructure constraints and support NSW communities affected by mining. Funding under the program was available for projects in Local Government Areas (LGAs) deemed to be 'mining affected' based on mining-related royalties (total and per capita), truck movements and employment in the mining industry. Funding was allocated through a competitive grants process. To date funding has been made available to 11 LGAs, however, the Campbelltown LGA has not been eligible due to it not being evaluated as 'mining affected'.

In December 2015 the State Government announced changes to its Resources for Regions program. Funding will be available to all regional and rural LGAs, (outside of Sydney, Newcastle and Wollongong), that can demonstrate that they are 'mining affected'. The Government also announced that NSW agencies will not be eligible for funding.

Despite the expansion of the program, Campbelltown still remains ineligible as it is deemed to be a part of Sydney. Notwithstanding this impediment, it would most likely be difficult for Council to obtain funding under the program given the comparatively minor impact on our community from mining and its minor mining royalties per capita. Only one longwall mine is currently in operation below the suburb of Wedderburn, which is 90% extracted. Following completion of this mine, longwall mining within Campbelltown will cease for the foreseeable future and focus on the Douglas Park area, within the adjoining Wollondilly LGA. The only other mining operation currently occurring within Campbelltown is associated with a number of coal seam gas wells within the Menangle Park area. Given the NSW Government's policy on coal seam gas exclusion zones and AGL's recent announcement that the Camden Gas Project will cease in 2023, it is unlikely that mining activities will expand within the LGA.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 22 March 2016 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 27

That the Officer's Recommendation be adopted.

2.2 Water Quality Monitoring Program - Half Yearly Report

Reporting Officer

Manager Environmental Planning

Attachments

1. Compliance of Council's water quality monitoring sites with water quality criteria (contained within this report)
2. Classification of Recreational Water Environments for primary contact (contained within this report)

Purpose

To inform Council of the results of Council's Water Quality Monitoring Program (WQMP) for the six month period from July 2015 to the end of December 2015.

History

The Campbelltown Local Government Area (LGA) is located within the catchments of two principal Sydney waterways; the Georges and Nepean River systems. These waterways support a diverse variety of plants and animals, as well as provide for community amenity and recreation opportunities.

The majority of Campbelltown's urban waterways flow into the Upper Georges River, either directly to the Georges River itself or via the Bow Bowling/Bunbury Curran Creek system. Approximately 86% of the LGA lies within the Georges River catchment whilst the remaining 14% of the LGA lies within the Hawkesbury-Nepean River catchment.

Water quality within the catchments has been influenced by rapid urbanisation over time. Currently, 99% of Campbelltown's population resides within the Georges River Catchment. In addition, 100% of the LGA's commercial, industrial and business centre areas are also located within this catchment and principally within the Bow Bowling/Bunbury Curran sub-catchment.

Key pressures that have the potential to negatively impact on the quality of Campbelltown's water resources include:

- urbanisation
 - stormwater runoff
 - pollution spills
 - illegal dumping
 - litter accumulation
 - aquatic noxious weeds
 - degraded riparian vegetation
 - altered flood regimes.
-

Report

Council's current WQMP involves the sampling and monitoring of 13 strategically selected sites within the Georges River and the Nepean River Catchments against National Guidelines for Fresh and Marine Water Quality, developed by the Australian and New Zealand Environment and Conservation Council (ANZECC 2000). Three sites are also assessed against the National Health and Medical Research Council Guidelines, Managing Risks in Recreational Areas (NHMRC 2008) as they are known to be used for recreational swimming (primary recreational contact).

The water quality testing sites have been strategically selected to ensure data is collected across a broad section of the catchment including sensitive and high profile locations such as environmental protection areas, recreational swimming spots and stormwater discharge points from urban areas.

ANZECC Guidelines and Monitoring Results

The water quality data collected from each site has been compared to a set of compliance range standards for each water quality parameter as determined by the ANZECC guidelines for ecosystem health, and secondary contact recreation. Secondary recreational contact relates to activities that generally have less-frequent body contact with the water; for example, boating or fishing.

The following sites were sampled on a monthly basis between July 2015 and December 2015:

- Menangle Bridge (Menangle)
- Wedderburn Gorge (Wedderburn)
- The Woolwash (Airds)
- Frere's Crossing (Kentlyn)
- Fisher's Ghost Creek (Bradbury)
- Simmo's Beach (Macquarie Fields)
- Koorunga Reserve (Varroville)
- Bow Bowing Creek gross pollutant trap (Minto)
- Park Central, north pond (Campbelltown)
- Park Central, central pond (Campbelltown)
- Mandurama Reserve (Ambarvale)
- Harold Street Bridge (Macquarie Fields)
- Cambridge Avenue (Glenfield).

Attachment 1 provides a diagrammatic representation of the percentage compliance and rating of Council's water quality monitoring sites with water quality criteria over the six month period.

The water quality monitoring data for this period indicates that predominately, water quality throughout the LGA remained consistent with previous reporting cycles. Some slight reductions and improvements in water quality were experienced, particularly in some water quality parameters and/or some locations. These variations are most likely attributable to high velocity rainfall events experienced during the reporting period. Key observations are as follows:

- Percentage compliance for dissolved oxygen (DO) continues to be 'very poor' across almost all sites. However, although the number of samples falling within the range prescribed under the guidelines has decreased, a close examination of the raw data reveals that the readings are largely only just below the minimum accepted level, particularly for those sites adjacent to rural and bushland areas.
- Turbidity levels in the Georges River continue to show 'very poor' compliance with the ANZECC guidelines. However, the non-compliance is a result of the method by which this criteria is expressed. Turbidity is expressed as a range which recognises that some level of Turbidity is acceptable. In the case of the Georges River, recorded Turbidity levels do not fall within the accepted range, as the Georges River is of sufficient clarity to reveal levels of Turbidity less than the accepted Turbidity range.
- Water quality at Kooringa Reserve and the Minto GPT monitoring sites remained 'poor' for aquatic ecosystem health, which is not unexpected due to the existence of stormwater detention areas at both sites. Along with Manduramah Reserve, these three sites recorded the lowest rates of compliance with the ANZECC guidelines within the Campbelltown LGA.
- Despite it's continued 'poor' rating, results at Manduramah Reserve, Ambarvale showed a slight improvement for both aquatic ecosystem health and secondary contact recreation compared to previous monitoring periods. These results could be attributed to the various environmental actions being undertaken under the Australian White Ibis Management Plan for Lake Manduramah. Improvements to water quality are also anticipated as a result of the upcoming 'Catch-a-carp' competition.
- Results at Cambridge Avenue, Glenfield continued to show consistent improvement compared to previous monitoring periods, suggesting that there is some natural water quality treatment occurring along the catchment.
- Heavy rainfall at the end of October and early November caused significant spikes in bacterial levels at four of the sampling sites - Harold St Bridge, Bunburry Curran Creek; Park Central, North Pond; Park Central, Central Pond; and Manduramah Reserve, Ambarvale. As a result of these recent high velocity rainfall events, faecal coliform and enterococci levels were recorded outside the guidelines. These indicator readings provided anecdotal evidence to suggest that a sewer overflow or leak may have occurred during this heavy rainfall period, and as such Sydney Water was formally contacted, informed of the results and requested to investigate.
- The Woolwash recorded the highest level of compliance with the ANZECC guidelines and was rated as 'good' for both aquatic ecosystem health and secondary contact recreation.

NHMRC Guidelines and Monitoring Results

The NHMRC guidelines are considered the most industry relevant for assessing risks to human health from primary contact with recreational water bodies and require the analysis of bacterial levels within a waterbody over a five year period. Results from sampling at three sites known to be used for recreational swimming were analysed against the NHMRC guidelines:

- Simmo's Beach (Macquarie Fields)
 - Menangle Bridge (Menangle)
 - The Woolwash (Airds).
-

When analysing the bacterial results for the six month period against the prescribed value ranges, the water quality for both the Woolwash and Menangle Bridge was rated as 'good', whilst Simmo's Beach was rated as 'fair', as shown in Attachment 1.

However as mentioned above, the NHMRC guidelines require analysis of bacterial levels over a five year period, meaning any overall positive improvement as a result of management measures and pollution control could take several years before becoming evident in reporting results. Attachment 2 shows the classification of the recreational water environment at Simmo's Beach, Menangle Bridge and the Woolwash against the NHMRC guidelines for the five year period.

Based on this assessment the classification of both Simmo's Beach and Menangle Bridge continued to be rated as 'very poor' and 'poor' respectively. The Woolwash was assessed as 'very good', showing no significant peaks in bacterial levels during the sampling period.

Management Actions

Council continues to investigate and undertake actions aimed at improving water quality within the Campbelltown LGA, including:

- The construction of a wetland in Cleopatra Reserve, which forms the headwaters of the Spring Creek catchment was completed during the reporting period. Undertaken in partnership with the Greater Sydney Local Land Services (LLS), the project aimed to improve water quality by filtering stormwater runoff from nearby Lake Mandurama and the surrounding residential area. The wetland covers an area of almost 4,000 square metres and has been planted with more than 15,500 aquatic and terrestrial plants.
- Council's Sustainable Catchments Working Party launched two projects focused on improving the health of our local catchments - 'Let's get Quirky' and 'Catchments Connecting Communities'. The 'Let's get Quirky' project aims to revitalise Quirk Reserve in Bradbury through modifications to the water course, increased planting of endemic species, and the introduction of no-mow zones. 'Catchments Connecting Communities' was delivered in partnership with the Western Sydney University's Love Your Lagoons program. Students from Campbelltown Performing Arts High School investigated environmental and social issues surrounding the Park Central wetland and developed a suite of management actions aimed to improve the local environment, increase awareness about the wetland and engage local residents with the space. Two of these projects are currently being brought to life.

Conclusion

During the reporting period, water quality in the LGA on average remained fair. Poor results continued to be recorded within the Bow Bowing/Bunbury Curran catchment; the cause of these results is most likely due to the extent and nature of urban and industrial stormwater influences within this catchment.

Results within Campbelltown's rural and bushland land use areas, including prominent recreational areas, have slightly improved or remained consistent over time. High velocity rainfall events have resulted in spikes in bacterial levels at some locations contributing to poor results for recreational contact.

The results of Council's WQMP will continue to be analysed and used to guide future works so as to ensure Council is fulfilling its commitment to improving the sustainability of its water resources and water quality within the local area.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 22 March 2016 (Greiss/Kolkman)

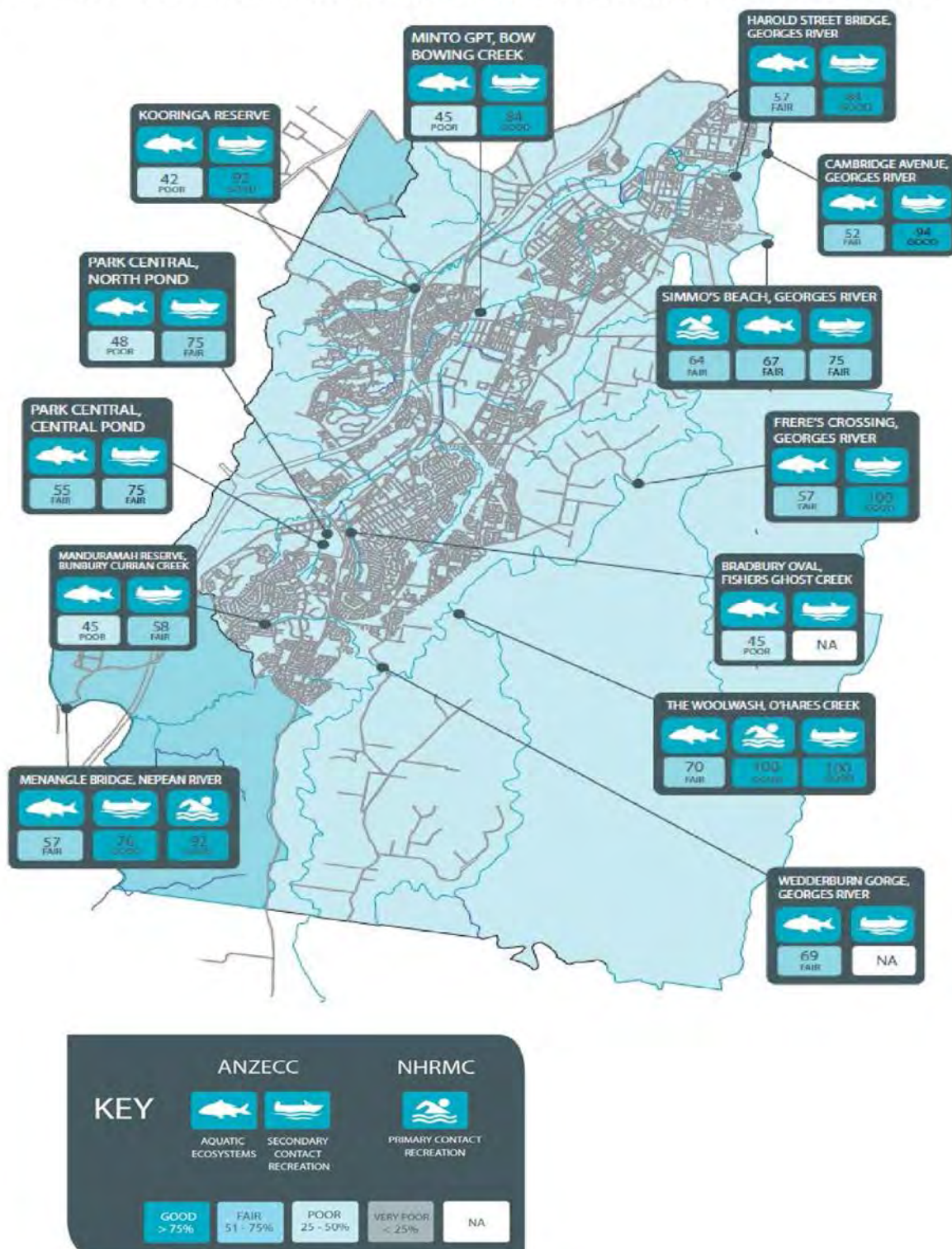
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 27

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Compliance of Council's water quality monitoring sites with water quality criteria



ATTACHMENT 2

Classification of Recreational Water Environments for primary contact (NHMRC, 2008)

Monitoring site	Microbial Assessment Category
Simmo's Beach, Georges River	Very Poor
Menangle Bridge, Nepean River	Poor
Woolwash, O'Hares Creek	Very Good

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

2.3 Amendment to Campbelltown Local Environmental Plan 2015 to reflect the Re-alignment of the Campbelltown - Camden Local Government Boundary

Reporting Officer

Manager Environmental Planning

Attachments

1. Boundary Re-alignment (contained within this report)
2. Draft Planning Proposal (contained within this report)

Purpose

To seek Council's endorsement of a draft planning proposal to amend various maps in the Campbelltown Local Environmental Plan 2015 (CLEP 2015) to be consistent with the recent gazettal of the re-alignment of the Campbelltown/Camden Local Government Area (LGA) boundary near East Leppington (Willowdale) and Emerald Hills and to forward the draft planning proposal to the Department of Planning and Environment for a Gateway Determination.

History

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

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

The subsequent amendment to the Local Government Boundary was published in the NSW Government Gazette, Number 106 on 27 November 2015. There is now a requirement to amend the various maps contained within CLEP 2015 to reflect the Local Government Boundary amendment and any relevant planning provisions including associated principal development standards that apply to the impacted properties.

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Report

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

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

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

The first property (lot 1, DP 1086624) is owned by Sydney Water and is known as "Ingleburn Dam". The portion of this premises that was previously within Camden was zoned SP2 – Water Supply System and RU2 – Rural Landscape under Camden LEP 2010. It is proposed that this land will retain the SP2 zone; and that the RU2 zone be amended to SP2 to reflect a common zoning for the site, having regard to its ownership/use. All other development standards contained within CLEP 2015 that apply to the SP2 zone will be applied to the land. Additionally it is noted that "Ingleburn Dam" is a Heritage Item and listed as Schedule 5 of CLEP 2015.

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

The third property (Lot 71 DP706546) is privately owned (Mr Dario and Angelina Petrin). The extent of the boundary variation is minor in nature, and is shown in the 'enlarged view' in attachment 1. The portion of this premises that was previously within Camden is currently unzoned as a result of the gazettal of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, the boundary of which followed the property boundary of 71 St Andrews Road and not the LGA boundary. It is proposed that this property, in its entirety, be zoned E3 – Environmental Management to reflect a common zoning for the site having regard to its ownership/use. All other development standards contained with CLEP 2015 that apply to the E3 zone will be applied to the land.

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

As a result of the boundary changes, the following maps within CLEP 2015 will need to be amended:

- Land Zoning Map
- Land Application Map
- Lot Size Map
- Height of Buildings Map
- Heritage Map
- Environmental Constraint Map
- Lot Size for Dual Occupancy Development Map.

A draft planning proposal (attachment 2) has been prepared to reflect the above amendments to the CLEP 2015 resulting from the gazettal of the LGA boundary re-alignment, and subject to Council's endorsement, will be forwarded to the Department for a Gateway Determination.

In this regard, it is recommended that Council use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* for this draft Planning Proposal. The delegation will enable Council to streamline the processing of the draft planning proposal by dealing directly with Parliamentary Counsel for the making of the plan rather than through NSW Planning and Environment. The request for delegation will be made as part of the Gateway submission.

Subject to the conditions of the Gateway Determination, it is recommended that the proposal, upon receipt of the Gateway Determination, proceed to public exhibition without reporting this matter back to full Council. Councillors would be advised of the outcome of the Gateway Determination and the dates of the public exhibition via a Councillors Weekly Memo. However, if the Gateway Determination included an unexpected requirement from the Department, this matter would be reported back to Council, prior to the commencement of the public exhibition. Regardless of which process the Council chooses (i.e. reporting or not reporting prior to public exhibition), the matter will be reported back to Council following the conclusion of the public exhibition period.

Following the above, it is recommended that subject to the issue of a positive Gateway Determination the draft Planning Proposal be placed on public exhibition for 28 days at Council's Civic Centre, Libraries and on Council's website, in accordance with the legislative requirements of the *Environmental Planning and Assessment Regulation 2000*. Consultation during that period will also occur with any public authorities specified in the Gateway Determination.

A public notice would be placed in the two local papers advising of the public exhibition of the draft planning proposal. Whilst the three property owners have been contacted regarding the proposed amendments, letters would also be sent to the three property owners advising of the public exhibition.

It is noted that Camden Council have commenced a similar process for the land transferred into their LGA and Council officers will work with Camden Council to ensure that the changes to the relevant instruments occur in an integrated manner in order that land owners have clarity regarding the planning amendment process and the controls that apply to their land.

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Officer's Recommendation

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

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 22 March 2016 (Greiss/Kolkman)

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

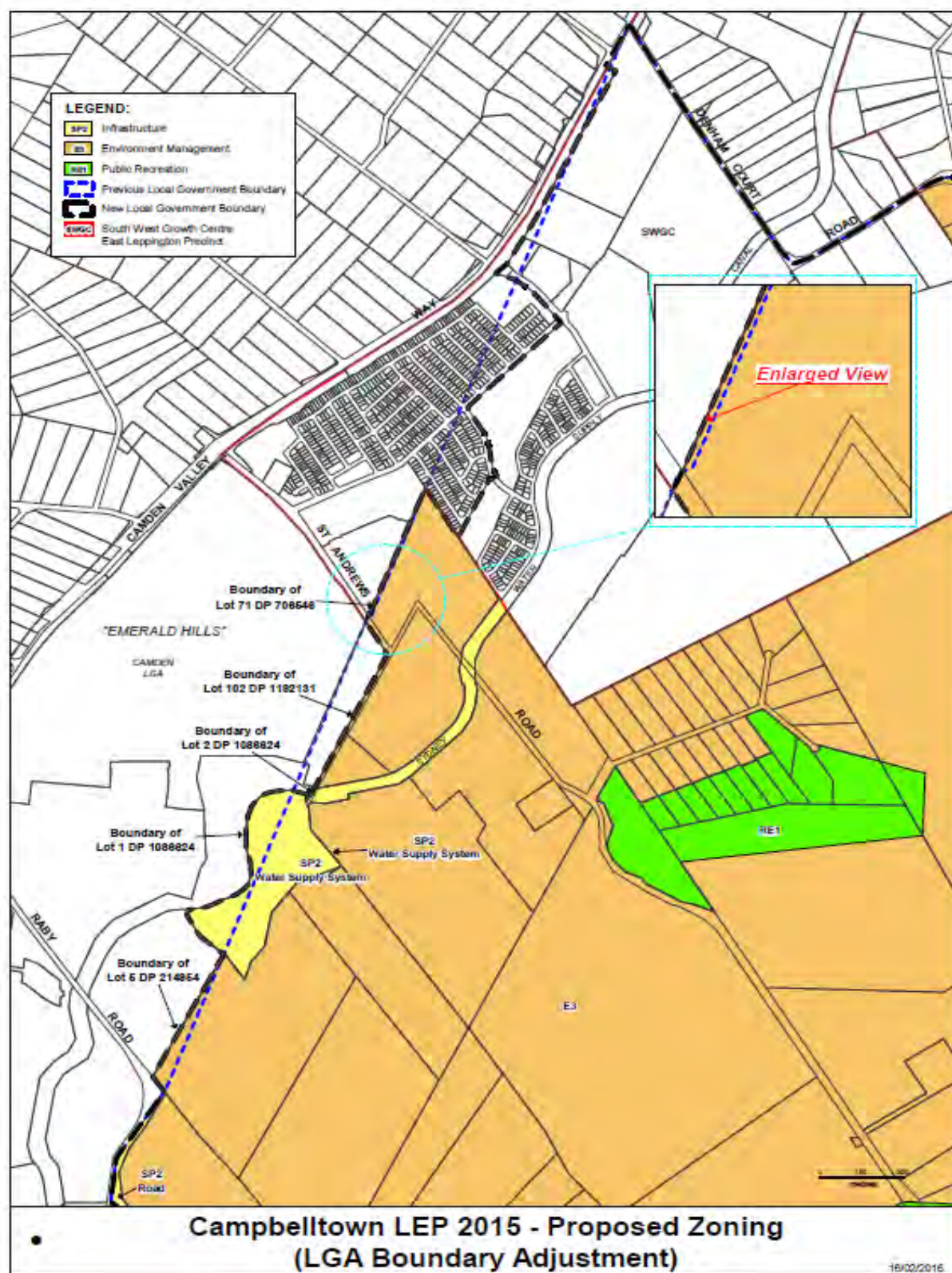
1. That Council support the planning rationalisation process and specifically the draft Planning Proposal shown as attachment 2 to this report and endorse its referral to the Department Planning and Environment for a Gateway Determination.
2. That Council use its delegation pursuant to Section 23 of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

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

Voting against the Council Resolution was Councillor: Thompson.

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

ATTACHMENT 1



ATTACHMENT 2

Draft Planning Proposal

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

Part 1 – Objectives or Intended Outcomes

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

Part 2 – Explanation of the Provisions

The Planning Proposal intends to amend the following maps under the Campbelltown LEP 2015 to reflect the re-alignment of the LGA boundary between the Campbelltown and Camden LGAs:

- Land Zoning Map - Sheet LZN_007 (1500_COM_LZN_007_020_20150428)
- Land Application Map – Sheet LAP_001 (1500_COM_LAP_001_120_20150428)
- Lot Size Map – Sheet LSZ_007 (1500_COM_LSZ_007_020_20150428)
- Height of Buildings Map – Sheet HOB_007 (1500_COM_HOB_007_020_20150428)
- Heritage Map – Sheet HER_007 (1500_COM_HER_007_020_20150428)
- Environmental Constraint Map – Sheet ECM_007 (1500_COM_ECM_007_020_20150428)
- Lot Size for Dual Occupancy Development Map – Sheet LSD_007 (1500_COM_LSD_007_020_20150428);

A detailed explanation of the proposed map amendments is included in PART 4 – MAPS of this Planning Proposal.

Part 3 – Justification

Section A – Need for the planning proposal

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

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

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

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

Section B – Relationship to strategic planning framework

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

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

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

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

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

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

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓
Standard Instrument—Principal Local Environmental Plan	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓
State Environmental Planning Policy No 1—Development Standards	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 14—Coastal Wetlands	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 15—Rural Landsharing Communities	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 19—Bushland in Urban Areas	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 21—Caravan Parks	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 26—Littoral Rainforests	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 29—Western Sydney Recreation Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 30—Intensive Agriculture	n/a	This SEPP is not relevant to the planning proposal.	n/a

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	✓	This SEPP applies to the state, however, the application primarily applies to the urban consolidation of land for the purposes of multi-unit residential development. This Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy No 33—Hazardous and Offensive Development	✓	This SEPP applies to the state, however, the proposal is not hazardous or offensive. This Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy No 36—Manufactured Home Estates	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 39—Spit Island Bird Habitat	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 44—Koala Habitat Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 47—Moore Park Showground	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 50—Canal Estate Development	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 55—Remediation of Land	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 62—Sustainable Aquaculture	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 64—Advertising and Signage	✓	SEPP 64 will apply to the new land to be located within the Campbelltown LGA as a result of the boundary re-alignment. The Planning Proposal is consistent with the SEPP.	✓
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 71—Coastal Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Affordable Rental Housing) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓	This Planning Proposal is consistent with the provisions of this SEPP.	✓
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Infrastructure) 2007	✓	This Planning Proposal is consistent with the provisions of this SEPP.	✓
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Kurnell Peninsula) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Major Development) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Rural Lands) 2008	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (State and Regional Development) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	✓	The planning proposal includes the amendment of the Campbelltown LEP 2015 maps near the East Leppington South West Growth Centre precinct which was rezoned under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in March 2013. The map	✓
		amendments relate to the LGA boundary at East Leppington only, and do not propose to make any changes to the SEPP. The Planning Proposal is not inconsistent with the SEPP.	
State Environmental Planning Policy (Urban Renewal) 2015	n/a	This SEPP is not relevant to the planning proposal.	n/a

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

State Environmental Planning Policy (Western Sydney Employment Area) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Western Sydney Parklands) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 16—Walsh Bay	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 18—Public Transport Corridors	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 24—Homebush Bay Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 25—Orchard Hills	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 26—City West	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 28—Parramatta	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 30—St Marys	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 33—Cooks Cove	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a

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

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

Ministerial Direction	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	This s.117 direction is not relevant to the planning proposal.

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

1.2 Rural Zones	N/A	This s.117 direction is not relevant to the planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	This s.117 direction is not relevant to the planning proposal.
1.4 Oyster Aquaculture	N/A	This s.117 direction is not relevant to the planning proposal.
1.5 Rural Lands	N/A	This s.117 direction is not relevant to the planning proposal.
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	The proposal intends to apply an E3 Environmental Conservation zone to land which was previously zoned RU2 – Rural Landscape, therefore not diminishing the environmental standards that apply to the land.
2.2 Coastal Protection	N/A	This s.117 direction is not relevant to the planning proposal.
2.3 Heritage Conservation	Yes	The proposal has no impact upon the heritage listing of the adjacent Sydney Upper Canal which is a State heritage item.
2.4 Recreation Vehicle Areas	N/A	This s.117 direction is not relevant to the planning proposal.
3. Housing, Infrastructure and		
3.1 Residential Zones	N/A	This s.117 direction is not relevant to the planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	N/A	This s.117 direction is not relevant to the planning proposal.
3.3 Home Occupations	N/A	This s.117 direction is not relevant to the planning proposal.
3.4 Integrating Land Use and Transport	N/A	This s.117 direction is not relevant to the planning proposal.
3.5 Development Near Licensed Aerodromes	N/A	This s.117 direction is not relevant to the planning proposal.
3.6 Shooting Ranges	N/A	This s.117 direction is not relevant to the planning proposal.
4. Hazard and Risk		

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

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

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney	Yes	The Planning Proposal is consistent with the relevant actions from the draft South West Sub-regional Strategy.

Section C – Environmental, social and economic impact.

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

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

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

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

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

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

Section D – State and Commonwealth interests.

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

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

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

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

State and Commonwealth public authorities have not been consulted at the pre-Gateway stage. However, given that the planning proposal is administrative in nature and reflects the recent gazettal of the re-aligned LGA boundary between Campbelltown and Camden Councils, it is proposed that agency consultation will be limited.

Part 4 – Mapping

The following maps are provided as attachments to this planning proposal:

- Land Zoning Map - Sheet LZN_007 (1500_COM_LZN_007_020_20150428)
- Land Application Map – Sheet LAP_001 (1500_COM_LAP_001_120_20150428)
- Lot Size Map – Sheet LSZ_007 (1500_COM_LSZ_007_020_20150428)
- Height of Buildings Map – Sheet HOB_007 (1500_COM_HOB_007_020_20150428)
- Heritage Map – Sheet HER_007 (1500_COM_HER_007_020_20150428)
- Environmental Constraint Map – Sheet ECM_007 (1500_COM_ECM_007_020_20150428)
- Lot Size for Dual Occupancy Development Map – Sheet LSD_007 (1500_COM_LSD_007_020_20150428);

Part 5 - Community Consultation

It is recommended that the Planning Proposal be publicly exhibited for a period of 28 days subject to the requirements of a future Gateway Determination. A notification will be placed in the local newspaper and the exhibition material available at:

- Campbelltown Customer Service Centre
- Council's Libraries, (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

During the exhibition period, any landowners who will be affected by the proposed amendments will be notified of the exhibition of the draft planning proposal. At the conclusion of the exhibition period, a report will be submitted back to Council detailing the submissions received.

Part 6 – Project Timeline

Anticipated commencement date (date of Gateway determination)	May 2016
Anticipated timeframe for the completion of required technical information	May 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	No separate government agency consultation proposed – incorporate into public exhibition period
Commencement and completion dates for public exhibition period	May 2016 – June 2016
Timeframe for consideration of submissions	June 2016

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Date of submission to the department to finalise the LEP	August 2016
Anticipated date RPA will make the plan (if delegated)	August 2016
Anticipated date RPA will forward to the department for notification	August 2016

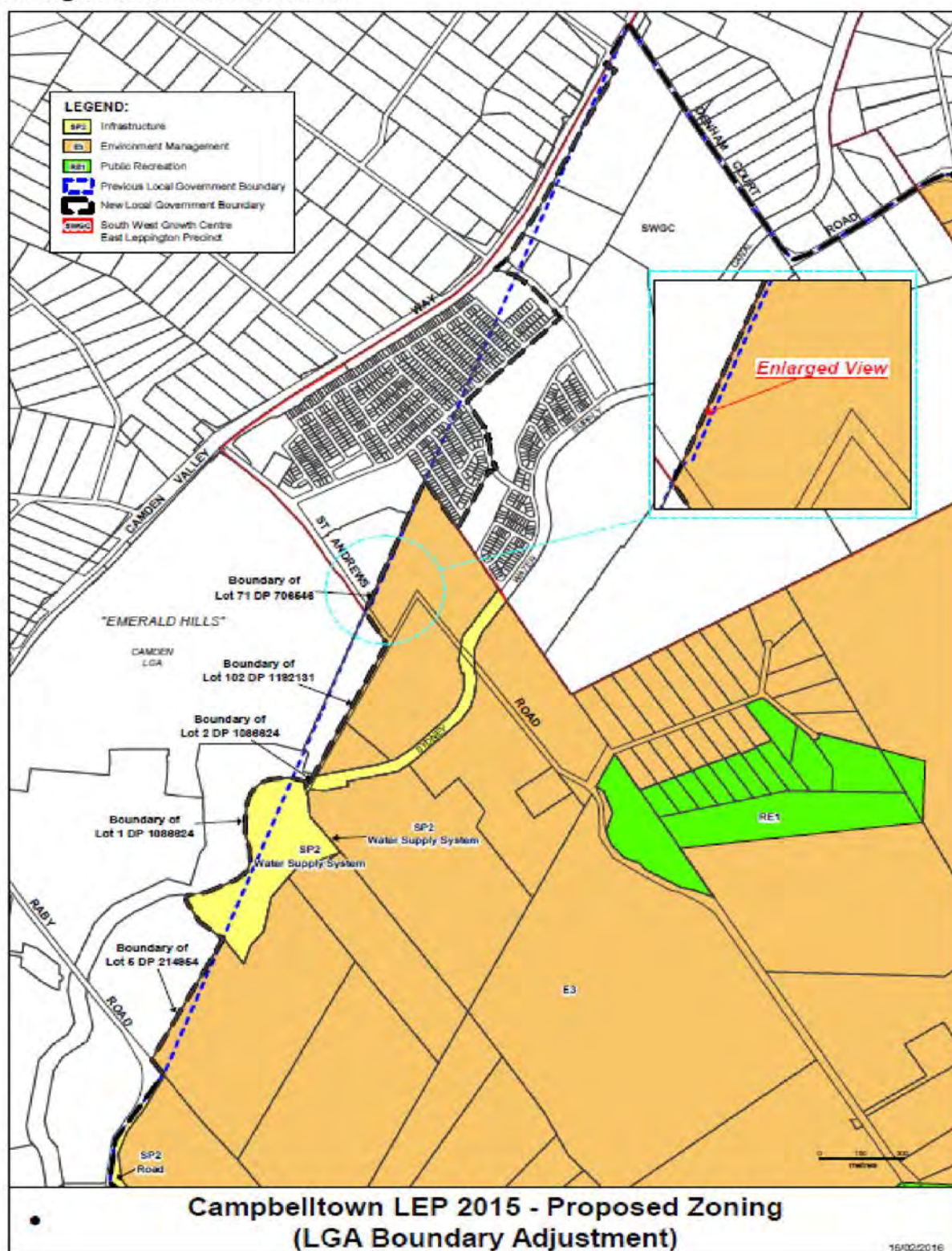
Schedule of Attachments

- Attachment A - Re-alignment of LGA boundaries**
 - Attachment B - Copy of Government Gazette dated 27 November 2015**
 - Attachment C - Existing Campbelltown LEP 2015 maps prior to re-alignment of LGA boundaries**
 - Attachment D - Proposed Campbelltown LEP 2015 maps post to re-alignment of LGA boundaries**
-

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Attachment A

Re-alignment of LGA boundaries



Attachment B

Copy of Government Gazette dated 27 November 2015



Government Gazette

of the State of

New South Wales

Number 106

Friday, 27 November 2015

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

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

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

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Parliament

PARLIAMENT

ACT OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 19 November 2015

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

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

DAVID BLUNT
Clerk of the Parliaments

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 19 November 2015

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

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

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

RONDA MILLER
Clerk of the Legislative Assembly

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Government Notices

GOVERNMENT NOTICES

Miscellaneous Instruments

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

DAVID HURLEY, Governor

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

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

By His Excellency's Command,

PAUL TOOLE, MP
Minister for Local Government

GOD SAVE THE QUEEN!

Schedule A:

Areas to be transferred from Campbelltown to Camden

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

Schedule B:

Areas to be transferred from Camden to Campbelltown

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

Schedule C:

Campbelltown Council (as altered)

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

2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Government Notices

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

Schedule D:

Camden Council (as altered)

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

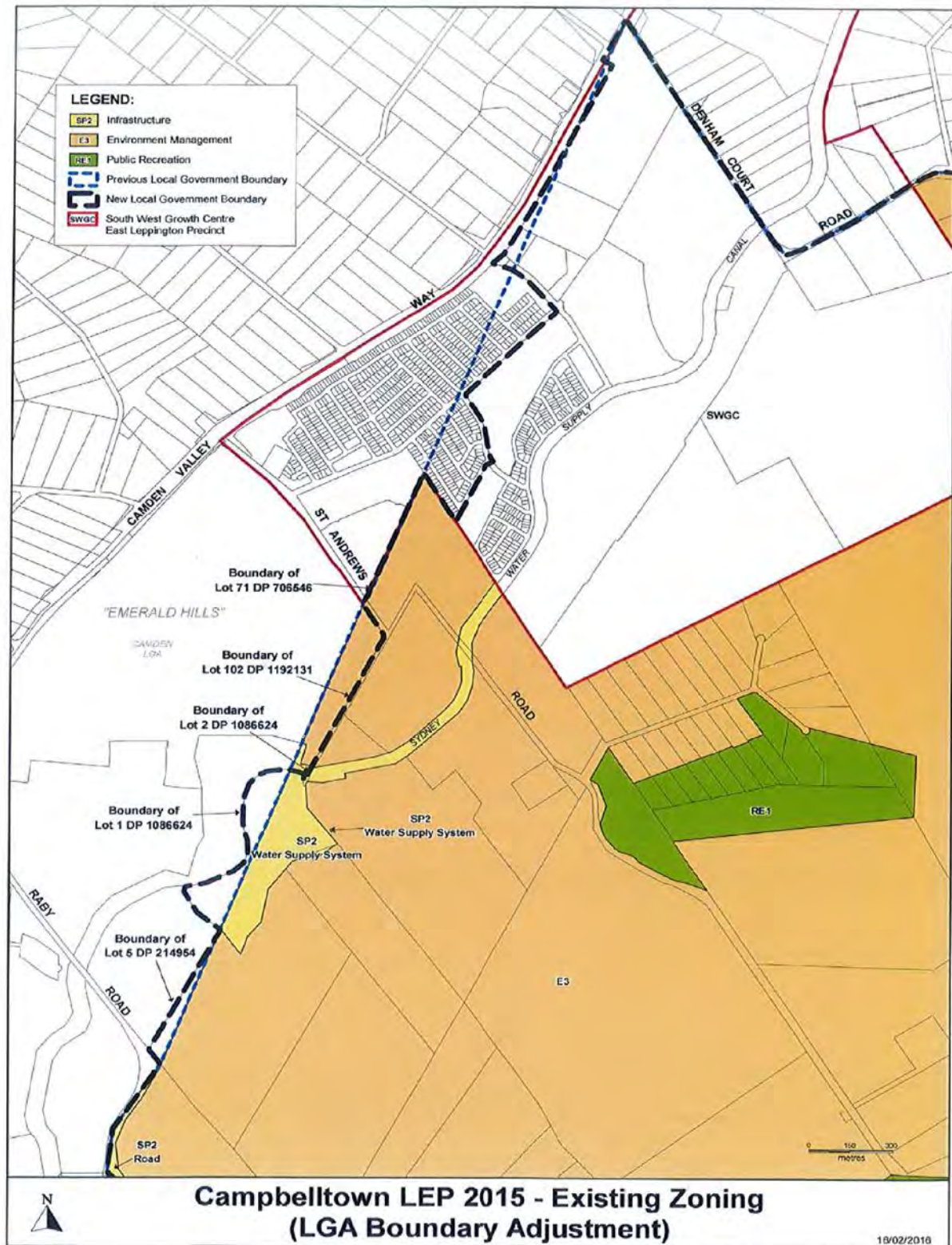
Schedule E:

Rates and Charges

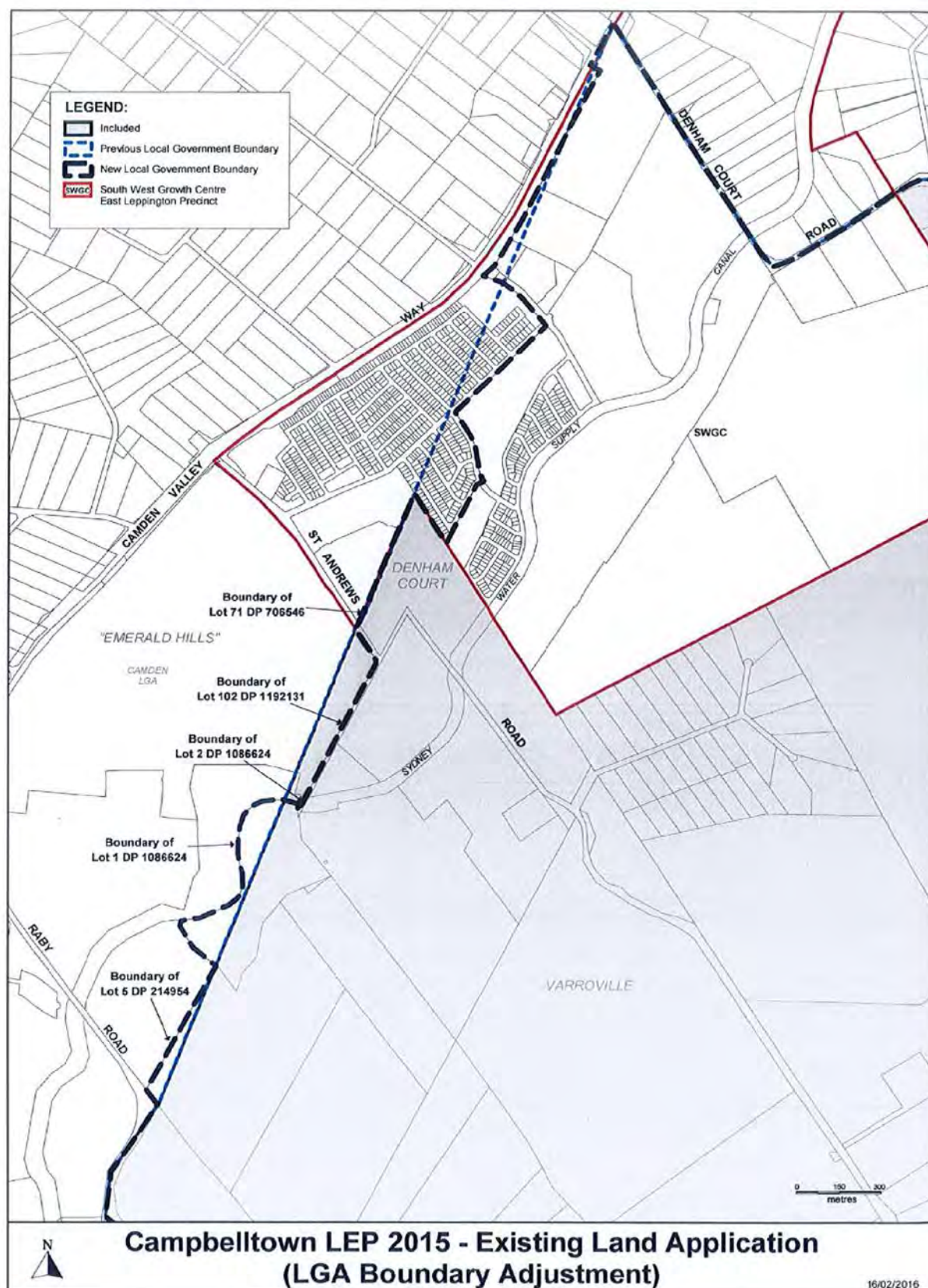
- 1)^{oo} Appropriate arrangements are to be made in relation to the rates and charges over the rateable parcels of land affected by this Proclamation.
- 2)^{oo} The General Manager of Campbelltown City and the General Manager of Camden are to reach a negotiated agreement on the nature of those arrangements.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

Attachment C

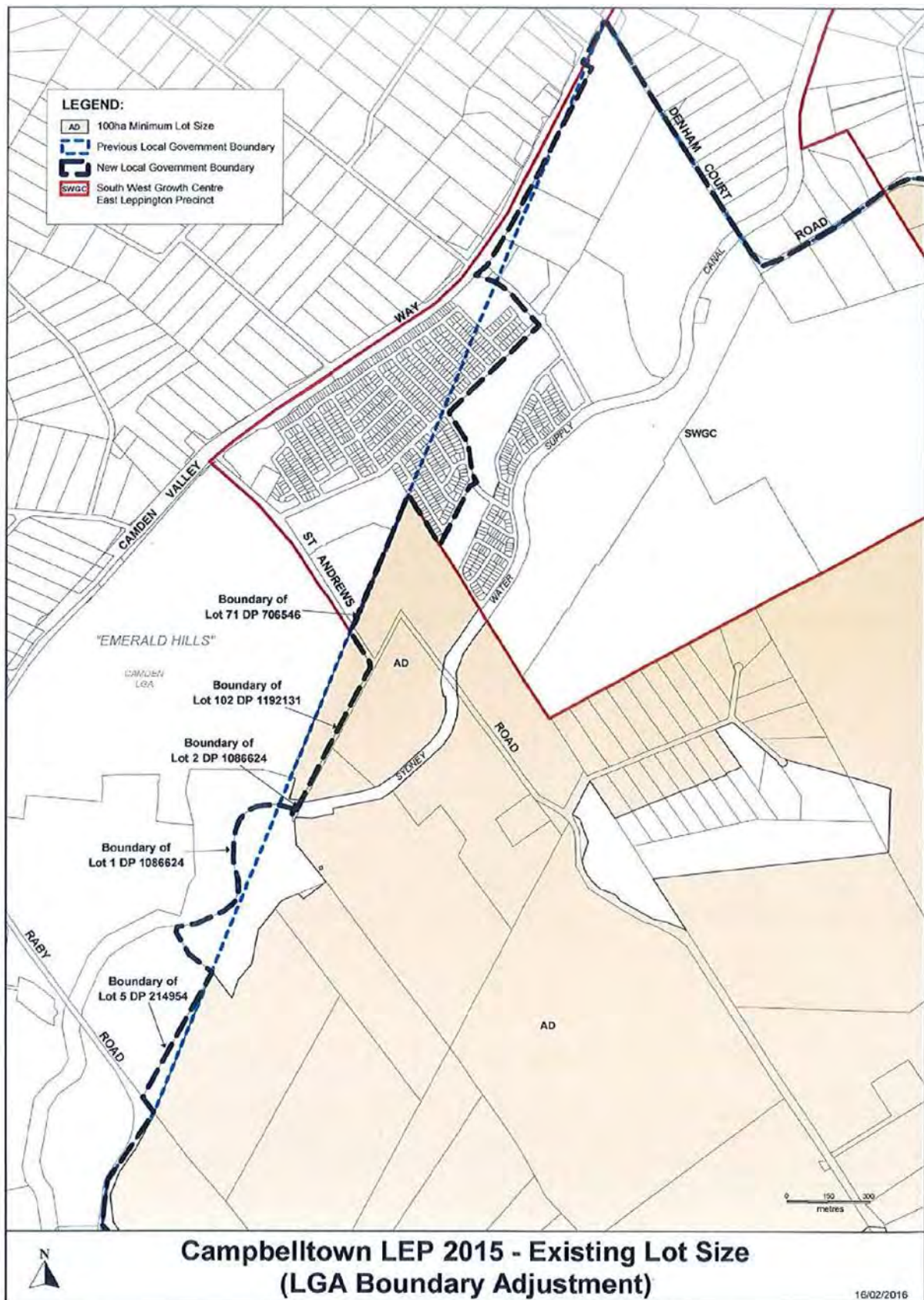
Existing Campbelltown LEP 2015 maps prior to re-alignment of LGA boundaries



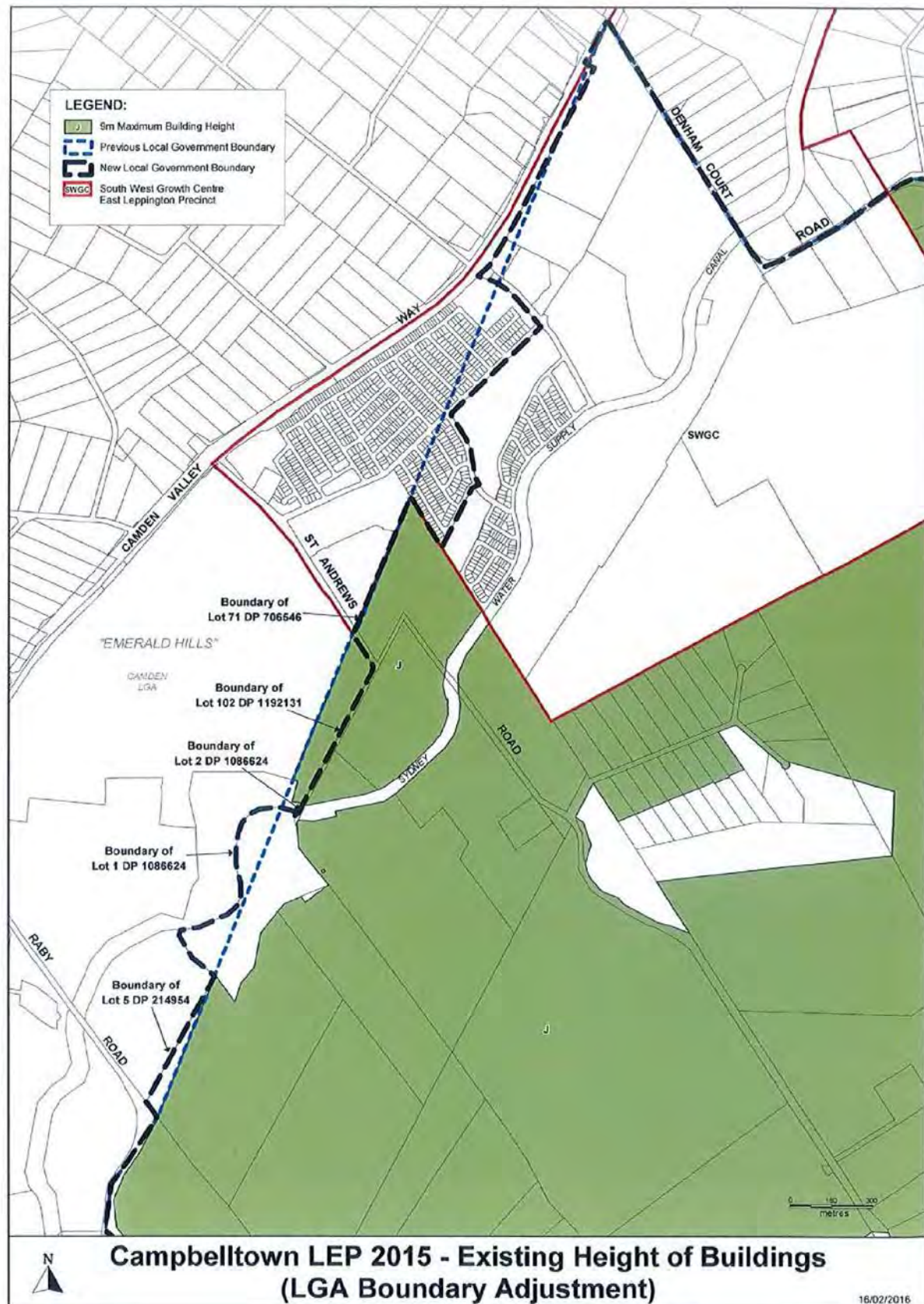
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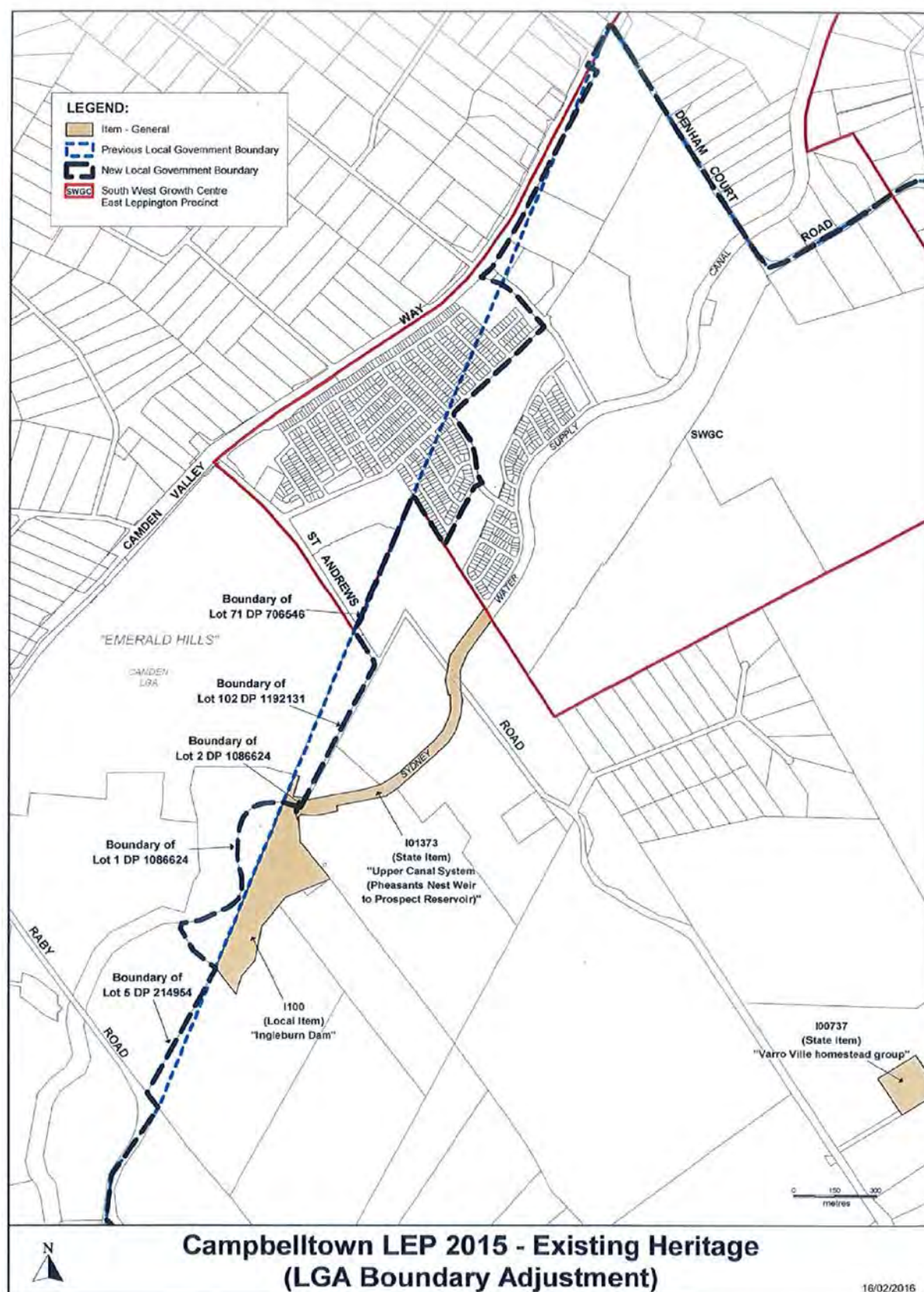
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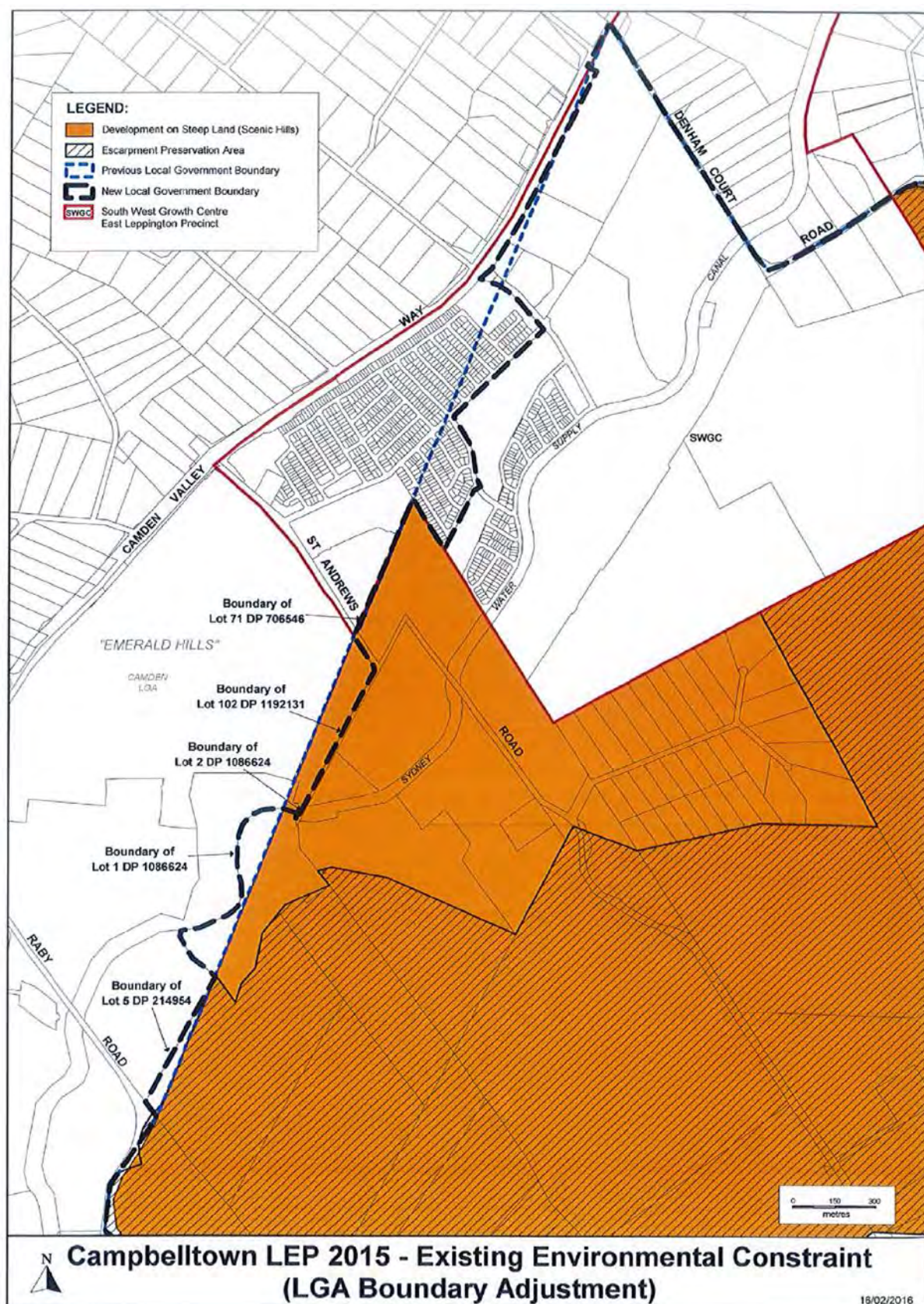
2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary



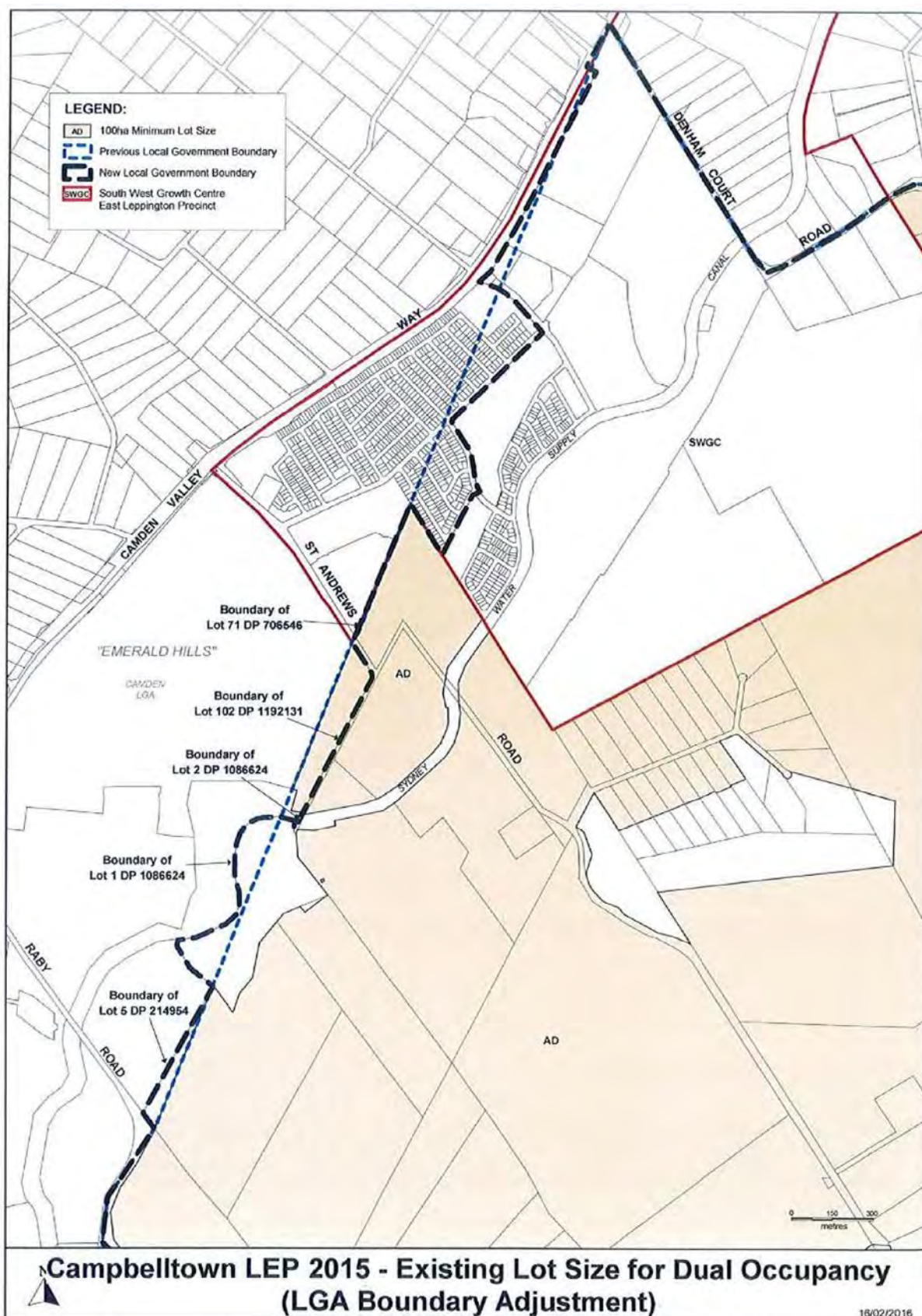
2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary



2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary



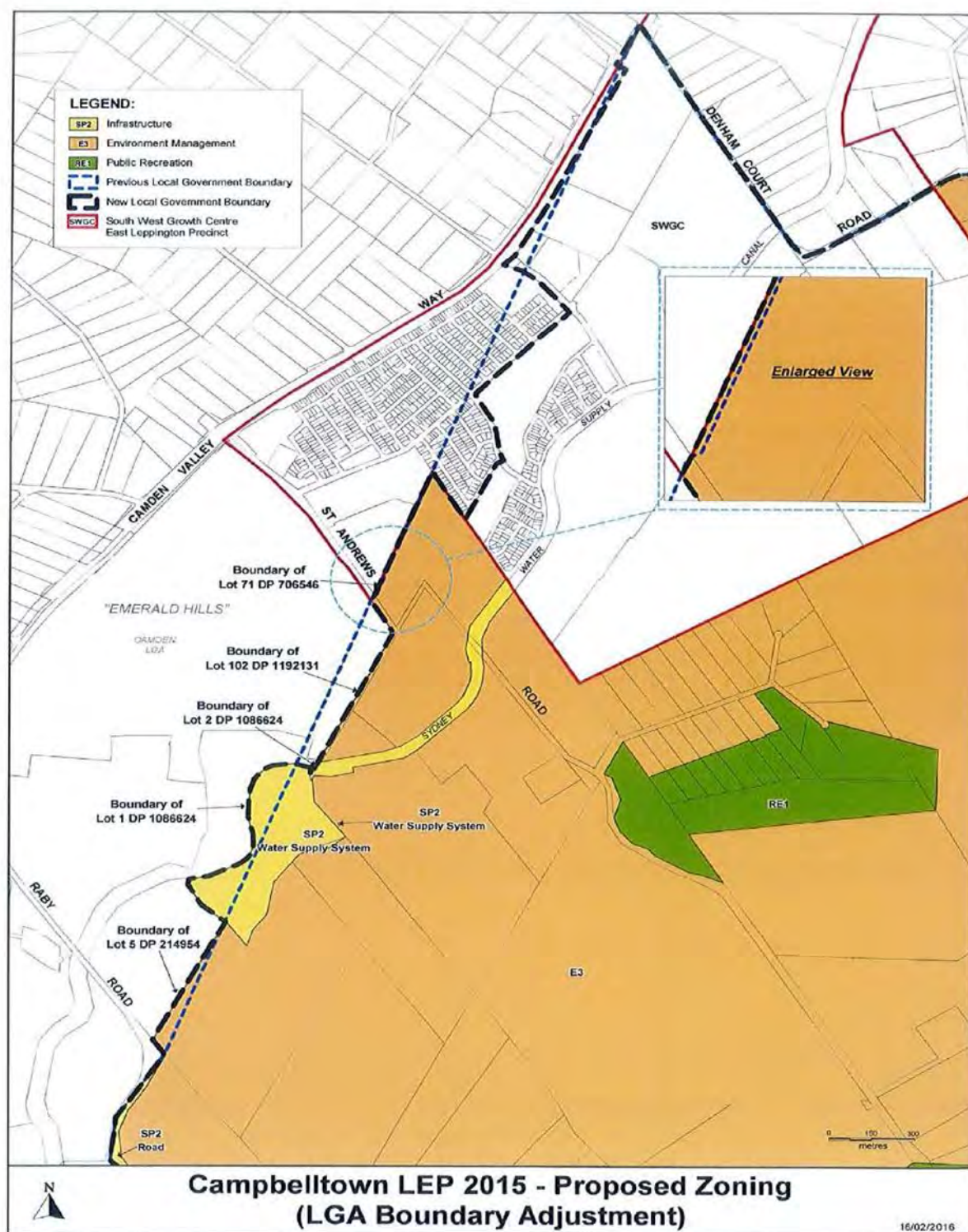
2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary



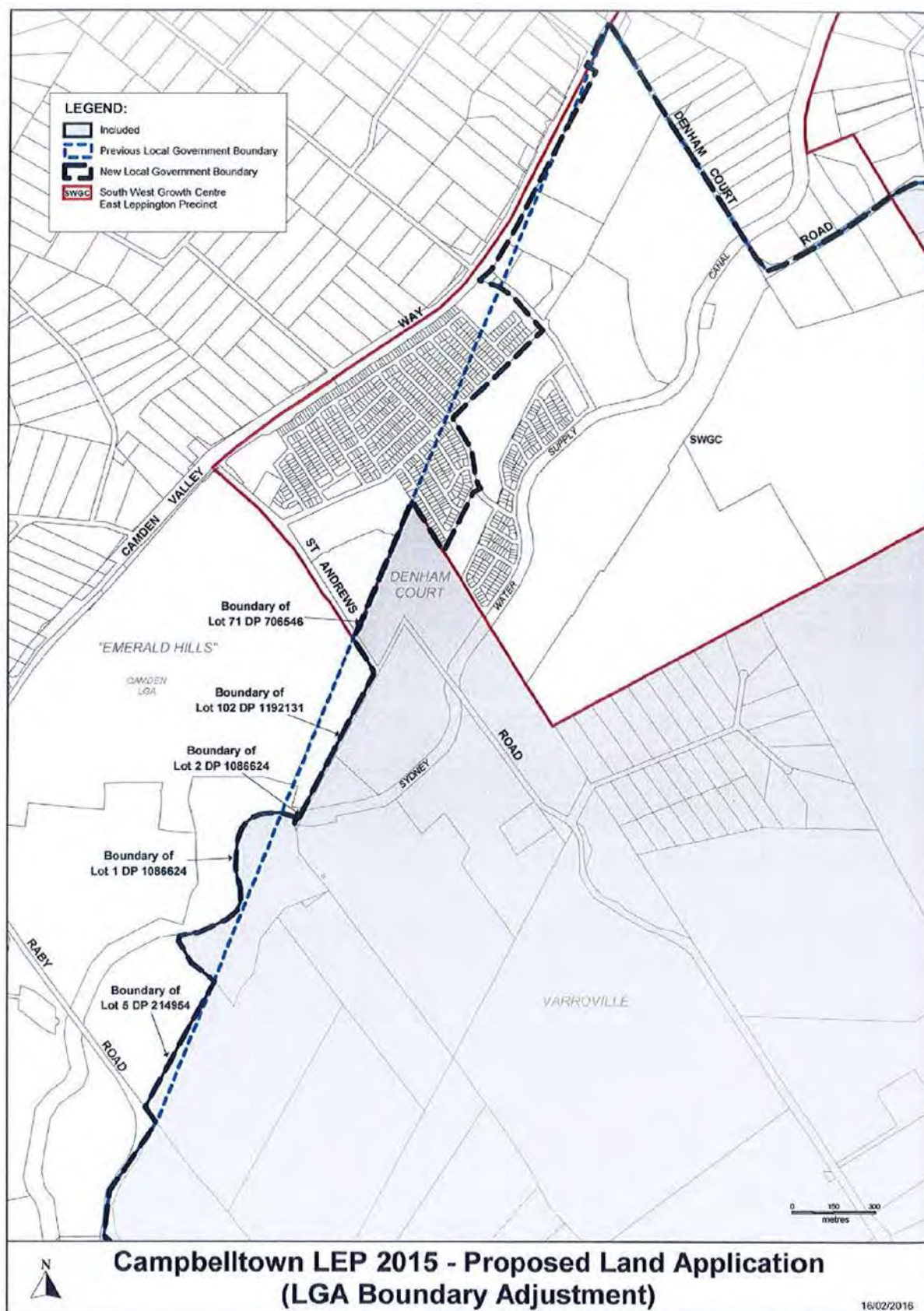
2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary

Attachment D

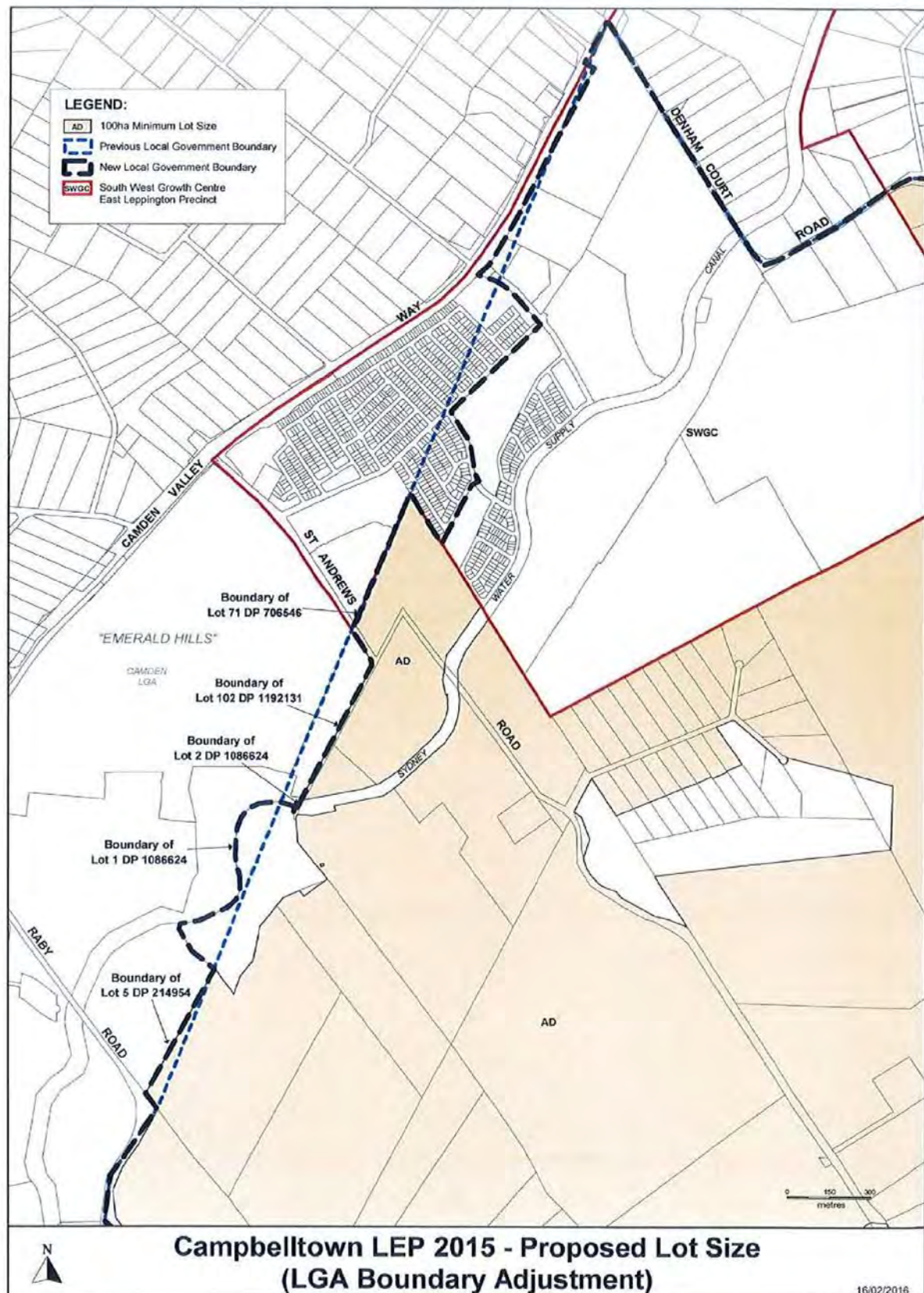
Proposed Campbelltown LEP 2015 maps post to re-alignment of LGA boundaries



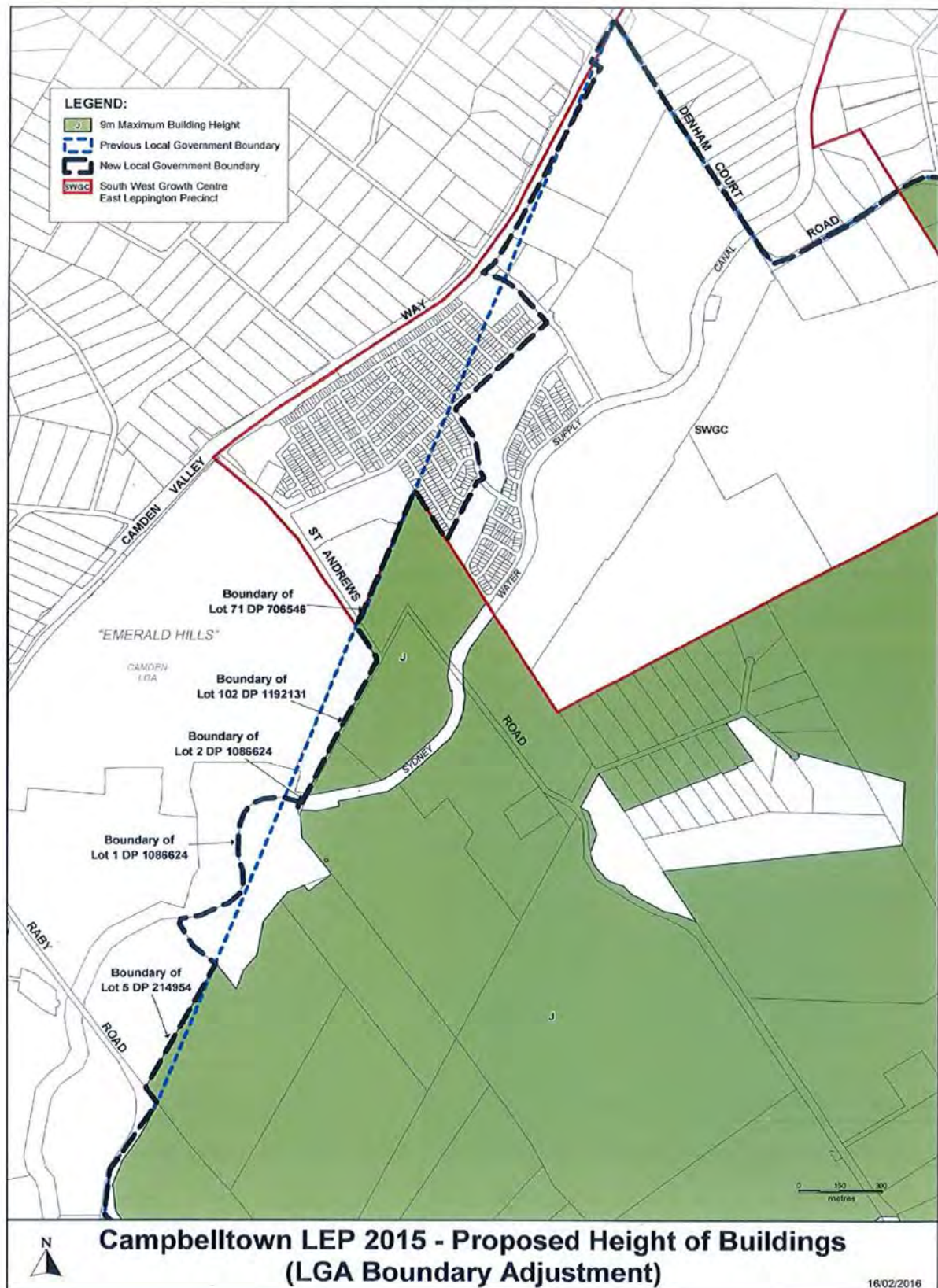
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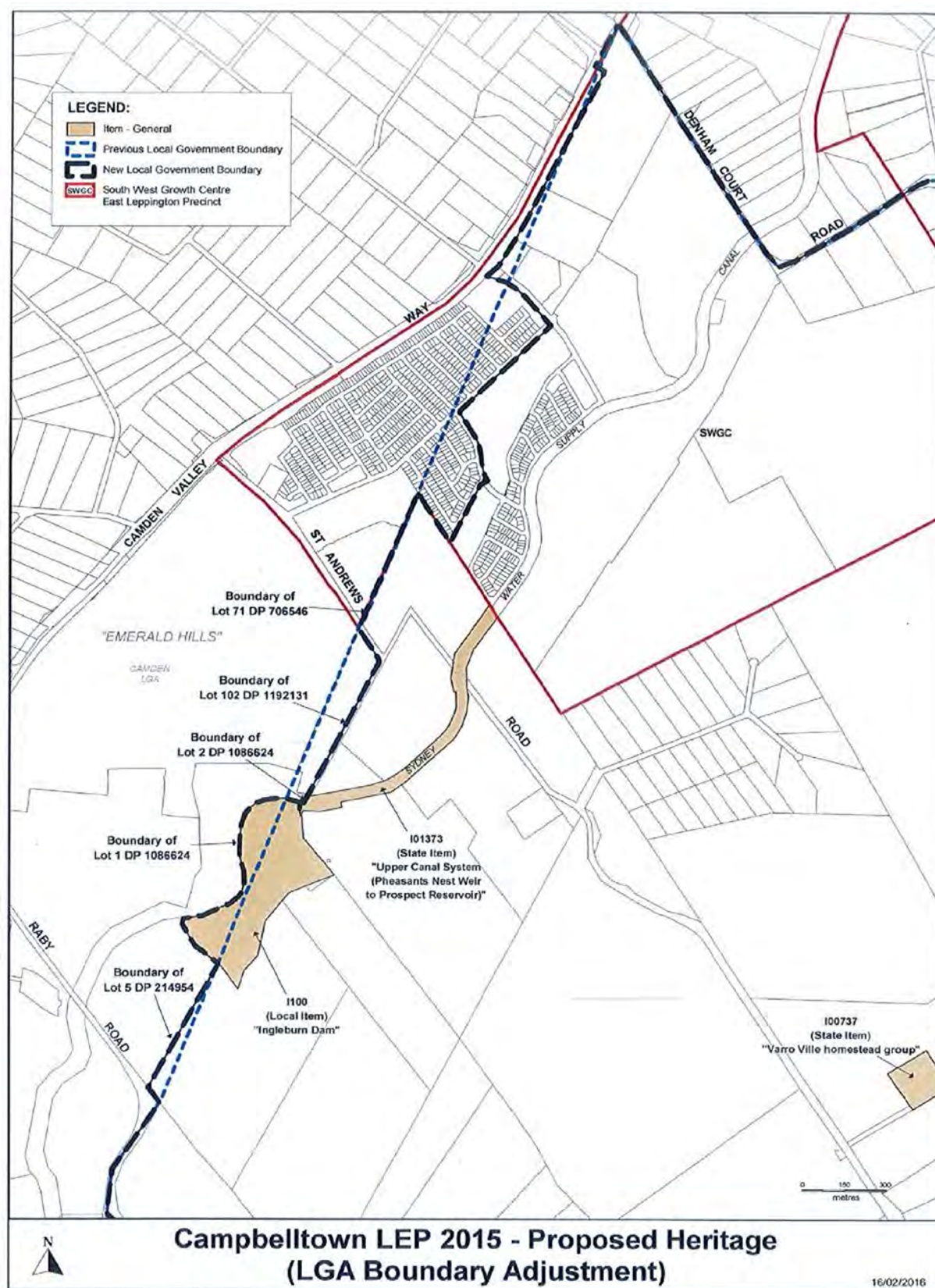
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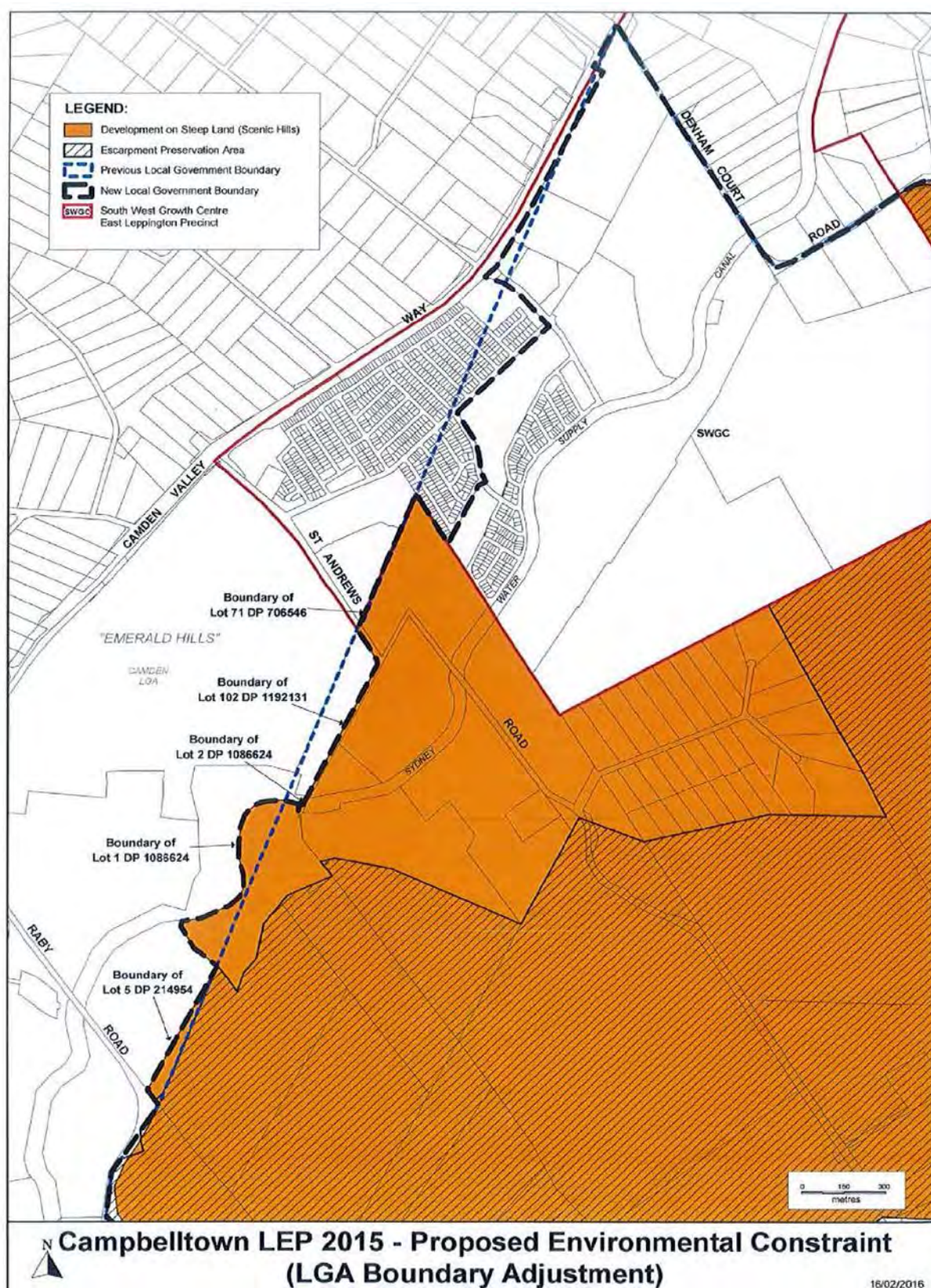
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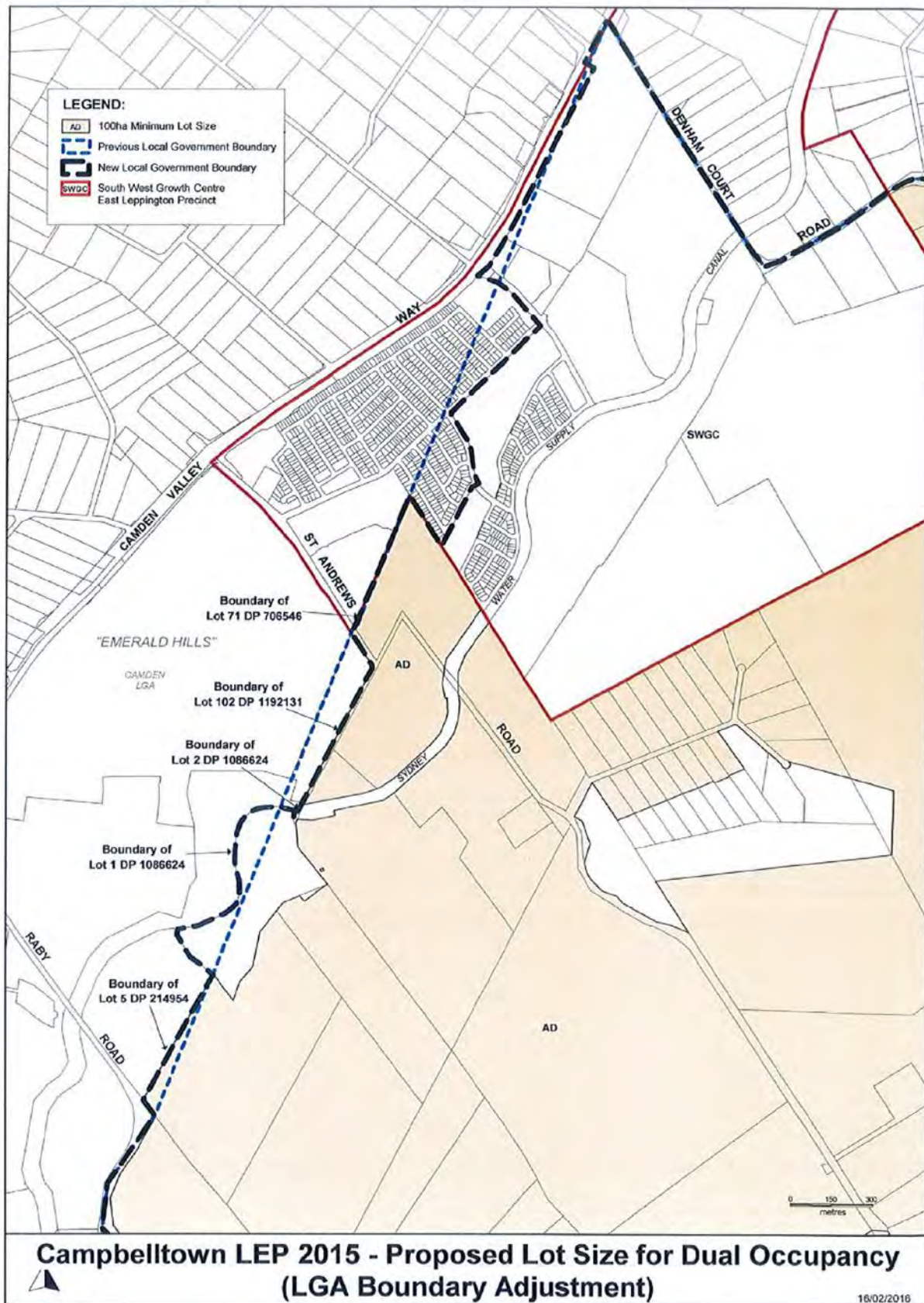
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2.3 Amendment To Campbelltown Local Environmental Plan 2015 To Reflect The Re-Alignment Of The Campbelltown - Camden Local Government Boundary



2.4 Planning Proposal - Rezoning of the Glenfield Waste Site

Reporting Officer

Manager Environmental Planning

Attachments

1. Correspondence from the Department of Planning and Environment (contained within this report)
2. Revised draft Planning Proposal and maps (contained within this report) with Technical Studies (distributed under separate cover due to their size of 995 pages)

Purpose

To seek Council's endorsement to place a revised planning proposal and associated technical studies on public exhibition, to primarily enable the Glenfield Waste Site (GWS) at Cambridge Ave, Glenfield to be used for industrial purposes and a private car park to service the industrial uses.

History

In June 2012, Council received a draft rezoning submission report from Environmental Property Services, on behalf of the property owners of the GWS, requesting Council to rezone the site to generally enable industrial development and a car park.

Council on 18 June 2013 considered a report on the draft planning proposal and resolved in part as follows:

"That Council endorse the draft planning proposal from Environmental Property Services, on behalf of the property owner JC & FW Kennett Pty Ltd for the rezoning of Glenfield waste site to generally enable industrial development as presented by this report and lodge the draft Planning Proposal with the Department of Planning and Infrastructure for determination by the Gateway Panel."

Accordingly, on 6 August 2013 Council received a Gateway Determination from the Department of Planning and Environment (the Department) that supported the proposal subject to a number of conditions. These conditions required additional information to be placed on public exhibition with the planning proposal in relation to flora and fauna, heritage, acoustic (noise impact), stormwater management and flooding and traffic impact (roadwork capacity and infrastructure improvements).

As part of the Gateway Determination Council was also required to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with S117 Directions related to heritage conservation, integrated land use and transport and flood prone land.

In light of the requirements under the Gateway Determination, Council provided the Department with additional information in relation to S117 Directions, and sought variation to one of the Gateway conditions that required the preparation of additional information for stormwater and flooding prior to public exhibition. Notably, Council's engineers are of the opinion that while a detailed stormwater and flood study must be prepared for the site, it may be prepared at a later stage as part of any future subdivision application for the site.

Accordingly, on 9 December 2014 the Department issued a revised Gateway determination a copy of which is shown under Attachment 1. The revised Gateway determination removed the condition requiring additional stormwater and flooding information at this stage, subject to providing an additional access point to the site from Cambridge Avenue, in an area that is not potentially affected by flooding. In addition the Department advised Council that the planning proposal is considered to be consistent with S117 Direction 2.3 Heritage Conservation and suggested that Council include additional information in relation to cycling and pedestrian options to justify consistency with S117 Direction No 3.4 Integrating Land Use Transport.

In accordance with the revised Gateway Conditions, the applicant prepared all the required studies to Council officer's satisfaction. The planning proposal shown under Attachment 2 to this report has been revised and updated to reflect the findings of the technical studies.

A submission to the then draft Campbelltown Local Environmental Plan 2014 (the draft CLEP 2014) was received during the public exhibition period from the NSW Office of Strategic Lands (OSL) in relation to land acquisition matters of the adjacent open space corridor. OSL advised Council via its submission that it would not accept the part of the open space corridor that has been subject to landfill and that which contains monitoring wells for gas and water.

As this planning proposal was already lodged with Council, it was considered appropriate to address the submission to the then draft CLEP 2014 via an amendment to this Planning Proposal to include the existing open space corridor.

In consultation with the OSL, the applicant undertook a survey to ascertain the width of the open space corridor to be acquired by OSL with the remaining corridor land to be zoned for industrial uses. A copy of the survey was submitted to Council in August 2015 and shown as Map 3.12 under Attachment 2 to this Report.

Council in September 2015 revised the planning proposal boundary to include the required open space corridor and additional area to be rezoned for industrial purposes and sought a revised Gateway Determination from the Department.

On 8 February 2016, Council received an 'Alteration of Gateway Determination' which addressed the site boundary and zoning variation and required Council to finalise the proposed amendment to the Campbelltown Local Environmental Plan 2015 (the CLEP) by 15 September 2016. A copy of the 'Alteration to the Gateway Determination' is included under attachment 1 to this report.

A brief overview of the planning proposal was provided to Councillors at the 23 February 2016 briefing evening.

This report seeks Council's endorsement to place the planning proposal and associated technical studies on public exhibition for public comments.

Report

Property Description: Lot 91 DP 1155962, Lot 1 DP 113201 and Lot 2 DP 333578

Owner: JC & FW Kennett Pty Ltd

Property Description: Lot 3 DP 735524 and Lot 3 DP 736881

Owner: Figela Pty Ltd

Property Description: Lot 92 DP 1155962

Owner: Transport for NSW

The Site

The Glenfield waste site comprises two large parcels of land, the northern parcel, located within the Liverpool Local Government Area (LGA) and the southern parcel, located within the Campbelltown LGA. This proposed rezoning application relates only to the southern parcel that is located within the Campbelltown LGA (bisected by Cambridge Avenue).

The site subject to this Planning Proposal is approximately 48 hectares in area and shown as Map 3.1, under Attachment 2 of this report.

The Georges River forms the eastern boundary of the GWS. A strip of open space land separates the subject site from the Georges River, and acts as a buffer between the river and the existing recycling facility.

An electricity easement passes along the site located south of Cambridge Avenue. This area of the site is currently unoccupied open space, used only for grazing horses and acts as a 'buffer' between the recycling facility to the north and the residential areas to the south.

Draft Planning Proposal – Amendment No. 2 to the CLEP

The draft Planning Proposal seeks to rezone an area north of Cambridge Ave to enable industrial development, and rezone an area south of Cambridge Avenue (that is burdened by an electricity easement) for car parking purposes. The area south of Cambridge Ave will be subject to the outcome of consultation with Transgrid, who owns the electricity easement that runs through the southern part of the site.

The proposed rezoning will form the second amendment (Amendment No 2) to the CLEP. The first amendment to the CLEP will be a required administrative amendment resulting from a boundary adjustment and is outlined in a separate report in the March 2016 business paper.

Existing Zoning

The site is currently subject to the following plans:

1. Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002)
 2. Campbelltown Local Environmental Plan 2015 (The CLEP)
-

Most of the land that is subject to this planning proposal is included under the CLEP as a 'Deferred Matter' and as such Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) is currently the principal planning instrument that applies to these allotments. The deferred areas under the CLEP are currently zoned 1(a) Rural Zone under LEP 2002. The current zoning map under LEP 2002 is shown as Map 3.3 under Attachment 2 of this report.

The railway corridor that passes through the site, the proposed Georges River Parkway, Cambridge Avenue and the strip of open space corridor that runs adjacent to the Georges River have been assigned appropriate zones under the CLEP as shown on the Map 3.4 of Attachment 2. Those areas will retain the current zoning under the CLEP with the exception of part of the open space corridor which is proposed to be reduced in width (from approximately 160 metres to approximately 40 to 70 metres)

Proposed Zoning

The properties owned by JC & FW Kennett Pty Ltd and Figela Pty Ltd, located north of Cambridge Avenue are proposed to be zoned Zone IN1 General Industrial.

The land that is proposed to be acquired by OSL (as mentioned previously in this report) is proposed to retain the current zoning under the CLEP RE1-Public Recreation, while the remaining area of this open space strip is proposed to be rezoned Zone IN1-General Industrial.

The property to the north west owned by Transport for NSW (Lot 92 in DP 1155962) is proposed to be rezoned Zone SP2 (Railway Corridor). This area is currently a deferred matter under the CLEP.

The part of the site south of Cambridge Avenue (Part Lot 3 DP 736881) is proposed to be rezoned Zone SP2 Infrastructure (Car Park). A proposed land zoning map is shown as Map 3.5 under Attachment 2 of this report.

Proposes lot sizes and proposed height of buildings

It is proposed that the future industrial areas be allocated a minimum lot size of 4000sqm, and a maximum building height of 12 meters which are consistent with the minimum lot sizes and building heights for areas currently zoned IN1 General Industrial across the LGA (Ingleburn and Minto industrial areas).

Gateway Determination – December 2014

On 9 December 2014 the Department issued a revised Gateway determination, a copy of which is shown under Attachment 1.

The Gateway Determination required Council to meet certain conditions. These conditions have now been met and are discussed in more detail below:

Condition 1: Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to identify the uses proposed for the subject land. The planning proposal is to be updated to correctly reference the name of the zone for land proposed to be rezoned for special purposes - railway.

Comments

The Planning Proposal has been updated and now includes a description of the intended land uses of the site.

It is proposed that the part of the site located north of Cambridge Avenue be used for industrial development with a focus on warehousing and logistics. The part of the site that is located south of Cambridge Avenue is proposed to be used for car parking purposes to service the future industrial development.

Notably, if the land is to be rezoned to Zone IN1 General Industrial under the CLEP a range of additional land uses will become permissible as follows:

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Roads; Rural industries; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres

Condition 2: Prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions:

- No 2.3 Heritage Conservation
- No 2.3 3.4 Integrating Land Use and Transport
- No 2.3 4.3 Flood Prone Land.

Comments

The planning proposal has been updated to adequately demonstrate consistency or justify any inconsistency with the above S117 Directions. A copy of the revised draft Planning Proposal is shown under Attachment 2.

Condition 3: Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- flora and fauna
 - heritage
 - acoustic (noise impact)
 - traffic impact (road network capacity and infrastructure improvements).
-

Comments

Additional information in regard to the above matters has been prepared by the applicant and submitted to Council as follows:

1. Flora and Fauna

An Ecological Assessment for the GWS, prepared by Environmental Property Services has been submitted. The ecological study is supported by a number of field surveys and studies including an assessment of the woodland vegetation, a detailed flora and fauna field surveys and hollow bearing tree assessment.

The additional information has been prepared by the applicant in consultation with Council's officers and the Office of Environment and Heritage (OEH).

The main findings of the ecological study are as follows:

- The subject site supports vegetation that meets the criteria for Cumberland Plain Shale Woodlands, which is listed as critically endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act)
- Threatened bat species were recorded during the targeted surveys being *Pteropus poliocephalus* (Grey-headed Flying-fox), *Saccolaimus flaviventris* (Yellow-bellied Sheath-tail-bat), *Mormopterus norfolkensis* (East-coast Freetail-bat), *Miniopterus australis* (Little Bentwing bat) and *Miniopterus schreibersii oceanensis* (Eastern Bentwing bat)
- No threatened frog, waterbird, arboreal mammal, or fish species were identified during surveys and are considered unlikely to occur on the investigation area
- The investigation area supported a farm dam which provided an area of open, deep water for common waterbird species
- The investigation area supported a relatively high number of hollow bearing trees.

In November 2014 an additional Biobanking Credit Assessment (Field Work Report), and a Cumberland Plain Shale Woodlands Assessment were prepared by SLR Consulting Australia Pty Ltd for the Glenfield Site. The draft biodiversity offset is a proposed option to provide compensation for any impacts upon the Cumberland Plain Shale Woodland. Further consultation with the Commonwealth Department of Environment and OEH at the subdivision stage would be required to determine the best pathway for providing the best possible ecological outcomes for the site.

The additional information provided by the applicant in relation to flora and fauna is considered sufficient for the rezoning stage and will be placed on public exhibition as part of the planning proposal. However, it is considered important that the amendment to the CLEP include a specific requirement (additional local clause) for a detailed biodiversity offset strategy to be prepared as part of any development application for industrial development on the site that proposes to remove vegetation.

Given that the site contains critically endangered vegetation, it is recommended that while the planning proposal is on public exhibition, Council formally consult with the Chief Executive of the Office of Environment and Heritage as required by Section 34A (Special Consultation Procedures Concerning Threatened Species) of the *Environmental Planning and Assessment Act 1979*.

2. Heritage

There is no significant European cultural heritage located on the subject site.

Additional information in relation to aboriginal heritage has been prepared by the applicant in consultation with Council's officers and OEH. Archaeological and Heritage Management Solutions Pty Ltd (AHMS) prepared an Aboriginal Heritage Preliminary Assessment report for the rezoning of the site. The additional information included an assessment of significance with the preliminary assessments identifying four specific sites that had the potential for Aboriginal Archaeological significance.

Council consulted further with OEH, and as a result the applicant was required to provide additional information for the rezoning stage. The additional information included an assessment that reviewed the heritage significance of the four specific sites identified as part of its preliminary assessment.

Three sites were found to have 'low' value and only one site located south of Cambridge Avenue was identified to have a 'moderate' value, and therefore, has the potential to contain extensive and/or old cultural materials. The majority of this site is currently zoned RE1 Public Recreation with a portion zoned SP2 Road. This planning proposal does not seek to vary those zones. In addition to the RE1 and SP2 Zones, part of the site is also currently zoned 1(a) Rural under LEP 2002. This part of the site is proposed to be rezoned SP2 Car Park for car parking purposes.

Additional characterisations of this site deposit and more detailed investigations of this area should occur at the development application stage. Notably, a special site card for this area has been completed and lodged with the Aboriginal Heritage Information Management System registrar to ensure that this area will be identified at the development application stage and suitable conditions included in any consent issued on the land for the appropriate archaeological management of the site.

The additional information provided by the applicant in relation to aboriginal heritage is considered sufficient at this stage. OEH prefers a more rigorous archaeological investigation to be undertaken to identify the nature and extent of any archaeological deposits prior to rezoning rather than at the development stage. However, OEH advised, if no further assessment will be undertaken at this stage, more information should be included in the report about potential level of impact that will occur to the site as a result of the proposed development.

In this regard, Council will be further consulting with the aboriginal communities, while the planning proposal is on public exhibition, and seek their views on this matter.

3. Acoustic (noise impact)

SLR Consulting, on behalf of the applicant has undertaken a noise assessment relating to the proposed rezoning of the southern parcel of the GWS.

The aim of this assessment was to assess the potential noise impacts from land use changes associated with the rezoning on surrounding sensitive receptors i.e. residential premises. Noise emission levels for a hypothetical industrial estate were predicted to comply with the relevant noise goals during day, evening and night-time periods at all existing residential locations considered under calm and prevailing weather conditions. Furthermore, no specific noise mitigation measures, besides the existing mound and fence, have been included in the noise model. It is possible that actual noise emissions from the proposed industrial estate would be less than those predicted.

Predicted noise levels could be greatly reduced with judicious planning along with the use of equipment incorporating 'quiet' engineering design, the addition of acoustically designed enclosures, noise barriers or using management techniques. It is also possible that considerable screening of acoustically significant activities would be provided by buildings once the site is developed.

4. Traffic impact (road network capacity and infrastructure improvements)

AECOM on behalf of the applicant prepared a preliminary Traffic and Transport Review of the subject site.

The findings of the review indicates that the site would appear to be appropriate for 'Zone IN1 General Industrial Zone' from a transport perspective, subject to further detailed traffic impact assessment to determine the capacity of the existing network and identify the extent of required infrastructure improvements.

The site currently has two access points. It is proposed that an additional access point be created from Cambridge Avenue to service the future industrial developments at the site.

In addition to the preliminary Traffic and Transport Review prepared by AECOM, Anton Reisch Consulting Pty Ltd prepared a detailed Traffic Impact Assessment on behalf of the applicant to appropriately assess the potential traffic and transport impacts arising from the Proposal. Following is a dot point summary of the findings of this study:

- In the AM (commuter peak hour 7:00am – 8:00am) the Site trip generation is estimated at 265 vehicle trips per hour (vph), and in the PM (commuter peak hour 4:00pm – 5:00pm) the Site trip generation is estimated at 275vph
- The Site provides 2 existing access points to the local road network, Cambridge Avenue and Railway Parade. The intersection of Cambridge Avenue currently provides primary access to the Site, but the volume of additional trips generated by the Proposal dictates that a new intersection will need to be provided to Cambridge Avenue to service the rezoned land
- The Proposal would have only a very moderate impact on the road network through to the year 2024.

Condition 4: Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:

- the planning proposal must be made publicly available for a minimum of 28 days
- the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).

Comments

It is recommended that the planning proposal be placed on public exhibition as per the above condition. In addition it is recommended that all residential properties that are located adjacent to the site be individually notified of the public exhibition of the planning proposal.

Condition 5: Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW
- Railcorp
- Sydney Water
- Telstra
- Transgrid
- Sydney Catchment Authority
- Sydney Metropolitan Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries -Agriculture
- NSW Trade and Investment - Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Office of Strategic Lands regarding the dedication of land, which adjoins the eastern boundary of the subject land and which is zoned 6(b) Regional Open Space under Campbelltown (Urban Area) LEP 2002, and its removal from the Land Reservation Acquisition Map.
- Adjoining LGAs.

To date Council has consulted with the following public authorities:

1. Transport for NSW

Council consulted with Transport for NSW in relation to the proposed rezoning of Lot 92 DP 1155962 (owned by Transport for NSW). No official/written response has yet been received from Transport for NSW, however verbal advice indicated that there is no objection to the proposed rezoning. Council will consult again with Transport for NSW while the proposal is on public exhibition.

2. Office of Environment and Heritage

Council consulted with OEH in relation to the required flora and fauna study and the Preliminary Aboriginal Heritage Study. The applicant undertook additional surveys and studies as required by Council and OEH. Council will consult with OEH again, while the proposal is on public exhibition.

3. Office of Strategic Lands

The matter relating to land acquisition has been resolved. The applicant undertook a survey plan in consultation with OSL, and the land acquisition map is proposed to be amended as shown as Map 3.11 under attachment 2 to reflect the outcome of the consultation.

4. NSW Roads and Maritime Services

Council has consulted with NSW Roads and Maritime Services (RMS) in relation to the scope of the traffic impact assessment. Council received an email in relation to the matters that need to be addressed by the traffic impact assessment. The applicant has prepared a traffic impact assessment taking into consideration feedback from RMS and Council's Engineers.

Notably, Council will consult with all relevant public agencies listed under the gateway conditions of the revised Gateway Determination during the public exhibition of the draft Planning Proposal.

Proposed additional local clauses to the CLEP for the Glenfield Waste Site

A number of additional requirements became apparent as a result of the additional investigations/studies prepared for the site by the consultant, consultation with the Office of Environment and Heritage and/or the review of those studies by Council's officers as discussed above.

The additional proposed requirements as part of the amendments to the CLEP are as follows:

a) Development Control Plan/Master Plan

Prior to any future development application for industrial purposes for this site, a development control plan/master plan shall be prepared for the site that shows the internal road layout, entry points to the site, stormwater detention basins (where required) and the extent of the vegetation proposed to be cleared.

b) Flood and stormwater management plan

A detailed flood and stormwater management plan shall be prepared as part of the development application for the site.

c) Access arrangement to the site

Vehicle access to the site shall be flood free and satisfy the consent authority that the local road network is not adversely affected. A third access from the site shall be provided at Cambridge Avenue.

d) Vegetation management

Where vegetation on site is proposed to be cleared, the applicant shall implement an offsetting strategy to Council's satisfaction.

e) Restriction on the type of vehicles to use the area south of Cambridge Avenue that is proposed for car parking purposes

It is proposed to add an additional requirement under the CLEP to restrict any vehicle with a GVM mass of more than 4.5 tonnes within the area proposed to be rezoned for car parking services. This would minimise noise on the adjacent residential neighbourhoods.

Conclusion

The draft planning proposal to enable the Glenfield waste site to be developed for industrial purposes presents an opportunity to provide additional industrial development within the Campbelltown LGA. The site is ideally located for this type of development and would provide much needed local jobs for Campbelltown residents. While the subject site is within close proximity to public infrastructure and Glenfield Railway Station, it is physically isolated from nearby residential development by roads and the parcel of land south of Cambridge Avenue, Glenfield.

The site has major biodiversity values, and prior to the removal of any vegetation on site, an offsetting strategy must be prepared and implemented to the satisfaction of Council and any other relevant public authorities.

The draft planning proposal has been revised based on the additional information provided by the applicant and the gateway conditions.

It is recommended that Council endorse the public exhibition of the revised planning proposal and associated studies (attachment 2) as per the Gateway Conditions.

Officer's Recommendation

1. That Council endorse the public exhibition of the draft planning proposal and associated technical studies for the Glenfield Waste Site as per the Gateway Determination Conditions.
2. That the residential properties immediately adjacent to the site be notified of the public exhibition of the draft planning proposal.
3. That a further report be submitted to Council on the outcome of the public consultation.
4. That Council advise the applicant of Council's decision.

Committee's Recommendation: (Lound/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 22 March 2016

Having declared an interest in regard to Item 2.4, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item. In the absence of the Chairperson, His Worship the Mayor, Councillor Hawker, Deputy Mayor, Councillor Matheson chaired the meeting for this item.

Council Meeting 22 March 2016 (Greiss/Oates)

1. That Council endorse the public exhibition of the draft planning proposal and associated technical studies for the Glenfield Waste Site as per the Gateway Determination Conditions.
2. That the residential properties immediately adjacent to the site be notified of the public exhibition of the draft planning proposal.
3. That a further report be submitted to Council on the outcome of the public consultation.
4. That Council advise the applicant of Council's decision.

Council Resolution Minute Number 29

1. That Council endorse the public exhibition of the draft planning proposal and associated technical studies for the Glenfield Waste Site as per the Gateway Determination Conditions.
2. That the residential properties immediately adjacent to the site be notified of the public exhibition of the draft planning proposal.
3. That a further report be submitted to Council on the outcome of the public consultation.
4. That Council advise the applicant of Council's decision.

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

Voting against the Council Resolution: Nil.

At the conclusion of the discussion regarding Item 2.4, Councillors Hawker and Lake returned to the Chamber and His Worship the Mayor, Councillor Hawker resumed the Chair.

ATTACHMENT 1



Planning &
Infrastructure

Contact: Georgina Ballantine
Phone: (02) 9860 1560
Email: Georgina.Ballantine@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2013_CAMPB_002_00 (13/10832)

Mr Paul Tosi
General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mr Tosi, *Paul*

Planning proposal to amend draft Campbelltown Local Environmental Plan 2013

I am writing in response to your Council's letter dated 19 June 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to zone the Glenfield Waste Site at Cambridge Avenue, Glenfield to IN1 General Industrial, SP2 Infrastructure (Car Parks) and SP2 Infrastructure (Railway) and apply a maximum building height of 12m on land proposed to be zoned IN1.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by studies or the draft South West Subregional Strategy. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.


The Minister delegated his plan making powers to councils in October 2012. I understand that Council has not asked to be issued with delegation for this planning proposal because of the size of the site and the complexity of the proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Georgina Ballantine of the regional office of the department on 02 9860 1560.

Yours sincerely,


per  Daniel Keary 6.8.13.
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery



Planning & Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP_2013_CAMPB_002_00): to zone the Glenfield Waste Site for industrial and special purposes and amend the maximum building height.

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the draft Campbelltown Local Environmental Plan (LEP) 2013 to zone the Glenfield Waste Site at Cambridge Avenue, Glenfield to IN1 General Industrial, SP2 Infrastructure (Car Parks) and SP2 Infrastructure (Railway) and apply a maximum building height of 12m on land proposed to be zoned IN1 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to identify the uses proposed for the subject land. The planning proposal is to be updated to correctly reference the name of the zone for land proposed to be rezoned for special purposes - railway.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions:
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
3. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - flora and fauna
 - heritage
 - acoustic (noise impact)
 - stormwater management and flooding
 - traffic impact (road network capacity and infrastructure improvements)
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW
 - Railcorp
 - Sydney Water
 - Telstra
 - Transgrid



Planning & Infrastructure

- Sydney Catchment Authority
- Sydney Metropolitan Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Office of Strategic Lands regarding the dedication of land, which adjoins the eastern boundary of the subject land and which is zoned 6(b) Regional Open Space under Campbelltown (Urban Area) LEP 2002, and its removal from the Land Reservation Acquisition Map.
- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *6th* day of *August* 2013.

A handwritten signature in black ink, appearing to read 'D. Keary'.

Daniel Keary
**Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**



Planning & Infrastructure

Contact: Georgina Ballantine
Phone: 02 9860 1568
Email: georgina.ballantine@planning.nsw.gov.au

Mr Paul Tosi
General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Our ref: PP_2013_CAMPB_002_00
DEC16'13 02:14:23 PM

Attention: Andrew Spooner/Rana Haddad

Dear Mr Tosi

Thank you for your letter of 3 October 2013, regarding additional information in relation to the Gateway Determination for the Glenfield Waste Site planning proposal.

I have considered the matters raised in your letter and advise as follows:

A. Consistency with Section 117 Directions

2.3 Heritage Conservation

The additional information submitted in Council's letter (Attachment 1) sufficiently addresses the requirements of Section 117 Directions: 2.3 Heritage Conservation. The proposal is considered to be consistent with this direction.

3.4 Integrating Land Use and Transport

To justify the proposal's consistency with Clause 5(b) of this direction, it is suggested that Council's response refers to the Traffic and Transport Review (prepared by AECOM on behalf of the proponent) and includes additional information relating to cycling and pedestrian options.

4.3 Flood Prone Land

To justify the proposal's inconsistency with this direction as being of minor significance, it is suggested that Council's response to 4.3 Flood Prone Land includes the additional information provided by Council relating to stormwater management and flooding (**Tag A:** pg 2) and references the requirement to provide an alternative site access on Cambridge Avenue, Glenfield (see comments below).

B. Stormwater Management and Flooding

- Council is **not** required to submit additional information for stormwater management and flooding.

In accordance with the above, please find an amended Gateway Determination attached.

I hope this information assists you and should have any further questions please contact Georgina Ballantine of the Sydney West regional team on 02 9860 1568.

Yours sincerely


Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_CAMPB_002_00): to zone the Glenfield Waste Site for industrial and special purposes and amend the maximum building heights.

I, the Acting Executive Director, Metropolitan Planning, at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act, that an amendment to the draft Campbelltown Local Environmental Plan (LEP) 2013 to zone the Glenfield Waste Site at Cambridge Avenue, Glenfield to IN1 General Industrial, SP2 Infrastructure (Car Park) and SP2 Infrastructure (Railway) and apply a maximum building height of 12m on land proposed to be zoned IN1 should proceed, subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to identify the uses proposed for the subject land. The planning proposal is to be updated to correctly reference the name of the zone for land proposed to be rezoned for special purposes - railway.
 2. Prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions:
 - 2.3 Heritage Conservation
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 3. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - flora and fauna
 - heritage
 - acoustic (noise impact)
 - traffic impact (road network capacity and infrastructure improvements)
 4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
 5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW
 - Railcorp
 - Sydney Water
 - Telstra
 - Transgrid
-

- Sydney Catchment Authority
 - Sydney Metropolitan Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries — Agriculture
 - NSW Trade and Investment — Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Office of Strategic Lands regarding the dedication of land, which adjoins the eastern boundary of the subject land and which is zoned 6(b) Regional Open Space under Campbelltown (Urban Area) LEP 2002, and its removal from the Land Reservation Acquisition Map.
 - Adjoining LGAs
6. Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **12 months** from the week following the

Dated

9th DECEMBER 2013.



Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery



**Planning &
Environment**

FEB15'16 07:56:02 RCVD

Contact: Michelle Dellagiacoma
Phone: 02 9860 1527
Email: Michelle.Dellagiacoma
@planning.nsw.gov.au
Our ref: 15/17815
Your ref:

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

Dear Ms Deitz

**Request for a revised Gateway determination: PP_2013_CAMPB_001_00 for the
Glenfield waste Site, Glenfield.**

I am writing in response to your request for a revised Gateway determination for the Glenfield Waste site. As delegate of the Greater Sydney Commission, I have decided under s56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway Determination issued on 9 December 2013, referred to above, to apply to the additional land as identified in the revised proposal of January 2016. I have also extended the proposal for a further 9 months until the 15th September 2016. The Alteration of the Gateway Determination is enclosed.

I note Council has requested the revision as a result of its consultation with the Office of Strategic Lands during the consultation of the Campbelltown Local Environmental Plan 2015. The planning proposal is considered to be consistent with the requirements of Section 117 Direction 6.2.

I also note the area is contiguous with the existing site area and most of the studies done to date incorporate the additional area. Any future studies should include the additional area.

If you have any queries in regard to this matter, please contact Michelle Dellagiacoma of the Metropolitan Region (Parramatta) office on 02 9860 1527

Yours sincerely

R Cumming
5/2/2016

**Rachel Cumming
Director, Metropolitan Parramatta
Planning Services**

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au

Alteration of Gateway Determination

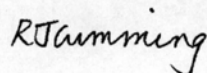
Planning proposal (Department Ref: PP_2013_CAMPB_002_00) [to amend the Campbelltown Local Environmental Plan 2015 for land at the Glenfield Waste Site, Glenfield.]

I, the Director, Metropolitan Region, Parramatta at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined, under section 56(7) of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), to alter the Gateway determination dated 9 December 2013, for the proposed amendment to the Campbelltown Local Environmental Plan 2015 as follows:

1. To alter the site boundary to which the proposal applies to include additional land, as shown in the revised Planning Proposal dated January 2016 - Version 7, and to apply the IN1 General Industrial zone to the additional area, and, as a consequence of this change, to alter the Land Acquisitions Map and acquisition obligations as appropriate.
2. Delete:
Condition "7" and replace with:

A new condition 7 "the LEP is to be finalised by 15 September 2016."

Dated 5th day February 2016.



Rachel Cumming
Director, Metropolitan Region (Parramatta)
Planning Services

Delegate of the Greater Sydney Commission

ATTACHMENT 2



Planning Proposal Glenfield Waste Site Campbelltown City Council

Contents

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Attachments

Attachment 1: Letters received from the Department of Planning and Environment

Attachment 2 : Technical Studies, Flood Map and Bushfire Prone Land Map

Attachment 2.1 - Infrastructure Report (SMEC Urban, May 2012)

Attachment 2.2 - Traffic Impact Assessment (Anton Reisch Consulting Pty Ltd, October 2014)

Attachment 2.3 - Traffic and Transport Report, (AECOM, May 2013)

Attachment 2.4 - Glenfield Ecological Assessment (Environmental Property Services, updated May 2015)

Attachment 2.5 - Aboriginal Heritage Preliminary Assessment (Alan Williams, updated August 2014)

Attachment 2.6 - Contamination Land Report (Consulting Earth Scientists, May 2012)

Attachment 2.7 - Noise Impact Assessment (SLR Global Environmental Solutions, April 2015)

Attachment 2.8 – Upper Georges River Flood Study

Attachment 2.9 – Flood Map

Attachment 2.10 – Bushfire Prone Land Map

Attachment 3: Maps

Map 3.1 Location Plan of the Subject Site

Map 3.2 Aerial Photo of the Subject Site

Map 3.3 Existing Zoning Map under LEP 2002

Map 3.4 Existing Zoning Map under the CLEP

Proposed Amendment to Campbelltown
Local Environmental Plan 2015

**[PLANNING PROPOSAL – GLENFIELD
WASTE SITE]**

Map 3.5 Proposed Zoning Map under the CLEP

Map 3.6 Existing Lot Size Map under the CLEP

Map 3.7 Proposed Lot Size Map under the CLEP

Map 3.8 Existing Height Map under the draft CLEP

Map 3.9 Proposed Height of Buildings Map under the CLEP

Map 3.10 Existing Land Reservation Acquisition Map under the CLEP

Map 3.11 Proposed Land Reservation Acquisition Map under the CLEP

Map 3.12 Survey Plan Map – Boundary Adjustment

History

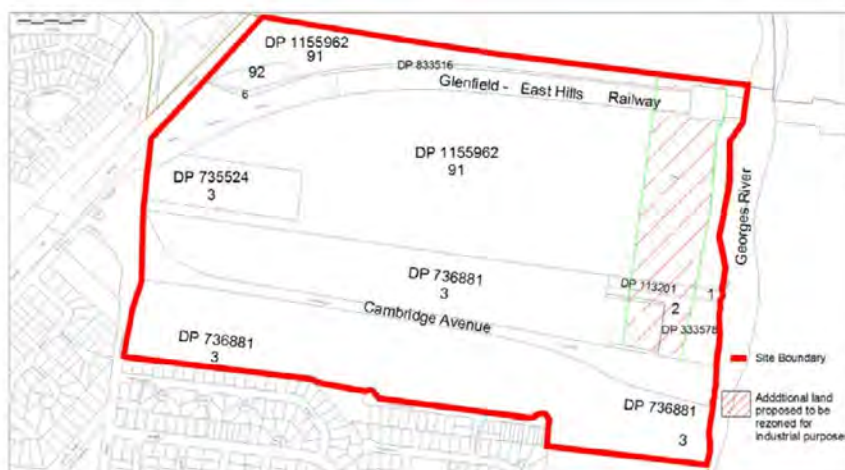
- This Planning Proposal relates to the Glenfield Waste Site, located at Cambridge Avenue, Glenfield.
- In June 2012, Environmental Planning Services on behalf of the owners of the Glenfield Waste Site submitted to Council a planning proposal to enable the subject site to be used for industrial development and car parking purposes.
- Council officers reviewed the applicant's planning proposal and prepared a revised Planning Proposal.
- Council on 19 June 2013 submitted the Planning Proposal to the Department of Planning and Environment (the Department) and later received a Gateway Determination (dated 6 August 2013) shown under Attachment 1.
- Council on 3 October 2013 provided the Department with additional information to address the matters raised by the Gateway Determination.
- As a result, Council received a revised Gateway Determination from the Department, dated 9 December 2013 a copy of which is shown under Attachment 1.
- The revised Gateway Determination required Council, prior to public exhibition, to provide additional information to adequately demonstrate consistency or justify any inconsistencies with some of the S117 Directions, undertake a number of additional studies and consult with a number of public authorities.
- To date Council consulted with a number of public authorities including the Office of Environment and Heritage (OEH), Roads and Maritime Services (RMS) and the Office of Strategic Lands (OSL).
- Further consultation with all the relevant public agencies will occur during the public exhibition period, as per the requirements of the revised Gateway Determination.
- In line with the conditions of the revised Gateway Determination the applicant provided additional information in relation to the following:
 - Flora and fauna
 - Heritage
 - Acoustic (noise impact)
 - Traffic impact (road network capacity and infrastructure improvements)
- The Planning Proposal has been updated to reflect the findings of the additional studies and consultation with OEH and OSL. A copy of the technical studies is shown under Attachment 2 of this planning proposal.
- An open space corridor (approximately 160 metres in width) is located between the Glenfield Waste Site and the Georges River. This strip of land is currently zoned RE1 Public Recreation under the Campbelltown Local Environmental Plan 2015 (the CLEP).

Proposed Amendment to Campbelltown
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**[PLANNING PROPOSAL – GLENFIELD
WASTE SITE]**

A large portion of this open space has been subject to landfill practices as part of the historical operation of the Glenfield Waste Site. This strip of open space was not originally included as part of the site subject to this planning proposal as it was assigned a zone of RE1 Public Recreation under the then draft CLEP 2014, while the Glenfield Waste Site was marked as a 'deferred matter' under the zoning maps of the then draft CLEP.

- As part of consultation with public authorities during the preparation of the then draft CLEP, Council consulted with the OSL in relation to land acquisition matters.
- OSL advised Council that it would only be interested in acquiring the part of the open space corridor that does not contain landfill.
- Accordingly, and in consultation with OSL, the applicant prepared a survey plan to ascertain the exact boundary of the strip of land to be acquired by OSL. A copy of the survey plan is shown under Attachment 3 (Map 3.12) of the planning proposal.
- In August 2015, the applicant submitted to Council a survey plan that shows the exact boundary of the land to be acquired by OSL (ranges approximately from 40m to 70m in width). OSL advised Council that the survey plan reflects what has been agreed between the owner/applicant and OSL.
- As a result, the site subject to this planning proposal has been amended to include the open space corridor located adjacent to the Georges River. The part of this strip that will not be acquired by OSL is proposed to be rezoned for industrial purposes.
- Given that the site boundary of the planning proposal has been amended to include the additional land, Council sought a revised gateway determination based on the new boundary of the site and the additional information provided under this Planning Proposal. Figure1 below shows the additional land to be rezoned for industrial purposes and the new site boundary.



Proposed Amendment to Campbelltown
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**[PLANNING PROPOSAL – GLENFIELD
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- On 8 February 2016, Council received a letter from the Department of Planning which included an 'Alteration of Gateway Determination'. The alteration addressed the site boundary variation and extended the date for the finalisation of the proposed rezoning to 15 September 2016. A copy of the Department's letter and the Alteration to the Gateway Determination are included as part of Attachment 1.

The parcels of land that are proposed to be rezoned as part of this amendment to the CLEP are listed in the table below. The total site area is approximately 60 hectares and approximately 40 hectares is proposed to be rezoned for industrial purposes

Figure 1 The Glenfield Waste Site showing the additional land to be rezoned for industrial purposes

Parcel Description	Property Address	Owners Name	Property Area (m2)
Lot 3 DP 735524	Lot 3 Canterbury Road, GLENFIELD NSW 2167	Figela Pty Ltd	24320
Lot 2 DP 333578	Lot 1 Cambridge Avenue, GLENFIELD NSW 2167	JC & FW Kennett Pty Ltd	13460
Lot 1 DP 113201	Lot 1 Cambridge Avenue, GLENFIELD NSW 2167	JC & FW Kennett Pty Ltd	4148
Lot 3 DP 736881	Lot 3 Cambridge Avenue, GLENFIELD NSW 2167	Figela Pty Ltd	252100
Lot 91 DP 1155962	Lot 1 Cambridge Avenue, GLENFIELD NSW 2167	JC & FW Kennett Pty Ltd	294900
Lot 92 DP 1155962	Lot 92 Canterbury Road, GLENFIELD NSW 2167	Transport For NSW	4661

Background

The Glenfield Waste Site is a triangular shaped parcel of land bounded by the Georges River to the east, the Southern Rail Line to the west and the Glenfield residential area to the south as illustrated in the Figure 1.1 Below

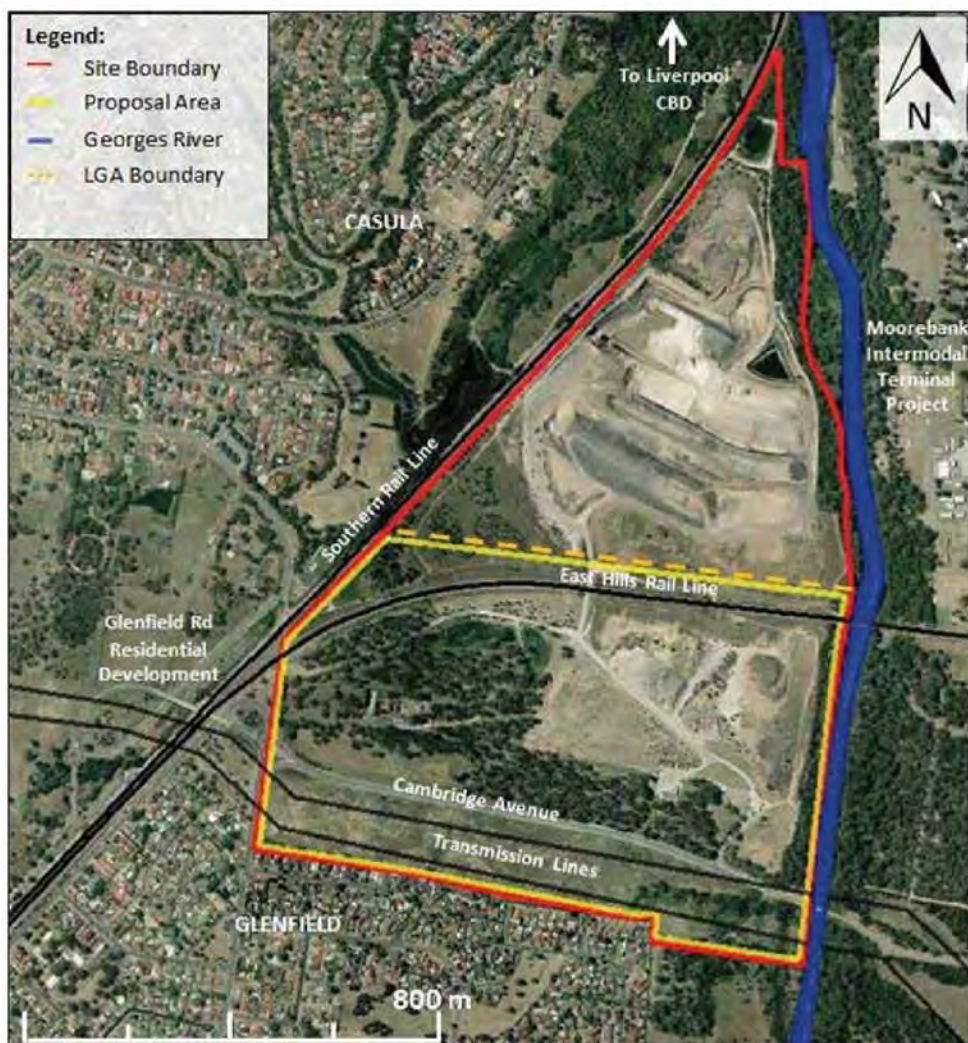


Figure 1.1: Glenfield Waste Site

The Glenfield Waste Site is bisected by a local government boundary (LGA) i.e. the Liverpool LGA to the north, and Campbelltown LGA to the south as illustrated in Figure 1.1.

Proposed Amendment to Campbelltown
Local Environmental Plan 2015

**[PLANNING PROPOSAL – GLENFIELD
WASTE SITE]**

The southern parcel of land is approximately 60 hectares in area and located at Cambridge Avenue, Glenfield (the site).

Current Land Use Activities

The Glenfield Waste Site's northern and southern parcels of land function as the Glenfield Waste Services Facility.

The primary land use activities conducted on the northern parcel of land are soil and sand extraction and non – putrescible solid waste land fill. To create the land fill cells, soil/clay, shale and sandstone are extracted and stockpiled for various operational applications.

Waste is delivered to the landfill cell where it is then sorted for recyclables (brick, concrete, steel timber etc.) and processed by shredding prior to being compacted to minimise the cubic metre capacity and maximise the density. This in turn allows for a longer lifespan of the landfill cell, which is important as space is a limited resource and suitable landfill sites are well documented to be in short supply within the Sydney Metropolitan Area.

At the end of each day, waste that has been placed in the cells and compacted is covered with a layer of the extracted soil/clay/shale. This minimises odour and prevents litter from escaping into the surrounding environment. The excess shale and sandstone are exported from the site as a saleable resource and used in the building and construction industries.

The primary land use activity conducted on the southern parcel of land is recycling of waste which is predominantly construction and demolition waste.

The southern parcel of land accommodates the weigh bridge, the site office, mechanical plant workshop and the site manager's premises/offices. Operationally it serves as the depot for various plant and earth moving equipment, bin storage areas and sediment control basins for storm water management. Importantly, the southern parcel of land provides the access to the northern parcel of land.

During land fill operations vehicles transporting non – putrescible solid waste enter the waste disposal facility from Cambridge Avenue. The vehicle is weighed and the load is inspected for wastes that will not comply with the landfill's waste licence and acceptance criteria. If the waste is acceptable the load is either taken to the recycling area on the southern parcel of land or the landfill area on the northern parcel of land. After the vehicle off loads the waste the vehicle returns to the weigh bridge, is weighed then exits the waste disposal facility via Cambridge Avenue. The operation's layout is illustrated in Figure 1.2 below.

Proposed Amendment to Campbelltown
Local Environmental Plan 2015

**[PLANNING PROPOSAL – GLENFIELD
WASTE SITE]**

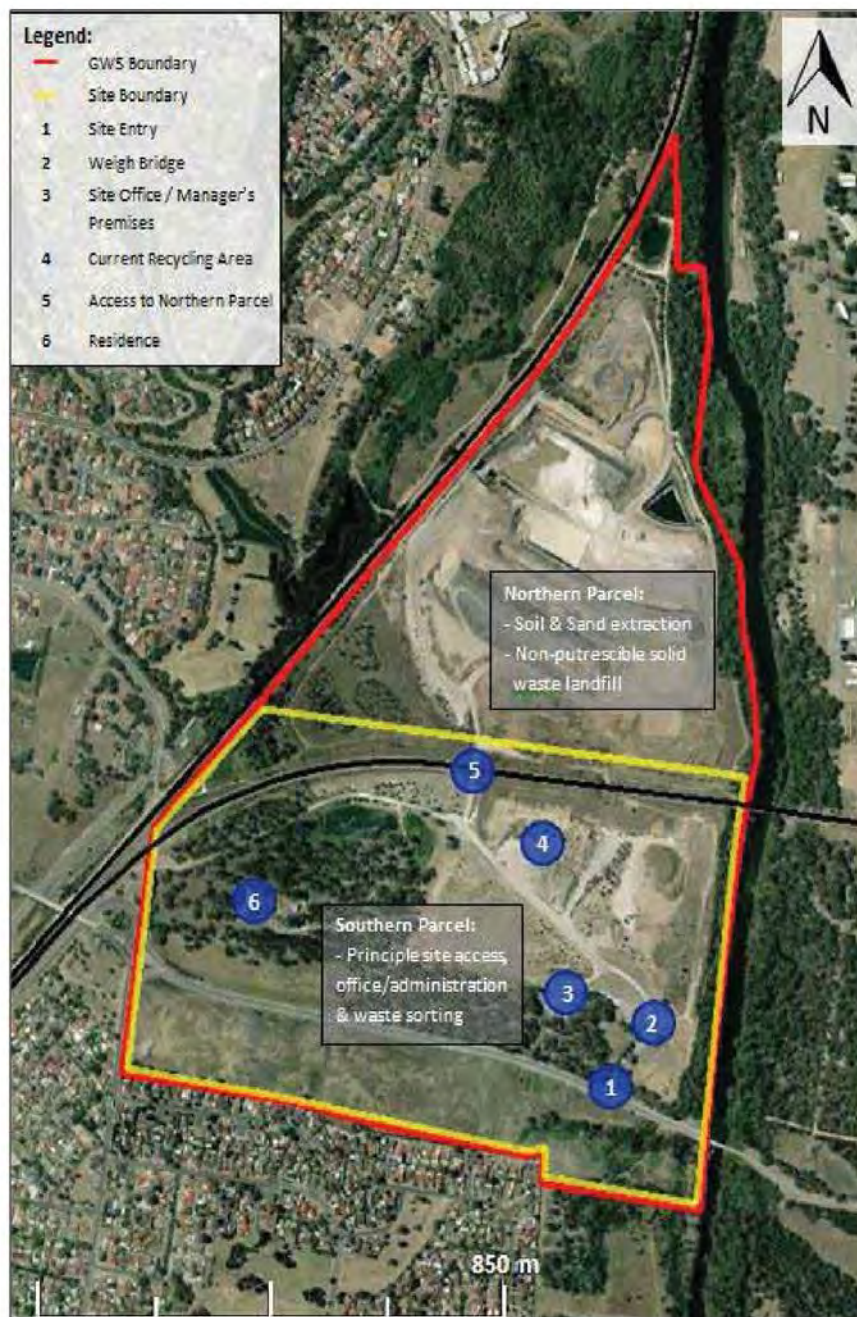


Figure 1.2: Operational Layout

Existing Zoning - Campbelltown (Urban Areas) Local Environmental Plan and the CLEP

The site is currently subject to the following plans:

1. Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002); and
2. The Campbelltown Local Environmental Plan 2015 (The CLEP)

The majority of the allotments that are subject to this planning proposal are included under the CLEP as a 'Deferred Matter' and as such Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) is currently the principal planning instrument that applies to these allotments. The deferred areas under the CLEP are currently zoned 1(a) Rural Zone under LEP 2002. The existing zoning map under LEP 2002 is shown as Map 3.3 under Attachment 3.

The railway corridor that passes through the site, the proposed Georges River Parkway, Cambridge Avenue and the strip of open space corridor that runs adjacent to the Georges River have been assigned appropriate zones under the CLEP as shown on the Map 3.4 of Attachment 3. Those areas will maintain the current zoning under the CLEP with the exception of part of the open space corridor which is proposed to be reduced in width (from approximately 160 metres to approximately 40 to 70 metres)

Part 1 – Objectives or Intended Outcomes

The objective of the planning proposal is generally to enable the site to be developed for industrial purposes, particularly for warehousing and logistic. The southern parcel, being constrained by the electricity easement, is considered suitable to car parking purposes, subject to consultation with TransGrid.

The objectives and intended outcomes of this planning proposal are as follows:

- To enable the part of the Glenfield Waste Site located north of Cambridge Avenue, Glenfield to be developed for industrial development.
- To enable part of the regional open space that is located adjacent to the Georges River and north of Cambridge Avenue to be rezoned for industrial purposes.
- To enable the part of the site that is located south of Cambridge Avenue to be used as a private car park for vehicles with a gross vehicle mass (GVM) not exceeding 4.5 tonnes.
- To enable a parcel of land (Lot 92 DP 1155962) that is owned by Transport for NSW and located north of the railway line that passes through the site to be rezoned to Zone SP2 Railway Corridor under the CLEP to reflect the current land use of this

parcel of land. Notably this parcel is marked as a “deferred matter” under the CLEP. This parcel of land is currently zoned ‘Zone 1 (a) Rural A Zone’ under LEP 2002.

Proposed Land Uses

It is proposed by the applicant that the part of the site located north of Cambridge Avenue be used for industrial development with a focus on warehousing and logistics. The part of the site that is located south of Cambridge Avenue is proposed to be used for car parking purposes to service the future industrial development. However, once the land is rezoned for industrial purposes, a range of additional land uses would become permissible under the CLEP as follows:

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Roads; Rural industries; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres.

Part 2: Explanation of provisions

2.1 Proposed Amendment to the CLEP

Generally, the majority of the land located north of Cambridge Avenue is proposed to be rezoned to enable industrial development, with the exception of the parcel of land owned by Transport for NSW. The land owned by Transport for NSW (Lot 92 DP 1155962) is 4460sqm in area and is currently zoned ‘Zone 1 (a) Rural A Zone’ under LEP 2002. This land is proposed to be rezoned to Zone SP2 Railway Corridor under the CLEP to reflect its current land use. Notably, this parcel of land is currently marked as a “deferred matter” under the CLEP.

The open space corridor that is located north of Cambridge Avenue, adjacent to the Georges River (Part of Lot 91 DP 1155962) is currently zoned Zone RE 1 Public Recreation under the CLEP. Part of this open space corridor is also proposed to be rezoned to IN1 General Industrial under the CLEP. This came about as a result of consultation with OSL in relation to a land acquisition matter.

The part of the site that is located south of Cambridge Avenue (Part Lot 3 DP 736881) and is currently zoned 1(a) Rural A Zone under LEP 2002 is proposed to be used for car parking purposes for vehicles with a maximum GVM of 4.5 tones. As such the part of this allotment is proposed to be rezoned to Zone SP2 (Car Parking) under the CLEP. Notably, this part of the allotment is currently marked as a ‘Deferred Matter’ under the CLEP.

Proposed Amendment to Campbelltown
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**[PLANNING PROPOSAL – GLENFIELD
 WASTE SITE]**

The allotments comprising the subject site are shown in Table 1.

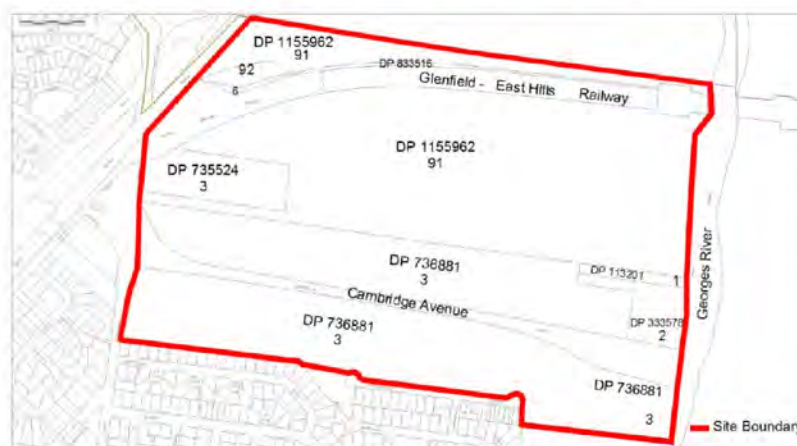


Table 1: Lots and DPs subject to this planning proposal

Lot 91 DP 1155962
Lot 3 DP 735524
Lot 92 DP 1155962
Lot 6 DP 833516 (while this allotment is part of the site, it is not proposed to vary the existing zoning of this allotment under the CLEP.
Lot 1 DP 113201
Lot 2 DP 333578
Lot 3 DP 736881

As a result of the planning proposal, a number of amendments to the CLEP's maps are proposed as follows:

a) Land application map

It is proposed to amend the Land Application Map to remove the 'deferred matter' status of the site. A copy of the existing and proposed land application maps are shown as Map 3.1 and Map 3.2 under Attachment 3.

b) Land zoning maps

It is proposed to amend the zoning map that applies to the site to reflect the intended outcome of the planning proposal. A copy of the proposed zoning map under the CLEP is shown under Attachment 3 as Proposed Zoning Map under the CLEP (Map 3.5).

c) Lot size map

It is proposed to amend the Lot Size Map so that the part of the site that is proposed to be zoned to IN1 General Industry be allocated a minimum lot size of 4000sqm, which is consistent with the minimum lot sizes for areas zoned IN1 General Industry across the LGA. A copy of the proposed lot size map under the CLEP is shown as Map 3.7 under Attachment 3.

d) Height of Buildings Map

It is proposed to amend the building height map to assign a maximum height of 12 metres for the part of the site that is proposed for industrial uses. This proposal is consistent with the building height for similar industrial development across Campbelltown LGA. A copy of the proposed height of building map is shown as Map 3.9 under Attachment 3.

e) Land Reservation Acquisition Map

It is proposed to amend the Land Reservation Acquisition Map to reflect the outcome of consultation with OSL as discussed under the History Section of this planning proposal. A copy of the existing and proposed land reservation acquisition maps are shown consecutively as Map 3.10 and Map 3.11 under Attachment 3.

Proposed additional local clause for the Glenfield Waste Site under the CLEP

A number of additional requirements became apparent as a result of the additional investigations/studies prepared for the site by the consultant, consultation with the Office of Environment and Heritage and the Department of Planning and Environment. These additional requirements include:

a) Development Control Plan/Master Plan

Prior to any future development application for industrial purposes for this site, a development control plan/master plan shall be prepared for the site that shows the internal road layout, entry points to the site, stormwater detention basins (where required) and the extent of the vegetation proposed to be cleared.

b) Flood and stormwater management plan

A detailed flood and stormwater management plan shall be prepared as part of any future development of the site.

c) Access arrangement to the site

The site shall be provided with an additional vehicle access that is flood free and satisfy the consent authority that the local road network is not adversely affected.

d) Vegetation management

Where vegetation on site is proposed to be cleared, the applicant shall implement an offsetting strategy to Council's satisfaction.

e) Restriction on the type of vehicles to use the area south of Cambridge Avenue that is proposed for car parking purposes

It is proposed to add an additional requirement under the CLEP to restrict any vehicle with a GVM mass of more than 4.5 tonnes or more from parking within the area proposed to be rezoned for car parking services. This is to ensure that this area would not be used for the parking of heavy vehicles and result in negative impacts on the adjoining residential properties.

Part 3: Justification for the Planning Proposal

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The proposal to rezone the Glenfield Waste site was initiated by Environmental Property Services on behalf of the owner, JC & FW Kennett Pty Ltd, by lodging a rezoning request to Council. The following reports/studies have been prepared by the applicant in support of the planning proposal as required by Gateway Determination dated 9 December 2013:

1. Infrastructure Report (SMEC Urban, May 2012) (Attachment 2.1)
2. Traffic Impact Assessment (Anton Reisch Consulting Pty Ltd, October 2014) (Attachment 2.2)
3. Traffic and Transport Report, (AECOM, May 2013) (Attachment 2.3)
4. Glenfield Ecological Assessment (Environmental Property Services , updated May 2015) (Attachment 2.4)
5. Aboriginal Heritage Preliminary Assessment (Alan Williams, updated August 2014) (Attachment 2.5)
6. Contamination Land Report (Consulting Earth Scientists, May 2012) (Attachment 2.6)
7. Noise Impact Assessment (SLR Global Environmental Solutions, April 2015) (Attachment 2.7)

In addition to the above studies, a copy of the Flood Study, prepared by the then Department of Land and Water in conjunction with Liverpool Council, December 2000 is also provided as Attachment 2.8.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal represents the best means of achieving the objectives or intended outcomes, as the current zoning of the site under LEP 2002 of 1(a) - Rural A Zone prohibits the redevelopment of land for industrial purposes.

Section B – Relation to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

The Planning Proposal is consistent with the objectives and aims of the following Strategic Plans:

- NSW 2021 State Plan

- A Plan for Growing Sydney (December 2014)
- the draft South West Sub-regional Strategy 2007.

- **NSW 2021 State Plan**

The Planning Proposal is consistent with the first Strategy “Rebuild the Economy” as it would provide local jobs through an industrial zoning.

- **A Plan for Growing Sydney**

In December 2014, the NSW Government published A Plan for Growing Sydney. The Plan outlines a vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2034 needing 689,000 new jobs and 664,000 new homes by 2031.

In responding to these and other challenges, A Plan for Growing Sydney sets out four goals:

1. A competitive economy with world-class services and transport;
2. A city of housing choice with homes that meet our needs and lifestyles;
3. A great place to live with communities that are strong, healthy and well connected; and
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Planning Proposal is not inconsistent with the above goals for the following reason:

1. The site is strategically located within close proximity to public transport.
2. The site is ideally located for industrial development because it is physically isolated from nearby residential areas.
3. The redevelopment of the site for industrial uses will provide local jobs within proximity to houses and public transport.
4. Under the draft Strategy 2031, it is anticipated that Campbelltown-Macarthur Major Centre would provide capacity for an additional 10,000 jobs by the year 2031. The proposed rezoning of the Glenfield Waste Site to enable industrial development is consistent with the draft Strategy 2031 as it will help reach this target by providing local employment opportunities.

To achieve these goals, the plan proposes 22 directions and associated actions. The Planning Proposal is consistent with the following, directions of the plan:

- Direction 1.4: Transform the productivity of Western Sydney through growth and investment
- Direction 1.7: Grow strategic centres - providing more jobs closer to home

The planning proposal will facilitate jobs within close proximity to public transport.

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- **Draft South West Sub-regional Strategy 2007**

The Draft South West Sub-Regional Strategy specifically identifies this site for further investigations as potential Employment Lands. As such this Planning Proposal is consistent with the draft South West Sub-regional Strategy.

Q4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

Council prepared Campbelltown Local Planning Strategy (Framework for a Sustainable Future and New Local Planning Controls, draft Local Planning Strategy). The Local Planning Strategy was considered by Council along with the then draft CELP 2013 on 26 March 2013.

The subject site has been identified by Council's Local Planning Strategy for further investigation for future industrial/employment land. As such the Planning Proposal is consistent with Council's Local Planning Strategy.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with applicable State Environmental Planning Policies. See Table 3 and Table 4 below.

Table 3: Assessment of the Planning Proposal against Relevant State Environmental Planning Policies

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
19	Bushland in Urban Areas	Yes	<p>Clause 10 of SEPP 19 states that: <i>When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:</i></p> <p>(a) <i>have regard to the general and specific aims of the Policy, and</i> (b) <i>give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.</i></p> <p>In this regard, the applicant undertook further studies to determine the quality of vegetation on site. Where the vegetation on site is proposed to be cleared, the applicant will be required to prepare and implement an offsetting strategy to Council's satisfaction. It is proposed that this requirement be included as part of this proposed amendment to the CLEP.</p>

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No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
44	Koala Habitat Protection	Yes	The applicant as part of the proposal to Council, submitted an Ecology Report. The applicant ecological report indicates that less than 5% of the trees that occur within the site are koala feed trees listed in schedule 2 of SEPP No 44. In particular, the site is dominated by <i>Eucalyptus moluccana</i> (Grey Box) with a few individuals of <i>Eucalyptus tereticornis</i> (Forest Red Gum), and only very few Koala feed tree present. This indicates that the site does not support potential koala habitat. A copy of this report is shown under Attachment 2.4. As such it is considered that the Planning Proposal is not inconsistent with SEPP 44.
55	Remediation of Land	Yes	The applicant submitted to Council a geotechnical and contamination rezoning report prepared by Consulting Earth Scientists (CES). The Report concludes that the site is suitable for rezoning for industrial purposes. Based on the CES report, the site is suitable to be rezoned to permit industrial land uses under the SEPP. The geotechnical and contamination report are included under Attachment 2.6 of the planning proposal.
-	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The NSW Government has recently bought back 15 Petroleum Exploration Licenses (PELs) from AGL, including PEL 2 which used to apply to the subject site. As such this SEPP no longer applies.

Table 4: Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)

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No.	Deemed State Environmental Planning Policies	Consistency	Comments
9	Extractive Industry (No 2)	Yes	<p>The deemed SEPP aims to facilitate the development of extractive resources that are in close proximity to the Sydney Metropolitan Area by identifying land which contains extractive materials of regional significance and ensuring that land is not developed for purposes that are incompatible with the extraction of that material.</p> <p>The site is not identified in the SEPP as having regional significance for extractive materials.</p>
20	Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Yes	<p>The aims of the Georges River deemed SEPP are to manage the natural resources of the Georges River Catchment and specifically to protect the water quality of the Georges River and its tributaries and the environmental quality of the whole catchment.</p> <p>The proposed rezoning will maintain an open space corridor which ranges in width between 200 to 40 metres wide between the Georges River and the site. The open space will act as a buffer between the river and the proposed development.</p> <p>Notably, the part of the land that is proposed to be rezoned for industrial purposes and is located beyond 40 metres from the bank of the Georges River would not have the capacity to be developed for open space because it has been subject to landfill practices as a result of the operational practices of the Glenfield Waste Recycling Facility.</p> <p>Council will be consulting with OEH at the development stage in terms of any necessary additional water quality control measures that may be needed (as part of the amendment to the draft CLEP) to ensure the protection of the Georges River.</p> <p>Clause 7.3 Riparian Land and Watercourses [local] under the provisions of the CLEP will ensure that future development will not have adverse impacts on the Georges River.</p>

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s 117 directions)??

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The planning proposal is either considered consistent, justifiably inconsistent or the inconsistency is of minor significance with the applicable Ministerial Directions (s 117 directions). See Table 5 for an assessment of the planning proposal against the relevant Section 117(2) Ministerial Directions.

Table 5: Assessment of the Planning Proposal against the relevant Section 117(2) Ministerial Directions

Ministerial Direction	Consistent ?	Assessment
1.1 Business and industrial Zones	Yes	The Planning Proposal aims to provide for employment land within close proximity to Glenfield Station. As such it is considered consistent with the objectives of this Direction
1.2 Rural Zones	No	<p>The proposed rezoning is inconsistent with the Direction because it proposes to rezone land from a rural zone for industrial and car parking purposes.</p> <p>The inconsistency with the Direction is justified by the following:</p> <ul style="list-style-type: none"> – The 2007 draft South West Sub-regional Strategy 2031 identifies the Glenfield Waste Site as possibly providing employment land for light manufacturing, local industry and urban services. – The main objective of this Direction is to protect the agricultural production value of rural land. The subject site has no agricultural values, and was never used for this purpose. Accordingly, while the Planning Proposal is not consistent with this Direction, it is not inconsistent with the main objective of this Direction. <p>Given the above, Council requests the Director General's delegate to approve the inconsistency.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Yes	<p>The rezoning of part of the site to zone IN1 General Industrial will preserve the current permissibility of mining, petroleum production and extractive industries under SEPP (Mining, Petroleum Production and Extractive Industries) 2007.</p> <p>The land is not located in an identified mineral resource area.</p> <p>Given the above, the proposed rezoning is consistent with this Direction.</p>
2.3 Heritage Conservation	Yes	<p>The Direction applies whenever a relevant planning authority prepares a Planning Proposal.</p> <p>This Direction states that: "A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</p> <ul style="list-style-type: none"> (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or

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Ministerial Direction	Consistent ?	Assessment
		<p>(b) the provisions of the planning proposal that are inconsistent are of minor significance.</p> <p>The Planning Proposal is consistent with the Direction for the following reasons:</p> <ul style="list-style-type: none"> – Clause 5.10 Heritage Conservation of the CLEP specifically requires Council's consent for '<i>disturbing or excavating a place of Aboriginal place of heritage significance</i>' – As such the current provisions under the CLEP are considered sufficient to ensure the protection of the aboriginal heritage of the site prior to land being disturbed. – No European Heritage items are listed and described in Schedule 5 Environmental Heritage of the CLEP. – A preliminary Aboriginal Heritage Assessment was conducted by AHMS. The final AHMS report provided with the Planning Proposal concludes there are no Aboriginal heritage issues that indicate the rezoning of the site from rural to industrial should not proceed; – The potential Aboriginal objects/sites identified in the AHMS report will not be disturbed or moved as part of the rezoning process and therefore an Aboriginal Heritage Impact Permit (AHIP) is not required at this stage. – At the development application stage, the applicant will be required to undertake further investigation, if any part of the site that was identified with potential aboriginal heritage significance is proposed to be disturbed or excavated by future work.
3.4 Integrated Land Use and Transport	Yes	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). <p>The proposed rezoning is consistent with principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) and therefore with the Direction for the following reasons:</p> <ul style="list-style-type: none"> – The site is within a walking distance (approximately 1.0km) from the Glenfield Railway Station. – The site is located on two local bus service routes accessing the Glenfield railway station; – The site adjoins the Liverpool – Campbelltown bus corridor

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Ministerial Direction	Consistent ?	Assessment
		<p>(Corridor 31) identified in the South West Subregion Strategy as a strategic bus corridor;</p> <ul style="list-style-type: none"> Less than 45% of all workers in the South West Subregion live and work within the subregion. The rezoning of part of the site for employment lands will contribute to providing employment opportunity in the South West Subregion reducing travel demand including the distances travelled by employees; The rezoning of part of the site for employment lands will contribute to meeting the future employment land requirements for the South West region and for the Campbelltown LGA. AECOM on behalf of the proponent prepared a traffic and transport desktop review. The following findings are relevant to Pedestrian and cycle facilities: <ul style="list-style-type: none"> The site is well located in terms of opportunities for cycling, being located close to the Liverpool-Parramatta Rail Trail and the M7 Motorway Cycleway. Together these cycleways provide approximately 60km of cycleways through Western Sydney. There is a low provision of pedestrian facilities in the vicinity of the site. The Georges River and the Holsworthy Barracks act as a natural barrier to walking at the eastern end of the site. However, Glenfield Station and the local shops are located within an approximately 15 to 20 minute walk from the site. The site has good connectivity and direct access to Sydney's Motorway Network and the surrounding sub-arterial road network; Capacity on the local road network with the flexibility of upgrading the local road network to cater for some future traffic growth; Access to regional cycleway infrastructure that provides a sustainable alternative mode of travel.
4.2 Mine Subsidence and Unstable Land	Yes	<p>The subject site is not within a proclaimed mine subsidence area.</p> <p>The proposed rezoning of the site will preserve the current permissibility of mining, petroleum production and extractive industries under SEPP (Mining, Petroleum Production and Extractive Industries) 2007. Given the above, the proposed rezoning is consistent with this Direction.</p>
4.3 Flood Prone Land	No	<p>This Direction applies because a small area of the site that is adjacent to the Georges River and near the entrance of the site (adjacent to Cambridge Avenue bridge) is flood prone land and the Planning Proposal is proposing to rezone part of the site from a rural zone to an industrial zone.</p> <p>The most detailed and recent flood study that includes the site is the Upper Georges River Flood study prepared by the Department of Land & Water Conservation in conjunction with the Liverpool City Council in</p>

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Ministerial Direction	Consistent ?	Assessment
		<p>December 2000. A copy of this study is included under Attachment 2.8 of the planning proposal. Hard and Forester Surveyors reproduced the study's flood levels for the site onto a topographic map that shows the area impacted in a 1 in 100 year flood. A copy of this map is shown under Attachment 2.9 of this planning proposal.</p> <p>This survey map shows that, with the exception of the riparian corridor and a small area adjacent to Cambridge Avenue at the south eastern corner of the site, the site is not subject to a 1 in 100 year flood. Any development of the site will take into consideration the 1 in 100 year flood.</p> <p>The site currently has two access points. It is proposed that an additional access point be created from Cambridge Avenue to service the future industrial developments at the site. This third access point is proposed from Cambridge Avenue at approximately half way through the site and as such will be flood free.</p> <p>Therefore, the proposed rezoning's inconsistency with the Direction can be justified as of minor significance for the following reasons:</p> <ul style="list-style-type: none"> • Only a very small portion of the site is susceptible to a 1 in 100 year flood event; • The 1 in 100 year flood event will not prevent development of the site; • An additional third access to the northern part of the site that is not flood affected is proposed from Cambridge Avenue. • The Glenfield Waste site's 1 in 100 year flood level is based on the comprehensive Upper Georges River Flood Study 2000 (the study) prepared by the previous Department of Land and Water Conservation in conjunction with Liverpool City Council; • The area for the study was 6.5 km of the river between the Liverpool weir and the confluence with the Bunburry Curran tributary, which drains the urban area of Campbelltown; • The Georges River is deeply incised with little or no floodplain; • The study provides for design flood events with a probability of occurrence of 1 in 20 years, 1 in 50 years, 1 in 100 years and an estimate for an extreme flood event; • The Hard and Forester survey maps show, except for the current access to the site, the site is not susceptible to a 1 in 100 year flood event; • Any future industrial development of the site will be outside the 1 in 100 year flood event; and • Further detailed flooding and a stormwater management plan will need to be prepared for the site at the subdivision stage to ensure that the redevelopment of the site would not impact flooding on or off the site.

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Ministerial Direction	Consistent ?	Assessment
		<ul style="list-style-type: none"> Council's Technical Services section advised that the potential flood issues onsite will be able to be resolved at development application stage, but may require more mitigation works than normally expected. The option to drain the water directly to Georges River where possible should be encouraged. <p>Given the above, Council requests the Director General's delegate to approve the inconsistency as a minor significance.</p>
4.4 Planning for Bushfire Protection	Yes	<p>The Bushfire Prone Map for the Campbelltown area identifies that part of the site has Vegetation Category 2 and Vegetation Buffer, as illustrated on the Bushfire Prone Map under Attachment 2.10 of the planning proposal.</p> <p>Council will ensure that any future local development of the site will comply with the current bushfire protection measures specified by the Planning for Bushfire Protection Guidelines 2006.</p> <p>Council considers the proposed rezoning to be consistent with this direction.</p>
6.2 Reserving Land for Public Purposes	Yes	<p>The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>Consultation with OSL resulted in reducing the width of the open space corridor given that this part of the land has been subject to landfill. OSL indicated that they have no objection to the proposed zoning in relation to land acquisition matters.</p>
7.1 Implementation of A Plan for Growing Sydney	Yes	<p>The proposed rezoning of part of the site currently Zone 1(a) – Rural A Zone under LEP 2002 to the Zone IN1 General Industrial under the CLEP is consistent with the NSW Government's A Plan for Growing Sydney as it would provide employment land and create much needed local jobs within the Campbelltown LGA.</p>

Section C – Environmental social or economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Environmental Property Services (EPS) was engaged by landowners JC & FW Kennett P/L & Figela P/L to prepare an Ecological Assessment Report (EA) for Glenfield Waste Services (GWS). This EA was prepared to provide a detailed assessment of the ecological characteristics of the GWS's southern parcel of land located in the Campbelltown LGA including the presence and/or likelihood of occurrence of threatened flora and fauna and their habitat.

As a result of consultation with the Office of Environment and Heritage, the applicant has undertaken additional flora and fauna assessment and updated the study accordingly.

The additional information in relation to flora and fauna has been prepared by the applicant in consultation with Council's officers and the Office of Environment and Heritage (OEH).

In November 2014 an additional Bio Banking Credit Assessment (Field Work Report), including an EPBC Act Cumberland Plain Shale Woodlands Assessment were prepared by SLR Consulting Australia Pty Ltd for the Glenfield Site. The biodiversity offset is proposed to provide compensation for the impacts to the Cumberland Plain Woodland.

The main findings of the above studies are as follows:

- The subject site supports vegetation that meets the criteria for Cumberland Plain Shale Woodlands, which is listed as critically endangered under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act).
- Threatened microchiropteran and megachiropteran bats species were recorded during the targeted surveys being *Pteropus poliocephalus* (Grey-headed Flying-fox), *Saccolaimus flaviventris* (Yellow-bellied Sheath-tail-bat), *Mormopterus norfolkensis* (East-coast Freetail-bat), *Miniopterus australis* (Little Bentwing bat) and *Miniopterus schreibersii oceanensis* (Eastern Bentwing bat)
- No threatened frog, waterbird, arboreal mammal, or fish species were identified during surveys and are considered unlikely to occur on the investigation area;
- The investigation area supported a farm dam which provided an area of open, deep water for common waterbird species;
- The investigation area supported a relatively high number of hollow bearing trees.

Further consultation with Commonwealth Department of the Environment the Department of Planning & Environment and the Office of Environment and Heritage at the subdivision stage

would be required to determine the best pathway for providing the best possible ecological outcomes for the site.

The additional information provided by the applicant in relation to flora and fauna is considered sufficient for the rezoning stage and will be placed on public exhibition as part of the planning proposal. However, it is considered important that the amendment to the CLEP include a specific requirement for a detailed biodiversity offset strategy to be prepared as part of any development application for the site that proposes to remove any of the vegetation on site.

Given that the site contains critically endangered vegetation, it is recommended that while the planning proposal is on public exhibition, Council formally consult with the Chief Executive of the Office of Environment and Heritage as required by Section 34A (Special Consultation Procedures Concerning Threatened Species) of the Environmental Planning and Assessment Act 1979.

Q8. *Are there any other likely environmental effects as a result of the rezoning submission and how are they proposed to be managed?*

The environmental matters that require consideration and how they are proposed to be managed are outlined below:

Acoustic Amenity

The part of the site that is proposed to be zoned for industrial purposes is ideally located away from residential areas. The area south of Cambridge Ave will provide a buffer between residential areas to the south and future industrial uses to the north.

SLR has undertaken a noise assessment relating to the proposed rezoning of the southern parcel of the GWS site located at Cambridge Avenue, Glenfield NSW (Attachment 2.7).

The aim of this assessment is to assess the potential noise impacts from land use changes associated with the rezoning on surrounding sensitive receptors.

Predicted noise emission levels for a hypothetical industrial estate are predicted to comply with the relevant noise goals during day, evening and night-time periods at all existing residential locations considered under calm and prevailing weather conditions. Furthermore, no specific noise mitigation measures, besides the existing mound and fence, have been included in the noise model. It is possible that actual noise emissions from the proposed industrial estate would be less than those predicted.

Predicted noise levels could be greatly reduced with judicious planning along with the use of equipment incorporating 'quiet' engineering design, the addition of acoustically designed enclosures, noise barriers or using management techniques. It is also possible that considerable screening of acoustically significant activities would be provided by buildings once the site is developed.

Stormwater management and flooding

The site's large pervious surface area allows the majority of the rain to infiltrate into the ground.

Any future development will increase the impervious surfaces areas e.g. roads, buildings, compacted soil that will increase the site's runoff.

The site's developable area has a north south crest running through the area. Approximately 25% of the site's developable area falls towards the northwest i.e. the East Hills Rail Line while the remainder generally falls towards the northeast i.e. the Georges River.

The future stormwater system for the site's developable area falling towards the northeast will be designed to discharge to the Georges River.

Discharging the stormwater from the site's developable area, of approximately 25%, that falls towards the northwest i.e. the East Hills Rail Line raises the following issues as identified in Global Arc's Glenfield Transport Interchange Flooding Assessment Concept Report December 2008 (Arc's report):

- There is an existing culvert (culvert 1) located at rail chainage 31,660km (East Hills) that connects upstream to the overflow of a wet detention basin located within that part of the Glenfield waste disposal site located in the Campbelltown City Council LGA that flows under the existing East Hills railway line before heading north-east along the Main South railway line until it crosses over via a culvert downstream to Glenfield Creek;
- Culvert 1 size is 2 x 1300mm reinforced concrete pipe (RCP);
- The South Sydney Freight Line (SSFL) works will require culvert 1 to be extended and the realignment of an existing unlined open drain;
- As part of the stormwater drainage system upgrade for the Glenfield Interchange a culvert (culvert 2) located at rail chainage 32,000km (East Hills) and an existing outlet will require connection into an open drain alongside the new East Hills line embankment that will then flow into culvert 1. Culvert 2 captures local contributing flows from Cambridge Avenue and Canterbury Road entering a letter box style pit located at the end of the Canterbury Road reserve. The existing flows head north-east and connect up to the outflow from culvert 1.

The capacity of culvert 1 to manage any development stormwater will be determined with reference to the final development plans for the developable area and final culvert specifications/installation for the Glenfield interchange and SSFL upgrades.

In the event some or all of the site's developable area that falls towards the northwest cannot be discharged in a northwest direction the stormwater will be pushed towards and connected into the stormwater system for the site's developable area falling towards the northeast i.e. the Georges River.

A stormwater management system for any development on the site will be prepared having regard to the flood affectation on the site's boundary with the Georges River.

Flood and Stormwater management will include assessment of hydrological impacts of the development, flood management and mitigation measures, water quality management, accident spill management measures and water cycle management.

Stormwater management is not considered an impediment to the rezoning of the site, as a Stormwater system can be designed and engineered to discharge to the Georges River.

More detailed engineering design for Stormwater management will be required as part of any future development application for the site.

Land contamination and soils

The applicant has submitted to Council a Desktop Geotechnical & Contamination Rezoning Report, prepared by a consultant (Consulting Earth Scientists, April 2012) on behalf of the applicant, as shown under Attachment 2.6 of the planning proposal.

None of the findings of the report indicate that the subject land is not suitable for rezoning for industrial purposes, or for subsequent subdivision and development of individual lots for appropriate industrial activities.

Traffic, transport and access

AECOM on behalf of the applicant prepared a preliminary Traffic and Transport Review of the subject site (refer to Attachment 2.3 of this Planning Proposal).

The findings of the review indicates that the site would appear to be appropriate for 'Zone IN1 General Industrial' from a transport perspective, subject to further detailed traffic impact assessment to determine the capacity of the existing network and identify the extent of required infrastructure improvements

The site currently has two access points. It is proposed that an additional access point be created from Cambridge Avenue to service the future industrial developments at the site.

In addition to the preliminary Traffic and Transport Review prepared by AECOM, Anton Reisch Consulting Pty Ltd prepared a detailed Traffic Impact Assessment on behalf of the applicant to appropriately assess the potential traffic and transport impacts arising from the Proposal. Following is a dot point summary of the findings of this study:

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- In the AM [commuter peak hour 7:00am – 8:00am] the Site trip generation is estimated at 265 vehicle trips per hour (vph), and in the PM [commuter peak hour 4:00pm – 5:00pm] the Site trip generation is estimated at 275vph;
- The Site provides 2 existing access points to the local road network, via GWS Road 1 to Cambridge Avenue; and via GWS Road 2 to Railway Parade . The intersection of GWS Road 1 & Cambridge Avenue currently provides primary access to the Site, but the volume of additional trips generated by the Proposal – along with upgrade constraints at the intersection of GWS Road 1 & Cambridge Avenue – dictates that a new intersection be provided to Cambridge Avenue to service the rezoned land.
- The Proposal would have only a very moderate impact on the road network through to the year 2024.

Heritage

Archaeological and Heritage Management Solutions Pty Ltd (AHMS) prepared an Aboriginal Heritage Preliminary Assessment Report (AHPA Report) for the rezoning of the site a copy of which is shown under Attachment 2.5. The Assessment report was undertaken in accordance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation, (DEC, 2005), and the Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW, 2010), and Aboriginal Cultural Heritage Community Consultation Requirements for Proponents (DECCW, 2010) as specific best practice standards and processes for Aboriginal heritage assessment in NSW.

Aboriginal consultation was undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (April 2010). The Registered Aboriginal Parties for the project are the Tharawal Local Aboriginal Land Council, Cubbitch Barta Native Title Claimants Aboriginal Corporation, Darug Aboriginal Cultural Heritage Assessments, Darug Aboriginal Landcare, Darug Custodian Aboriginal Corporation, Darug Land Observations, Peter Falk Consultancy, and Tocomwall.

Findings of the AHPA Report

- Most of the subject area is heavily disturbed and/or previously developed, and the potential for preservation of archaeological materials is low. However, two areas appear to be less disturbed: an area of bushland in the western half of the subject area; and an alluvial terrace adjacent to a minor tributary of the Georges River, in the south-eastern corner of the subject area.
- Four archaeological sites were identified within the subject area:

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1. Glenfield 1 (#45-5-3531): a registered site located on a track currently in use in association with the ongoing railway expansion. It is considered likely that this site is destroyed.
 2. GWD 3: an isolated artifact: found to be of low value
 3. GWD 4: an isolated artifact: found to be of low value
 4. GWD 2: a potential archaeological deposit located on a large alluvial terrace on the bank of the Georges River, encompassing a minor tributary.
- Two further sites were initially identified, but following further investigation have been subsequently rejected as of Aboriginal origin. These were:
 1. Glenfield ST (#45-5-2428): a registered site consisting of a scarred tree. It is considered that the scar is of natural rather than cultural origin.
 2. GWD 1: a scarred tree. It is considered that this scar is of natural rather than cultural origin.
 - Responses from the Aboriginal community supported the findings and recommendations of earlier versions of this report, and provided no specific cultural values to the Aboriginal objects/sites identified through the assessment. The area was considered to have been significant to Aboriginal people in the past given the proximity of Georges River –an important resource – and recommendations on signage outlining the Aboriginal history of the area were proposed

The majority of GWD 2, is zoned RE1 Public Recreation under the CLEP and SP2 Road, and this planning proposal does not seek to vary those zones. Part of this site is currently zoned 1(a) Rural under LEP 2002 and is proposed to be rezoned SP2 Car Park for car parking purposes. Any future car park within this site must be located to minimise any disturbance to aboriginal heritage.

Additional characterisations of the GWD 2 deposit should occur at the development stage. Notably, an AHIMS site card for the GWD 2 area has been completed and lodged with the AHIMS registrar ensuring the GWD 2 area will be identified at the development stage.

In this regard, Council will further be consulting with the aboriginal communities, and seek their views on this matter while the planning proposal is placed on public exhibition.

Q 9 *How has the rezoning submission adequately addressed any social and economic effects?*

The Planning Proposal would enable the majority of the site to be developed for industrial development, thus creating much needed local jobs within Campbelltown LGA and assists Council to meet its employment targets.

It is not expected that the proposal would have any adverse effects on social or economic values of the Campbelltown community.

Section D – State and Commonwealth interests

Q 10 Is there adequate public infrastructure for the planning proposal?

The applicant submitted to Council an Infrastructure Report. The report confirmed that all major utility services are currently within the vicinity of the subject site. Given the area of land proposed for rezoning, consultation with Sydney Water and Endeavour Energy will identify the likely future utility requirements for the site.

The volume of additional trips generated by the Proposal dictates that a new intersection will need to be provided to Cambridge Avenue to service the rezoned land.

O 11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Condition 5 of the revised Gateway Determination dated 9 December 2014 required Council to consult with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW
- Railcorp
- Sydney Water
- Telstra
- Transgrid
- Sydney Catchment Authority
- Sydney Metropolitan Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries -Agriculture
- NSW Trade and Investment - Minerals and Petroleum (S117 Direction 1.3 Mining,Petroleum Production and Extractive Industries)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Office of Strategic Lands regarding the dedication of land, which adjoins the eastern boundary of the subject land and which is zoned 6(b) Regional Open Space under Campbelltown (Urban Area) LEP 2002, and its removal from the Land Reservation Acquisition Map.
- Adjoining LGAs

To date Council has consulted with the following public authorities:

1. Transport for NSW

Council consulted with Transport for NSW in relation to the proposed rezoning of Lot 92 DP 1155962 (owned by Transport for NSW).

No official/written response has yet been received from Transport for NSW, however verbal advice indicated that there is no objection to the proposed rezoning. Council will consult again with Transport for NSW while the proposal is on public exhibition.

2. Office of Environment and Heritage

Council consulted with the Office of Environment and Heritage in relation to the required flora and fauna study and the Preliminary Aboriginal Heritage Study.

The applicant undertook additional surveys and studies as required by Council and the Office of Environment and Heritage. Council is satisfied that the additional information provided by the applicant is sufficient for the rezoning stage. Additional work and consultation with OEH should occur at the development application stage in relation to aboriginal heritage and the management of vegetation on site. Council will consult with OEH again, while the planning proposal is on public exhibition.

3. Office of Strategic Lands

As part of the preparation of the draft Campbelltown Local Environmental Plan 2014, Council consulted with the Office of Strategic Lands to resolve matters related to the future acquisition of land zoned RE1 Public Open Space adjacent to the Georges River and the site subject to this planning proposal.

Council received the OSL submission which in relation to the subject strip of land stated:

Following discussion with GWS and a subsequent site visit it is our view that the width of regional open space be reduced. The primary factor for this request is that a large percentage of the current open space reservation is on landfill with ongoing waste material monitoring conditions on the land owner. The ongoing responsibilities for this should remain with GWS. The site and its value as a future regional open space corridor has been so compromised that the intent behind the reservation cannot be achieved. It is more realistic and pragmatic that the regional open space zoning be for a width of approximately 70 m from the Georges River as this reflects the width of unaffected land from landfill and will serve both a riparian zone and pedestrian/cycleway function in the future.

The applicant, in consultation with the OSL has prepared a survey to precisely inform the boundaries of the part of the site to be acquired by OSL. The land to be acquired by OSL is zoned RE1 Public Recreation under the CLEP. The remaining part of the open space corridor is proposed be rezoned to industrial zone (refer to Part 4 Maps) for maps showing the proposed rezoning of the site and the Land Reservation Acquisition map.

4. NSW Roads and Maritime Services

Council has consulted with NSW Roads and Maritime Services (RMS) in relation to the scope of the traffic impact assessment. Council received a written email in relation to the matters that need to be addressed by the traffic impact assessment. The applicant has prepared a traffic impact assessment taking into consideration feedback from RMS and Council's Engineers.

Notably, Council will consult with all relevant public agencies listed under the gateway conditions of the revised Gateway Determination during the public exhibition of the draft Planning Proposal.

Part 4: Mapping

The Planning Proposal is accompanied by the following relevant maps shown as Attachment 3 to this Planning Proposal:

- Map 3.1 Location Plan of the Subject Site
- Map 3.2 Aerial Photo of the Subject Site
- Map 3.3 Existing Zoning Map under LEP 2002
- Map 3.4 Existing Zoning Map under the CLEP
- Map 3.5 Proposed Zoning Map under the CLEP
- Map 3.6 Existing Lot Size Map under the CLEP
- Map 3.7 Proposed Lot Size Map under the CLEP
- Map 3.8 Existing Height Map under the draft CLEP
- Map 3.9 Proposed Height of Buildings Map under the CLEP
- Map 3.10 Existing Land Reservation Acquisition Map under the CLEP
- Map 3.11 Proposed Land Reservation Acquisition Map under the CLEP
- Map 3.12 Survey Plan Map – Boundary Adjustment

Part 5 - Community Consultation

Public consultation will take place in accordance with the revised Gateway Determination made by the Minister for Planning and Infrastructure in accordance with Sections 56 & 57 of the Environmental Planning & Assessment Act 1979.

Part 6 - Project Timeline

The draft project timeline has been included in Table 6 below. The anticipated timeframes and

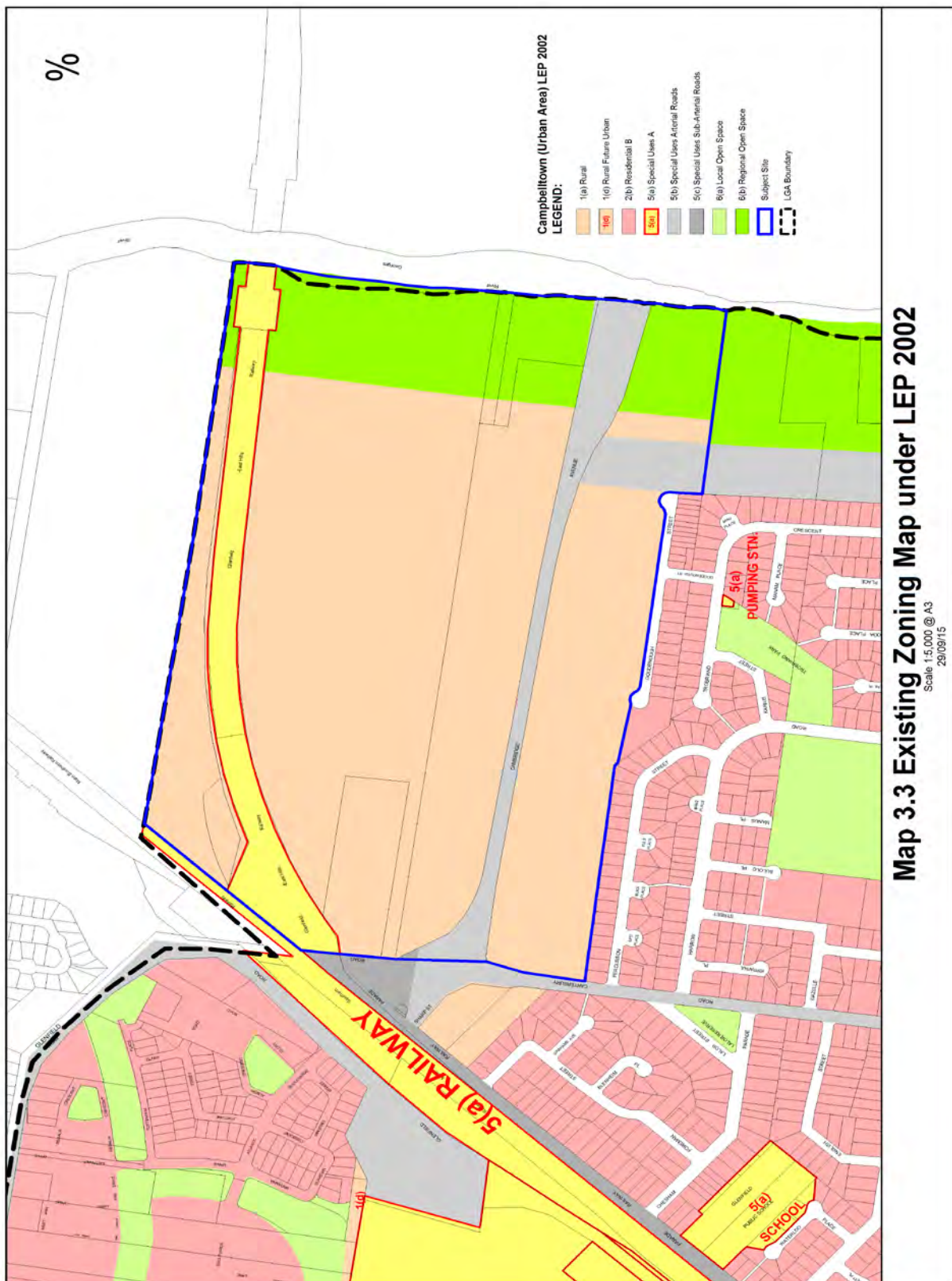
Milestone	Date
– anticipated timeframe for the completion of required technical information	Completed June 2015
– anticipated commencement date (date of revised Gateway determination)	February 2015
– commencement and completion dates for public exhibition period	April 2016
– timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) – Consultation with government agencies is proposed to be undertaken while the proposal is on public exhibition.	May 2016
– timeframe for consideration of submissions (report to Council)	June 2016
– date of submission to the department to finalise the LEP	August/September 2016

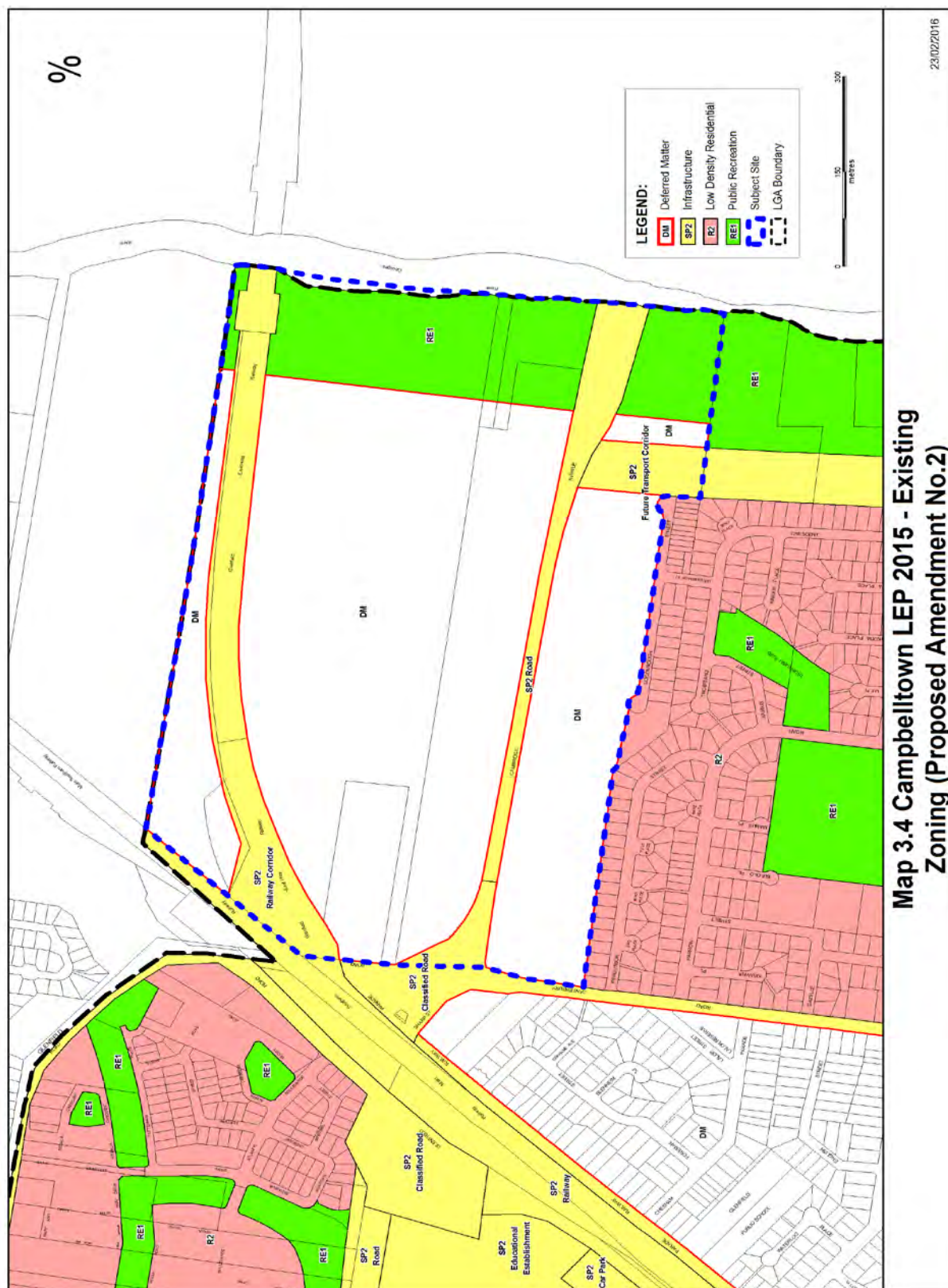
dates have been assigned to each milestone of the Gateway process.

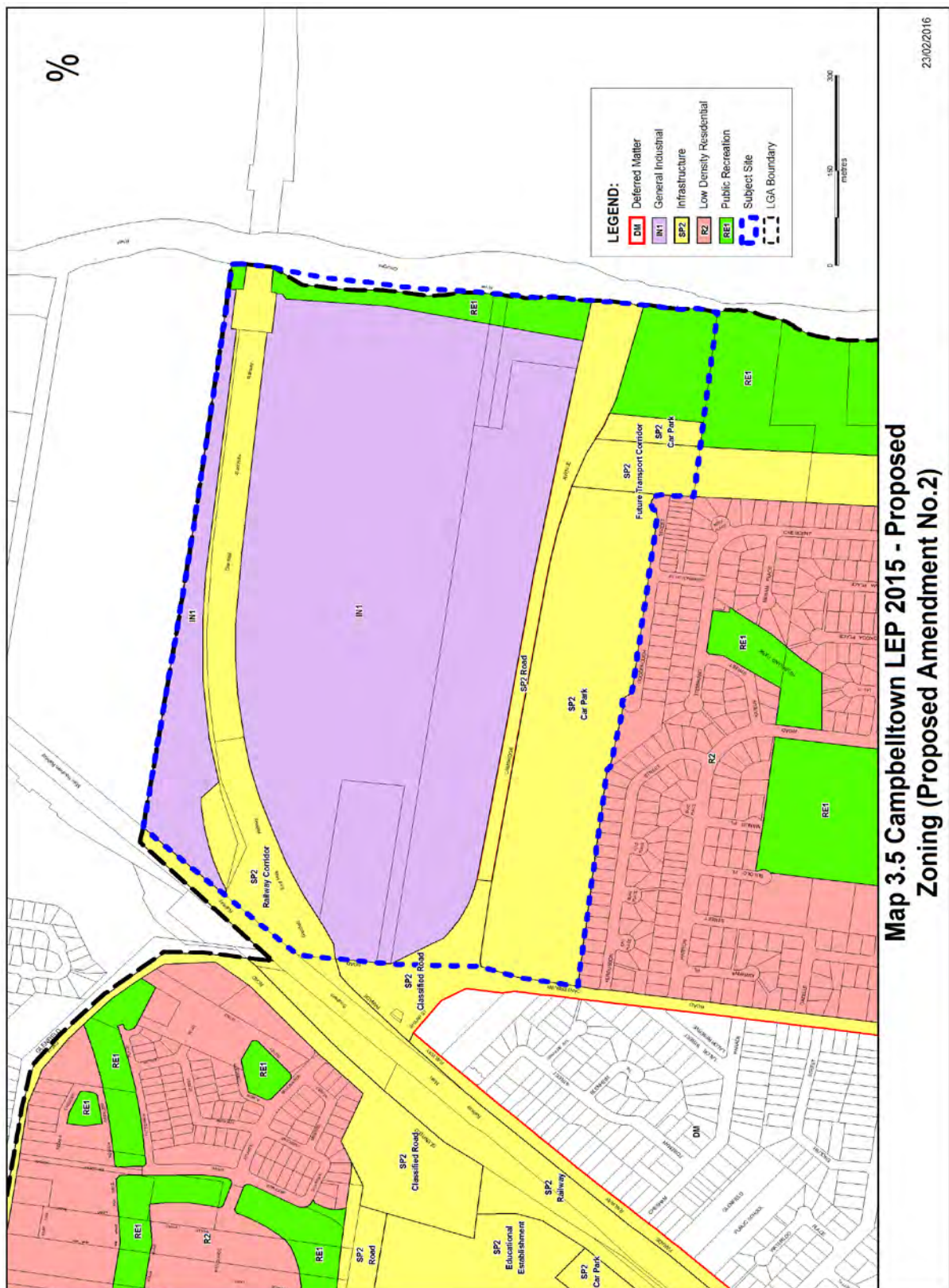
Table 6: Project Timeline









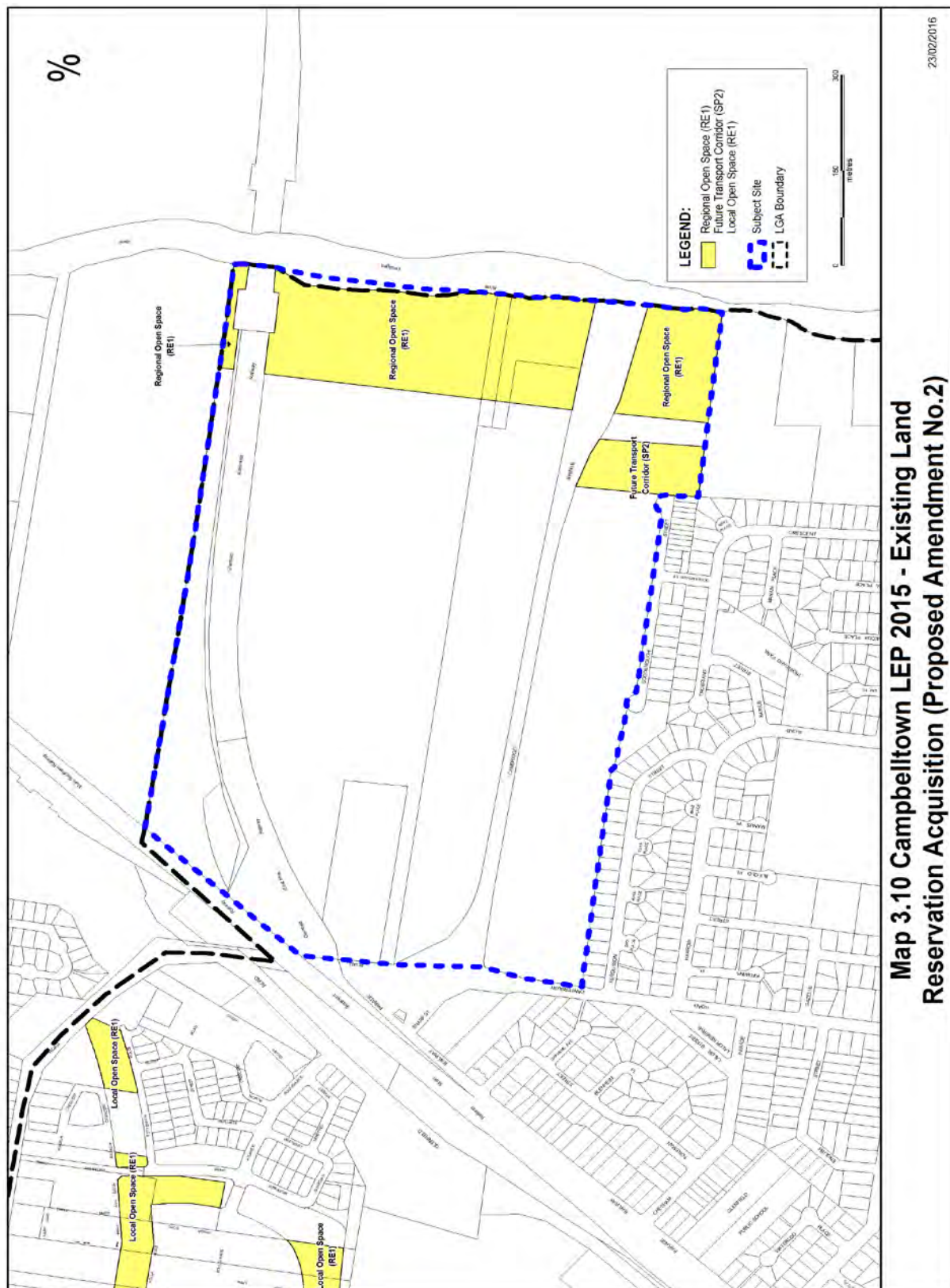


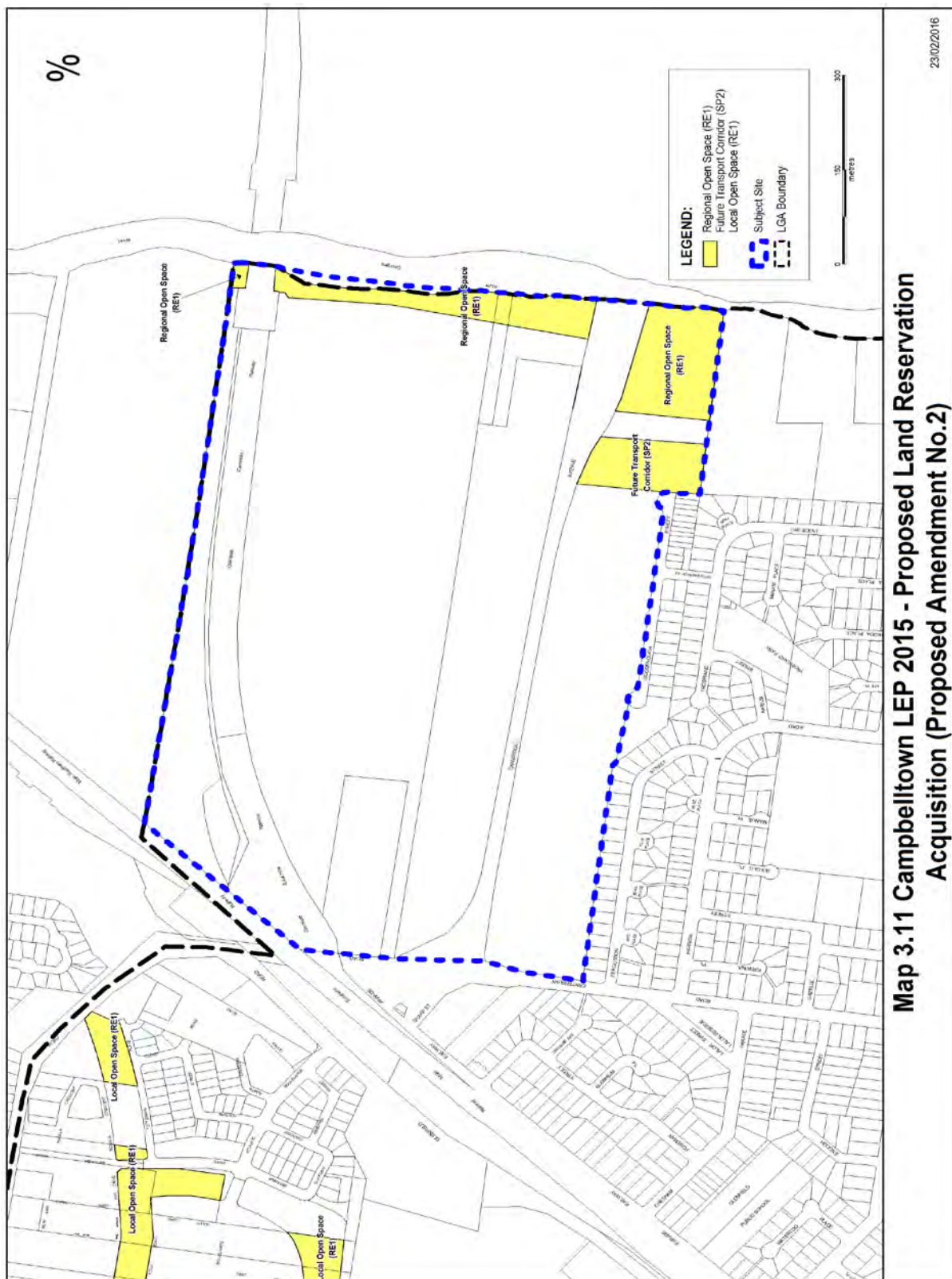


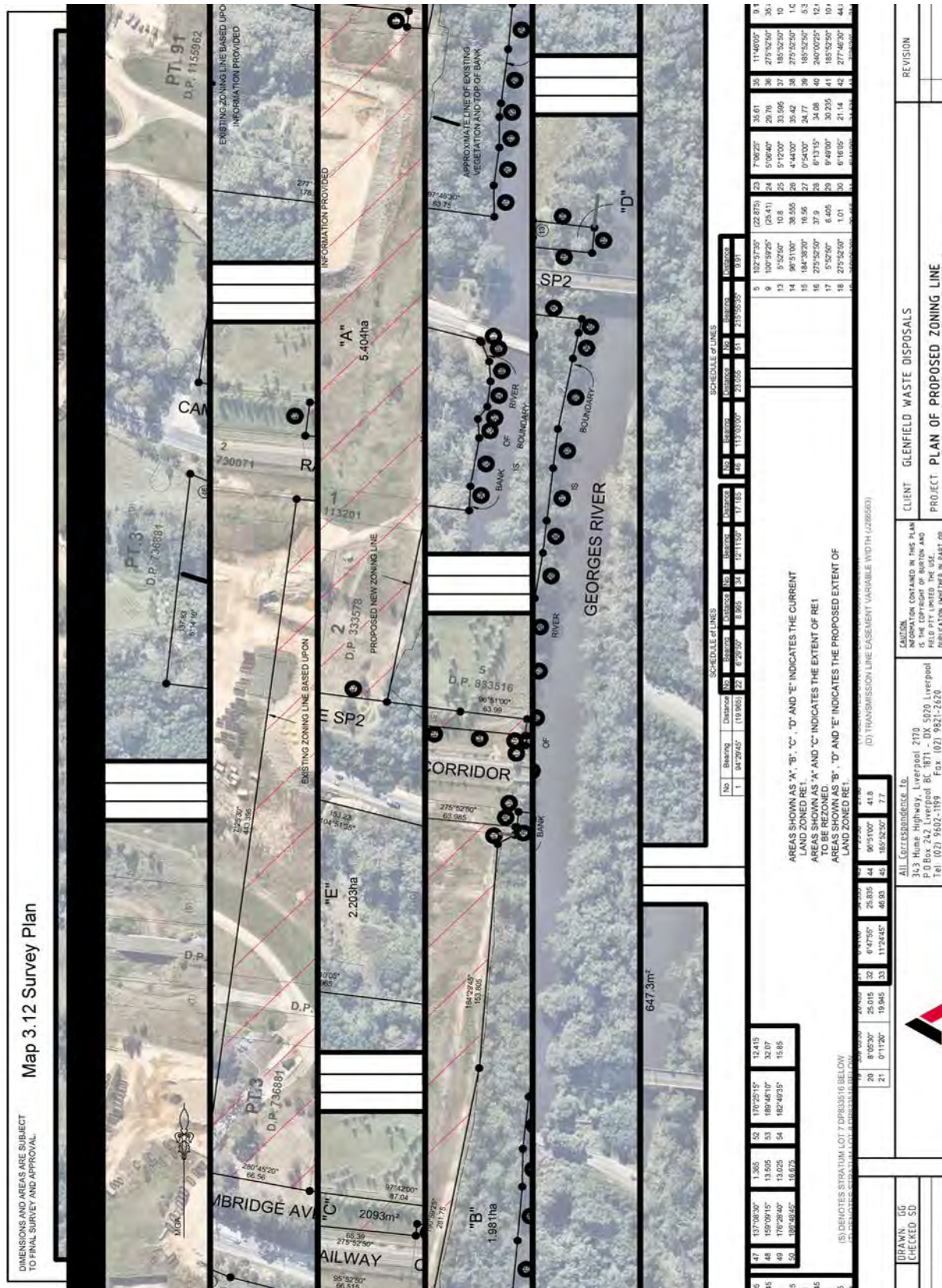












2.5 Minutes of the Heritage Protection Sub Committee meeting held 25 February 2016

Reporting Officer

Manager Environmental Planning

Attachments

Minutes of the Heritage Protection Sub Committee meeting held 25 February 2016
(contained within this report)

Purpose

To seek Council's endorsement of the minutes of the Heritage Protection Sub Committee meeting held 25 February 2016.

Report

Detailed below are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

Recommendations of the Heritage Protection Sub Committee

Reports listed for consideration

7.1 Hurlstone Agricultural High School - Council Submission on Proposed Sale

That the information be noted.

7.2 Status Update for Heritage related Development Applications

1. That the information be noted.
2. That the Heritage Protection Sub Committee endorses its previous recommendations in relation to Old Kendall's Millhouse Site - 316 Queen Street Campbelltown.

7.3 2016 Heritage Medallion Nominations

1. That the information be noted.
 2. That the Acting Director Planning and Environment present a separate confidential report to Council seeking endorsement of the Heritage Protection Sub Committee's recommended recipient/s of the 2016 Heritage Medallion.
-

8.1 National Parks Association Committee Membership Update

That Council approve the appointment of Ms Alison Cukic as the National Parks Association alternative representative on the Heritage Protection Sub Committee.

8.2 2020 Campbelltown Bicentenary

That the information be noted.

8.3 Hurley Park Heritage Signage

That the information be noted.

Officer's Recommendation

1. That the minutes be noted.
2. That a separate confidential report be presented to Council seeking endorsement of the Heritage Protection Sub Committee's recommended recipient/s of the 2016 Heritage Medallion.
3. That Council approve the appointment of Ms Alison Cukic as the National Parks Association alternative representative on the Heritage Protection Sub Committee.

Committee's Recommendation: (Rowell/Oates)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 22 March 2016 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 27

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Minutes of the Heritage Protection Sub Committee

Held Thursday 25 February 2016 in Committee Room 3

Meeting Commenced: 6.02pm

1. Acknowledgement of Land

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

2. Attendance and Apologies

Attendance: Councillor Ted Rowell - Chairperson Campbelltown City Council
Councillor Bob Thompson - Deputy Chair Campbelltown City Council
Clarice Stretch - Campbelltown Airds Historical Society
Robert Wheeler - National Parks Association
Sue Kijurina - Campbelltown Airds Historical Society
Kay Hayes - Campbelltown Airds Historical Society

Also in Attendance: Jim Baldwin - Acting Director Planning & Environment
Andrew Spooner - Manager Sustainable City & Environment
Melinda Willcocks - Marketing and Tourism Coordinator
Brendan Leo - Acting Manager Development Services
Alison Cukic - Observer
Jane Worden - Executive Support

Apologies: James Gardner - Qualified Person
Jeff Burton - Senior Strategic Environmental Planner

Sub Committee's Recommendation: (Hayes/Stretch)

That the above apologies be accepted.

CARRIED

3. Declarations of Interest

There were no Declarations of Interest made at this meeting.

4. Minutes of the Previous Meeting

Reporting Officer

Manager Sustainable City and Environment

Report

The Minutes of the Heritage Protection Sub Committee Meeting held on 26 November 2015, copies of which were circulated to each Sub Committee member, were presented to Council for adoption at its meeting on 16 February 2016.

Council was requested to adopt the Minutes in accordance with the Officer's recommendation.

Due to the timing of the Council meeting and the deadline for the agenda of this meeting to be finalised and distributed, a verbal update on Council's resolution on the matter will be provided to the Sub Committee members.

Officer's Recommendation

That the information be noted.

Sub Committee Note:

Council's Manager Sustainable City and Environment advised the Sub Committee members of additional recommendations made by Council when considering the previous Heritage Protection Sub Committee minutes at its meeting held on 16 February 2016 as follows:

- that when any application is received for Raith, it be referred to the Heritage Protection Sub Committee for comment
- that the issues relating to the sale of the Hurlstone Agricultural High School land be referred to the Heritage Protection Sub Committee for comment
- that the development application for Macquarie Fields House be referred to the Heritage Protection Sub Committee for comment.

Sub Committee's Recommendation: (Thompson/Wheeler)

That the information be noted.

CARRIED**5. Business Arising from Previous Minutes****Reporting Officer**

Manager Sustainable City and Environment

Purpose

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 26 November 2016.

Report

The Minutes of the Heritage Protection Sub Committee meeting held on 26 November 2015 were considered by Council at its meeting on 16 February 2016.

The matters of business arising from the previous minutes relate to the following relevant items as detailed below:

(Item 7.1) Redevelopment of the local listed heritage item Old Kendall's Millhouse Site - 316 Queen Street, Campbelltown

That Council considers the following comments from the Heritage Protection Sub Committee when determining Development Application 2777/2015/DA-C relating to the redevelopment of the local heritage listed 'Old Kendall's Mill House' site at 316 Queen Street Campbelltown:

- That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
-

- That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.

The comments of the Heritage Protection Sub Committee have been considered by Council in the assessment of the subject application. A separate report on this matter is provided for the information of the Heritage Protection Sub Committee under the current meeting agenda.

(Item 7.2) Subdivision of the State listed Heritage Item 'Epping Forest' - Mississippi Crescent, Kearns

That Council considers the following comment from the Heritage Protection Sub Committee when determining Development Application 2400/2015/DA-S relating to the subdivision of the State Listed Heritage Item 'Epping Forest' Mississippi Crescent, Kearns into five Torrens Title allotments:

- That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.

The comments of the Heritage Protection Sub Committee have been considered by Council in the assessment of the subject application. A separate report on this matter is provided for the information of the Heritage Protection Sub Committee under the current meeting agenda.

(Item 8.11) Heritage Protection Sub Committee Membership Update

1. That Council accept the resignation of Mr Mario Majarich as an alternative voting member of the Heritage Protection Sub Committee and send a letter of appreciation to him.
2. That the National Parks Association identifies an alternative voting delegate on their behalf.

A letter of appreciation has been sent to Mr Majarich thanking him for his valued contribution to the Heritage Protection Sub Committee. Council's current delegate of the National Parks Association (Mr Robert Wheeler) has also been requested to identify a replacement alternative voting delegate and to advise the Heritage Protection Sub Committee accordingly.

Sub Committee's Recommendation: (Stretch/Wheeler)

That the information be noted.

CARRIED

6. Correspondence - Nil

7. Reports

7.1 Hurlstone Agricultural High School - Council Submission on Proposed Sale

Reporting Officer

Manager Sustainable City and Environment

Purpose

The purpose of this report is to update the Heritage Protection Sub Committee on the response of Campbelltown City Council to the proposed relocation of Hurlstone Agricultural High School by the State Government.

Report

At the Heritage Protection Sub Committee meeting held on 26 November 2015, the Sub Committee discussed the recent announcement by the State Government of its intention to relocate the historic Hurlstone Agricultural High School to the Western Sydney University's Hawkesbury Campus at Richmond.

The NSW Government has advised that the relocation is planned to occur in 2020, and will involve the sale of 140-hectares of land surrounding the existing school for development of new housing and a primary school.

The current building of Hurlstone Agricultural High, which has been there since 1926, is intended to become a new Glenfield high school. The capacity of the re-developed building is proposed to be expanded to accommodate a further 360 selective school spaces.

Council considered the matter at its meeting held on 15 December 2015, and again at its extraordinary meeting held on 22 December 2015. Council's resolution on the matter was as follows:

1. That Council writes to the Premier, Minister for Education and the Department of Education requesting the NSW Government abandon its decision to move Hurlstone Agricultural High School from Glenfield to Hawkesbury.

The correspondence is to articulate the following:

- expresses Council's disappointment to the Minister for Education and his Department for the lack of consultation with Campbelltown City Council and school community regarding the relocation of an iconic School
 - the Historical and heritage value of the school's name to Campbelltown and the Macarthur region
 - the social significance and military heritage connection to the Memorial Forest within the local area
 - the current Macarthur agricultural student enrolment and the future skills knowledge demands for agricultural studies and Science, Technology, Engineering and Mathematics (STEM) within the Macarthur and South West Sydney region
 - the need for the preservation of appropriate environmental buffers on the Glenfield site as part of any redevelopment of the land
 - any redevelopment of the land must incorporate new and significant employment development initiatives to balance the extent of urban development on the land and elsewhere in the Glenfield to Macarthur Corridor.
2. That, in the event that surplus land is sold then; Council requests the NSW Government to review the Glenfield Precinct Land use and Infrastructure Plan (Glenfield to Macarthur Urban Corridor Strategy) as a matter of urgency, and in collaboration with Council, to take account of the potential future development of surplus land at the Hurlstone Agricultural High School.
 3. That such review must articulate an appropriate vision for the whole Glenfield Precinct and involve the engagement of the community to reconsider:
 - housing supply and density
 - services, facilities and community amenity
 - job creation
 - the movement network including traffic and transport
 - built and environmental outcomes
 - infrastructure capacity.
-

4. That Council advise the NSW Government that the revised Land use and Infrastructure Plan for the Glenfield Precinct as agreed to by Council shall:

- form the basis of detailed site planning for the surplus land at Hurlstone
- complement the planning outcomes set out in the Glenfield Precinct Land use and Infrastructure Plan.

Council subsequently wrote to the NSW Premier on 12 January 2016 and raised a number of concerns with the decision, including the potential impacts that the sale and redevelopment of the school would likely have on the historical and heritage significance of the site for the Campbelltown area.

A copy of the letter sent to the NSW Premier by Council on the proposed sale and redevelopment of Hurlstone Agricultural High School is attached for the information of the Heritage Protection Sub Committee. Council is continuing to liaise with the NSW Government to try and facilitate an amicable resolution to the concerns and issues raised by Council.

Officer's Recommendation

That the information be noted.

Sub Committee's Recommendation: (Hayes/Stretch)

That the information be noted.

CARRIED

7.2 Status Update for Heritage related Development Applications

Reporting Officer

Manager Development Services

Purpose

The purpose of this report is to provide an update to the Heritage Protection Sub Committee on the assessment of current Development Applications relating to listed heritage items within the Campbelltown Local Government Area.

Report

Council is currently assessing five development applications relating to heritage listed properties within the Campbelltown Local Government Area. Several of these applications have previously been reported to the Heritage Protection Sub Committee for consideration and comment.

A brief description and update on the assessment status of each of these applications is provided below for the information of the Sub Committee.

- **Campbellfield (Redfern's) Cottage - Lind Street , Minto**

DA 2952/2014 - Construction of Medical Centre and Childcare Centre. A plan of the proposed development layout on the subject land is provided in Attachment 1.

The HPSC was informed of Council's receipt of the subject application at its meeting of 12 February 2015.

Status: The application has been deferred by Council as there are a number of deficiencies in the proposal, including potential impacts on the heritage significance of Campbellfield cottage. The applicant has provided a response to the matters raised by Council, and this information is currently under assessment. It is noted that Council has engaged Paul Davies Heritage Architects to assist with the assessment of the potential impacts of the proposed development on the heritage item.

- **Epping Forest - Mississippi Crescent, Kearns**

DA 2400/2015 - Subdivision into 5 Torrens Title allotments. A plan of the proposed subdivision is provided in Attachment 2.

The subject site is listed as a State Heritage Item and contains a main house of the Old Colonial Georgian architectural style with veranda and a range of sheds consistent with the use of the site as a farming complex.

The HPSC considered an information report on the proposal at its meeting of 26 November 2015, and recommended the following:

That Council's assessment of the proposal be deferred subject to a more detailed Conservation Management Plan and Heritage Impact Statement being lodged with Council for its consideration.

Status: Insufficient information has been submitted with the application to allow a comprehensive assessment of the application to be undertaken. Council has raised a number of issues / concerns with the proponent and deferred the application for additional and revised information in accordance with the above recommendation.

- **Old Kendall's Millhouse Site - 316 Queen Street Campbelltown**

DA 2777/2015 - Alterations and additions to existing heritage building and construction of multi storey commercial and residential building. A photomontage of the proposed development is provided in Attachment 3.

The HPSC considered an information report on the proposal at its meeting of 26 November 2015, and recommended the following:

- a) That the proponent be requested to provide Council with a Conservation Management Plan and Heritage Impact Statement and that this information be referred to the Heritage Protection Sub Committee for consideration; and
- b) That the proposal is considered to be an overdevelopment and would adversely impact upon the heritage significance of the site.

Status: The proposal is not considered supportable in its current form. Council has raised a number of issues / concerns with the proponent and deferred the application for additional and revised information in accordance with the above recommendation.

- **Caversham - 26 Oxley Street, Campbelltown**

DA 3065/2015 - Proposed use of existing building as a dwelling and home office (Macarthur Lady Funerals) and construction of a metal garage at rear of property. A plan of the proposed development layout on the site is provided in Attachment 4.

The proposal involves the use of the existing building as a dwelling and home office for Macarthur Lady Funerals. A detached metal garage is also proposed at the rear of the property.

The HPSC may recall that it previously considered a development application (DA 794/2012) in 2012 for the conversion and use of the property as a funeral parlour office. This application was conditionally approved by Council, and required a schedule of conservation works to be undertaken on the building and completion of external landscape works.

Status: The application has been deferred given a number of inconsistencies in the information submitted, including incomplete details of compliance with the earlier development consent issued for the property (DA 794/2012).

- **Macquarie Field House - Campbelltown Road, Glenfield**

DA 3510/2015 - Concept Master Plan for Residential Subdivision for Macquarie Field House (State Listed Heritage Item). A copy of the concept master plan for the proposed subdivision of the land is provided in Attachment 5.

The application was lodged with Council on 10 December 2015 and is for a concept master plan only. If approved, the proposed subdivision would be undertaken in a series of stages and be subject to future development applications.

The master plan proposes the provision of 69 residential allotments, ranging in size from 1,004sqm to 5,458sqm, the provision of roads, landscaping and community open space including a specially constructed lake. Access to the proposed subdivision would be from Quarter Sessions Road.

Macquarie Field House and its associated farm buildings are proposed be retained in a hilltop setting, with income generated from the sale of residential allotments to be utilised for the maintenance and conservation of the heritage listed buildings.

Status: The application is under assessment and is on public exhibition until 14 March 2016. The application has also been forwarded to the NSW Heritage Office for concurrence under the NSW Heritage Act 1977 given that Macquarie Field House is a State listed heritage item.

It is noted that Council will not be the consent authority for this application as the value of works exceeds the prescribed threshold of \$20M. In this respect, the application will be reported to the Joint Regional Planning Panel for determination.

Conclusion

This report provides a brief summary of the assessment status of five separate development applications currently being considered by Council that relate to heritage listed properties within the Campbelltown Local Government Area.

Except for the most recently lodged development application relating to Macquarie Field House, Council has requested additional information from each applicant having regard to deficiencies in the details submitted and/or comments already provided by the Heritage Protection Sub Committee.

Further discussion and an update on the assessment progress of these applications will be provided to Sub Committee members by Council's Acting Manager Development Services at the Heritage Protection Sub Committee meeting on 25 February 2015.

Officer's Recommendation

That the information be noted.

Sub Committee Note:

Council's Acting Manager Development Services advised Sub Committee members that the Development Application for Caversham - 26 Oxley Street, Campbelltown has been withdrawn by the applicant.

Councillor Ted Rowell noted that there is some Graffiti located at the Old Kendall's Millhouse Site and requested that Council officers follow up with the owner of the site with a view to having the graffiti removed. Council's Acting Director Planning and Environment advised will raise the matter of graffiti removal with the owner.

Sub Committee's Recommendation: (Stretch/Wheeler)

1. That the information be noted.
2. That the Heritage Protection Sub Committee endorses its previous recommendations in relation to Old Kendall's Millhouse Site - 316 Queen Street Campbelltown.

CARRIED**7.3 2016 Heritage Medallion Nominations****Reporting Officer**

Manager Sustainable City and Environment

Purpose

The purpose of this report is to seek a recommendation from the Heritage Protection Sub Committee on the preferred candidate for the 2016 Campbelltown Heritage Medallion.

Background

The Campbelltown Heritage Medallion is a biennial award that is open to individuals, businesses, community groups, schools or tertiary institutions that have made a significant contribution to the Campbelltown Local Government Area, in the area/s of:

- a. the preservation and promotion of natural and/or built heritage
- b. cultural and religious traditions
- c. cultural functions, festivals and crafts
- d. urban planning and development patterns
- e. innovative product development over time
- f. intellectual and scientific work undertaken within Campbelltown (for example, in the g. fields of agriculture, industry, science and technology)

The Campbelltown Heritage Medallion is undertaken as part of Council's participation in the 2016 National Trust Heritage Festival in April and May. The theme for this year's Heritage Festival is 'Discovery and Rediscoveries' - a celebration that encompasses the experience of discovering something for the first time or rediscovering something that has been lost, forgotten or concealed.

Council has embraced the National Trust's broad concept of 'heritage' for the purposes of the awarding the Heritage Medallion, which is very broad in nature and covers all that we, as a society, value today and wish to pass on to future generations. This includes intangible as well as tangible heritage - language and customs, as well as places and moveable collections.

Report

2.5 Minutes Of The Heritage Protection Sub Committee Meeting Held 25 February 2016

Nominations for Campbelltown's Heritage Medallion were opened to the public on 14 December 2015 and closed on 10 February 2016.

The nomination form was made available to the public via the Campbelltown Arts Centre and Campbelltown City Council websites and Facebook pages, as well as circulated via email and post to a wide local network of primary and secondary schools, historical groups and museums, community cultural development groups, environmental groups, Indigenous organisations, as well as past nominators of the Heritage Medallion and the Campbelltown City Australia Day Awards.

Nomination forms contained information about the Festival, the Medallion nomination process, and the National Trust's definition of heritage (and appropriate examples) to assist people in understanding the definition of Heritage that Council embraces for the purposes of this award.

Those submitting nominations for the 2016 Heritage Medallion were requested to address the following selection criteria:

- a. That the activity undertaken makes a substantial contribution to preserving or promoting Campbelltown's Heritage;
- b. That the achievement has a significant and enduring impact on the community;
- c. That the achievement is of exceptional relevance to the Campbelltown's Heritage;
- d. That the achievement gives a positive impression on Campbelltown's image and profile

The following nominations were received for the 2016 Heritage Medallion and are included as an attachment to this report.

1. Campbelltown Public School, nominated by Miss Anna Butler
2. Campbelltown Patchwork and Quilters Guild, nominated by Denise Pritchard
3. Mr David Vassallo, nominated by Mr Matthew Affleck
4. Campbelltown Uniting Care, nominated by John Russell
5. St Patrick's College, nominated by Mrs Fran Musico Rullo
6. Bambi Kindergarten Association Inc., nominated by Mrs Alicia Harrington
7. Winga Myamly Reconciliation Group, nominated by Sister Patricia Murphy
8. Mrs Marie Rutledge, nominated by Mrs Jossleen Crane
9. Pat McGeown, nominated by Mr Greg Warren MP
10. Campbelltown Mall, nominated by Mr Jarryd Tierney
11. Macarthur Centre for Sustainable Living, nominated by Ms Helen Byfield-Fleming
12. Tharawal Aboriginal Corporation/Aboriginal Medical Service, nominated by Mr Nick Rosser.
13. Campbelltown Veterans Recreation Centre, nominated by Ms Susan Lakeman

The Heritage Medallion Advisory Panel, consisting of the Chairperson and a member of the Heritage Protection Sub Committee, Council's Acting Director Planning and Environment, and Council's Manager Cultural Services, met after the closing of nominations to consider the nominations and make a recommendation on the preferred finalist to the Heritage Protection Sub Committee.

Given the narrow timing between the close of nominations and the February meeting of the Heritage Protection Sub Committee, a verbal update on the nominations, selection process and recommendation of the Heritage Medallion Advisory Panel will be given to the Sub Committee. Following discussion, the Heritage Protection Sub Committee is requested to provide a recommendation to Council regarding the preferred recipient of the 2016 Heritage Medallion.

The recipient of the Campbelltown Heritage Medallion is to be announced at Campbelltown's Heritage Forum, to be held during April at Campbelltown Arts Centre. All nominees will be invited to attend.

A summary of the information presented in the 12 nominations received in 2016 is provided below:

Note: They are in no particular order.

1. Nominee: Campbelltown Public School
Nominator: Miss Anna Butler

Summary

Campbelltown Public School has been nominated for its efforts in gathering information on the local history of the school through the collecting of oral histories, photos, newspaper articles and school memorabilia from former students. This information has been compiled and digitised to create a timeline of the school's, and consequently, Campbelltown's history, augmenting the earlier bank of knowledge and ensuring that it is permanently available to the school and the wider community. This initiative has been undertaken in celebration of the school's 140th Anniversary. The archives will continue to provide the school and local community with a strong and positive sense of local identity. The school also created a wall mural in 1988 illustrating the significant buildings of Campbelltown, and participates each year in the Elizabeth Macarthur History Competition.

2. Nominee: Campbelltown Patchwork and Quilters Guild
Nominator: Ms Denise Pritchard

Summary

Campbelltown Patchwork and Quilters Guild has been nominated for its significant and long-standing work in the local community. The Guild has been operating since 1995 and is an important part of the cultural heritage of Campbelltown, providing a tangible link to the crafts of early European arrivals to the area and demonstrating its relevance to 21st Century residents. The Guild has donated hundreds of quilts to local charities, nursing homes, youth and women's refuges, families dealing with SIDS, SAS troops and Campbelltown Meals on Wheels. The Guild regularly participates in open days at Glenalvon House, providing quilts for display and conducting demonstrations. The Guild also presented an original design quilt to the Koshigaya community on a friendship visit to Japan.

3. Nominee: Mr David Vassallo
Nominator: Mr Matthew Affleck

Summary

David Vassallo has been nominated for his commitment of over 25 years to the local community. David has served as one of the main organists of the John Therry Catholic Church, Raith House (Bradbury) and the Campbelltown and Airds Historical Society, and continues to attract new people to these sites through his passionate playing of the organ and pianola, and detailed demonstrations of the instruments to community members. When Raith House burnt down and was at risk of demolition, David communicated with Council and in particular Councillor Meg Oats to ensure the building would be safe from demolition. David has been able to get some amazing photos of the home before, during and after the rebuild and has worked closely with the Historical Society to archive these images.

4. Nominee: Campbelltown Uniting Care
Nominator: Mr John Russell
-

Summary

Campbelltown Uniting Care has been nominated for its commitment over the last 34 years to the local community in the areas of child protection, youth homelessness, people with a disability, child literacy and refugees. Some examples of Uniting Care's involvement in the community include the establishment of the Cottage Family Care Centre, the only preschool in Australia that was working with children who were abused or neglected; operating of the Stepping Stone Community, a house for homeless youth for over 30 years (now under the operation of Burnside); and establishment of the self-funded Literacy Centre since 1992, which provides individualised support for children with learning difficulties. Campbelltown Uniting Care also established Hurley House in 1994 for young adults with an intellectual disability, which has been operating for 21 years, and also Focus on Families to support first time mothers, later expanding the service to include mums with cancer, and mums with multiple babies. Currently, Uniting Care is working to support refugees from war torn Burindi.

5. Nominee: St Patrick's College
Nominator: Mrs Fran Musico Rullo

Summary

St Patrick's College has been nominated for its efforts in preserving Campbelltown's heritage and promoting the profile of the region through the gathering and updating of information on the local history of the school, in celebration of its 175th anniversary. The College continues to collect oral histories, photos, newspaper articles and school memorabilia from former students to build this archive, which has been digitised to create a timeline of the school's, and consequently, Campbelltown's history. The College also initiated and drove student research projects related to Campbelltown's World War 1 heritage. The College is committed to raising awareness to the wider community about the College's heritage.

6. Nominee: Bambi Kindergarten Association Inc.
Nominator: Mrs Alicia Harrington

Summary

Bambi Kindergarten Association Inc. was established in 1952 by wives of servicemen based at Ingleburn Military Camp and who were fighting in the Korean War. It has operated in the community for 64 years and is considered an icon within the local community though its service to children, families, and children with special needs. It has been nominated for its ongoing work in the community and as a 'living memorial' to both civilian and defence force families. Bambi was accredited as a 'Centre of Excellence' with the Australian Early Childhood Association's pilot accreditation program in 1993, and includes a registered memorial in the grounds of the preschool, honouring the soldier's "Missing In Action" during the Korean War. Bambi is supported by the Korean Veteran's Association.

7. Nominee: Wunga Myamly Reconciliation Group
Nominator: Sister Patricia Murphy

Summary

Wunga Myamly Reconciliation Group has been nominated for its ongoing work in the Campbelltown area to promote reconciliation and a deeper understanding and awareness of Aboriginal culture. The Group was established in 1993 after finding there was limited knowledge in the broader community of the Appin Massacre of the Dharawal people in 1816. In consultation with Dharawal descendants and local Aboriginal people, the group commenced gatherings at the Cataract Dam where the massacre took place, and over time this has grown into a significant Memorial Ceremony held on the anniversary of the massacre, which draws people from widespread areas. The event ensures that the significance of the Massacre is acknowledged, and that the Dharawal

2.5 Minutes Of The Heritage Protection Sub Committee Meeting Held 25 February 2016

people are honoured for the importance they have in the history of Campbelltown and its surrounds. A plaque was erected at Cataract Dam in 2006 with a grant from Wollondilly Council.

8. Nominee: Mrs Marie Rutledge
Nominator: Mrs Jossleen Crane

Summary

Marie Rutledge has been nominated for her longstanding commitment to the local community, since moving to Campbelltown in 1956. Marie is well-known for her involvement in the Festival of Fisher's Ghost on various Festival Committees, has been heavily involved in raising of money for the Festival, and was elected President for a period of 6 years. She established Miss Princess Quest more than 20 years ago, and has also been involved with the Torch Bearers for Legacy (where she spent a number of years as Secretary and President) and the Returned Services League of Australia. Marie joined the early Friends of the Art Gallery and was involved with the raising of money to build the first Art Gallery in Campbelltown. She has received a number of prestigious awards for her outstanding work with the local community at a grassroots level.

9. Nominee: Mr Pat McGeown
Nominator: Mr Greg Warren MP

Summary

Pat McGeown has been nominated for his passion and commitment to the arts and heritage within the Campbelltown region, through the sharing of the stories and journeys of local people he interviews on his radio show "Sunday nights with Captain Pat", since 2006. Over the years Pat has interviewed thousands of local people, musicians and bands, emerging artists, journalists and humanitarians, and shared their interesting stories. Pat volunteers much of his time in charities and local events and continues to be passionate about promoting the local area and its rich heritage.

10. Nominee: Campbelltown Mall
Nominator: Mr Jarryd Tierney

Summary

Campbelltown Mall has been nominated for its commitment to actively supporting the community of Campbelltown since it opened its doors in 1984. The Mall has partnered with organisations such as the 24 Hour Fight Against Cancer to help local residents, Lifeline Macarthur to support the much needed volunteers working with the local people of Campbelltown who are in need, and continues to support the Campbelltown Mayors Christmas Appeal. The Mall has also been a proud sponsor of the Campbelltown Eagles Junior Rugby Club, along with running the Green Ambassador Award with local schools to encourage children to take care of their environment.

11. Nominee: Macarthur Centre for Sustainable Living
Nominator: Ms Helen Byfield-Fleming

Summary

The Macarthur Centre for Sustainable Living has been nominated for its ongoing commitment to sustainable living as a not-for-profit, community-driven organisation. The Centre runs workshops for the local community, educational programs for child care centres, schools, and tertiary organisations, and acts as a community hub where visitors can gain free information on sustainable living. The Centre's workshop program is sponsored by Campbelltown City Council. Visitation to the Centre has increased rapidly since 2010, due to an increase in the activities developed and run by the Centre, and the consolidation of the Centre's education program. The Centre continues to be involved in many local events such as River Fest, Healthily Living Expo, and local NAIDOC week events.

12. Nominee: Tharawal Aboriginal Corporation/Aboriginal Medical Service
Nominator: Mr Nick Rosser

Summary

The Tharawal Aboriginal Corporation/Aboriginal Medical Service has been nominated for their continuous support in local Aboriginal health, culture and heritage for nearly 35 years. They have developed important partnerships with NGO's as well as the local health districts, schools and Campbelltown City Council, which have developed into programs linking local Aboriginal people to vital support services. Complementing this, the Oorungah Wandarah and Waranwarin early childhood centre provides a comprehensive approach to supporting children's education by engaging with parents. The Tharawal Men's group also provide a vital approach to cultural preservation to younger generations throughout the community. Tharawal is a widely recognised centre of excellence and continues to support the Indigenous community to grow, live and develop.

13. Nominee: Campbelltown Veteran's Recreation Centre
Nominator: Ms Susan Lakeman

Summary

Campbelltown Veteran's Recreation Centre has been nominated for its ongoing support of the local community. This is a non-profit centre located in historic Dredges Cottage which provides activities and assistance to returned military personnel and their families as well as operating a small museum on the grounds. They have undertaken a number of activities designed to preserve the memory of those who served from the Macarthur area, including refurbishing old photographs of significance for display in the museum, engaging a local historic researcher to accurately record and the names of military personnel for preservation on a series of plaques installed in the Memorial Wall on the grounds of the Cottage, and producing an illustrated book of the stories of the men and women of World War 1 to be made available, free of charge to schools.

Officer's Recommendation

1. That the information be noted.
2. That the Heritage Protection Sub Committee makes a recommendation for the 2016 Heritage Medallion.

Sub Committee's Recommendation: (Wheeler/Hayes)

1. That the information be noted.
2. That the Acting Director Planning and Environment present a separate confidential report to Council seeking endorsement of the Heritage Protection Sub Committee's recommended recipient/s of the 2016 Heritage Medallion.

CARRIED

8. General Business

8.1 National Parks Association Committee Membership Update

Council's Manager Sustainable City and Environment advised the Sub Committee that the National Parks Association has nominated Ms Alison Cukic as their alternate voting delegate on the Heritage Protection Sub Committee.

Sub Committee's Recommendation: (Wheeler/Stretch)

That Council approve the appointment of Ms Alison Cukic as the National Parks Association alternative representative on the Heritage Protection Sub Committee.

CARRIED

8.2 2020 Campbelltown Bicentenary

Campbelltown Airds Historical Society representative Clarice Stretch made enquires with Council officers regarding the progress of preparations for the Campbelltown Bicentenary which will take place in 2020. It was noted that Council will be approaching various groups to discuss ideas for the bicentennial celebrations closer to the event date.

In order to assist and support Council in its preparation for this event, the Campbelltown Airds Historical Society provided Council with a design for a proposed memorial to Macquarie sourced from the Campbelltown Airds Historical Society archives. Council's Manager Sustainable City and Environment thanked the Campbelltown Airds Historical Society for the information which will be considered appropriately.

Sub Committee's Recommendation: (Stretch/Hayes)

That the information be noted.

CARRIED

8.3 Hurley Park Heritage Signage

Council's Manager Sustainable City and Environment provided Sub Committee members with an update in relation to the progress of the installation of the interpretative signage (cattle tank and silt traps) currently being erected in Hurley Park.

It was noted that the base support for the signage has been installed and once the base concrete has set the remaining work for the cattle tank signage will be carried out. It is anticipated that this work will be completed over the next few days.

Sub Committee's Recommendation: (Wheeler/Stretch)

That the information be noted.

CARRIED

Next meeting of the Heritage Protection Sub Committee will be held on 26 May 2016 at 6.00pm in Committee Room 3.

Councillor Ted Rowell
Chairperson

Meeting Concluded: 6.48pm

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - January 2016

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for January 2016 (contained within this report)

Purpose

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

Report

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 22 March 2016 (Greiss/Kolkman)

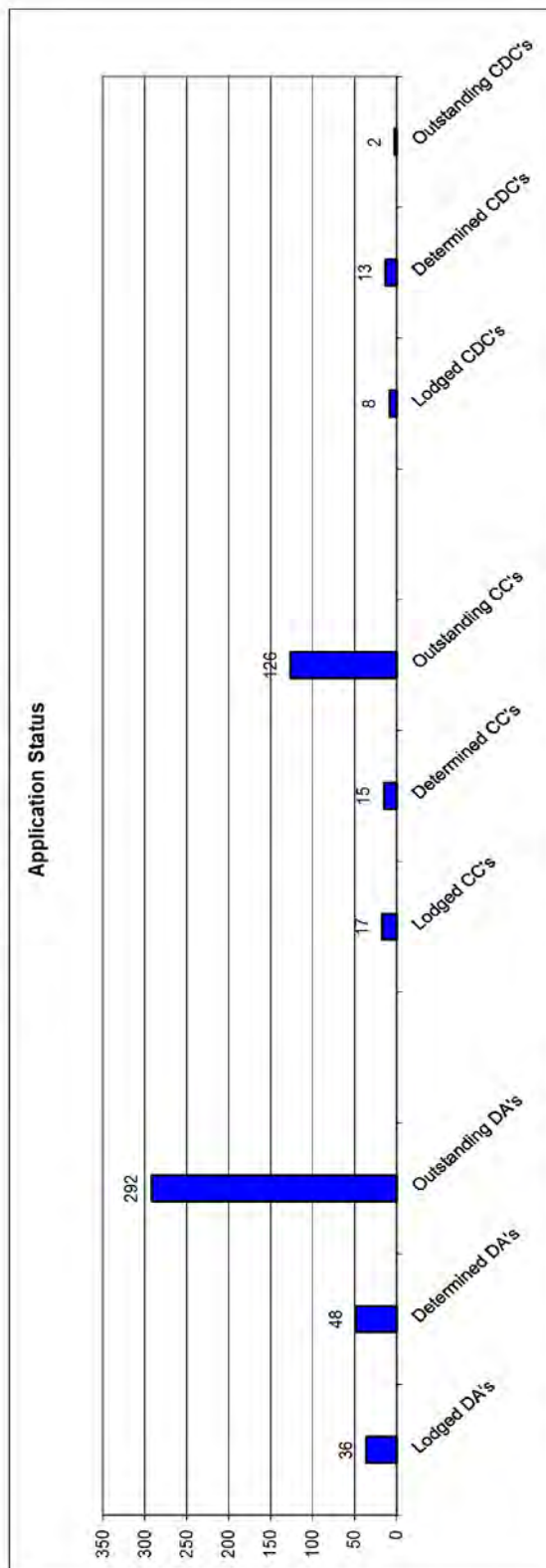
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 27

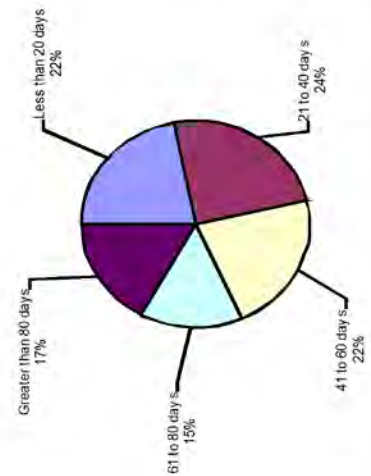
That the Officer's Recommendation be adopted.

ATTACHMENT 1

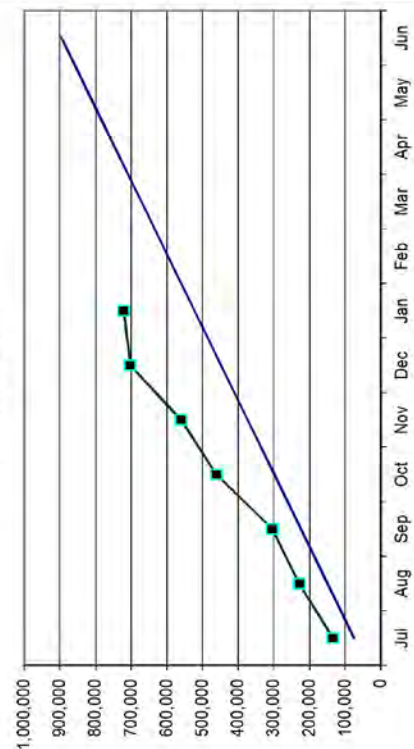
DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – January 2016



Development Application Monthly Processing Times



Development Application Income 2015/2016



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

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

Reporting Officer

Acting Manager Development Services

Attachments

SEPP 1 variations approved for the period October to end December 2015 (contained within this report)

Purpose

To advise Council of development applications approved for the period 1 October 2015 to 31 December 2015 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 applications).

Report

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

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Council Meeting 22 March 2016 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 27

That the Officer's Recommendation be adopted.

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

ATTACHMENT 1

SEPP 1 Variations 1 October to 31 December 2015

Council DA reference number	Lot number	DP number	Apartment/unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
31102014/DA-	Lot 21 & 22	DP 595572		7	Badgally Road	CAMPBELLTOWN	2560	12. Industrial	Campbelltown in Urban Area LEP 2002	4(p) - Industry Zone	Clause 37 Setbacks within industrial areas	Not inconsistent with nearby setbacks for approved vehicle display areas, minor building encroachment only, SEPP 1 predominantly related to display and storage of cars in setback area, which has a relatively low environmental impact as the area would be behind manicured landscaped area	40%	Council	7/10/2015

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

3.3 Removal of six trees and construction of a 13 suite boarding house with car parking area and front fencing at No. 18 Rudd Road, Leumeah

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions (contained with this report)
2. Locality plan (contained within this report)
3. Roof plan (contained within this report)
4. Shadow diagrams (contained within this report)
5. Elevations (contained within this report)
6. Site/Ground floor plan (distributed under separate cover – confidential – for privacy reasons this plan is not available to the public)
7. First floor plan (distributed under separate cover – confidential – for privacy reasons this plan is not available to the public)
8. Landscape plan (distributed under separate cover – confidential – for privacy reasons this plan is not available to the public)
9. Notification plan (distributed under separate cover – confidential – for privacy reasons this plan is not available to the public)

Purpose

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

Property Description	Lot 4 DP 21264 – No. 18 Rudd Road, Leumeah
Application No	932/2015/DA-BH
Applicant	Michael Brown
Owner	Segcon Pty Ltd
Provisions	Campbelltown 2025 Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown Local Environmental Plan 2015

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Campbelltown (Sustainable City) Development Control Plan 2014

Campbelltown City Council Section 94A Development Contributions Plan

Date Received 27 April 2015

Report

Introduction

Development Consent is sought for the removal of six trees and the construction of a 13 suite boarding house with a car parking area and front fencing.

The subject site is an irregular shaped vacant allotment with a total area of approximately 778sqm.

The proposed layout consists of a two storey building containing 13 boarding house suites, each with an ensuite type bathroom and a kitchen. Six of the suites contain laundry facilities while a common laundry services the other suites. The facility also includes a common room, three car parking spaces, motorcycle and bicycle parking. The application details that seven of the suites are to be occupied individually (one being the Boarding House Manager suite), while the remaining six suites can be occupied by up to two people.

1. Vision

Campbelltown 2025 Looking Forward

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and informed the new statutory town plan for the City which commenced on 11 March 2016.

The strategic directions relevant to this application are:

- growing the Regional City
- building a distinctive Campbelltown sense of place
- creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

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
- an impression of architecture that engages its environmental context in a sustainable way
- development and land use that matches environmental capacity and capability.

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

2. Planning Provisions

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

2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

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

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

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

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

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

Criteria	Proposed	Compliance
<p>Clause 29 (1) – Density and Scale A consent authority must not refuse consent to development to which this Division applies, on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land.</p> <p>A maximum floor space ratio of 0.55:1 applies to the subject land pursuant to Section 3.7.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014.</p>	0.54:1	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Criteria	Proposed	Compliance
<p>Clause 29 (2) (a) – Building Height A consent authority must not refuse consent to development to which this Division applies, if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.</p>	<p>When the application was made there were no building height limit controls contained within an Environmental Planning Instrument. It is noted that the building height complies with the maximum building height requirement of Clause 4.3(2) of CLEP 2015, which became operational on 11 March 2016.</p>	<p>NA</p>
<p>Clause 29 (2) (b) – Landscaped Area A consent authority must not refuse consent to development to which this Division applies, if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.</p>	<p>The landscape treatment along both street frontages is compatible with the existing and future likely streetscape of the locality.</p>	<p>Yes</p>
<p>Clause 29 (2) (c) – Solar Access A consent authority must not refuse consent to development to which this Division applies, where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p>	<p>The common room shall receive in excess of three hours direct sunlight during mid-winter.</p>	<p>Yes</p>

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Criteria	Proposed	Compliance
<p>Clause 29 (2) (d) – Private Open Space A consent authority must not refuse consent to development to which this Division applies, if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> (i) one area of at least 20sqm with a minimum dimension of 3m is provided for the use of the lodgers (ii) if accommodation is provided on site for a boarding house manager – one area of at least 8sqm with a minimum dimension of 2.5m is provided adjacent to that accommodation. 	<p>The layout includes a common open space area (adjacent to the common room) approximately 27sqm in area and 8.5m wide for the use of all lodgers. Furthermore, while the application does not indicate a specific suite for use by the manager, it is noted that Suite 5 includes a terrace area approximately 11sqm in area and 4m wide.</p>	<p>Yes. Furthermore, a draft condition has been included within the recommended conditions of consent restricting the use of Suite 5 to that of the Boarding House Manager only.</p>
<p>Clause 29 (2) (e) – Parking A consent authority must not refuse consent to development to which this Division applies, if:</p> <ul style="list-style-type: none"> (i) in the case of development in an accessible area-at least 0.2 parking spaces are provided for each boarding room. <p>Three car parking spaces are required for a 13 suite boarding house.</p>	<p>The layout provides three car parking spaces.</p>	<p>Yes.</p>
<p>Clause 29 (2) (f) – Accommodation Size A consent authority must not refuse consent to development to which this Division applies, if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <ul style="list-style-type: none"> (i) 12sqm in the case of a boarding room intended to be used by a single lodger, or (ii) 16sqm in any other case. 	<p>Each of the single lodger suites has a gross floor area exceeding 12sqm, while each of the two lodger suites has a gross floor area exceeding 16sqm.</p>	<p>Yes</p>
<p>Clause 29 (3) – Kitchen and Bathroom Facilities A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Each suite has private kitchen and bathroom facilities.</p>	<p>Yes</p>
<p>Clause 30 (1) (a) – Communal Living Room A consent authority must not consent to development to which this Division applies, unless if a boarding house has five or more boarding rooms, at least one communal living room will be provided.</p>	<p>The layout includes a common room.</p>	<p>Yes</p>

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Criteria	Proposed	Compliance
Clause 30 (1) (b) – Gross Floor Area A consent authority must not consent to development to which this Division applies, unless no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25sqm.	Each suite has a gross floor area of less than 25sqm.	Yes
Clause 30 (1) (c) – Number of Lodgers A consent authority must not consent to development to which this Division applies, unless no boarding room will be occupied by more than two adult lodgers.	The application details that each suite is to be occupied by either one or two lodgers.	Yes. Furthermore, a condition has been included within the recommendation requiring the occupation of the suites by no more than the number of lodgers proposed.
Clause 30 (1) (d) – Bathroom and Kitchen Facilities A consent authority must not consent to development to which this Division applies, unless adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger.	Each suite has private bathroom and kitchen facilities, which are considered to be of ample size and substance for the accommodation by up to two lodgers.	Yes
Clause 30 (1) (e) – Boarding House Manager A consent authority must not consent to development to which this Division applies, unless if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager.	While the application details that the facility is only to provide for the occupation of 19 lodgers, it has been detailed that a boarding room is to be provided for a Boarding House Manager.	NA. Notwithstanding this, a condition has been included within the recommendation requiring Suite 5 being occupied by a Boarding House Manager.
Clause 30 (1) (g) – Residential Space Fronting a Street A consent authority must not consent to development to which this Division applies unless, if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.	The site is not zoned primarily for commercial purposes.	NA

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Criteria	Proposed	Compliance
Clause 30 (1) (h) – Bicycle and Motorcycle Parking A consent authority must not consent to development to which this Division applies, unless at least one parking space will be provided for a bicycle and one will be provided for a motorcycle, for every five boarding rooms. Equating to a three bicycle and three motorcycle parking spaces for a 13 suite boarding house.	The layout provides three bicycle and two motorcycle parking spaces.	No. However a condition has been included within the recommendation requiring the provision of three motorcycle parking spaces.
Clause 30A – Character of Local Area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The overall building design is compatible with the existing and future likely streetscape of the locality.	Yes

2.2 State Environmental Planning Policy (Infrastructure) 2007

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the Infrastructure SEPP.

Clause	Control	Requirement	Proposed	Compliance
101 (2) (a)	Development with Frontage to Classified Road	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than the classified road.	The layout provides vehicular access via the non-classified road frontage.	Yes
101 (2) (b) (i)	Development with Frontage to Classified Road	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the safety, efficiency and ongoing operation of the classified road, will not be adversely affected by the development as a result of the design of the vehicular access to the land.	The layout provides vehicular access via the non-classified road frontage.	NA
101 (2) (b) (ii)	Development with Frontage to Classified Road	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of, the emission of smoke or dust from the development.	Smoke and dust emissions from the development are unlikely to be more than extremely minimal.	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Clause	Control	Requirement	Proposed	Compliance
101 (2) (b) (iii)	Development with Frontage to Classified Road	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of, the nature, volume or frequency of vehicles using the classified road to gain access to the land.	The layout provides vehicular access via the non-classified road frontage.	NA
101 (2) (c)	Development with Frontage to Classified Road	The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	The design includes the provision of acoustically treated windows and substantial landscaping along the Rudd Road frontage. It is considered that such will ameliorate traffic noise and emission impacts from the adjacent classified road.	Yes

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

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

2.4 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site was zoned '2(b) – Residential' under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002) when the application was made. The proposed development was defined as a 'Boarding-house', which was permissible in the zone. The proposed development was also found to be consistent with the following objectives of the '2(b) – Residential' zone:

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

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

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

2.5 Campbelltown Local Environmental Plan 2015

Although CLEP 2015 does not generally apply to this development application, the application has been assessed against the relevant provisions of that plan. In this regard, the subject site is zoned 'R2 – Low Density Residential' under the provisions of CLEP 2015. The proposed development is defined as 'Boarding houses', which are not only permissible, but are consistent with the following objectives of the 'R2 – Low Density Residential' zone:

- to provide for the housing needs of the community within a low density residential environment
- to minimise overshadowing and ensure a desired level of solar access to all properties.

Consequently the proposal is deemed to satisfy the provisions of Part 2 of CLEP 2015.

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of CLEP 2015.

Clause	Control	Requirement	Proposed	Compliance
4.3 (2)	Height of Buildings Map	Maximum building height of 8.5m.	Approximately 7.1m	Yes
4.4 (2)	Floor Space Ratio Map	The floor space ratio land is not to exceed the floor space ratio, shown for the land on the Floor Space Ratio Map.	The Floor Space Ratio Map does not apply to the subject site.	NA

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Clause	Control	Requirement	Proposed	Compliance
7.1 (3)	Earthworks	<p>In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development (b) the effect of the development on the likely future use or redevelopment of the land (c) the quality of the fill or the soil to be excavated, or both (d) the effect of the development on the existing and likely amenity of adjoining properties (e) the source of any fill material and the destination of any excavated material (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	It is considered that the proposed ancillary earthworks are consistent with these matters.	Yes
7.10	Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water (b) the supply of electricity (c) the disposal and management of sewage (d) stormwater drainage or on-site conservation (e) suitable road and vehicular access (f) telecommunication services (g) the supply of natural gas. 	All relevant services are available to the locality.	Yes. Conditions have been included within the recommendation to satisfy this provision.

2.6 Campbelltown (Sustainable City) Development Control Plan 2014

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Given the orientation and positioning of the dwellings on the two adjoining sites, it is considered that the eastern and southern boundaries of the subject site are both side boundaries (therefore none of the property boundaries are considered to be a rear boundary).

Section	Control	Requirement	Proposed	Compliance
2.4.1	Rain Water Tanks	A 5,000L rainwater tank is to be provided for new buildings containing a roof area of between 201sqm and 1,000sqm.	A 3,000L underground rainwater tank.	No. However, a condition has been included within the recommendation requiring the provision of a 5,000L rainwater tank.
2.5 (a)	Landscaping	Landscape design shall enhance the visual character of the development and complement the design / use of spaces within and adjacent to the site.	The overall landscape design shall enhance the visual character of the locality.	Yes
2.5 (b)	Landscaping	Landscape design shall retain and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	While the proposal involves the removal of six trees, it is considered that the overall landscape design which includes replacement trees shall enhance the indigenous flora and fauna characteristics of the site.	Yes
2.5 (c)	Landscaping	Landscape design shall add value to the quality and character of the streetscape.	The overall landscape design shall enhance the visual character of the streetscape.	Yes
2.5 (e)	Landscaping	The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed / retained and shall be prepared by a suitably qualified person.	A detailed Landscape Concept Plan has been provided which was prepared by a Landscape Design Consultancy.	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
2.5 (f)	Landscaping	Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The overall landscape design maximises the use of locally indigenous plantings.	Yes
2.7	Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be provided, when construction and/or activities involving the disturbance of the land surface are involved.	A detailed Erosion and Sediment Control Plan has been provided.	Yes. A condition has been included within the recommendation requiring compliance with this provision.
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and/or fill operations.	The layout maintains existing ground levels outside of the footprint of both dwellings.	NA
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application.	Yes
3.3.1 (a)	Streetscape	Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.	The overall building design is in keeping with the existing and future likely character of the area.	Yes
3.3.1 (b)	Streetscape	Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.	The overall design includes facade treatments and articulation along both street frontage facades.	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The overall layout relates to the existing ground levels of the site.	Yes
3.3.1 (d)	Streetscape	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	On-site parking is provided in an open manner, to the rear of the building behind landscaped areas.	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
3.3.1 (e)	Streetscape	Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting facade).	The development does not include any garages.	NA
3.3.1 (f)	Streetscape	No carports or garages (or like structures) shall be located within 6m of the primary street boundary.	The development does not include any carports or garages.	NA
3.3.1 (g)	Streetscape	No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	No bathroom, ensuite, toilet or laundry window is contained within either street facing facade.	Yes
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two storeys.	The building is two storeys in height.	Yes
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	5.3m	Yes
3.3.2 (a) (iii)	Building Height	Residential development shall have a height not exceeding 9.5m at the upper most roof height measured vertically from ground level (existing).	7.1m	Yes
3.3.2 (b)	Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The overall building height is consistent with the height of surrounding developments, and given the orientation of the site and the layout of the dwellings, amenity impacts to adjacent properties is minimal.	Yes
3.3.3 (c)	Fencing	Front residential fencing shall be a maximum of 1.2m in height and complement the design of the development.	The front fencing is 1.2m high and is palisade type with masonry columns.	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
3.3.3 (d)	Fencing	Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within, an intersection or roundabout.	The fencing layout does not obstruct the sight distance of road users.	Yes
3.3.3 (e)	Fencing	Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	The fencing layout does not obstruct power, water, sewer, gas or telephone services, drainage systems, any easement, or the like.	Yes
3.4 (a)	Car Parking and Access	The minimum dimensions of any required parking space shall be 2.5m x 5.5m. If the car parking space adjoins a 100mm vertical edge, the minimum width shall be 2.7m.	All three car parking spaces have dimensions of 2.5m x 5.5m.	Yes
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	The development does not include any garages.	NA
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	The layout involves minimal level changes.	Yes. A condition has been included within the recommendation requiring compliance with this provision.
3.4 (e)	Car Parking and Access	Driveways greater than 30m in length as viewed from the street shall be avoided.	The driveway is approximately 18.57m in length.	Yes
3.4 (f)	Car Parking and Access	Driveways shall be located a minimum distance of 6m from the tangent point of any un-signalised intersection.	The driveway is located approximately 18m from the Rudd Road – Kingsclaire Street intersection.	Yes
3.4 (j)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	The driveway is perpendicular to the road.	Yes
3.4 (k)	Car Parking and Access	Plain concrete driveways shall not be permitted.	The driveway is of an exposed aggregate concrete finish.	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
3.5.2 (a)	Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6m of the proposed window or balcony unless appropriately screened.	The layout minimises the number of windows facing the adjoining residential properties.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	The limited northerly orientation of the site has been utilised where possible.	Yes
3.6 (b)	Solar Access	A minimum 20sqm fixed area of the required private open space shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	In excess of 20sqm of the communal open space area, shall receive more than three hours of solar access at the winter solstice.	Yes
3.6 (c)	Solar Access	Development shall have appropriate regard to the impact on solar access to useable private open space, solar collectors and clothes drying areas of adjoining residential development.	The layout and design of the development results in amenity impacts to adjacent dwellings being minimised.	Yes
3.6 (d)	Solar Access	Building siting shall take into consideration the range of factors that impact on solar access including slope of land, vegetation and existing building and other structures.	The layout and design of the development has taken consideration into topography, vegetation and existing structures.	Yes
3.9.1 (h) (i)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5.5m from the primary street boundary.	5.5m	Yes
3.9.1 (h) (ii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 3m from the secondary street boundary.	3m	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
3.9.1 (h) (iii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 900mm from any side boundary for the ground level.	The layout provides setbacks of 1.53m to the eastern side boundary and 6m to the southern boundary.	Yes
3.9.1 (h) (iv)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 1.5m from any side boundary for all levels above the ground level.	The layout provides first floor setbacks of 1.53m to the eastern side boundary and 6.7m to the southern boundary.	Yes
3.9.2 (d)	General Requirements for Multi Dwellings	No visitor car parking space shall be located forward of the primary or secondary street boundary.	The car parking spaces are not located forward of either the primary or secondary street setbacks.	Yes
3.9.2 (e)	General Requirements for Multi Dwellings	No visitor car parking space shall be in a 'stacked' configuration.	None of the car parking spaces are of a 'stacked' configuration.	Yes
3.9.2 (f)	General Requirements for Multi Dwellings	Unless Council can be satisfied that an existing dwelling located on the site makes a positive contribution to the character of the streetscape, that dwelling shall be demolished.	The site is clear of any buildings.	NA

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
3.9.2 (i)	General Requirements for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The layout includes the provision of individual terrace areas for each of the ground floor suites, five of which are located within either the primary or secondary street setback area.	No. However it is noted that the areas are relatively open (i.e. located behind open style fencing), are softened by substantial landscaping, provide for good passive surveillance of the street and provide a significant amenity improvement for residents. Accordingly, it is considered that subject to the deletion of privacy type screening running perpendicular to the street, that the proposal would be acceptable and a draft condition to this effect has been included within the recommendation.
3.9.2 (j) (i)	General Requirements for Multi Dwellings	Any communal open space or recreation facility provided as a part of a development shall be designed and constructed to ensure safe access by the occupants of the development.	The layout of the common open space area provides for access to be completed to a safe standard.	Yes
3.9.2 (j) (ii)	General Requirements for Multi Dwellings	Any communal open space or recreation facility provided as a part of a development shall be designed and constructed to prevent access by members of the public.	The common open space area is located behind the building with access being through the common room or gates.	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
3.9.2 (j) (iii)	General Requirements for Multi Dwellings	Any communal open space or recreation facility provided as a part of a development shall be designed and constructed to provide for the safety and well-being of children in accordance with any applicable Australian Standard.	The layout of the common open space area provides for such to be completed to a safe standard.	Yes
3.9.2 (k)	General Requirements for Multi Dwellings	<p>Multi dwellings shall satisfy the following additional provisions relating to streetscape:</p> <ul style="list-style-type: none"> architectural features (such as balconies, openings, columns, porches, colours, materials etc.) and articulation in walls are to be incorporated into the front facade of each dwelling no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials. 	<p>Both facades addressing the street are articulated, and consist of architectural features that are similar to adjoining and likely future developments.</p> <p>While approximately 15% of the area forward of the building alignment to Rudd Road, is of an impervious finish and approximately 38% of the area forward of the building alignment to Kingsclare Street.</p>	<p>Yes. Each façade is acceptable.</p> <p>No. However, given that the driveway and paths are softened by substantial landscaping and are of minimum width, it is considered that the proposal is acceptable in this instance.</p>
3.9.2 (l)	General Requirements for Multi Dwellings	<p>Multi dwellings shall satisfy the following requirements relating to landscape:</p> <ul style="list-style-type: none"> a detailed landscape design plan shall be submitted by a suitably qualified person with the development application a minimum of 20% of the total site area shall be available for deep soil planting. 	<p>The application was accompanied by a detailed landscape design plan.</p> <p>While approximately 31% of the site has been made available for deep soil planting.</p>	Yes

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Section	Control	Requirement	Proposed	Compliance
3.9.2 (m)	General Requirements for Multi Dwellings	<p>Multi dwellings shall satisfy the following architectural requirements:</p> <ul style="list-style-type: none"> • a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development • incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines • incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements • provision of windows and active spaces in the building ends, to provide additional security and visual interest. 	<p>The overall design of the proposed development is similar in terms of its finish, bulk and scale, to existing and likely future developments in the locality.</p> <p>While the proposed dwelling is articulated and consists of architectural features that are of a similar to adjoining and likely future developments.</p>	Yes
3.9.2 (n)	General Requirements for Multi Dwellings	Multi dwellings shall not incorporate vehicular access that utilises any gate structure / mechanism other than access to basement car parking.	The driveway is clear of any gates or other mechanism restricting access.	Yes

2.7 Campbelltown City Council Section 94A Development Contributions Plan

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

3. Planning Assessment

Built form – The overall building design consists of articulated facades, and is in keeping with the existing and future likely character of the area. Moreover, it is considered that the overall development is of an acceptable built form, in terms of scale, massing, materials and finishes.

Amenity – The overall layout and design, minimises overshadowing and privacy impacts upon surrounding dwellings. It is also considered that the design provides an acceptable level of amenity for future occupants.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Natural Environment – While the trees proposed for removal are not of any high ecological value, it is considered appropriate to require the provision replacement trees. It is proposed to implement a detailed landscaping scheme which includes eight trees on the site, plus street trees. It is noted that the landscaping scheme includes a substantial level of locally indigenous species.

Security and safety – The overall design of the proposed development is considered to be consistent with the principles for minimising crime risk (Crime Prevention through Environmental Design) and it is therefore deemed to be satisfactory in this regard.

Waste - The design provides adequate on-site bin storage space within a designated bin storage enclosure. Adequate kerb side space is provided along Kingslcare Street either side of the driveway for bin collection, which shall not unreasonably impact upon the flow of traffic in the locality.

Consultation – The application was referred to Council's Senior Development Engineer, Council's Environmental Health Officer, Council's Senior Waste Management Officer, Council's Building Certification Unit and Council's Developer Contributions Officer for comment. No objections were raised, subject to the inclusion of conditions, which have been included within the recommendation.

Council's Coordinator Traffic and Roads Design, who raised concerns regarding two of the proposed street trees. Accordingly, a condition has been included within the recommendation requiring the deletion of these two trees from the proposed landscape plan.

4. Public Participation

In accordance with the requirements of Part 9 of the Campbelltown (Sustainable City) Development Control Plan 2014, the application was notified and publicly exhibited. Two submissions were received, both objecting to the proposal. The submissions raised the following concerns:

Insufficient car parking – As previously outlined, while the proposal does not satisfy the visitor car parking requirements of the Sustainable City Development Control Plan, it does however satisfy the car parking requirements of Clause 14 (2) (a) (ii) of the Affordable Rental Housing SEPP. Council cannot refuse the development application on these grounds.

Impact upon traffic in the locality – Whilst it is acknowledged that the proposal would generate additional traffic movements, it is considered that local road network is capable of meeting the associated demand. Furthermore, the application was referred to Council's Senior Development Engineer for consideration, who raised no objections to the proposal. While as previously outlined a condition has been included within the recommendation requiring the deletion of two proposed trees street trees, as requested by Council's Coordinator Traffic and Roads Design to ensure safe sight distances for drivers and pedestrians.

Occupation of the facility by undesirables – This is not a matter for consideration pursuant to the *Environmental Planning and Assessment Act 1979*. Notwithstanding this, 'Resident House Rules' have been provided as part of the application and a condition has been included within the recommendation requiring compliance with such.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Proliferation of boarding houses across the Campbelltown Local Government Area –

Whilst it is acknowledged that there are several existing boarding house facilities within the Campbelltown Local Government Area, there are no such controls restricting the number of facilities in a given area.

Impact upon property values in the locality – No evidence has been provided in support of this claim and is not a matter for consideration pursuant to the *Environmental Planning and Assessment Act 1979*. Furthermore, the relevant provisions provide for boarding house type developments within the '2(b) – Residential' zone under LEP 2002 and within the 'R2 - Low Density Residential' zone under CLEP 2015.

5. Conclusion

The development application has been assessed pursuant to the relevant provisions of the Affordable Rental Housing SEPP 2009, LEP 2002, CLEP 2015 and the Sustainable City DCP 2014.

The proposed development is permissible within both the '2(b) – Residential' zone under LEP 2002 and the 'R2 - Low Density Residential' zone under CLEP 2015. A detailed assessment of the overall merit of the proposal, considering matters including, the built form, amenity impacts, the natural environment, Crime Prevention through Environmental Design Principles and waste disposal matters did not identify any unreasonable environmental or social impacts.

A number of concerns were raised as part of the notification/public exhibition process and consideration of the concerns raised (which included insufficient car parking and the proliferation of boarding houses), it was found that the proposal complied with the associated relevant provisions (including that of the Affordable Rental Housing SEPP 2009)

Accordingly, and having regard to the development proximity to services and the proposals general compliance with Council's policies, it is considered that the site is suitable for the proposed development and the development is worthy of approval, subject to the recommended draft conditions shown as attachment 1.

Officer's Recommendation

That development application 932/2015/DA-BH, for the removal of six trees and construction of a 13 suite boarding house with a car parking area and front fencing at No. 18 Rudd Road Leumeah, be approved subject to the recommended conditions of consent outlined in attachment 1 of this report.

Committee's Recommendation: (Kolkman/Rowell)

That development application 932/2015/DA-BH, for the removal of six trees and construction of a 13 suite boarding house with a car parking area and front fencing at No. 18 Rudd Road Leumeah, be approved subject to the recommended conditions of consent outlined in attachment 1 of this report being amended to include acoustic treatment being applied to all windows located along the Kingsclare Street side of the development also.

CARRIED

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

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

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

Council Meeting 22 March 2016 (Greiss/Kolkman)

That development application 932/2015/DA-BH, for the removal of six trees and construction of a 13 suite boarding house with a car parking area and front fencing at No. 18 Rudd Road Leumeah, be approved subject to the recommended conditions of consent outlined in attachment 1 of this report being amended to include acoustic treatment being applied to all windows located along the Kingsclare Street side of the development also.

Council Resolution Minute Number 30

That development application 932/2015/DA-BH, for the removal of six trees and construction of a 13 suite boarding house with a car parking area and front fencing at No. 18 Rudd Road Leumeah, be approved subject to the recommended conditions of consent outlined in attachment 1 of this report being amended to include acoustic treatment being applied to all windows located along the Kingsclare Street side of the development also.

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

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

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_1001	L	Moderinn Pty Ltd	7 December 2015
DA_1002	I	Moderinn Pty Ltd	27 November 2015
DA_1003	I	Moderinn Pty Ltd	27 November 2015
DA_1011	A	Moderinn Pty Ltd	27 November 2015
DA_2000	J	Moderinn Pty Ltd	27 November 2015
DA_3001	G	Moderinn Pty Ltd	27 November 2015

2. Amended Plans

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

- the privacy type screening around the terrace and balcony areas are to be deleted
- provision of three motorcycle parking spaces
- the two northern most street trees are to be deleted.

3. 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.
-

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

4. Building Code of Australia

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

5. Contract of Insurance (residential building work)

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

This clause does not apply:

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

6. Notification of *Home Building Act 1989* Requirements

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

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

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

7. Vehicular Access to and from the Site

All vehicular entries and exits, to and from the site, shall be made in a forward direction. A sign shall be placed within the car parking area, advising drivers of this information.

8. Ground Levels

The existing ground levels shall only be altered in accordance with the levels shown on the approved plans. Under no circumstances shall levels elsewhere on the site be altered in any way.

9. Landscaping

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, prepared by Conzept Landscape Architects, submitted to Council on 7 December 2015, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
- b. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
- c. All trees are to be staked and tied with a minimum of three hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- d. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- e. Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of trees. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.
- f. The landscaping is to be maintained to a high level at all times in this regard the owner shall engage the services of a landscape maintenance contractor to maintain the landscaping of the site at all times. Any vegetation that dies should be replaced in accordance with the approved landscape plan.

10. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 15 September 2015. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

11. Fencing

All fencing shall be erected in accordance with the approved fence plan at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

12. Switchboards/Utilities/Air Conditioning Units

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

13. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standards AS 2890.1, AS 2890.6 and Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

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

The driveway shall be separated from the landscaped areas by a 150mm high kerb.

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.

A lighting maintenance policy is to be established for the development detailing the use of lighting internally and externally to ensure that lighting meets the required standards to enhance surveillance opportunities during hours of darkness and the safety of staff and lodgers.

15. Rudd Road Site Boundary

All buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height and depth), along the Rudd Road boundary.

16. Engineering Design Works

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

17. Footpaths and Pram Ramps

1.2m wide footpaths shall be constructed along the full site frontage on Kingsclare Street. The configuration of the proposed footpaths shall be in accordance with the approved plans. All footpaths shall be a minimum of 1.2 metres clear from the site boundary and kerb and gutter. Two pram ramps shall be constructed on both sides of the Kingsclare Street. Design plans are to be provided to and approved by Council's Manager Development Services prior to the issue of the Construction Certificate.

18. Car Parking Spaces

Three car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 1 and 2 (as amended).

19. Motorcycle Parking

Three motorcycle parking spaces shall be designed, sealed, line marked and made available to all uses of the site in accordance with any relevant Australian Standard.

20. Rubbish, Recycling and Organic Bins

- a. A total of 12 bins are to be maintained on site. Six rubbish bins and six recycling bins. Each of the bins are to be 240L in size and are to be stored within the communal bin storage area. Any proposed alterations to these bin numbers will be considered to be a modification to the development consent and requires the separate approval of Council. Under no circumstances are any bins to be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.
- b. The communal bin storage area is to be provided with a hose connection for cleaning purposes and a floor waste connected to the sewer system.
- c. All bins are to be presented kerbside for collection by the Boarding House Manager, no earlier than 6.00pm on the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.

21. 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.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

22. Rain Water Tank

A 5,000L underground rainwater tank shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes, in accordance with the approved plans.

23. Boarding House Rules

- a. The Boarding House Rules submitted to Council on 27 November 2015 are to be displayed in a prominent common position.
- b. The owner of the premises must ensure that the Boarding House Rules are enforced and complied with at all times.

24. Sleeping Accommodation

The owner of the premises must not allow any specific suite to be used for the purposes of sleeping accommodation by any more than the following number of people.

Suite Number	Maximum Number of People
1	1
2	2
3	1
4	1
5	1 – Restricted to the Boarding House Manager only
6	1
7	1
8	1
9	2
10	2
11	2
12	2
13	2

25. Sleeping Accommodation

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

26. Acts and Regulations

The boarding house must comply (where relevant) with the following Acts and Regulations:

Public Health Act 2010

Public Health Regulation 2012

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Boarding Houses Act 2012

Boarding Houses Regulation 2013

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

27. Unreasonable Noise

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

Noise from plant rooms associated with the development shall not exceed the values contained within the Protection of the Environment Operations (Noise Control) Regulation 2008.

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

28. 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.

29. Registration

The boarding house is to be registered on the Fair Trading boarding house register within 28 days of opening.

30. Council Inspection

The applicant/owner of the boarding house is to contact Council within the first 12 months of operation (but not earlier than nine months) such that an inspection of the boarding house can be carried to ensure compliance with this development consent and any other relevant acts and regulations.

31. Surveillance

Surveillance equipment is to be installed to enhance the physical security of the premises and assist in the identification of people involved in anti-social or criminal behaviour.

Cameras should be installed both within the complex and around to maximise surveillance opportunities. The cameras should monitor areas with poor natural supervision. TV monitors should enable staff to monitor activities on the camera. Recording equipment should be installed away from areas accessible to the public to avoid tampering. Once installed, staff should be trained in the operating procedures of the equipment. Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested. All surveillance is to adhere to the *Surveillance and Privacy Act* and is not to infringe on the privacy of any adjoining property.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

32. Territorial Reinforcement

Effective signage and/or directional signs must be installed to provide guidance to visitors in locating prohibited areas as well as areas of such interest such as management and communal areas.

Warning signs can assist in controlling activities and movements throughout the premises and grounds. Warning signs are to be installed around the perimeter of the complex to warn intruders of what security treatments have been implemented to reduce opportunities for crime.

33. Environmental Management

Graffiti resistant materials are to be used on fences, the ground floor and areas which are accessible by other structures to reduce graffiti attacks.

A graffiti management plan needs to be incorporated into the plan of management.

34. Space/Activity Management

External seating needs to be of solid construction which is securely fixed to a solid surface and of graffiti and damage resistance material.

35. Access Control

The main entry/exit points for this development should be fitted with single cylinder locksets which comply with the Building Code of Australia.

Windows should be reinforced by applying a shatter resistant film.

Emergency evacuation plans should be implemented and maintained to assist staff and emergency services in the event of an emergency. This plan should be prominently displayed.

Residents are to be trained in evacuation procedures.

36. External Storage of Goods

No external storage of goods, materials or any other items associated with the development shall be permitted to be stored in areas visible from public places at any times except outdoor dining setting, shading devices and barbeques.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

37. Plan of Management

Prior to the Principal Certifying Authority issuing a construction certificate, a Plan of Management shall be provided for the boarding house. The Plan shall be submitted to Council's Manager Development Services for approval. The Plan shall at minimum include the following information:

- a. The 24 hour contact details of the manager / caretaker (including phone number and mobile phone number), and measures to make sure this information is available to surrounding residents.
- b. Proposed staffing arrangements during the daytime and at night-time.
- c. Proposed measures to ameliorate any potential noise or amenity impacts within the building and upon the surrounding locality.
- d. Proposed safety and security measures to be employed within the boarding house including prominent display boards within the building of emergency telephone numbers and other essential telephone numbers.
- e. Proposed management practices to prevent the use of outdoor common open space areas between 10.00pm and 7.00am.
- f. Presentation of waste bins to the kerb for waste collection and bringing waste bins back into the property in a timely manner afterwards, as well as cleaning and maintenance of the waste storage area.
- g. The requirement to keep a register of tenants' names and details on-site at all times, available for inspection by public authorities.
- h. The requirement to keep a register of complaints on-site at all times, available for inspection by public authorities.

Following notification from Council that the Plan of Management is acceptable, the Plan will form part of the development consent.

38. Utility Servicing Provisions

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

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

39. 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.

40. 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.

41. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for the proposed extension to the median in Kingsclare Street, pram ramps, footpaths and other traffic control facilities and all associated line marking and / or sign posting.

42. Traffic Control Plans

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

43. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels.

Stormwater shall be conveyed from the site to the existing drainage pit in Rudd Road with approval from RMS and Council. All proposals shall comply with the requirements of RMS and detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

44. Dilapidation Report

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

45. 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.

46. 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.

47. 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.

48. 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.

49. Clearance to the Services

The proposed vehicular crossing shall be located clear of the existing services such as power pole, street drainage pits, communication pits etc. located on the road reserve to the distances recommended in the specifications of Council and the relevant authorities.

50. Waste Management Plan

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

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.

51. Roads and Maritime Services Approval

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Rudd Road are to be submitted to the Roads and Maritime Services for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime's approval is issued. With regard to the Civil Works requirement please contact the Project Engineer, External Works Ph: 8849 2114.

52. 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.

53. Erection of Construction Sign

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

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

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

54. 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.

55. 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.

56. Vehicular Access during Construction

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

57. Public Property

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

58. 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.
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3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

59. Hoarding / Fence

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

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

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

60. Fencing

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

61. 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.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

62. 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.

63. Demolition of Existing Dwelling

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

64. 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.

65. Erosion and Sediment Control

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

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

66. Work Zones

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

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

67. Protection of Existing Trees

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

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

68. 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.

69. 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.

70. Certification of Location of Building upon Completion

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

71. 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.

72. Termite Control

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

73. Excess Material

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

74. Public Safety

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

75. Compliance with Council Specification

All design and construction work shall be in accordance with:

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

76. 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 Rudd Road and Kingsclare Street. Areas not concreted shall be re-graded, topsoiled and turfed/landscaped as approved. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

77. Footpath

The footpath adjoining the subject land shall be regraded in accordance with levels obtained from Council, and concrete footpath paving / pavers 1.2 metres wide shall be constructed / laid along the full site frontage on Kingsclare Street as shown on the approved plan in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended) to the satisfaction of Council. Areas not concreted shall be topsoiled and turfed / landscaped. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

78. Medium Density Driveway and Layback Crossing

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

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

79. Associated Works

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

80. Redundant Laybacks

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

81. Demolition Work/Plan

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

82. 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.

83. Imported 'waste-derived' fill material

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

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

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

84. 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.

85. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

86. 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.

87. Works as Executed Plans

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

88. Restoration of Public Roads

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

89. 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.

90. Service Authorities

Prior to the principal certifying authority issuing an occupation certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from Sydney Water, Integral Energy and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

91. House Numbers

Prior to the principal certifying authority issuing an occupation certificate the house number shall be stencilled onto the kerb at appropriate location(s) with black numbers 75mm high on a white background using approved pavement marking grade paint.

92. Line Marking / Sign Posting Documentation (Development)

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

93. Council Fees and Charges

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

ADVISORY NOTES

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

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

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

Advice 2. Tree Preservation Order

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

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

Advice 3. Provision of Equitable Access

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

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

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

Advice 4. Smoke Alarms

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

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

Advice 5. Covenants

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

Advice 6. Inspections – Civil Works

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

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

Advice 7. Inspection within Public Areas

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

Advice 8. Adjustment to Public Utilities

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

Advice 9. Salinity

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

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

Advice 10. Asbestos Warning

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

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

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

Advice 11. Rain Water Tank

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

Advice 12. Dial before you Dig

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

Advice 13. Telecommunications Act 1997 (Commonwealth)

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

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

Advice 14. Fencing

Attention is directed to the provisions of the *Dividing Fences Act 1991*, in relation to the fencing of the boundaries of the overall site.

END OF CONDITIONS

3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

ATTACHMENT 2

Locality Plan

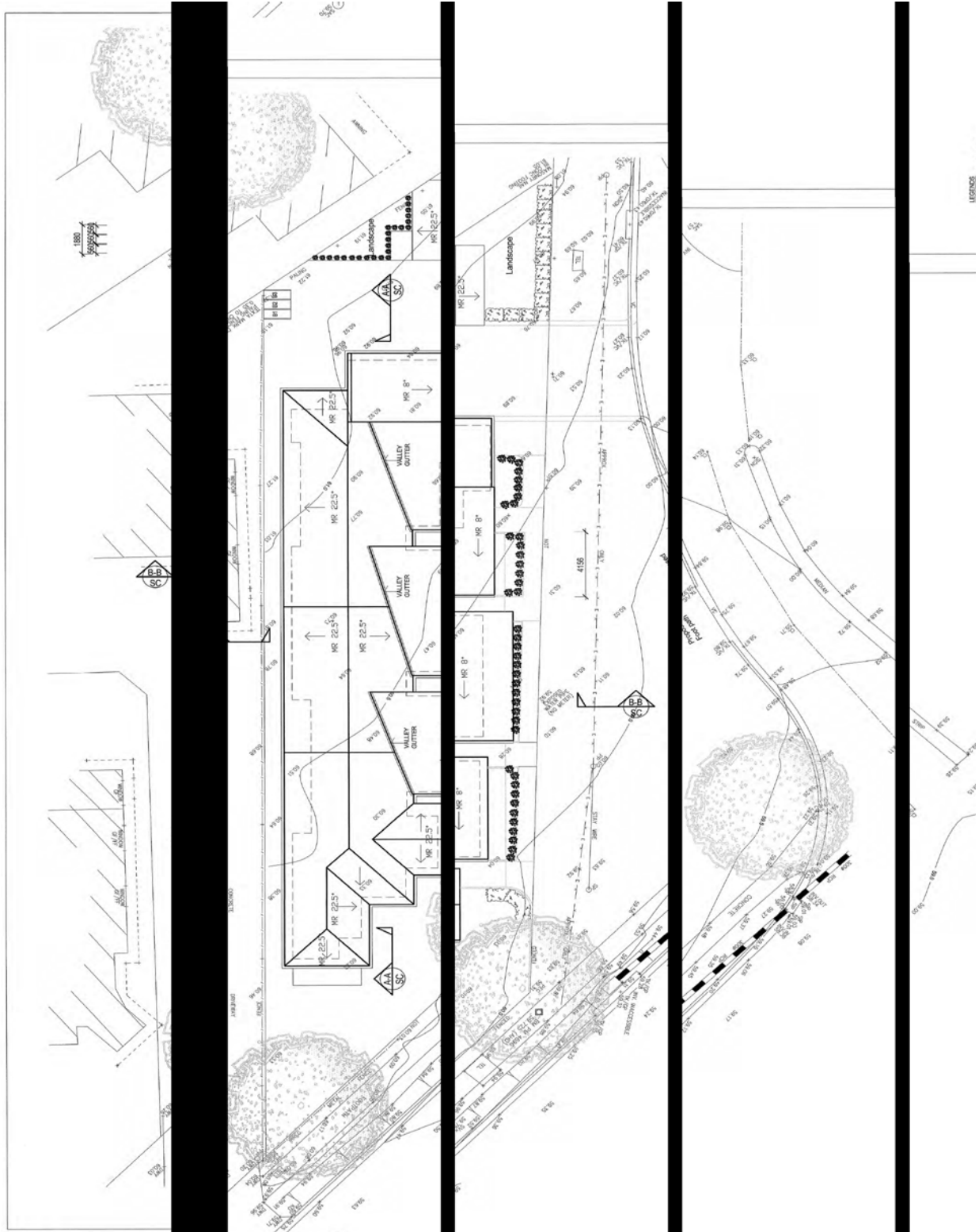
No. 18 Rudd Road, Leumeah



3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

ATTACHMENT 3

Roof Plan



3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

ATTACHMENT 4

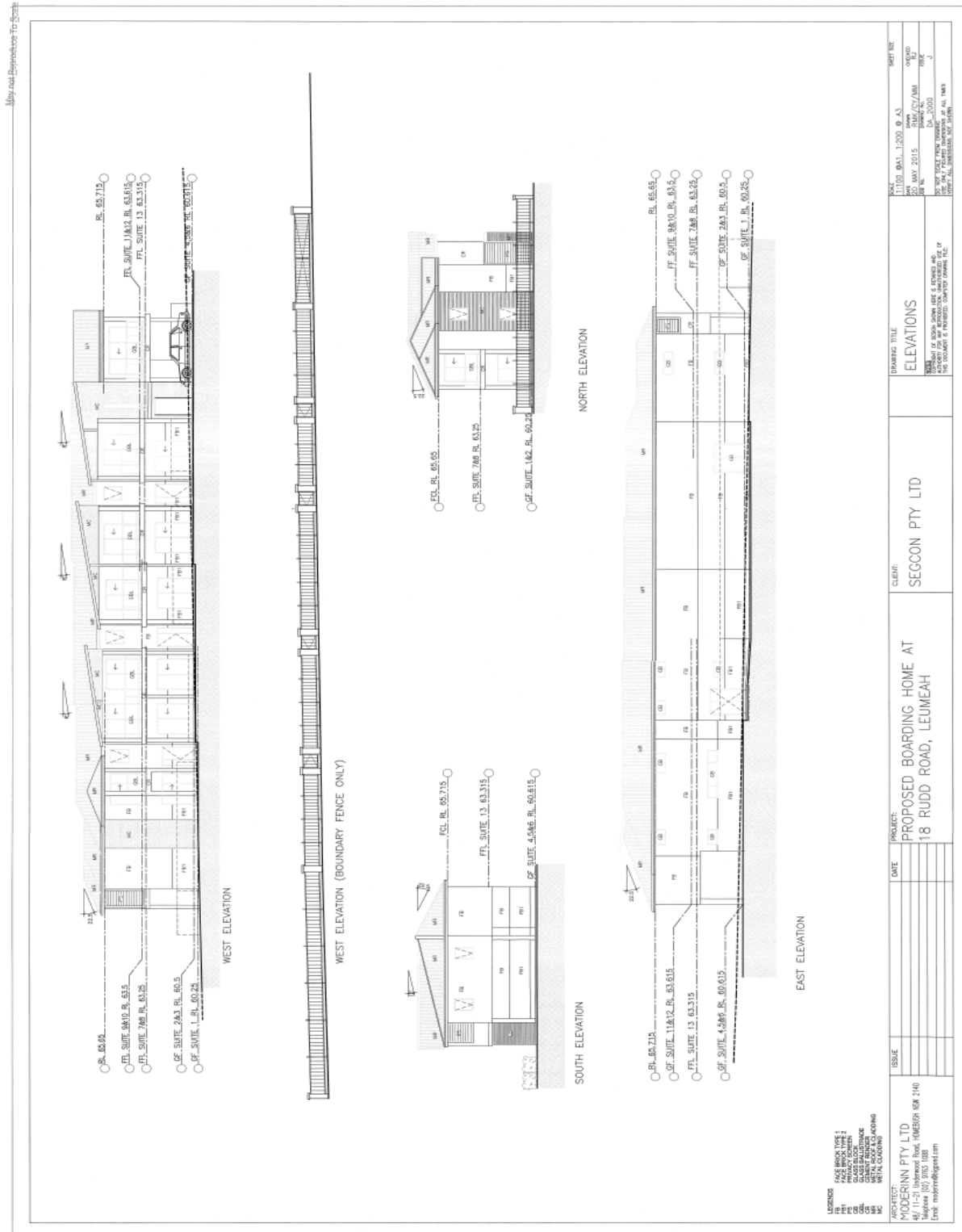
Shadow Diagrams



3.3 Removal Of Six Trees And Construction Of A 13 Suite Boarding House With Car Parking Area And Front Fencing At No. 18 Rudd Road, Leumeah

ATTACHMENT 5

Elevations



3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

3.4 Construction of a medical centre and childcare centre with associated car parking at No. 20 Lind Street, Minto

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended reasons for refusal (contained within this report)
2. Locality plan (contained within this report)
3. Roof plan (contained within this report)
4. Childcare centre elevations (contained within this report)
5. Medical centre elevations (contained within this report)
6. Plans of proposed works to cottage (contained within this report)
7. Perspective drawings (contained within this report)
8. Site/Floor plan (distributed under separate cover - confidential – for privacy reasons this plan is not available to members of the public)
9. Landscape plan (distributed under separate cover - confidential – for privacy reasons this plan is not available to members of the public)
10. Notification plan (distributed under separate cover - confidential – for privacy reasons this plan is not available to members of 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	Redfern's Cottage, Lot 50 DP 1028174, No. 20 Lind Street, Minto
Application No	2952/2014/DA-C
Applicant	JD One Enterprise Pty Ltd
Owner	JD One Enterprise Pty Ltd
Provisions	Campbelltown 2025 - Looking Forward State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy 55 - Remediation of Land Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 (now gazetted as Campbelltown Local Environmental Plan 2015) Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	5 December 2014

History

Redfern's Cottage (also known as Campbellfield) is listed as having historical significance for its associations with Doctor William Redfern and Mrs Macquarie, and for the history of the wine industry in Australia. Dr Redfern was a leading figure in the early colony and the land as it exists today is part of an original 1811 grant to him of 800 acres. The house located on the property was originally built some time prior to 1820. The property has historical significance to the development of the Australian wine industry as Dr Redfern established a vineyard there in 1824 with a quantity of Madeira grape vines. Redfern's Cottage has historical association with William Redfern from 1819 to 1828 and the property remained in the ownership of the Redfern family until its 1883 sale following its subdivision. The house was first modified/renovated during the 1880s.

Redfern's Cottage is of aesthetic significance for its setting and landscaping. The remains of the original stone cottage are of significance for their ability to demonstrate early 19th century stonework and construction techniques. As a site with a history of European occupation from 1819, the site is considered to be of high archaeological research potential. The site is a rare example of a property with a historical record of European occupation from 1819.

Several modifications were made to the house between 1900 and the 1960s. In 1965 the house was substantially demolished and rebuilt. The cellar, part of the south eastern exterior wall, some internal walls, part of the chimney, and the sandstone verandah flagging are remnants from Redfern's original house.

In 1969 the State Planning Authority of New South Wales acquired the property for "housing purposes". For some time in the 1970s the house was used as an office by the NSW Housing Commission. All of the remaining outbuildings on the site were demolished at some point between 1975 and 1988. Over the next thirty years, subdivisions reduced the size of the land surrounding the house while the property remained in the ownership of the State.

In 1995 a citywide heritage study for the Campbelltown Local Government Area was adopted by Council. It recommended that Redfern's Cottage be listed as a heritage item. Redfern's Cottage was formally listed as a heritage item under Draft Campbelltown Local Environmental Plan 1996 and in 1997 under Development Control Plan 83 - Heritage Policy. Its heritage listing was subsequently retained under Campbelltown (Urban Area) Local Environmental Plan 2002.

In December 2014 Landcom (now known as UrbanGrowth NSW) sold the property to JD One Enterprise Pty Ltd, who has lodged the subject development application.

In March 2015, the NSW Heritage Council wrote to Council advising that whilst Redfern's Cottage has local heritage significance, it is unlikely that its heritage values would reach the threshold for listing on the State Heritage Register. However, the Heritage Council recommended that Council consider the possible and likely presence of archaeological remnants on the property and the need for these materials to be properly considered and managed as part of any future development on the property.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

Report

Redfern's Cottage is located at No. 20 Lind Street, Minto and is listed as an item of local heritage significance under Campbelltown Local Environmental Plan 2015. The site is currently zoned R5 Large Lot Residential under that same Plan.

The site has an area of 9,061.6sqm and is irregularly shaped. It is adjoined to the north by Minto Catholic Church and its expansive grounds, to the west by Minto Marketplace and to the south/south-east by residential development and a public reserve. Apart from the cottage, the site contains several mature trees and an area of bitumen, as well as chain wire fencing surrounding the cottage. The site is accessed by a concrete driveway from Lind Street.

The application proposes the following works:

- Construction of a single-storey medical centre in the north-western part of the site. The proposed medical centre would accommodate rooms for 11 general practitioners, imaging and pathology sections, a pharmacy, a dentist and a café.
 - Construction of a single-storey child care centre in the northern part of the site. The proposed childcare centre would accommodate 130 children.
 - Refurbishment of the cottage including reinstating components sympathetic to the cottage's original form, including:
 - reconstruction of two stone fireplaces, two chimneys and an internal wall
 - reconstruction of the stone laundry in the north-eastern corner of the cottage to accommodate an interpretive cabinet
 - reconstruction of the attic, stairs and walls
 - removal of internal stud walls
 - replacement of windows and doors to the northern wall (which was constructed in the 1950s/1960s) with frameless folding glass doors that have the dining area of the café opening out on to the veranda
 - repair and repointing of brickwork of the south-west wall of the building, and reinstatement of two doors
 - removal of the existing toilet (which was constructed in the 1950s)
 - reinstatement of doors and windows to existing openings, demolition and removal of intrusive fabric, repairing render, replastering and repainting interiors.
 - Partial use of Redfern's Cottage in association with the proposed childcare centre (the plans are unclear as to in what capacity the cottage would accommodate the childcare centre).
 - Provision of a café within part of Redfern's Cottage.
 - Construction of a car park with 83 car parking spaces in the southern and eastern parts of the site.
 - Widening and reconstruction of the section of Lind Street in front of the subject site, to make the road surface and width the same as the rest of Lind Street.
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3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

1. Vision

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

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

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

The strategic direction relevant to this application is:

- creating education, employment and entrepreneurial opportunities
- building a distinctive Campbelltown sense of place.

The application is consistent with the first of these strategic directions in that it would add three businesses to the City of Campbelltown and provide several employment opportunities. However, the application is considered to be inconsistent with the second of these objectives, as the proposed development (as will be discussed below) does not give due regard to the association of the site and the broader City with William Redfern, as it would not allow the original context of his cottage to be appreciated and interpreted, and would adversely affect public views to and from it.

2. Planning Provisions

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

2.1 Relationship of Environmental Planning Instruments

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

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

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

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

However and as mentioned above, Council must also consider the new CLEP 2015 as it was a draft instrument at the time of the application's lodgement. As such, both Plans have relevance and are referenced throughout the report.

To comply with the LEP transitional arrangements mentioned above, this report has been written (unless otherwise specifically stated) as if CLEP 2015 had not commenced. Instead, despite the commencement of CLEP 2015, the Urban Area LEP 2002 is referred to in the report as the current local planning instrument.

2.2 State Environmental Planning Policy (Infrastructure) 2007

Medical centres would be defined as "commercial premises" which are prohibited land uses within the 2(b) Residential B Zone under the Campbelltown Local Environmental Plan 2002. The proposal relies upon the Infrastructure SEPP (the ISEPP) for the medical centre's permissibility. Under the ISEPP, a "health services facility" is permissible with consent in the R1 General Residential zone or an equivalent land use zone. A health services facility is defined as:

"a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals."

Medical centres are included within the definition of "health services facility" under point (a) above. The subject site is zoned 2(b) zone under Campbelltown Local Environmental Plan 2002 which, according to a 'zone equivalency table' published by the Department of Planning, is considered to be equivalent to the R1 zone making the proposed medical centre permissible with consent.

With regard to the proposed pharmacy, it is permissible by virtue of the fact that it would provide "services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons".

With regard to the proposed café, this component of the development is considered to be ancillary to the overall development. It would not function independently and would rely upon visitors to the medical centre and childcare centre forming the vast majority of its customers.

Therefore, these aspects of the proposed development are permissible under the ISEPP.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

2.3 State Environmental Planning Policy 55 - Remediation of Land

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

As the subject site has a history of agricultural land uses, the applicant was required to submit a Detailed Site Investigation prepared by a qualified environmental consultant with the application. The investigation determined that the site would be suitable for the proposed development, subject to certain recommendations being implemented. These recommendations would form conditions of consent if the application were to be approved.

2.4 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) - Residential B Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (the Urban Area LEP 2002). The proposed development is defined as a childcare centre, commercial premises and refreshment room. Childcare centres are permissible with consent within the 2(b) - Residential B Zone, whilst commercial premises and refreshment rooms are not. Notwithstanding, the permissibility of the medical centre, pharmacy and café under the ISEPP has been established earlier in this report. The ISEPP is a higher order planning instrument than the local planning controls and therefore must take precedence in an assessment of development permissibility.

The objectives of the 2(b) - Residential B Zone that are relevant to the proposal are:

- (a) to allow development which:
 - (i) is compatible with residential use, and
 - (ii) is capable of visual integration with the surrounding buildings, and
 - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone, and
 - (iv) does not place demands on services beyond the level reasonably required for residential use.
- (b) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

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

The proposed development is considered to be inconsistent with both of the zone objectives that are relevant to the proposal. In this regard, the proposed development is considered to be incapable of visual integration with surrounding buildings and unable to relate to adjoining development, given that it would adversely affect views to and from the existing cottage (which is discussed further below) and would inhibit the building's original form and context from being appreciated and interpreted authentically.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

Division 2 – Conservation of heritage items

The objectives of the Urban Area LEP 2002 in relation to heritage are:

- (a) to conserve the environmental heritage of the City of Campbelltown, and
- (b) to conserve the heritage significance of existing significant fabric, relics, settings and views associated with the heritage significance of heritage items and heritage conservation areas, and
- (c) to ensure that archaeological sites and places of Aboriginal heritage significance are conserved, and
- (d) to allow for the protection of places which have the potential to have heritage significance but are not identified as heritage items, and
- (e) to ensure that the heritage conservation areas throughout the City of Campbelltown retain their heritage significance.

In this regard, to determine the extent to which the carrying out of development that proposes to alter a heritage item or construct a building on land upon which a heritage item is located would affect the heritage significance of a heritage item, the Urban Area LEP 2002 requires a heritage impact statement and conservation management plan to be submitted, addressing at minimum the following issues:

- (i) the heritage significance of the item as part of the environmental heritage of the City of Campbelltown, and
- (ii) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
- (iii) the measures proposed to conserve the heritage significance of the item and its setting, and
- (iv) whether any archaeological site or potential archaeological site would be adversely affected by the proposed development, and
- (v) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision, and

In addition to considering the potential impact of development upon a heritage item itself, Council is required to consider the impact of development upon known or potential archaeological sites. Before granting consent for development that will be carried out on an archaeological site or a potential archaeological site of a relic that has non-Aboriginal heritage significance, Council must:

- (a) consider a heritage impact statement explaining how the proposed development will affect the conservation of the site and any relic known or reasonably likely to be located at the site, and
- (b) be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

The information submitted initially with the application was not sufficient to enable a full and proper assessment of the above matters. The proposal failed to provide plans showing what works were proposed to the cottage, did not include a Conservation Management Plan, did not provide an archaeological analysis, and did not consider views to and from the cottage. The applicant's submission also sought to question the well-established historical links of William Redfern to the subject site.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

The application was referred to an independent heritage consultant, who was appointed by Council to review the proposal on two occasions.

A Statement of Heritage Impact and Conservation Management Plan were submitted with the application, and plans showing the proposed works to the cottage were provided. Assessment of the information by the independent heritage consultant has provided that the application is deficient from a heritage/conservation perspective, for the following reasons:

1. The application does not properly consider the relationship of the proposed new buildings to the existing cottage, including the potentially adverse impact of the provision of ramps and fencing around the cottage. In particular however, the proposed development's impact on views to and from the cottage would be adverse. As noted by the independent heritage consultant appointed by Council:

"The impact of the proposal on significant views to and from the cottage (including public views to the cottage) has not been taken into account in designing the proposal. For example, the proposed development which would obscure the north elevation of the cottage (original front elevation) is not acceptable in our opinion, and adequate separation needs to be provided between the cottage and any proposed new buildings on the site."

Further separation between the proposed buildings and the existing cottage would allow the cottage to be viewed from all sides (whilst on the site) and would expand public viewing opportunities from outside the site. It would also allow the building's original form and context to be appreciated and interpreted in a far more respectful manner.

2. A detailed archaeological assessment of the site has not been undertaken. The applicant's Conservation Management Plan merely recommends that such an investigation take place. However, as noted by the independent heritage consultant appointed by Council:

"It is not acceptable to undertake archaeological investigation during site preparation as proposed. At this point of the project the construction is committed and if significant archaeology were discovered there could be significant delays to construction to undertake investigation that inevitably place pressure on any requirement to undertake excavation that may arise. If very significant elements were discovered it could result in a need to redesign and for an amended application."

In this regard, without a detailed archaeological investigation being undertaken prior to consent being granted for any development on the site, Council cannot be certain that any significant elements found could be retained and protected, as the approved plans would allow for works on the site that would necessitate the removal of such elements. Further, the Heritage Council recommended in its correspondence to Council that Council consider the possible and likely presence of archaeological remnants on the property and the need for these materials to be properly considered and managed as part of any future development on the property. The current proposal is inconsistent with this recommendation.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

3. Whilst sketch plans were included within the applicant's Conservation Management Plan showing the proposed works to the cottage, these plans do not match those shown on the architectural plans. The architectural plans show that the cottage would be used to accommodate cots/bottle preparation in association with the childcare centre, and show the demolition of several internal walls. However, the more recent plans included within the Conservation Management Plan are unclear as to the proposed usage of the cottage particularly the northern part of the cottage, and show a different internal floor plan configuration, with no public amenities shown. Without being certain of the proposed usage of the cottage, and with conflicting plans being submitted, Council cannot be certain of the impact that usage of the cottage would have and whether the use of the cottage would allow for appropriate public interpretation of the cottage.

2.5 Draft Campbelltown Local Environmental Plan 2014 (now gazetted as Campbelltown Local Environmental Plan 2015)

The application was lodged after the commencement of the exhibition of the draft Campbelltown Local Environmental Plan 2014 during June and July 2014, which has now been gazetted as Campbelltown Local Environmental Plan 2015 (CLEP 2015). Accordingly, under Section 79C(1)(a)(ii), the provisions of the Plan must be taken into consideration in the assessment of the application. An assessment of the application against the relevant provisions of the Plan is presented below:

a. Zoning/Permissibility

The zoning of the subject property under the CLEP 2015 is R5 – Large Lot Residential. Childcare centres are permissible within the R5 zone whilst medical centres and cafes are not. However, Schedule 1 of the Plan identifies a medical centre and associated uses as an additional land use that is permissible on the subject site. Therefore, the proposed development (including the ancillary café) is permissible with development consent on the site.

The objectives of the R5 zone are as follows:

1. To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
2. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
3. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
4. To minimise conflict between land uses within this zone and land uses within adjoining zones.
5. To enable development for certain purposes other than residential only if that development is compatible with the character and scale of the living area.
6. To minimise overshadowing and ensure a desired level of solar access to all properties.

Of these, objectives 2, 3, 4, 5 and 6 are considered to be relevant, whilst objective 1 relates primarily to dwelling proposals within scenic rural settings.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

The proposed development is considered to be consistent with objectives 2, 3, 4 and 6, given its satisfactory outcomes with respect to traffic, noise, spatial relief, solar access and visual privacy insofar as they relate to adjoining properties. However, the proposed development is considered to be inconsistent with objective 5 insofar as the proposed development would detrimentally affect the character of the existing heritage item on the site, by failing to provide an adequate spatial relief between the cottage and the proposed buildings, which would not allow the cottage's original context to be appreciated.

b. Height of buildings

Under the CLEP 2015, the maximum building height applying to the subject site is 9 metres. The proposed development would have a maximum height of 5.2 metres, and would therefore comply with the standard.

c. Floor space ratio

The maximum floor space ratio for a childcare centre in a residential zone is 0.55:1. The whole development including all three buildings combined has a floor space ratio of 0.23:1 and therefore complies with this standard.

d. Heritage conservation

The heritage conservation provisions are the same as those under the CLEP 2002. An assessment against these has been outlined earlier in this report.

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

2.6.1 Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. An assessment of the application against the relevant provisions of Part 2 of the Plan is shown below:

a. Views and vistas

The SCDCP requires that development appropriately respond to Campbelltown's important views and vistas to and from heritage items.

The application does not properly consider the relationship of the proposed new buildings to the existing cottage. The proposed development's impact on views to and from the cottage would be adverse, due to the siting of the proposed childcare centre. As noted by the independent heritage consultant appointed by Council:

"The impact of the proposal on significant views to and from the cottage (including public views to the cottage) has not been taken into account in designing the proposal. For example, the proposed development, which would obscure the north elevation of the cottage (original front elevation) is not acceptable in our opinion, and adequate separation needs to be provided between the cottage and any proposed new buildings on the site."

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

Further separation between the proposed buildings and the existing cottage would allow the cottage to be viewed from all sides from within the site and would expand the public viewing opportunities from outside the site. It would also allow the building's original form and context to be appreciated and interpreted in a far more respectful manner.

b. Sustainable building design

Based on the size of the roof area of the development, a 10,000 litre rainwater tank is required to be provided. A 10,000 litre rainwater tank has been shown on the plans, in compliance with this standard.

c. Landscaping

The application proposes a comprehensive landscaping scheme, with landscaping surrounding the boundaries of the property, between buildings and within the front portion of the site facing Lind Street. The most significant existing trees would be retained and incorporated into the landscaped areas. One existing tree would be relocated outside the area of the proposed building footprint so as to ensure its conservation. Overall the proposed landscaping is considered to be satisfactory.

d. Stormwater

The proposed development would drain into an existing drainage easement that traverses several residential properties to the south of the site, which the subject site is a beneficiary of. It is not clear as to whether the existing pipe within the drainage easement has the capacity to convey the stormwater runoff from the proposed development. If approval were to be granted, the developer would need to undertake investigations to Council's satisfaction to determine whether the pipe had sufficient capacity to accommodate stormwater flows from the development, and upgrade the pipe if necessary.

e. Waste management

A waste management plan has been submitted with the application and is considered to be satisfactory.

2.6.2 Part 6 – Commercial Development

Control	Required	Proposed	Compliance
Height	Two storeys	Single storey	Yes
Building Form and Character	All building façades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape Large buildings shall incorporate the following elements to assist in	All facades would be appropriately treated to enhance the buildings' aesthetic appeal.	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
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Control	Required	Proposed	Compliance
	achieving a high quality architectural outcome:		
	<ul style="list-style-type: none"> - the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements 	Vertical and horizontal offsets would be provided in the wall surfaces, including projections. The roof heights of the buildings vary, in order to divide the buildings into distinct massing elements.	Yes
	<ul style="list-style-type: none"> - articulation of the different parts of a building's façade by use of colour, arrangement of façade elements, or by varying the types of materials used, and 	Differing colours and façade elements have been used to articulate the proposed buildings.	Yes
	<ul style="list-style-type: none"> - maximising the interior and exterior interactions at the ground level. 	Interior and exterior interactions would be sufficient.	Yes
	The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.	The main entry to the building is easily identifiable from the street and directly accessible through the front of the building.	Yes
	Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.	Large expansive blank walls are not proposed.	Yes
	Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements.	No roof mounted structures are proposed.	Yes
	Buildings shall not incorporate highly reflective glass	A condition of consent could ensure this occurs.	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	Commercial development shall be designed to address both primary and secondary street setbacks.	The proposed buildings address all directions.	Yes
	A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.	Schedule of colours and finishes (and colour perspective drawings) have been provided.	Yes
Setbacks	Permissible commercial development within 2(b) residential zone:		
	5.5m from any street or adjoining open space.	Existing building is 38m from front property boundary	Yes
	3m from any other property boundary.	All buildings and car parking would be at least 3m from boundaries with residential properties.	Yes
Car Parking	Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2.	Off street parking has been designed in accordance with Australian Standards 2890.1 and 2.	Yes
	Medical facilities: one space per 25sqm gross floor area (58 based on 1,454sqm).	Medical centre gross floor area = 1,454sqm. Therefore 58 spaces are required for the medical centre.	
	Childcare centre - A minimum of one car parking space shall be provided for every four children approved to attend the child care centre (33 based on 130 children).	The childcare centre requires 33 spaces.	
	Café - 1.5 spaces per 10sqm (seven based on 46sqm).	The café requires seven spaces. The development requires a total of 98 spaces. 83 spaces are proposed.	No, see discussion below
	No car parking spaces shall be designed in a stacked configuration.	No stacked spaces proposed	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	<p>The required percentage of accessible car parking spaces within retail / commercial development shall be:</p> <ul style="list-style-type: none"> - one car space per development plus - one for every 20 car parking spaces. 	The proposed development would provide one accessible car parking space per 20 spaces.	Yes
Loading	<p>Commercial development shall be designed to accommodate all related vehicle movements on site such that:</p> <ul style="list-style-type: none"> - all vehicles shall enter and exit the site in a forward direction - the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane - cause minimal interference to the flow of traffic within the surrounding road network and - safe and convenient access is provided for pedestrians. <p>Loading bays shall be separated from parking and pedestrian access.</p> <p>All loading and unloading shall take place wholly within the site.</p> <p>No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.</p>	<p>All vehicles would be able to enter and exit the site in a forward direction.</p> <p>The area for manoeuvring of delivery and service vehicles would be separate from vehicle parking areas.</p> <p>Council's Traffic Engineer has advised that traffic calming would be required in Edward Edgar Street as well as a no right turn from Lind Street into Lemon Tree Crescent and signage to direct the flow of traffic within the site.</p> <p>The applicant would need to construct footpaths to connect to the existing footpaths.</p> <p>Loading bays would be separated from parking and pedestrian access.</p> <p>All loading and unloading would take place wholly within the site.</p> <p>No loading or unloading would be carried out across parking spaces, landscaped areas pedestrian aisles or on</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	<p>Parking and loading bays shall be provided and clearly identified on site.</p> <p>Required manoeuvring areas for heavy vehicles shall not conflict with car parking.</p> <p>Each new commercial building/unit having a leasable floor area more than 1,500sqm shall provide a loading area to allow for a Heavy Rigid Vehicle to manoeuvre on site.</p> <p>Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction. Each site shall have a:</p> <ul style="list-style-type: none"> - maximum of one ingress and one egress for heavy vehicles (combined or separated) and - each site may have an additional ingress/egress for cars (and other light vehicles). 	<p>roadways.</p> <p>Line marking would be required if the application were to be approved.</p> <p>Manoeuvring areas for heavy vehicles would not conflict with car parking.</p> <p>The proposed loading area would accommodate a Medium Rigid Vehicle. This is considered to be satisfactory for a medical centre/ childcare centre, which would not require extremely large deliveries.</p> <p>Loading docks would not be visible from public places, and would not affect adjoining properties.</p> <p>One access point and one egress point is proposed for all vehicles.</p>	<p>Yes</p> <p>Yes</p> <p>Satisfactory</p> <p>Yes</p> <p>Yes</p>
Landscaping	<p>A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new building.</p> <p>Landscaping shall be provided between the primary street boundary and the building</p>	<p>A landscape plan has been submitted.</p> <p>A significant amount of landscaping has been proposed between the primary street boundary</p>	<p>Yes</p> <p>Yes</p>

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	All landscaped bays shall be a minimum 2m wide and allow for deep soil planting.	and the buildings. All landscaped bays are a minimum of 2m wide.	Yes
Residential Interface	Buildings adjoining residential zones and/or open space shall be setback a minimum of 3m from that property boundary.	All buildings and car parking would be at least 3m from boundaries with residential properties.	Yes
	An acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential or other sensitive uses, such as places of worship and child care centres.	An acoustic report has been provided. If the application were to be approved, conditions of consent would be recommended that would require satisfaction of specific predicted outcomes and compliance with the recommendations of the acoustic report.	Yes
	Any commercial buildings that are designed to accommodate the preparation of food from a commercial tenancy shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential zones.	A significant distance between the childcare centre and adjoining residential properties would ensure that no odour impacts would occur.	Yes
	External lighting shall be positioned to avoid light spillage to adjoining residential zones.	No lighting is proposed.	Yes

a. Car parking

Based on the SCDCP's car parking demand rates for each component of the proposed development (medical centre, childcare centre and café), the numerical car parking requirement for the overall development would be 98 car parking spaces, however only 83 car parking spaces are proposed to be provided on the site, plus a set down area for the drop-off and pick-up of patients of the medical centre.

However, there are two important factors with regard to the proposed development that would make the DCP's numerical requirement an overestimation of the actual car parking demand that the development would generate.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

- The proposed café would be largely ancillary to the two main land uses proposed being the medical centre and childcare centre. Whilst if the café is successful the café may attract patrons who do not attend the medical centre or childcare centre, it is expected that the vast majority of the café's patrons are likely to come from the staff and visitors of the medical centre and childcare centre. Thus the demand for seven car parking spaces attributable to the café could be considered to be unrealistic, and the parking demand at any given time generated by patrons of the café who are not associated with the medical centre or childcare centre could be considered to be zero. The café is however likely to have two to three staff when it is trading so it could realistically be considered to require three car parking spaces.
- According to the applicant's traffic consultant, Road and Maritimes Services (RMS) land use traffic survey data shows that the time of peak car parking demand for a medical centre is 11.00am to 12.00pm (midday), whilst the times of peak car parking demand for a childcare centre are 7.00am to 9.00am and 4.00pm to 6.00pm. Accordingly, as the times of peak car parking demand for the two land uses are not expected to overlap, simply adding together the numerical DCP requirement for each proposed land use would tend to overestimate the overall car parking demand for the development. If the car parking demand attributable solely to the café is reduced to three and 83 car parking spaces are provided on site, then the remaining numerical shortfall is 11 spaces. This may prove to be acceptable based on the staggered peak operating times of the two main land uses proposed. However, the true nature of the car parking peak demand will only become apparent once the facility is operational.

Accordingly, whilst the proposed development fails to satisfy the DCP's numerical car parking standards, the provision of car parking for the proposed development is considered to be satisfactory, and this aspect of the development should not form a reason for refusal. If Council were of a mind to approve the proposal, a deferred commencement condition could be imposed that would require the operator/owners to provide a plan showing the additional 11 car parking spaces which would only be required to be constructed at a later time if car parking became a problem with the development.

2.6.3 Part 8 – Childcare Centres

Control	Required	Proposed	Compliance
Location	Child care centres shall not be located on an allotment that:		
	Is accessed from a State road.	The site is not accessed from a state road.	Yes
	Is within 100m of the intersection of a State road.	The site is not within 100m of the intersection of a State road.	Yes
	Is within a no through road.	The site is within a no through road.	No, see discussion below
	Has vehicular access to a	Road widening would be	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	road where the carriageway is less than 6.5m in width.	undertaken to achieve a 6.5m carriageway width.	
	Has a building erected upon it that is constructed of materials that contain asbestos or lead paint.	Hazardous Materials Audit found no lead however asbestos was found, and is to be removed prior to any construction work commencing. If the application were to be approved, compliance with the Hazardous Materials Audit would be conditioned.	Yes
	Is adjacent to a: <ul style="list-style-type: none"> - potentially hazardous industry - hazardous industry - potentially offensive industry - offensive industry - intensive horticulture - intensive livestock keeping or - waste management facility. 	No approvals have been issued for hazardous industries, potentially hazardous industries, offensive industries, intensive horticulture, intensive livestock keeping or waste management facilities on adjoining properties.	Yes
	Is within a 150m radius of a sex industry premises.	The site is not within a 150m radius of a sex industry premises.	Yes
	Presents a potential safety hazard for vehicle and pedestrian traffic, unless it can be demonstrated to Council's satisfaction that there would be no vehicular/ pedestrian conflict.	The proposed development would not cause a safety hazard, subject to the installation of a 'No Right Turn' facility from Lind Street into Jenner Street, widening and reconstruction of Part of Lind Street, and installation of footpaths.	Yes
	Child care centres shall not be located within a basement of a building (excluding storage rooms and offices ancillary to the child care centre).	The proposed childcare centre would be at ground level	Yes
	Child care centres shall not be permitted on a local street, unless it can be		

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	<p>demonstrated to Council's satisfaction that:</p> <ul style="list-style-type: none"> i) the proposed child care centre will not impact negatively on the local traffic network ii) the proposed child care centre has adequate on-site parking and manoeuvring/turning spaces and iii) the amenity of the surrounding properties is maintained. 	<p>The proposed development would achieve compliance in this regard, subject to the installation of a 'No Right Turn' facility from Lind Street into Jenner Street, widening and reconstruction of Part of Lind Street, installation of footpaths, provision of traffic calming devices in Edward Edgar Street, and signage reinforcing internal traffic movement directions. The developer would be responsible for supplying these facilities.</p>	Yes
Site Requirements	Child care centres shall not be developed on an allotment with an area less than 800sqm.	The subject site has an area of 9,061.6sqm	Yes
	Child care centres shall only be developed on an allotment having a minimum width of 20m.	The site width exceeds 20m.	Yes
Design Requirements	The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of surrounding development, character and qualities of the desired streetscape.	The design of the proposed childcare centre complements that of the existing cottage, but its setbacks from it do not.	No
	Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.	Clothes lines and air conditioning units would not be visible when viewed from a public area.	Yes
	The built form, design and layout of all outdoor play areas shall relate to the natural land form and setting to ensure that the amenity (visual and acoustic privacy) of adjoining properties is protected.	The built form, design and layout of all outdoor play areas relates to the natural land form and setting	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
Fencing	<p>Fencing along the primary and secondary street boundaries shall:</p> <ul style="list-style-type: none"> i) not be constructed of bonded sheet metal ii) not be higher than 1.2m iii) be articulated, incorporate landscape treatments and complement the design and finish of the development. <p>Fencing to the rear and side boundaries shall be:</p> <ul style="list-style-type: none"> i) located behind the primary and secondary street setbacks and ii) a maximum of 2.1m in height (excluding retaining walls). 	<p>Existing front fencing to be retained is constructed of timber and brick</p> <p>Existing fence is approximately 1.2m</p> <p>Timber fencing complements the character of the site. Landscaping is proposed adjacent to timber fencing.</p> <p>Located behind all setbacks.</p> <p>2.1m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Hours and days of operation	<p>In residential areas, the hours and days of operation shall be limited to:</p> <p>7.00am to 7.00pm Monday to Friday 7.00am to 6.00pm on Saturdays No operation on Sundays and public holidays</p>	<p>Monday to Friday 7.00am to 6.00pm</p>	<p>Yes</p>
Visual and Acoustic Privacy	<p>An acoustic report prepared by a suitably qualified person shall be submitted with all child care centre development applications demonstrating :</p> <ul style="list-style-type: none"> i) that the noise levels generated from the child care centre, when measured over a 15 minute period, does not exceed the background noise by more than 5 db(A) ii) that the noise levels comply with the 	<p>An acoustic report has been provided. If the application were to be approved, conditions of consent would be recommended that would require satisfaction of specific predicted outcomes and compliance with the recommendations of the acoustic report.</p>	<p>Yes</p>

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	<p>requirement of the Protection of <i>The Environment Operations Act 1997</i> and</p> <p>iii) illustrating ways to minimise the impacts of noise on adjoining properties.</p>		
Waste Management	<p>Waste storage/collection areas, service areas shall be screened from public view, located to minimise adverse impacts on adjoining properties.</p> <p>The waste collection area shall be located and designed to minimise safety hazards for any person within the site or within the adjacent private/public areas.</p> <p>A waste management plan shall be submitted for all child care centre developments including information with regard to the storage and disposal of used nappies.</p>	<p>Waste storage areas would not be visible from the street or affect adjoining properties.</p> <p>Waste collection area would be located and designed to minimise safety hazards.</p> <p>A condition of consent could require this, if consent were to be granted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Additional requirements – residential zones	<p>A maximum of 50 children shall occupy a child care centre on any single allotment.</p> <p>The child care centre shall be wholly located on the ground floor of the building (excluding offices and storage rooms).</p> <p>Child care centres shall be setback a minimum of:</p> <p>i) 5.5m from the primary street boundary</p> <p>ii) 5.0m from the rear boundary</p> <p>iii) 3.0m from the side boundary</p>	<p>130 children proposed.</p> <p>The childcare centre would be wholly located on the ground floor.</p> <p>Existing building is 38m from front property boundary No rear boundary – only side boundaries</p> <p>3m</p>	<p>No, see discussion below</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p>

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
Car Parking	Car parking areas shall be setback a minimum of 3m from the front boundary and any secondary boundary.	6.6m from front boundary	Yes
	Medical facilities: one space per 25sqm gross floor area. (58 based on 1,454sqm)	Medical centre gross floor area = 1,454sqm. Therefore 58 spaces are required for the medical centre.	
	Childcare centre - A minimum of one car parking space shall be provided for every four children approved to attend the child care centre (33 based on 130 children).	The childcare centre requires 33 spaces.	
	Café - 1.5 spaces per 10sqm (seven based on 46sqm).	The development requires a total of 98 spaces. 83 spaces are proposed.	No, see discussion above
	Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	Compliance can be achieved, with only minor modifications needed to kerbs within car park to allow for truck manoeuvring, which could be conditioned if the application were to be approved.	Yes
	No required car parking space shall be designed in a stacked configuration.	No stacked car parking is proposed.	Yes
	Pedestrian access shall be separated from vehicular access with clearly defined paths to and from the building.	Separate pedestrian entry provided.	Yes
	Each site shall have a maximum of one ingress and one egress driveway.	One ingress and one egress driveway proposed.	Yes
	The minimum width of a driveway shall be: i) 3m for one way traffic movement and ii) 6m for two way traffic movement.	Both proposed one way driveways are 5m wide. No two-way driveways	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	Driveways shall be located a minimum distance of 6m from the tangent point of any un-signalled intersection.	are proposed. No driveways are proposed near an intersection.	Yes
	Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.	No vehicle would be required to make more than a three-point turn to exit the site in a forward direction.	Yes
	All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.	Condition of consent requires line-marking.	Yes
	Development applications child care centres catering for 20 or more children shall include a Traffic Impact Statement, prepared by a suitably qualified person addressing the following criteria:	A Traffic Impact Statement has been provided, and was referred to Council's Traffic section for review.	Yes
	i) the existing traffic environment	The proposed development was found to be satisfactory from a traffic perspective, subject to the installation of a 'No Right Turn' facility from Lind Street into Jenner Street, widening and reconstruction of Part of Lind Street, installation of footpaths, provision of traffic calming devices in Edward Edgar Street, and signage reinforcing internal traffic movement directions. The developer would be responsible for supplying these facilities.	
	ii) anticipated traffic generation from the proposed development		
	iii) the potential cumulative impact on the locality		
	iv) the need for local traffic improvements in the locality		
	v) traffic egress/ ingress and		
	vi) sight distance and other relevant safety issues including vehicular / pedestrian movements.		

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
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Control	Required	Proposed	Compliance
Emergency Evacuation	<p>Development applications for child care centres catering for 20 or more children shall include an Emergency Evacuation Plan prepared by a suitably qualified person in accordance with Australian Standard 3745 Emergency Control Organization and Procedures for Buildings, Structures and Workplaces (as amended), addressing:</p> <ul style="list-style-type: none"> i) the mobility of children and how this is to be accommodated during an evacuation ii) the location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building iii) where the child care centre is part of a larger building or complex, that the emergency evacuation plan for the child care centre is complementary and consistent with other emergency evacuation plans for the complex and iv) the supervision of children during an evacuation and at the safe congregation area, giving regard to the capacity of the child care centre and its approved child: staff ratios. 	An Emergency Plan was not provided, however if the application were to be approved, a condition of consent could require such a plan to be provided prior to issue of the Construction Certificate.	Satisfactory
Landscaping	<p>Landscaping shall be provided to a minimum of a:</p> <ul style="list-style-type: none"> i) 3m wide strip along the primary and secondary 	3m landscaping strip provided.	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	street frontage (other than vehicle driveways); and		
	ii) 1.5m wide strip along the full width of side and rear setbacks.	Proposed boundary landscaping would be at least 1.5m.	Yes
	Native mature trees on site shall be retained.	Some native mature trees are proposed to be removed however these have been identified in an arborist report as being of moderate retention value only. All of the trees identified as being of high retention value (the four fig trees) would be retained.	Yes
	Development applications for child care centre shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following:	A landscape plan has been submitted with the application, which includes all of the required information.	Yes
	i) species, location and mature height of proposed planting		
	ii) location of play equipment		
	iii) separation from car parking spaces and driveway areas		
	iv) fencing height and materials and		
	v) surfaces (sand, grass or the like).		
	All existing vegetation on the site and on adjoining sites shall be assessed to ensure that the plants:		
	i) are not toxic or dangerous (refer to Appendix 14 for a list of Unsuitable Plant Species) and	This matter could be addressed by way of a condition of consent, if approval were to be granted.	Yes

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

Control	Required	Proposed	Compliance
	ii) do not impose a safety hazard such as personal injury from falling branches and seeds, poisoning and/or choking.		
Play Areas	Child care centre play areas shall:		
	i) comply with the Children (Education and Care Services) Supplementary Provisions Regulation 2004 (as amended)	Complies	Yes
	ii) be appropriately designed and located to minimise noise impacts to adjoining properties and	Complies	Yes
	iii) be naturally lit and ventilated.	Complies	Yes
	The siting of outdoor play areas shall:		
	i) be located on a predominantly flat gradient	Complies	Yes
	ii) allow direct supervision from within the centre and	Complies	Yes
	iii) provide adequate fencing.	Complies	Yes

a. Site location

Part 8 of the SCDGP states that childcare centres must not be located on an allotment that is within a no-through road. The subject site is located at the terminus of Lind Street, and therefore the subject site fails to satisfy this aspect of the locational criteria for childcare centres. The reason for this standard is to prevent vehicular conflict and parking difficulties in residential cul-de-sacs, where on-street parking spaces are not easily manoeuvred into and out of and drop-off/collection of children can cause significant amenity issues for surrounding residents. In the present case however, the site is far larger than a typical site that would accommodate a typical childcare centre. The development would have a separate vehicular entry and exit point and would have enough on-site car parking to accommodate all vehicle movements associated with the childcare centre. In this regard, the subject site is not considered to be inappropriate for a childcare centre, and this should not form a reason for refusal.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

b. Number of children

Part 8 of the SCDCP states that a maximum of 50 children shall occupy a child care centre on any single allotment. The proposed childcare centre would have 130 children and therefore fails to comply with this control. However, owing to the size of the site, which is far larger than a typical site that would accommodate a typical childcare centre, the proposed childcare centre would be able to provide the amount of indoor and outdoor play space required by the applicable state regulations for the number of children proposed. The site would also be able to accommodate all of its associated vehicle parking demand on site, as well as all drop-off and pick-up movements (which smaller childcare centres do not typically do), thereby avoiding impacts on the surrounding locality with respect to traffic. In addition, the outdoor play space would be more than 20 metres from the nearest residence, and an acoustic report has determined that it would not have a detrimental impact upon the adjoining residences. In this regard, the number of children to be accommodated at the proposed child care centre is not considered to be inappropriate having regard to the size of the site, and this should not form a reason for refusal.

3. Public Participation

The application was publicly exhibited and notified to surrounding property owners for a period of 14 days. The application was re-notified to surrounding property owners upon receipt of amended plans. Council has received submissions in response to the exhibition and notification of the application from the residents of 12 properties. The matters raised within the submissions are discussed below:

Objection – The proposed development would detrimentally affect the character of the site, the curtilage of Redfern's cottage, and the view lines to and from the cottage.

Comment – This reason for objection is considered to be valid as discussed previously within this report.

Objection – An archaeological assessment should be done prior to any works commencing.

Comment – This objection is considered to be valid (as discussed previously within this report), and Council officers and the independent heritage consultant are of the view that a detailed archaeological assessment must be undertaken prior to any proposal being approved for the site, as any archaeological finds may require design changes.

Objection – The building should be restored to its original form, with its original windows and doors.

Comment – The application proposes to restore Redfern's Cottage to its original form, by restoring its original floor plan and using materials sympathetic to the cottage's original fabric to restore its exterior elements. This aspect of the proposal is supported by Council officers and the independent heritage consultant.

Objection – The proposed medical centre/pharmacy would have a detrimental economic impact upon other medical businesses within the Minto area.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

Comment – Financial impacts upon trade competitors resulting from increased competition as a consequence of a development proposal is not in itself a valid planning reason for refusal of a development application. This principle has been established by the judgements arising from the Land and Environment Court. Consequently, the fact that there may be a potential for some negative financial impact upon other existing medical businesses within Minto as a result of the proposed development would not be a valid reason for Council to refuse the subject application. The Land and Environment Court has previously established that "...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration". In this regard, there is no evidence to suggest that the financial impacts upon other medical centres within Minto would be so severe as a result of the proposed development as to force their closure and cause an overall decline in available medical facilities for the community, particularly given the recent population growth and community renewal that has taken place within Minto generally.

Objection – The development would cause traffic problems in the vicinity of the site as the surrounding streets are too narrow, and the increased traffic would cause safety problems.

Comment – If the application were to be approved, the developer would be required to make the following improvements to the local road network:

- widening and reconstruction of part of Lind Street
- installation of a 'No Right Turn' facility from Lind Street into Jenner Street
- construction of footpaths
- provision of traffic calming devices in Edward Edgar Street (subject to Local Traffic Committee approval).

In this regard, subject to the above measures being undertaken, the proposed development should not cause traffic problems within the local road network.

Objection – The proposed development would cause an increase in noise for surrounding residents.

Comment – An acoustic report prepared by qualified acoustic consultant was submitted with the application. The report concluded that the childcare centre would only marginally increase the background noise levels experienced at the boundary of the most affected residential property, and compliance with the requirements of the NSW Industrial Noise Policy and the SCDCP would be achieved. The report was referred to Council's Environmental Health Officers, who provided recommended conditions of consent to be imposed if the application were to be approved, to assist in mitigating any noise pollution issues. Therefore, any increase in noise experienced by surrounding residents would not be likely to detrimentally affect the amenity of the surrounding residential neighbourhood.

Objection – The proposed development would lead to an increase in crime within the area.

Comment – No evidence has been submitted to substantiate the claim that the proposed development would lead to an increase in crime within the area.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

Objection – The proposed development would change the character of the surrounding residential neighbourhood.

Comment – Whilst the proposed development is non-residential in nature, it is permissible on the subject site. Assessment of the application has found that the potential amenity impacts primarily being noise and traffic could be mitigated with appropriate ameliorative measures. Accordingly, whilst there may be some changes to noise and traffic levels as a result of the proposed development, the residential character of the local area could reasonably be expected to be maintained.

4. Conclusion

The proposed redevelopment of the grounds of Redfern's Cottage and the restoration of the cottage itself is a worthy proposition, and is in fact critical to the site's long-term preservation, activation and appreciation. However, whilst this is the case, Council need not support any redevelopment proposal for this reason alone and need not allow the building's heritage value to be diminished on the pretext that such an action would ensure the building's survival. Council can and should insist upon a development outcome for the site that appropriately addresses and respects the site's significant historical setting and views to and from it.

It is considered that the current proposal would result in an unreasonable and adverse impact on the heritage-listed cottage, given that the proposed siting of buildings gives insufficient regard to public views to and from the cottage and would inhibit the building's original form and context from being appreciated and interpreted authentically. In addition, the current proposal does not give Council certainty that the best conservation outcome for the site would be achieved, given the absence of a detailed archaeological study and the conflicting/inadequate plans that have been provided in respect of the use of the cottage.

Notwithstanding the above, the subject proposal involves land uses that are considered to be generally appropriate for the site and the proposal complies with the majority of applicable planning legislation and policies. Consequently, the applicant was encouraged to consider alternative siting of buildings for these land uses, which would ideally be guided and informed by any relevant archaeological findings so as to preserve as much of the site's heritage value as possible. However, to date the applicant has failed to provide the Council with the results of a detailed archaeological study which would allow a more in depth assessment of the application, nor has the applicant made any further amendments to the proposal.

The applicant has requested that Council determine the application on the basis of the plans and information submitted. Accordingly, for the reasons discussed within this report and listed specifically in Attachment 1, it is recommended that the application be refused.

Officer's Recommendation

That development application No. 2952/2014/DA-C for the construction of a medical centre and childcare centre with associated car parking at No. 20 Lind Street, Minto be refused for the reasons for refusal listed in Attachment 1 to this report.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Committee Note: Mr Jones, Ms Stasiuk, Mr Prestia, Ms Leung, Dr Wan, Mr Mondal and Ms Andrews addressed the Committee in opposition to the development.

Mr Hayek and Mr Lonergan addressed the Committee in favour of the development.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil.

Council Meeting 22 March 2016 (Greiss/Kolkman)

That development application No. 2952/2014/DA-C for the construction of a medical centre and childcare centre with associated car parking at No. 20 Lind Street, Minto be refused for the reasons for refusal listed in Attachment 1 to this report.

Council Resolution Minute Number 31

That development application No. 2952/2014/DA-C for the construction of a medical centre and childcare centre with associated car parking at No. 20 Lind Street, Minto be refused for the reasons for refusal listed in Attachment 1 to this report.

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

Voting against the Council Resolution was Councillor: Mead.

ATTACHMENT 1

Recommended reasons for refusal

You are advised that the subject application has been refused for the following reasons:

1. Adverse Environmental Impact

Pursuant to the provisions of Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, it is considered that the development would have an adverse impact upon the environment as the application does not properly consider the relationship of the proposed new buildings to Redfern's Cottage, including the potentially adverse impact of the provision of ramps and fencing around the cottage, which would inhibit the building's original form and context from being appreciated and interpreted authentically.

2. Adverse Environmental Impact

Pursuant to the provisions of Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, it is considered that the development would have an adverse impact upon the environment with respect to views to and from Redfern's Cottage. The impact of the proposal on significant views to and from the cottage (including public views to the cottage) has not been taken into account in designing the proposal. The proposed development which would obscure the north elevation of the cottage (original front elevation) is not acceptable, and adequate separation has not been provided between the cottage and the proposed new buildings on the site.

3. Inconsistent with Campbelltown (Urban Area) LEP 2002

Pursuant to the provisions of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is inconsistent with Campbelltown (Urban Area) Local Environmental Plan 2002 as a detailed archaeological assessment of the site has not been undertaken. Therefore, Council cannot determine whether any significant existing elements at the site would be retained and protected, as the proposal would necessitate the removal of such elements.

4. Conflicting/Unclear Information

Pursuant to the provisions of Section 79C(1)(a)(iv), conflicting and inadequate plans and information have been put forward concerning the intended use of and works to Redfern's Cottage, which do not allow the application to be properly considered.

5. Failure to Demonstrate Compliance with the Building Code of Australia

Pursuant to the provisions of Section 79C(1)(a)(iv), the plans fail to demonstrate that toilet facilities for patrons and staff of the proposed café would be provided as required by the Building Code of Australia.

6. Public Interest

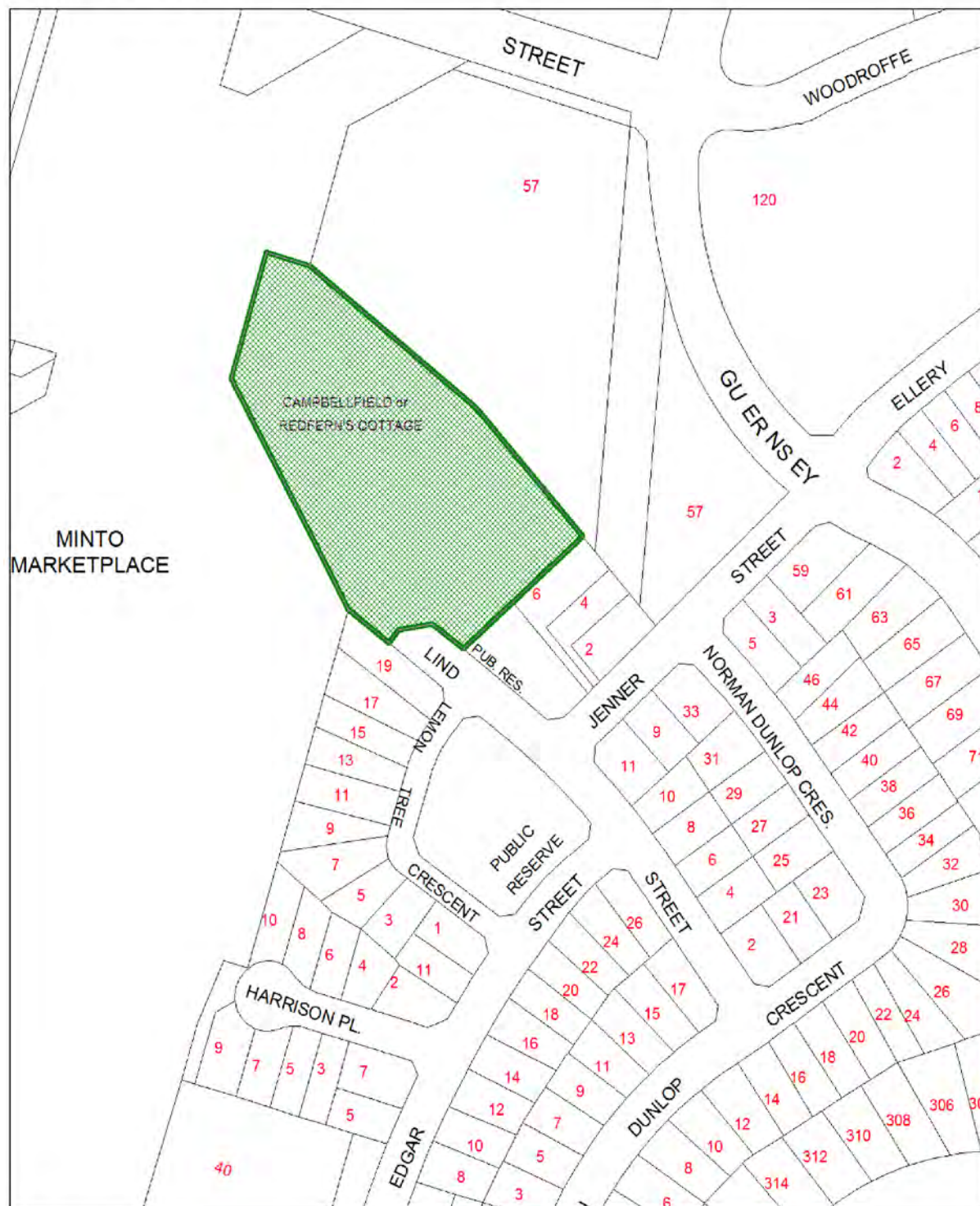
Pursuant to the provisions of Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

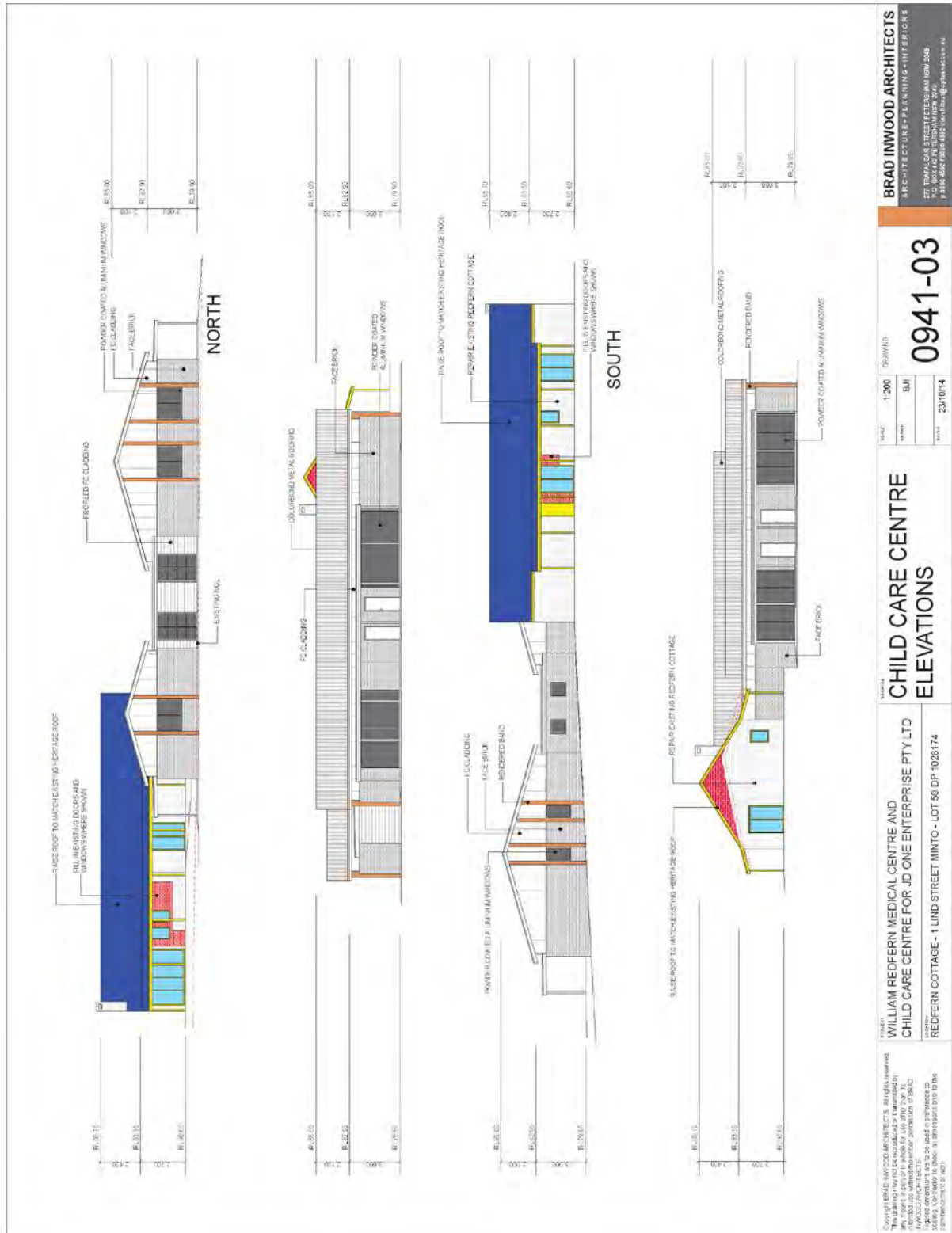
ATTACHMENT 2

Locality Plan

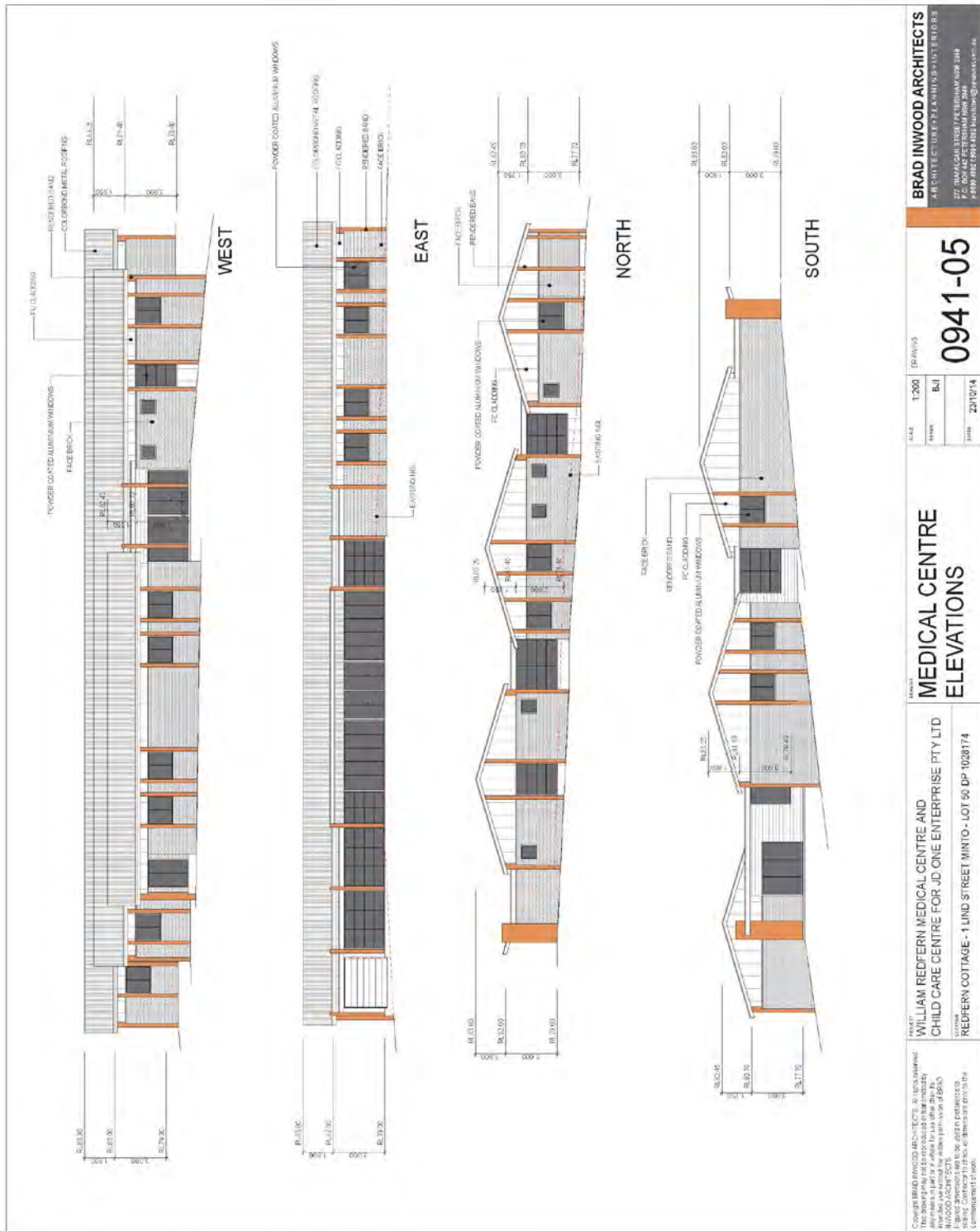
No. 20 Lind Street, Minto



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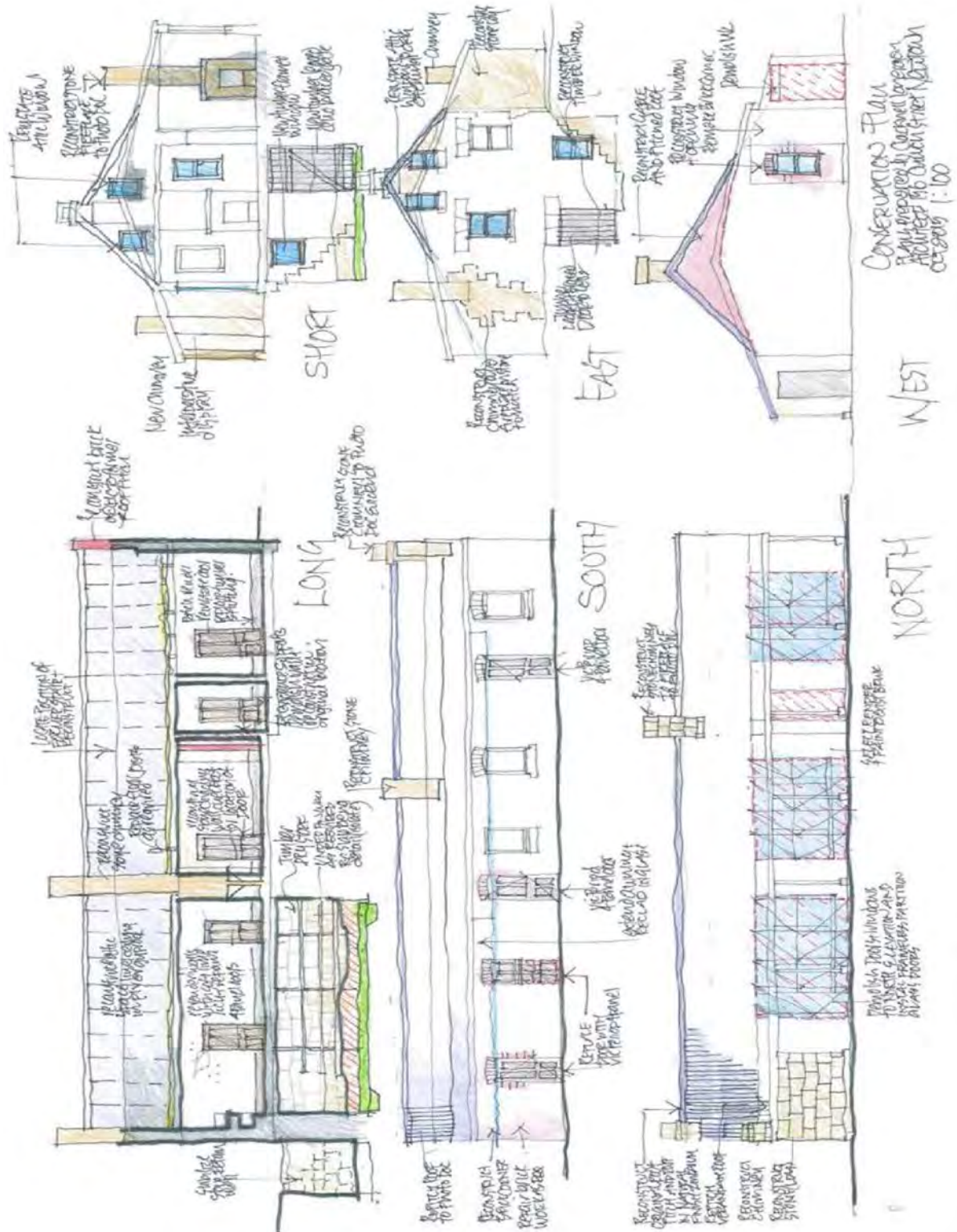
Medical Centre Elevations



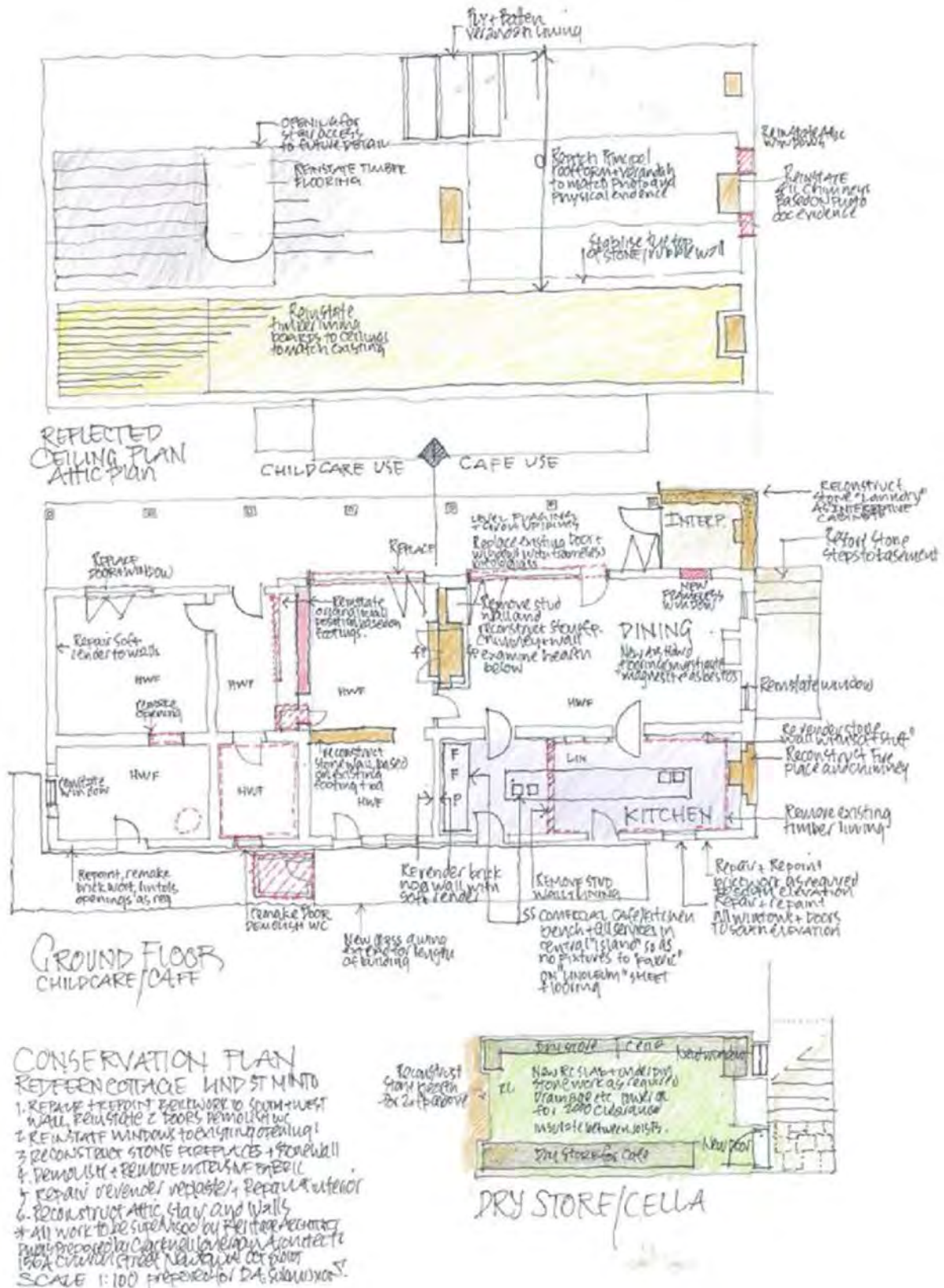
3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking At No. 20 Lind Street, Minto

ATTACHMENT 6

Plans of Proposed Works to Cottage



Plans of Proposed Works to Cottage Continued



3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

ATTACHMENT 7

Perspective Drawings



1 LIND STREET MINTO
WILLIAM REDFERN MEDICAL CENTRE, CAFE AND CHILD CARE CENTRE

CW Designs
Unit 1/195 Regent Street
Redfern NSW 2016
Mob 0412 739 669
ABN 11 134 917 918



1 LIND STREET MINTO
WILLIAM REDFERN MEDICAL CENTRE, CAFE AND CHILD CARE CENTRE

CW Designs
Unit 1/195 Regent Street
Redfern NSW 2016
Mob 0412 739 669
ABN 11 134 917 918

3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Perspective Drawings Continued



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Perspective Drawings Continued



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Perspective Drawings Continued



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3.4 Construction Of A Medical Centre And Childcare Centre With Associated Car Parking
At No. 20 Lind Street, Minto

Perspective Drawings Continued



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ABN 11 134 917 918

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

Attachments

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

Purpose

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

Report

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

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

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

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 22 March 2016 (Greiss/Kolkman)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 27

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 23/02/2016)	1
Total completed Class 1 DA appeal matters (as at 23/02/2016)	3
Costs from 1 July 2015 for Class 1 DA appeal matters:	\$100,382.70

1 (a)	Multiplan Constructions Pty Ltd
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Issue: An appeal against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for 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: \$24,070.67

Status: Ongoing – proceedings listed for hearing on 29 April 2016.

Progress: 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 the construction of nine two-storey dwellings and associated strata subdivision.

On 22 October, the proceedings were adjourned to 23 November 2015 for a section 34 conciliation conference.

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.

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 assess the amended plans submitted by the applicant.

The matter was before the Court for section 34 conciliation

conference on 10 February 2005. 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 will 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 will be 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 Counsel for the hearing.

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 23/02/2016)	0
Total completed Class 1 and 2 appeal matters (as at 23/02/2016)	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 23/02/2016)	0
Total completed Class 4 matters (as at 23/02/2016)	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 23/02/2016)	0
Total completed Class 5 matters (as at 23/02/2016)	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 23/02/2016)	0
Total completed Class 6 matters (as at 23/02/2016)	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 23/02/2016)	0
Total completed (as at 23/02/2016)	1
Costs contribution from 1 July 2015 for this matter	\$35,330.23

7. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 23/02/2016)	3
Total completed Local Court Matters (as at 23/02/2016)	40
Costs from 1 July 2015 for Local Court Matters	\$5,955.66

File No: LP52/15 – Penalty Notice Court Election
Offence: Own dog that attacked animal.
Act: *Companion Animals Act 1998*

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

Status: Completed – Fine imposed

Progress: Listed for first mention on 17 November 2015.

On 17 November 2015 the matter was adjourned by consent to 15 December 2015 for further mention.

On 15 December 2015 the matter was adjourned by consent to 2 February 2016 for plea/mention.

The matter was before the Court for plea/mention on 2 February 2016 where the defendant, Duc Van Nguyen, entered a guilty plea by written notice of pleading. After hearing the evidence and submissions the Magistrate found the offence proved, and imposed a \$1,200.00 fine.

File No: LP54/15 – Penalty Notice Court Election
Offence: Own dog that attacked animal.
Act: *Companion Animals Act 1998*

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

Status: Completed – Fine imposed

Progress: Listed for first mention on 17 November 2015.

On 17 November 2015 the matter was adjourned by consent to 15 December 2015 for further mention.

On 15 December 2015 the matter was adjourned by consent to 2 February 2016 for plea/mention.

The matter was before the Court for plea/mention on 2 February 2016 where the defendant, Jacqueline Nguyen, entered a guilty plea by written notice of pleading. After hearing the evidence and submissions the Magistrate found the offence proved, and imposed a \$1,200.00 fine.

File No:	LP01/16 – Penalty Notice Court Election
Offence:	Stop in bus zone (school-zone)
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed. Fine and costs imposed.
Progress:	<p>The matter was before the Court for first mention on 1 March 2016 where the defendant Juliet Bernedette Clark entered a guilty plea.</p> <p>After considering the facts and submissions, the Magistrate found the offence proved and convicted the defendant, imposing a \$75 fine and an order for Court costs of \$160.</p>

File No:	LP02/16 – Penalty Notice Court Election
Offence:	Stop in bus zone
Act:	<i>Road Rules 2014</i>
Final Costs:	\$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Completed - Fine and court costs imposed
Progress:	<p>Matter was before the Court for first mention on 23 February 2016 where the defendant Jacob Samuel entered a guilty plea with explanation. After considering the facts and submission the Magistrate imposed a \$20 fine and order for \$85 Court costs.</p>

File No:	LP03/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign (school-zone)
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	New Matter
Progress:	Listed for first mention on 8 March 2016.

8. Matters referred to Council's solicitor for advice

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

Total Advice Matters (as at 23/02/2016)
Costs from 1 July 2015 for advice matters

3
\$6,155.46

9. Legal Costs Summary

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

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$100,382.70	\$0.00
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	\$35,330.23	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$5,955.66	\$100.00
Matters referred to Council's solicitor for legal advice	\$6,155.46	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$149,972.18	\$100.00
Overall Net Costs Total (GST exclusive)	\$149,872.18	

5. GENERAL BUSINESS

5.1 Gregory Hills Drive

Committee's Recommendation: (Kolkman/Oates)

That a report be presented to Council that identifies and analyses the impacts of the proposed extension of Gregory Hills Drive and the associated South West Growth Centre development to link with Badgally Road, on the capacity, efficiency and safety of Badgally Road. Such report to present options to accommodate the efficient, safe and environmentally acceptable upgrade of Badgally Road to facilitate an appropriate road and public transport connection between the South West Growth Centre and the Campbelltown Regional City Centre.

CARRIED

Council Meeting 22 March 2016 (Greiss/Kolkman)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 27

That the Committee's Recommendation be adopted.

5.2 Pool to Pond

Committee's Recommendation: (Greiss/Rowell)

That a report be presented outlining the feasibility of Campbelltown City Council implementing a pool to pond program similar to that being offered by Ku-ring-gai Council.

CARRIED

Council Meeting 22 March 2016 (Greiss/Kolkman)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 27

That the Committee's Recommendation be adopted.

Confidentiality Motion: (Thompson/Kolkman)

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

CARRIED

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

21.2 Heritage Medallion 2016

Reason for Confidentiality

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

- (d) commercial information of a confidential nature that would if disclosed:
 - (iii) reveal a trade secret.

Motion: (Greiss/Rowell)

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

CARRIED

There being no further business the meeting closed at 9.34pm.

G Greiss
CHAIRPERSON
