



2018

CAMPBELLTOWN CITY COUNCIL

27 June

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held in Civic Centre, Campbelltown on **Wednesday, 27 June 2018 at 3.00pm.**

MEETING AGENDA

1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

2. APOLOGIES

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General Information

Submissions by the applicant and concerned parties will be considered at the hearing. A concerned party is deemed to be a person who has made a written submission in respect to the application. The panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the panel. Presentations to the panel by the applicant and concerned parties shall be restricted to five minutes each. The panel Chairperson has the discretion to extend the period if considered appropriate.

Members of the public, who have registered to speak at the meeting, will be invited to address the panel by the Chairperson during the meeting.

Recommendations of the Panel

The reports are presented to the Local Planning Panel for its consideration, advice and determination if the report is for a development application.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council if the report relates to a planning proposal and determination if the report relates to a development application. The panel's recommendation/determination become public day following the Local Planning Panel meeting.

Information

Should you require information about the panel or any item listed on the agenda, please contact Council's City Development department on 4645 4575 between 8.30am and 4.30pm.

The following reports are referred to the Local Planning Panel Panel for its consideration and recommendation.

Lindy Deitz
General Manager

4. REPORTS

4.1 Demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers - 22 Grandview Drive, Campbelltown

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

Executive Summary

- The application proposes the demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers at 22 Grandview Drive, Campbelltown.
- The proposal generally complies with the State Environmental Planning Policy (Affordable Rental Housing) 2009, Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015.
- The application was notified to nearby and adjoining neighbours and 17 submissions were received plus a petition with 78 signatures.
- It is recommended to the panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.

Officer's Recommendation

That development application 2342/2016/DA-BH for demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers at 22 Grandview Drive, Campbelltown, be approved, subject to the conditions of consent detailed in attachment 1 of this report.

Purpose

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

The development application is required to be reported to the panel due to the number of submissions received to the proposal.

Property Description	Lot 195 DP 32083, 22 Grandview Drive, Campbelltown
Zone	R2
Maximum Building Height:	8.5m
Maximum Floor Space Ratio:	0.55:1
Application No	2342/2016/DA-BH
Applicant	Cactus Design & Drafting
Owner	Mr Khaled Saadeddine

Statutory Provisions	State Environmental Planning Policy 55- Remediation of Land State Environmental Planning Policy (Building Sustainability Index) 2005 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Affordable Rental Housing) 2009 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown Local Environmental Plan 2015
Other Provisions	Campbelltown 2027 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	20 July 2016

History

The application was deferred by Council on 6 December 2016 for additional information. The applicant provided amended plans to Council on 27 March 2017, the amended plans were not accepted and the applicant was requested to further revise the plans, and additional amended plans were submitted to Council on 18 October 2017.

A meeting was undertaken with the applicant on 30 April 2018 to discuss the proposed development. Further amended plans were submitted to Council on 4th and 25th May 2018.

Site and Surrounding Locality

A site visit was carried out on 22 May 2018.



Figure 1: Locality map

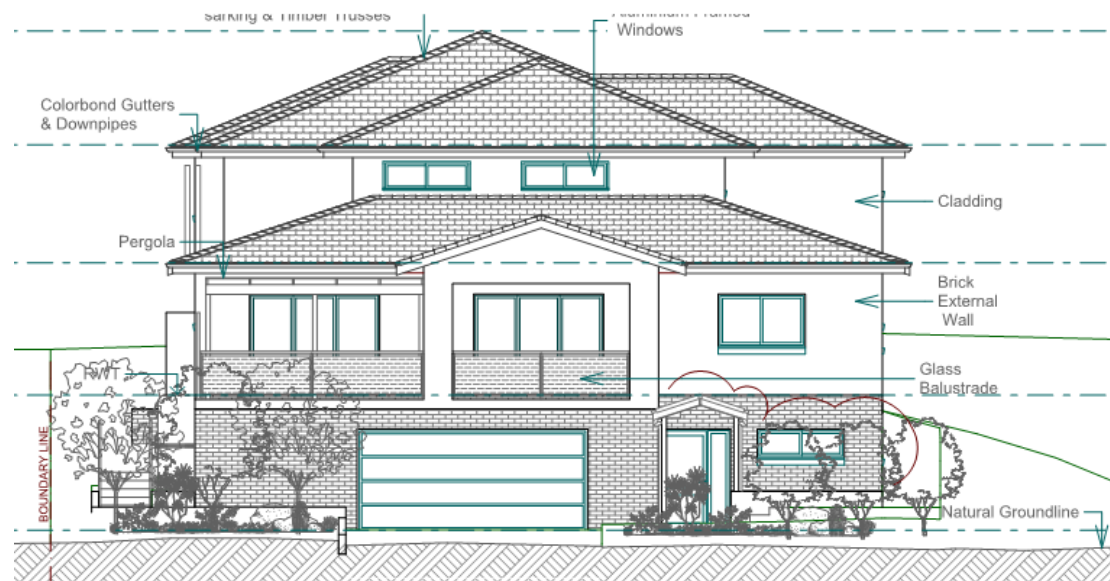


Figure 2: Street elevation of the proposed development



Figure 3: Subject site street frontage

The site is legally described as Lot 195 in DP 32083, known as 22 Grandview Drive, Campbelltown. The site is located on the eastern side of Grandview Drive, where the lots are significantly elevated above street level. The site is irregular in shape with a north (side) boundary measuring 42.77m, east (rear) boundary measuring 12.19m, south (side) boundary measuring 41.13m and west (front) boundary measuring 24.38m. The site has an area of 766.3m² and the site falls from the east towards the west (rear to front) by approximately 5m.

The site is occupied by a single storey detached dwelling with vehicular access provided from Grandview Drive to a hardstand area located at the front of the site. The dwelling is elevated on brick foundations and the dwelling is constructed of timber clad external walls and tile roof. The dwelling is an older style dwelling consistent with the local area. The site has a number of established trees located in the front and rear setbacks, a number of large pine trees are present on the site.

The subject site is adjoined by detached dwellings on either side. The Locality is predominantly characterised by detached residential dwellings that are constructed of either brick or clad external walls with tile roofing. The locality is currently undergoing redevelopment for the purpose of alterations and additions, secondary dwellings, and dual occupancies.

The property is not listed as an item of Environmental Heritage, and is not located within a heritage conservation area.

Proposal

The proposed development includes the demolition of the existing dwelling and associated structures, removal of three trees and the construction of a two storey boarding house with thirteen rooms comprising of the following:

Lower ground floor

- Driveway
- Building entry
- Three car parking spaces
- Three motorbike parking spaces
- Four bike parking spaces
- Waste storage area

Ground Floor

- Seven boarding rooms including four single rooms and three double rooms
- Balconies to rooms 1, 2, 6 and 7
- Common room
- Common stairs

First Floor

- Six boarding rooms including three single rooms and three double rooms
- Storage room
- Common stairs

The proposal also includes ancillary works associated with the development including landscaping, stormwater, retaining walls and other associated works. Each boarding room is provided with kitchen and bathroom facilities and space for a washing machine in each room.

Report

1. **Campbelltown 2027 Community Strategic Plan**

Campbelltown 2027 is the Community Strategic Plan (CSP) for the city of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next ten years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The key outcome relevant to the proposed development is Outcome 1: A vibrant, liveable city.

The strategic direction most relevant to this application are as follows:

- Enable a range of housing choices to support different lifestyles

The application is consistent with the above strategies as the proposal would support the growth and diversity of the local economy and provide a service that supports the needs of the community.

2. **Planning Provisions**

2.1 **State Environmental Planning Policy 55 - Remediation of Land**

SEPP No. 55 aims to provide a statewide planning approach to the remediation of contaminated land. In particular the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

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

The proposed boarding house provides bathroom and kitchen facilities to each room. In light of recent Land and Environment Court decision SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66, as each unit is self-contained, the building is considered to be a class 2 building and not a class 3 building. Therefore, the proposed development is considered to be Basix affected development and a BASIX certificate is required for the development. A Basix Certificate was requested from the applicant on 21 May 2018 and provided on 12 June 2018.

2.3 **State Environmental Planning Policy (Infrastructure) 2007**

The proposed development is not adjacent to or located on a classified road. The proposed development is not considered to be affected by road noise or vibration. Therefore, Clause 87 of the SEPP is not applicable in this instance.

The number of units does not meet the requirements under schedule 3 to be classified as traffic generating development. Therefore, referral to the RMS is not required in this instance.

2.4 State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Housing 2009)

The application for a boarding house has been made in accordance with the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP Affordable Housing 2009) the aims of the SEPP are outlined as follows:

- (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.

The proposed development is considered to be consistent with the requirements of the SEPP. An assessment against the relevant clauses is detailed below:

Clause 26 This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (b) Zone R2 Low Density Residential	Yes	The property is located within the R2 zone
Clause 27 (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.	Yes	The property is located within the R2 zone within 400m of three bus stops, which have regular bus services. A sealed footpath is located to the western side of Grandview Drive with public footpath access to bus stops
29 Standards that cannot be used to refuse consent (1) (a) Floor Space Ratio 0.55:1 (421.46m ²)	Yes	The proposed development has a maximum floor space ratio of 0.54:1(414m ²)
(2) (a) Building Height	Yes	The proposed development has a maximum building height of 8m, which complies with CLEP 2015

(b) Landscaped Area of front setback	Yes	The landscape treatment to the front setback is compatible with the streetscape
(c) Solar Access to communal living rooms	Acceptable	The common room has north and east facing windows and will receive adequate solar access on the winter solstice between 9am and 11am
(d) Private Open Space (i) one area of at least 20m ² with a minimum dimension of 3m	Yes	The rear setback has a private open space area in excess of 200m ²
(e) Parking (i) 0.2 parking spaces per boarding room	Yes	The proposal requires 2.6 car parking spaces and 3 spaces are provided
(f) Accommodation size (i) 12m ² minimum for a single lodger (ii) at least 16m ² in any other case	Yes	Each boarding room is a minimum of 12m ² for single rooms and 16m ² for double rooms
(3) Boarding room may have private kitchen and bathroom facilities in each room.	Yes	Each boarding room is provided with kitchen and bathroom facilities
30 Standards for boarding houses (1) A consent authority must not consent to development to which this division applies unless it is satisfied of each of the following: (a) if a boarding house has five or more boarding rooms, at least one communal living room will be provided,	Yes	One communal living area is provided. The communal room is located on the ground floor at the rear of the property
(b) 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 25 square metres,	Yes	The boarding rooms do not exceed 25m ²
(c) no boarding room will be occupied by more than two adult lodgers	Yes	The rooms are designed for a maximum of one or two lodgers per room
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Yes	Kitchen and bathroom facilities are provided to each boarding room
(e) 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,	Yes	The boarding house has 13 rooms in total, which can accommodate a total of 19 boarders
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.	Yes	Three motorbike and four bicycle parking spaces will be provided

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.	Yes	An assessment of the character of the local area is presented below
52 No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	Yes, conditioned	The proposal does not include subdivision to the proposed development. In addition the consent will be appropriately conditioned to ensure the building is not subdivided in the future

Clause 30A - Character of local area

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

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

Building height – The height of the proposed boarding house is less than the numerical building height applicable (8.5 metres), and proposes two storeys. The proposal is higher than the surrounding development, however, the height is considered to be compatible with the height of other buildings within the vicinity of the site.

Building bulk and scale/site coverage – The size of the building as measured by its floor space ratio is compliant with the provisions of the Affordable Housing SEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land. In this case, the maximum floor space ratio is 0.55:1, The floor space ratio proposed is 0.54:1. The upper floor is setback from the primary building line by 6.5m, which significantly reduces the perceived bulk of the building, appearing as a stepped two stored building, which responds to the topography of the site.

Under the Campbelltown (Sustainable City) Development Control Plan 2015, there is no site coverage ratio for residential buildings. However, the site coverage of the proposed boarding house is consistent with the site coverage that a dwelling house in the R2 Medium Density zone could achieve. The bulk, scale and site coverage of the proposed boarding house is considered to be compatible with the existing and desired future character of the local area.

Setbacks – The setbacks of the proposed boarding house from the front, side and rear boundaries are consistent with the setbacks specified under the Campbelltown (Sustainable City) Development Control Plan 2015 for residential development. The proposal includes a slight projection of the front balcony into the 5.5m front setback which serves to articulate the building, which is supported.

Architectural style/materials – The proposed boarding house has the appearance of a large two-storey dwelling, and would be visually compatible with the desired future character of the surrounding area.

The external walls of the proposed building would be a mixture of exposed brick and rendered surfaces, and the façade would include several balcony balustrades. An architectural outcome similar to that proposed under this application would not be unexpected were a dwelling house or dual occupancy development to be constructed on the site. The proposed boarding house would have a metal pitched roof, whilst the predominant roofing material is tiled roofing, the pitch roof form is consistent with the architectural style of the local area.

Landscaping/Fencing – The proposed landscaping within the front setback of the proposed development is considered to be compatible with the streetscape of Grandview Drive. The amount of impervious area proposed forward of the building line has been kept to the minimum needed to accommodate the driveway, and is reasonably consistent with that of surrounding dwellings.

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

The proposal is within the Georges River Catchment and thus this policy applies. The general aims and objectives of this plan are as follows:

- a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the catchment
- b) to protect and enhance the environmental quality of the catchment for the benefit of all users through the management and use of the resources in the catchment in an ecologically sustainable manner
- c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries
- d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the catchment
- e) (Repealed)
- f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package

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

2.6 Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 in accordance with the Campbelltown Local Environmental Plan 2015. The proposed development is defined as a boarding house as follows:

boarding house means a building that:

- (a) is wholly or partly let in lodgings
- (b) provides lodgers with a principal place of residence for three months or more
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.

but does not include backpackers accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The proposed development is considered to be consistent with the objectives of the R2 – low density residential zone:

- to provide for the housing needs of the community within a low density residential environment
- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale
- to minimise overshadowing and ensure a desired level of solar access to all properties
- to facilitate diverse and sustainable means of access and movement

The proposed development for the purpose of a boarding house is considered to satisfy the objectives above with regard to the provision of housing to meet the needs of the community with a variety of housing types. The proposal also provides housing choice within close proximity of the Campbelltown CBD and public transport.

Provision	Comment	Compliance
Part 4 Principal Development Standards		
4.3 Height of Buildings <ul style="list-style-type: none"> • 8.5m maximum 	The proposed development has a maximum height of 8m, which does not exceed the 8.5m maximum building height.	Yes
Part 5 Miscellaneous Provisions		
5.10 Heritage conservation	The subject site is not a heritage item and is not located within the vicinity of a heritage item.	Yes
Part 7 Additional local provisions		
7.1 Earthworks	The proposed development includes excavation for the purpose of a lower ground floor car park. To ensure the stability of surrounding development a dilapidation report and geotechnical report will be required as a condition of consent. The proposed excavation is not considered to affect heritage, waterways, adjoining properties or restrict future development on the land. As the proposal satisfies the matters for consideration outlined within Clause 7.1 of the CLEP 2015, the proposed excavation is supported, subject to the recommended conditions of consent.	Yes
7.2 Flood Planning	The subject site is not identified as being flood affected	Yes

7.4 Salinity	The consent contains relevant advice regarding salinity in the local area.	Yes
7.10 Essential Services	The subject site is serviced by sewer, electricity, water and phone services.	Yes

2.7 Campbelltown (Sustainable City) Development Control Plan 2015

The purpose of Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) is to provide more detailed provisions to supplement the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

Pursuant to Clause 4.15 (1) (a) (iii) Council is required to consider the relevant provisions of the applicable development control plan of the Campbelltown Local Government Area (LGA), being SCDCP 2015.

The following details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2015.

Part 2 - Requirements Applying to All Types of Development

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

Provision	Comment	Compliance
2.2 Site Analysis		
a) The development application for all development involving the construction of a building and the Torrens title subdivision of land	The site analysis plan submitted to Council is considered to be compliant with the requirements for a Site Analysis plan in accordance with Section 2.2 of the SCDCP 2015	Yes
2.3 Views and Vistas		
Development shall appropriately respond to Campbelltown's important views and vistas to and from public places. These include views and vistas to and from: i) the Scenic Hills; ii) rural/semi-rural landscape areas; iii) the Georges and Nepean River corridors; iv) areas of significant public open space (formal and informal); and v) heritage items	The proposed development does not affect views from a public place	Yes
District views and existing significant view corridors as viewed to and from public places shall be protected	The proposed development does not affect significant view corridors	N/A
2.4 Sustainable Building Design		
2.4.1 Rainwater Tanks A rain water tank shall be provided for all new buildings containing a roof area greater than 100sqm for all development not specified by BASIX	The proposed development includes a 5,000 litre rainwater tank	Yes

All rainwater tanks shall comply with AS3500 (as amended) – National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas and Sydney Water’s Guideline for Rainwater Tanks on Residential Properties	Relevant conditions are recommended to ensure the rainwater tank is installed in accordance with Section 2.4 of the SCDCP 2015	Yes
Above ground water tanks shall be located behind the primary or secondary building line	The rainwater tank is located in the side setback, behind the front building line	Yes
2.4.2 Solar Hot Water	A solar hot water system is not proposed and is not required for the proposed development	N/A
2.4.3 Natural Ventilation	The proposed development provides for natural ventilation to all boarding rooms and the communal room	Yes
2.4.4 Light Pollution	Conditions are recommended to prevent light spill to adjoining properties	Yes
2.5 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 landscape design seeks to maintain a number of large established trees in the rear setback. The proposed plantings to the front setback would complement the front setback	Yes
Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible	The landscape design seeks to retain a number of established trees	Yes
Landscape design shall add value to the quality and character of the streetscape	The landscape design will contribute to the landscape character of the streetscape	Yes
The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person	The applicant has submitted a landscape plan which includes substantial planting to the front setback, the proposed plant species include some native species. However, to ensure the proposal meets the minimum 50% native species, a condition of consent to amend the plant schedule should be applied as a condition of consent	Yes, condition recommended
f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species	Condition recommended	Yes, condition recommended

2.7 Erosion and Sediment Control		
An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface. For requirements relating to the preparation of an ESCP, refer to Appendix 5 of Volume 1 and Council's Engineering Design Guide for Development	An erosion and sediment control plan was submitted with the development application, which will be endorsed as a consent document	Yes
Site activities shall be planned and managed to minimise soil disturbance	The plan submitted minimises soil disturbance	Yes
Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance	Diversion banks are included in the plan submitted to Council	Yes
d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path	Stockpile locations have not been identified on the plans	Yes, condition recommended
2.8 Cut, fill and floor levels		
2.8.1 Cut and Fill A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations	The applicant has not provided a cut and fill management plan for the proposed development, a condition of consent will be applied to ensure a CFMP is prepared and implemented on site	Yes, condition recommended
For any dwellings within residential zones, the maximum level of cut shall not exceed 1.0 metre below the ground level (existing) and the maximum level of fill shall not exceed 1.0 metre above ground level (existing), when measured at any corner of the building platform	The proposed development will exceed 1m cut on the site. The level of cut within the building platform to facilitate the lower ground floor is considered to be acceptable, given the topography of the site. Appropriate conditions of consent have been recommended to manage excavation	Yes
Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure	As the proposal includes substantial excavation, a condition of consent is recommended requiring a dilapidation report	Yes, condition recommended
Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1 per cent to any adjoining waterway; and ii) batters to be no steeper than 2H:1V	The proposed excavation of the basement does not result in batters on the site	Yes

<p>('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas</p>		
<p>All fill shall be 'Virgin Excavated Natural Material' (VENM)</p>	<p>No filling is anticipated on the site. Notwithstanding, relevant conditions for any imported soils should be applied to the consent</p>	<p>Yes</p>
<p>2.8.2 Surface Water and Floor Levels All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) flood level</p>	<p>Relevant conditions relating to floor levels have been recommended by Council's Development Engineer</p>	<p>Yes, condition recommended</p>
<p>For development on land not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be 100mm. These heights can be reduced locally to 50mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction)</p>	<p>Relevant conditions with regard to overland flow have been recommended by Council's Engineer</p>	<p>Yes</p>
<p>Buildings involving basements, hospitals, seniors living dwellings and educational establishment with more than 50 students shall comply with the provisions of Council's Engineering Design Guide for Development</p>	<p>The proposed development includes a lower ground floor area, where required, relevant conditions of consent have been proposed to ensure basement development is designed in accordance with the Engineering Design Guide</p>	<p>Yes</p>
<p>Where underground car parking is proposed, measures shall be taken in design and construction to ensure escape routes, pump out drainage systems (which include backup systems) and location of service utilities (including power, phone, lifts) are appropriately located in relation to the 100 year ARI event, in accordance with Section 4.13.8 of Council's Engineering Design Guide for Development</p>	<p>The lower ground level car park drains to the street, pump out measures are not required in this instance</p>	<p>Yes</p>
<p>2.9 Demolition</p>		
<p>a) A development application involving demolition shall be considered having regard to the following information: i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as</p>	<p>The demolition of existing structures is supported. Appropriate conditions of consent are recommended to ensure the demolition is carried out in compliance with the controls</p>	<p>Yes</p>

<p>amended);</p> <p>ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);</p> <p>iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain;</p> <p>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</p> <p>v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure</p>	<p>Due to the age of the building relevant conditions with regard to asbestos removal should also be applied to the consent</p>	
2.10 Water Cycle Management		
<p>2.10.2 Stormwater</p> <p>The design and certification of any stormwater system shall be undertaken by a suitably qualified person</p>	<p>A suitable stormwater management plan was submitted to Council</p>	Yes
<p>Development shall not impact on adjoining sites by way of overland flow of stormwater unless an easement is provided. All overland flow shall be directed to designated overland flow paths such as roads</p>	<p>The proposed development is not considered to affect the adjoining property</p>	Yes
<p>Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device. Where stormwater cannot be discharged directly to a public drainage facility, a drainage easement of a suitable width shall be created over a downstream property(s) allowing for the provision of a drainage pipe of suitable size to adequately drain the proposed development to a public drainage facility</p>	<p>The proposed stormwater concept plan will dispose of stormwater to the street via gravity</p>	Yes
<p>All proposed drainage structures incorporated within new development shall be designed to maintain public safety at all times</p>	<p>Appropriate conditions of consent are recommended to reflect this</p>	Yes
<p>Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development</p>	<p>The stormwater system will drain into Council's trunk system</p>	Yes
<p>2.10.3 Stormwater Drainage</p> <p>A stormwater Drainage Concept Plan</p>	<p>The applicant has submitted a stormwater management plan</p>	Yes

shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site	that demonstrates that the development will drain to the street via gravity	
The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s	The proposed stormwater needs to be amended to comply with Council's requirements	Yes, condition recommended
2.12 Retaining Walls		
Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person	Conditions of consent are recommended to ensure retaining walls are designed by a suitably qualified person	Yes
In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply: i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut	The proposed development includes retaining walls, which are not located within 450mm of the property boundaries. Additional retaining walls that are not identified as exempt development would require separate approval	Yes
Any retaining wall shall not adversely alter surface flows to adjoining private land	The proposed retaining walls do not adversely alter surface flows	Yes
Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction	The proposed retaining walls are located wholly within the property boundary	Yes
Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure	A dilapidation report should be required as a condition of consent	Yes

2.13 Security		
<p>a) Development shall be designed to:</p> <p>i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places;</p> <p>ii) minimise dead ends and other possible entrapment areas;</p> <p>iii) clearly identify and illuminate access points to buildings and designated public places; and</p> <p>iv) clearly differentiate between private and public space</p>	<p>The proposed development is oriented to overlook the street to provide casual surveillance.</p> <p>Clear illumination of the development will be required. This is a recommended condition of consent.</p> <p>Landscaping will clearly delineate between public and private places</p>	Yes
<p>b) External lighting shall be designed to:</p> <p>i) encourage the use of safe areas;</p> <p>ii) define safe corridors for movement of people; and</p> <p>iii) allow facial recognition of approaching pedestrians at 15 metres</p>	An external lighting plan will be required condition of consent is recommended	Yes, condition recommended
<p>c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention</p>	The proposed development includes fencing and landscaping. Provision of a security system is included in a recommended condition of consent	Yes, condition recommended
<p>e) Development applications for multi dwelling housing, attached dwellings residential fat buildings, mixed-use development, shop top housing, commercial development, industrial development and large scale subdivision comprising more than 10 dwellings/units allotments or incorporating works to be dedicated to Council shall be accompanied by a crime prevention plan to be prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design</p>	The proposed development for a boarding house is not required to comply with the provisions of this control. Notwithstanding, given the proposal for 13 boarding rooms are self-contained domiciles and can be considered to be a dwelling, a crime prevention plan will be required to be prepared for the development, and is included as a recommended condition of consent	Yes, condition recommended
2.15 Waste Management		
<p>2.15.1 Waste Management Plan</p> <p>a) A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required</p>	The applicant has submitted a waste management plan in support of the proposed development. Additional details are required to address controls within Section 2.15 of the SCDCP, which will be conditioned accordingly	Yes, condition recommended

2.15.2 Waste Management during demolition & construction All waste and recyclable streams shall be stored separately on site	The waste management plan will be conditioned to be amended to address all relevant requirements of Section 2.15 of the SCDCP 2015	Yes, condition recommended
All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP	A revised waste management plan is required	Yes, condition recommended
Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management facility. Details of disposal arrangements shall be specified in the WMP	The waste management plan submitted provides for recycling of building products at licensed waste management facilities	Yes
Convenient and safe vehicular access to waste and recycling material storage areas shall be provided	The site has convenient access	Yes
The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, Office of Environment and Heritage and other regulatory authority guidelines and requirements	Relevant conditions with regard to asbestos can be included in the consent	Yes
2.15.3 On-going Waste Management Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view.	The proposed development makes provision for a waste storage room on the lower ground floor that is not visible from public view.	Yes
Any room(s) for storing garbage and recycling shall be located in a position that is convenient for occupants and waste collection staff. Collection rooms shall complement the development and not be visibly obtrusive when viewed from any public place	The garbage room has direct level access to the street for collection	Yes
A refuse collection point shall be nominated demonstrating that waste-loading operations can occur on a level surface not adjacent to steep gradients, vehicle ramps and pedestrian access points.	The street frontage is the waste collection point, which is acceptable	Yes
The path for wheeling bins between waste storage area(s) and the collection vehicle shall be free of steps or kerbs and have a maximum gradient of 1V:8H	The gradient of the driveway provides appropriate access to the kerb for collection	Yes

The maximum travel distance between any storage area/point and the collection point for all bins shall be 25 metres	The travel distance is less than 25m	Yes
2.17 Work On, Over or Near Public Land		
Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips	The consent shall be appropriately conditioned to ensure works on public land obtain relevant consent from Council	Yes, condition recommended

Part 11 – Vegetation and Wildlife Management

Council's controls outlined in Section 11.3.6 requires the provision of replacement tree planting where trees are proposed for removal. The proposal includes the removal of three trees. The location of the trees is within the front setback and they cannot be retained. The applicant has provided a landscape plan which includes the provision of three native trees, with a 35L pot size at planting. To ensure advanced species are provided to the site, this will be amended to a minimum size of 100L at planting. It is amended that a condition require the proposed plant schedule to be amended to ensure a minimum of 50% of the plants selected are from the Campbelltown Native Gardening Guide.

Part 17 - Boarding House

The development application was lodged with Council prior to the adoption of Part 17 of the SCDCP, which includes specific controls for boarding houses and therefore the application has not been assessed against these criteria.

Developer Contributions

The proposed development is subject to Section 7.12 developer contributions, as the proposed development is not located on land within a specified Section 7.11 plan. An appropriate condition of consent for Section 7.12 developer contributions is recommended.

3. Planning Assessment

3.1 Impacts on the natural and built environment

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

- demolition and construction
- built form
- retention of trees
- waste storage and collection
- privacy

Demolition and Construction

The demolition and construction phases of the development have the potential to generate short term environmental impacts through the generation of dust, noise and vibration.

Conditions of consent have been recommended to manage the demolition works, including the installation of erosion and sediment control measures prior to works commencing on site.

Built Form

The proposed development provides an appropriate design with a range of building materials which reflects the predominant building materials in the local area. The use of face brick, render and clad on the building façade provides for a low maintenance durable façade which reflects the desired future character of the local area. Overall, it is considered the proposed development is consistent with the desired future character for development in the Campbelltown locality.

Removal and retention of trees

The proposed development includes the removal of a number of large trees in the front setbacks to facilitate the proposed development. If the trees were retained they would affect the functionality and design of the development and cannot be retained. The proposal also originally included the removal of a large tree in the rear setback, located outside of the building footprint. Given the location of the tree with regard to the property, it was considered that the tree can be retained, and the plans were amended to retain the tree. Conditions of consent are recommended to retain and protect the tree in the rear setback.

Waste storage and collection

The proposed development includes a waste storage room on the lower ground floor that accommodates the required number of garbage and recycling bins for the proposed development. The current SCDCP controls for waste bins for boarding houses require 5 waste bins and 5 recycling bins. The garbage room accommodates the ten bins required.

The waste room also has surplus spaces of approximately 8m², to provide a bulky good waste storage area in the basement, which is considered appropriate for the proposed development, to reduce instances of large bulky waste items being located on the kerb for extended periods of time prior to collection.

The subject site frontage of 24.38m has sufficient space for kerbside collections for the 10 bins required. The total area required for kerbside presentation is less than 50 per cent of the street frontage, which is considered to be acceptable.

Privacy

The proposed development provides for limited windows and projections to the side elevations. The ground floor elevation has two side terraces, where the finished floor level exceeds 1m above natural ground level the terrace to room 7 is screened to the side boundary. The side terrace to room 6 is acceptable without a screen. The remainder of the ground level windows are acceptable and will be screened by the boundary fence.

The northern side elevation is provided with privacy screens to the first floor windows, which ameliorate any potential privacy issues.

The ground floor windows to the southern side elevation include two highlight windows and two standard windows. The location and sill height to room 4 is elevated above natural ground level and a condition to require an increased sill height is recommended.

The first floor southern side elevation windows are all highlight windows, which ameliorate any potential privacy issues.

3.2 Social, economic and environmental impacts

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Having regard to social and economic impacts generated by the development, the boarding house would contribute to the provision of affordable housing within the Campbelltown locality, to meet the housing needs of the local community. The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation of employment.

3.3 Site Suitability

Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the suitability of the site for the proposed development.

Development for the purpose of a boarding house is permissible with consent in the R2 land use zone and is consistent with the objectives of the zone. The site is readily capable of accommodating the proposed development.

The development is similar in nature, scale and appearance to other boarding houses that have been approved and constructed in the local government area over several years.

4. Public Participation

Part 9 of Campbelltown (Sustainable City) Development Control Plan 2015 outlines Council's public participation policy in regard to Council Strategic Planning Documents (CSPDs) and Development Applications (DAs).

The policy requires applications proposing specified land uses and construction on land adjoining allotments where residential development is permissible to be publicly notified. The subject application proposes demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers and as such was required to undergo the notification process.

The application was notified to the surrounding property owners by way of a letter and accompanying plans. The property owners were provided a period of 14 days between 1 August 2016 and 15 August 2016 to provide comments regarding the proposal. Additionally, a sign bearing a set of notification plans was required to be displayed on site.

Seventeen submissions were received plus a petition with 78 signatures. The issues raised in the submissions are addressed in detail below.

Issue: On Street parking and narrow street and traffic impacts

Response: The street has space for on street parking, which is utilised by current residents. The proposed boarding house is relatively small and is not considered to result in adverse traffic impacts on the locality.

An objector has queried if covenants will restrict car ownership for residents of the boarding house and visitors parking in the area and where residents and visitors will park. Council generally does not restrict on street parking in residential areas, the street is available for all residents and visitors to utilise, whether they live in a house, apartment or boarding room. The development complies with onsite parking requirements under the Affordable Rental Housing SEPP. It is anticipated residents will park either on site or on the street, and visitors will park on the street, which is considered to be an acceptable outcome under the SEPP.

Restrictions with regard to visitor times will be enforced in the Operational Plan of Management for the site. Therefore, overnight visitors are not allowed on the premises.

Issue: Poor location for proposed development

Response: The location of the boarding house is consistent with the location of boarding houses outlined within State Environmental Planning Policy (Affordable Rental Housing) 2009.

Issue: Character of occupants and impact on surrounding neighbours

Response: Boarding houses provide affordable housing for single people and couples throughout the Sydney region. All tenants will be required to sign tenancy agreements and follow rules outlined in the plan of management for the premises.

Suggestions that the proposed development would result in increased crime in the local area are considered to be unfounded.

Issue: Compliance with controls

Response: The proposed development as amended through the process generally complies with the relevant provisions within the SEPP (Affordable Rental Housing), Campbelltown Local Environmental Plan and Campbelltown (Sustainable City) Development Control Plan 2015.

Issue: Construction noise

Response: Construction hours are normally limited by way of consent conditions which are applied to all development applications across the local government area. Construction noise impacts on adjoining properties within the hours specified by Council are considered to be acceptable.

Issue: Limited on-site parking

Response: The proposed car parking, motorbike parking and bicycle parking complies with the number of spaces required by the SEPP (Affordable Rental Housing) 2009. The reduced number of car parking spaces is facilitated by the SEPP.

Issue: Children playing on the road

Response: Several objectors have raised objections to the development as it is claimed the proposal would result in increased traffic, posing a risk to children playing on the street. The proposal satisfies the car parking requirements for the proposed development and any minor increase in traffic generation is considered to be acceptable.

Issue: Out of character with area

Response: The surrounding development is predominantly single storey small scale detached dwellings. The proposed development has been amended to provide a stepped two storey development, compliant with the maximum building height for the surrounding area under the CLEP 2015. A character assessment of the proposed development is provided elsewhere in this report.

Issue: Overdevelopment of the site

Response: The proposed development complies with the relevant provisions for boarding house development within the R2 zone, therefore the proposed development is not considered to be an overdevelopment of the site.

Issue: Inconsistent with the character of Grandview drive

Response: Objectors have stated the proposed development is inconsistent with the heritage of Grandview Drive, whilst the area consists of predominantly older homes, the surrounding area is not identified as a heritage conservation area.

Issue: Overshadowing

Response: The proposed development would result in additional overshadowing to the property to the south. However, the property would maintain a compliant level of solar access to the dwelling and to the private open space area at the rear of the site.

No other property would be affected by overshadowing as a result of the proposed development.

Issue: Loss of property value

Response: The development for the purpose of a boarding house is not considered to devalue adjoining residential development.

Issue: Is the premises privately operated or a business?

Response: Whether or not the operation of the premises will be either public or private is not a matter relating to the assessment of the application. The proposal is for a boarding house with capacity for 19 lodgers.

Issue: Application does not state if incentives are given by Council.

Response: The development of boarding houses is not provided with any incentives from Council.

Issue: Increased waste service would impact street parking and footpath access and

Response: Waste would be collected by Council trucks on a weekly basis, consistent with residential waste collection. The proposed waste collection would not affect street parking or footpath access.

A garbage room will be constructed on the lower ground floor level, to Council specifications, which will be cleaned and maintained to ensure no odour or other impacts on the adjoining residents.

Issue: Visual and acoustic privacy

Response: The application has been assessed against the relevant provisions for privacy outlined within the SEPP and SCDP, notwithstanding where the proposal would result in unacceptable privacy impacts, conditions of consent will be applied to limit potential overlooking to adjoining properties.

Any consent for a boarding house can be appropriately conditioned to ensure the operation of the boarding house does not adversely affect the acoustic privacy of the surrounding residential properties.

Issue: Height

Response: The proposed development does not exceed the maximum building height for development detailed in the Campbelltown Local Environmental Plan 2015

Issue: Application does not state if boarding house is general or assisted.

Response: The operation of the boarding house is at the discretion of the owner.

Issue: Sewerage

Response: An objector has stated issues relating to the existing tenants of the property hose raw sewage into the stormwater. This is not confirmed and would be an issue for Council's compliance team to address. Any new development would be required to ensure the entire development is connected to reticulated sewerage.

Issue: Commercial business not appropriate in residential area

Response: Boarding house developments are separately defined under the CLEP 2015 and are not considered to be a commercial business.

Issue: Personal information in the submission and GIPA

Response: Submissions made to Council can be accessed by GIPA through the appropriate channels. Council does not provide personal contact details to objectors.

Issue: Setbacks

Response: The proposed setbacks for the boarding house are considered to be appropriate for the subject site consistent with residential development controls outlined within the SCDP 2015. Appropriate privacy measures have been included in the design to protect the privacy of the adjoining neighbours.

Issue: Request to review documentation

Response: All documentation was available for viewing at Council during notification period.

Issue: Boarding house maintenance

Response: The applicant has submitted a plan of management in support of the application. The plan of management would be endorsed as a consent document if the application is approved and will include provisions for regular maintenance.

Issue: Request public meeting with Council

Response: Several objectors have requested a community meeting to discuss the application, undertaking such a meeting is not considered to be required for the proposed development, the community has been notified of the proposal in accordance with Part 9 of the SCDCP 2015 and the proposal will be determined by the Local Planning Panel which is a public meeting and all objectors will be invited to attend and there are opportunities to register to address the panel.

5. The Public Interest

Section 4.15(1)(e) of the EP&A Act requires Council to consider the public interest when determining an application.

The public interest is an overarching assessment of the benefits or otherwise that a development may have for the immediate area and/or community in general and on matters of broader public interest including compliance with environmental planning instruments.

The proposed development is considered to be in the public interest.

6. Conclusion

The development application 2342/2016/DA-BH proposes demolition of an existing dwelling and construction of a 13 room boarding house for up to 19 lodgers at 22 Grandview Drive, Campbelltown. The proposal has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Seventeen submissions and one petition with 78 signatures was received in regard to the application. The issues raised in the submissions are addressed in detail in the report.

The proposal is largely compliant with the relevant development standards and controls, with the exception of some minor variations to the controls, which are addressed within this report and found to be acceptable on merit or have been addressed by way of condition. Therefore, the proposal is recommended for approval.

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Locality Map (contained within this report)
3. Zoning Map (contained within this report)
4. Site Plan (contained within this report)
5. Landscape Plan (contained within this report)
6. East Elevation (contained within this report)
7. North Elevation (contained within this report)
8. South Elevation (contained within this report)
9. West Elevation (contained within this report)
10. Section Plan (contained within this report)
11. Roof Plan (contained within this report)
12. Lower Ground Floor Plan - confidential for privacy reasons (distributed under separate cover)
13. Ground Floor Plan - confidential for privacy reasons (distributed under separate cover)
14. First Floor Plan - confidential for privacy reasons (distributed under separate cover)
15. Notification Plan - confidential for privacy reasons (distributed under separate cover)

Reporting Officer

Executive Manager Urban Centres

2342/2016/DA-BH

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Plan/ Document No.	Version/ Revision	Prepared by	Date
DA01C Site Plan & Location Plan	Revision C	Cactus Design & Drafting	23.05.2018
DA02C Lower Ground Floor Plan	Revision C	Cactus Design & Drafting	23.05.2018
DA03C Ground Floor Plan	Revision C	Cactus Design & Drafting	23.05.2018
DA04C First Floor Plan	Revision C	Cactus Design & Drafting	23.05.2018
DA05C Roof Plan	Revision C	Cactus Design & Drafting	23.05.2018
DA06C West & East Elevation	Revision C	Cactus Design & Drafting	23.05.2018
DA07C South & North Elevation	Revision C	Cactus Design & Drafting	23.05.2018
DA08C A & B Section	Revision C	Cactus Design & Drafting	23.05.2018
DA09C Site Analysis Plan/ Street Elevation	Revision C	Cactus Design & Drafting	23.05.2018
DA10C Demolition Plan	Revision C	Cactus Design & Drafting	23.05.2018
DA11C Shadow Diagrams Winter	Revision C	Cactus Design & Drafting	23.05.2018
DA12C Shadow Diagrams Hourly	Revision C	Cactus Design & Drafting	23.05.2018
DA13C Shadow Diagrams Hourly	Revision C	Cactus Design & Drafting	23.05.2018
DA15C 3D Views	Revision C	Cactus Design & Drafting	23.05.2018
Drwg No. SW01 Sediment Control Plan		Australiawide Consulting Services P/L	13.07.2016
Drwg No. SW02 Stormwater Drainage Concept Plan		Australiawide Consulting Services P/L	13.07.2016
L-01 Landscape Plan	Issue A	Rfa Landscape Architects	16.03.2017

- a. Operational Plan of Management
- b. Colour Schedule dated 17.07.2016
- c. Basix Certificate No. 935521M

2. Amended Plans

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

- a. Translucent glazing shall be provided to all bathroom windows.
- b. The applicant is required to obtain a tree protection plan from a suitably qualified arborist for the tree located to the north of the rear setback.
- c. The landscape plan shall be amended to ensure the pot size of large trees increases to 100Litres at planting.
- d. The tree identified on the survey submitted to Council prepared by J.P Bates & Inwood as having a height of 11m and spread of 16m shall be retained, the landscape plan shall be amended to remove reference to the removal of this tree.
- e. An external lighting plan shall be submitted.
- f. The sill height to the window to room 4 shall be amended to a minimum of 1700mm above FFL102.8.
- g. All privacy screens shall have a maximum open aperture of 30%.

3. Boarding House Plan of Management

The Operational Plan of Management (POM) dated 19 July 2016 prepared by Urbanesque Town Planning shall be amended to include the following:

- a. The accommodation table shall be amended to reflect the approved plans.
- b. The indoor common room shall be signposted to remind occupants to ensure the amenity of the neighbours;
- c. Use of the common room is permitted by occupants; use of the common room for large parties/ groups is not permitted;
- d. The boarding house managing agents contact details shall include a mobile phone number, detailed in the POM;
- e. Maintenance of grounds shall be managed by either the owner or by private contract, whichever option shall be detailed within the POM accordingly;
- f. Running of facility in accordance with Boarding House Act 2012;
- g. Maintenance and fire safety requirements shall be detailed in the POM;
- h. The use of common areas is not permitted between 10.00pm and 7.00am;
- i. Visitor rules, pet rules, and rules related to the use of alcohol and/or drugs shall be detailed in the POM and distributed to each new tenant;
- j. Alcohol and drug policies shall be clearly displayed;
- k. Emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity and plumbing shall be displayed in common areas and the building entry;
- l. Details of the selected surveillance system and training of all boarding house managers shall be required by the POM and minimum yearly function tests of the surveillance system shall be detailed in the POM and adhered to;
- m. Installation of perimeter lighting, appropriate fencing and secure gates.

- n. All residents shall have their own room keys. Keys for security entrance doors shall be made available to essential services such as fire brigade in case of emergency;
- o. Suitable provisions shall be made for residents to ring emergency services in the event of an emergency, i.e. provide access to a landline telephone;
- p. Safety and security measures must be clearly stated in detail in the Operational Plan of Management;
- q. A record of rent receipts shall be issued to boarders;
- r. A complaints register shall be made available to Council;
- s. Car parking shall be made available to all tenants. Car parking spaces are not permitted to be reserved or allocated. Tenants shall register the number plate of their vehicles with the management agency.
- t. Details of emergency management and an evacuation plan shall be included in the POM and detailed within the building;
- u. Details of the person responsible to present waste bins to the kerb for collection and relocation to the garbage room on the day of collection.
- v. A lighting maintenance plan shall be detailed in the POM;
- w. Details for the management of graffiti shall be detailed in the POM, including the removal of all graffiti within 48 hours of the incident;

A copy of the revised POM shall be submitted to Council for approval prior to the issue of a Construction Certificate.

The POM shall be revised yearly or upon the appointment of a new boarding house manager and a copy of the revised POM shall be provided to Council and the Police.

A copy of the approved POM shall be distributed all new residents. Where the POM is updated or revised, a copy of the revised POM shall be distributed to all tenants. In addition, a copy of the POM shall be kept on the premises at all times.

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. Boarding House – Use and Operation

The use and operation of the premises shall comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993 and the Boarding House Act 2012.

6. 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.

7. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan including alterations required by condition 2 of this consent and shall be undertaken by a suitably qualified landscape consultant/ contractor. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

8. Safety and Security

The following provisions shall be provided for the proposed development and the plans shall be amended to reflect details as follows:

- a. Surveillance equipment shall be installed both within and around the premises. The boarding house manager shall be trained in the operation of the surveillance system installed on site. The system shall be installed by a suitably qualified person and the system shall be function tested regularly. In addition, the operation of the surveillance system shall satisfy the requirements of the Surveillance and Privacy Act.
- b. Lighting shall be designed to the Australia and New Zealand Lighting Standard 1158.1, which requires lighting engineers and designers to consider crime risk when designing the location of lighting. The plans shall be amended in accordance with such provisions.
- c. Clear and effective signage and/or directional signs shall be installed to provide guidance to visitors.
- d. The front façade of the building shall employ the use of graffiti resistant materials where appropriate.
- e. The provision of any external fixtures and fittings within the common area including chairs, planter boxes and pots shall be permanently fixed to the ground.
- f. Shatter resistant film shall be applied to all windows prior to the issue of an Occupation Certificate.
- g. Emergency evacuation plans shall be prominently displayed.

9. External Finishes

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

10. Fencing

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

11. 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.

12. Driveway and Car Park Layout

The driveway width, gradients, car park layout and manoeuvring areas shall be designed in accordance with *Australian Standards AS 2890.1 and AS 2890.2 (as amended)*.

13. Lighting

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

14. Storage of Goods

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

15. 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.

16. Unreasonable Noise, Dust and Vibration

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

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

17. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's *Engineering Design Guide for Development and Campbelltown (Sustainable City) DCP*.

18. Rubbish/Recycling Bin Storage

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

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

19. 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.

20. Rain Water Tank(s)

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

All rainwater tanks shall comply with *AS3500 (as amended) – National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas* and *Sydney Water's Guideline for Rainwater Tanks on Residential Properties*.

21. 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.

22. Acts and Regulations

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

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

23. Waste Storage Room and Waste Management

The waste storage room identified on the approved plans must:

- i. include 240 litre general waste bins and 240 litre recycle bins.
- i. be provided with a concrete floor, with concrete or cement rendered internal walls coved to the floor.
- ii. be provided with a floor that is graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- iii. be provided with a hose connector to adequately clean the room.
- iv. be vented to the external air by natural or artificial means.

The waste management plan shall adhere to the following:

- i. The bins shall be stored within the waste storage room at all times other than for collection. Waste bins must not be stored within vehicle parking, vehicle manoeuvring areas of landscaped areas.

- ii. All bins shall be presented to the street and returned to the waste storage room by a building manager.
- iii. All waste and recycling generated from the premises is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

24. Noise Mitigation Measures

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

- i. The occupants and visitors must ensure orderly conduct with no disturbances to neighbours.
- i. No guests after 10pm.
- ii. The common room will be closed at 10pm daily and re-open at 7am. Doors and windows to the indoor communal area are to be kept closed after 10pm and before 7am.
- iii. The outdoor common area and rear open space must be used in a quiet and peaceful manner at all times.
- iv. Peace and quiet is to be upheld at all times. Abusive language, excessive noise, privacy, parties and other anti-social behaviour will not be tolerated.
- v. 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.
- vi. 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 9pm.

In addition, the following must be adhered to at all times:

- i. outdoor common area is not used after 10.00pm or before 7.00am
- i. no music to be played in outdoor areas
- ii. radios or similar are permitted in the common area when the windows to the common area are kept closed.

25. Unreasonable Noise

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

The applicant shall place signs in the vehicle car parking and outdoor recreation areas that contain wording to the effect that residents and visitors are requested to refrain from making noise after 9pm.

26. Maximum Number of Lodgers per Room

The building is to contain a maximum of 19 persons. The maximum occupancy rate of each boarding room shall be in accordance with the table below:

Room Number	Maximum occupancy
Ground Level	
RM1	2
RM2	2
RM3	1
RM4	2
RM5	1
RM6	1
RM7	1
First Floor	
RM8	2
RM9	2
RM10	2
RM11	1
RM12	1
RM13	1

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

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

27. Demolition of Pre 1987 Buildings

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by WorkCover NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

28. Stockpiles

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

29. Asbestos Removal

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

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.

30. 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.

31. 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, in accordance with Section 2.15 of Volume 1 of the Campbelltown (Sustainable City) Development Control Plan 2015.

32. 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.

33. 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.

34. Stormwater Management Plan (Development)

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

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed and discharged directly to the rear of the kerb & gutter in Grandview Drive utilising Council's standard kerb roof water outlet & kerb adaptor. The kerb roof water outlet shall be positioned directly in front of the subject lot.

All proposals shall comply with the requirements detailed in Council's *Engineering Design Guide for Development (as amended)*.

35. Dilapidation Report

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **20 and 24 Grandview Drive, Campbelltown**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

36. 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.

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

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups (Sydney)* where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

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

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

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

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

38. Design for Access and Mobility

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

39. Telecommunications Infrastructure

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

40. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

41. Erosion and Sediment Control

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

42. Erection of Construction Sign

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

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

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

43. Toilet on Construction Site

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

- a. A public sewer, or
- b. 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.

44. Trade Waste

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

45. Vehicular Access during Construction

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

46. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property 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.

47. Demolition Works

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

48. 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.

49. Fencing

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

50. 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.

51. 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.

52. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

53. Erosion and Sediment Control

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

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

54. 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.

55. Protection of Existing Trees

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

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

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

56. Excavation and Backfilling

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

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

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

57. 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.

58. 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.

59. 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.

60. 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.

61. Public Safety

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

62. Compliance with Relevant Authority's Specifications

All design and construction work shall be in accordance with:

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

63. Footpath

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels obtained from Council. The footpath formation may need to be extended beyond the site boundaries to provide an acceptable transition to existing footpath levels.

64. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's *Medium Density Vehicle Crossing Specification and Engineering Design Guide for Development (as amended)*.

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

65. 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.

66. Redundant Laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter in accordance with the requirements detailed in Council's *Engineering Design Guide for Development (as amended)*.

67. Completion of Construction Works

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

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

68. Imported 'waste-derived' fill material

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

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

69. 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.

70. 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.

71. 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.

72. Restoration of Public Roads

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

73. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any 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.

74. Compliance Certificate for Work on Public Land

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall obtain a Compliance Certificate from Council approving all the works carried out on public land.

75. 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.

BOARDING HOUSE CONDITIONS

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

76. Registration

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

77. Notices

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

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

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

78. Cleanliness

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

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

79. Pest and Vermin

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

80. Lighting and Ventilation

Adequate light and ventilation must be maintained in the premises.

81. Long term residences

If persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom windows for privacy must be provided for the occupants.

82. Neighbourhood Amenity

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products.

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 4.17 of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

Advice 2. Tree Preservation Order

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

A tree is defined as a perennial plant with self supporting stems that are more than 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. Buried Waste

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

Advice 4. 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 5. Salinity

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

Advice 6. Rain Water Tank

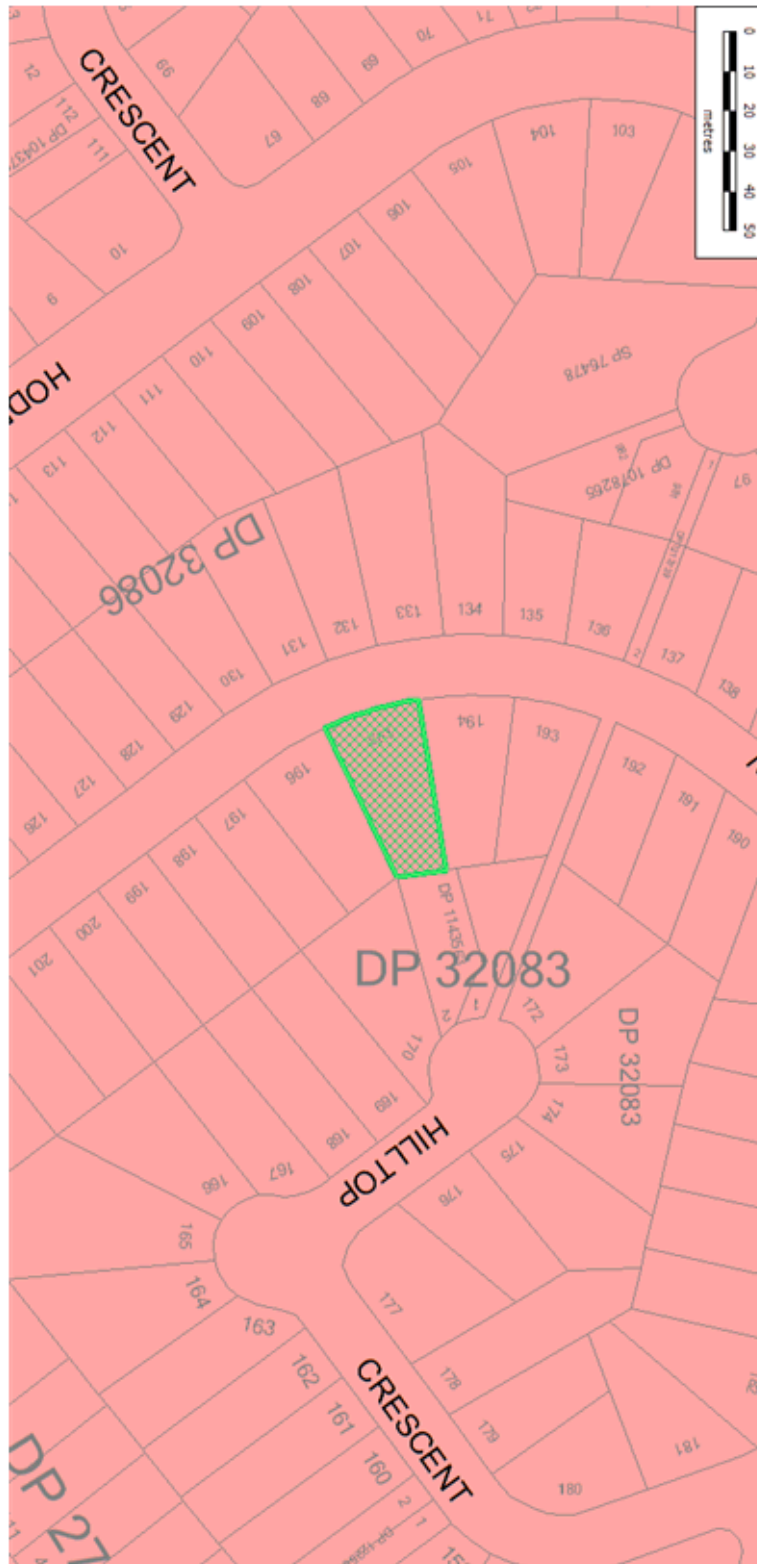
It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

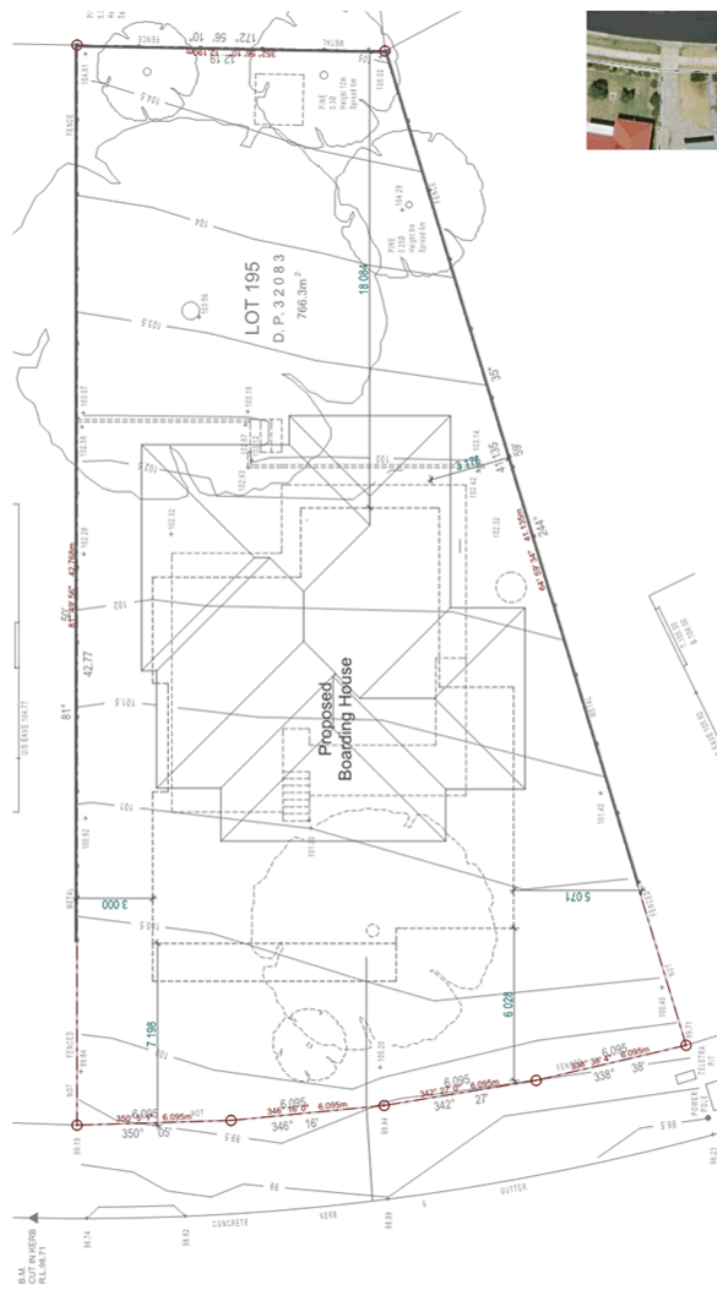
Advice 7. Dial before you Dig

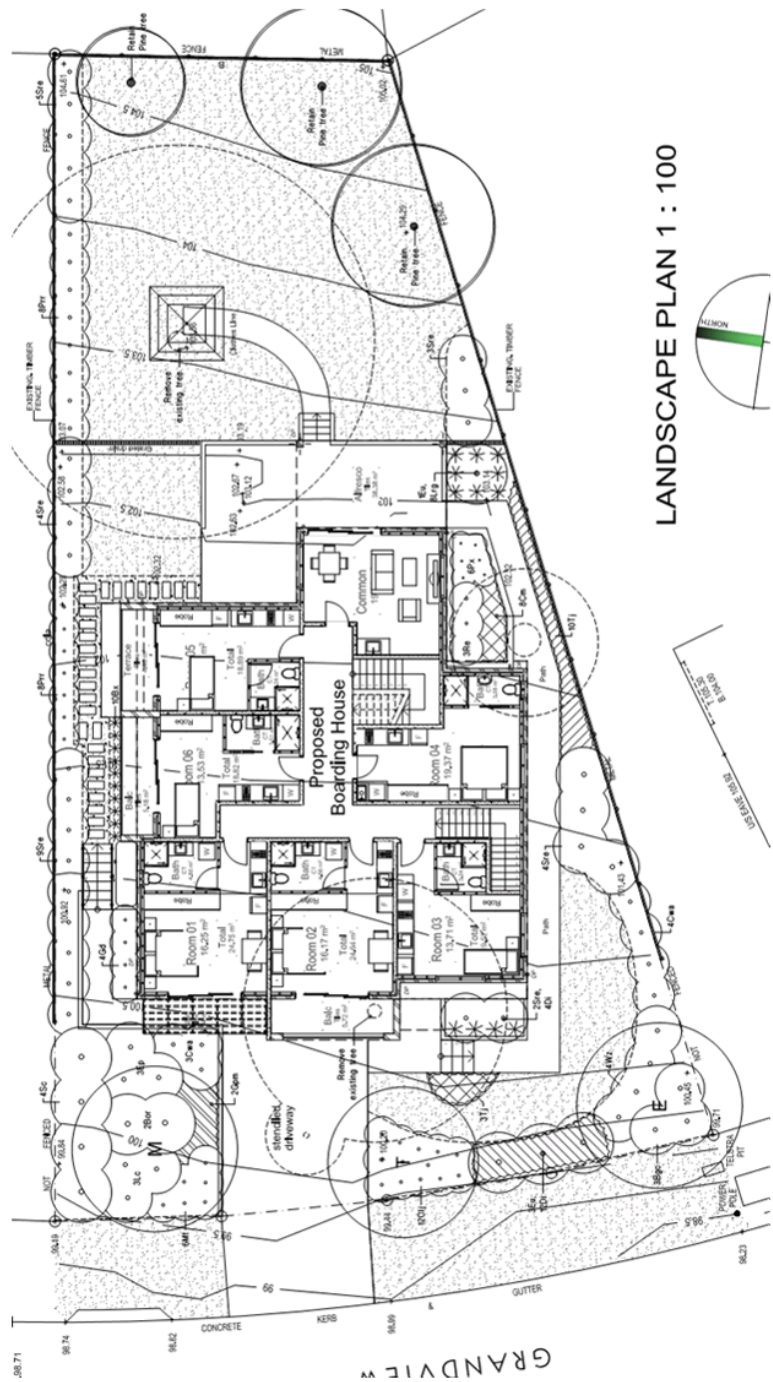
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law 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.

END OF CONDITIONS

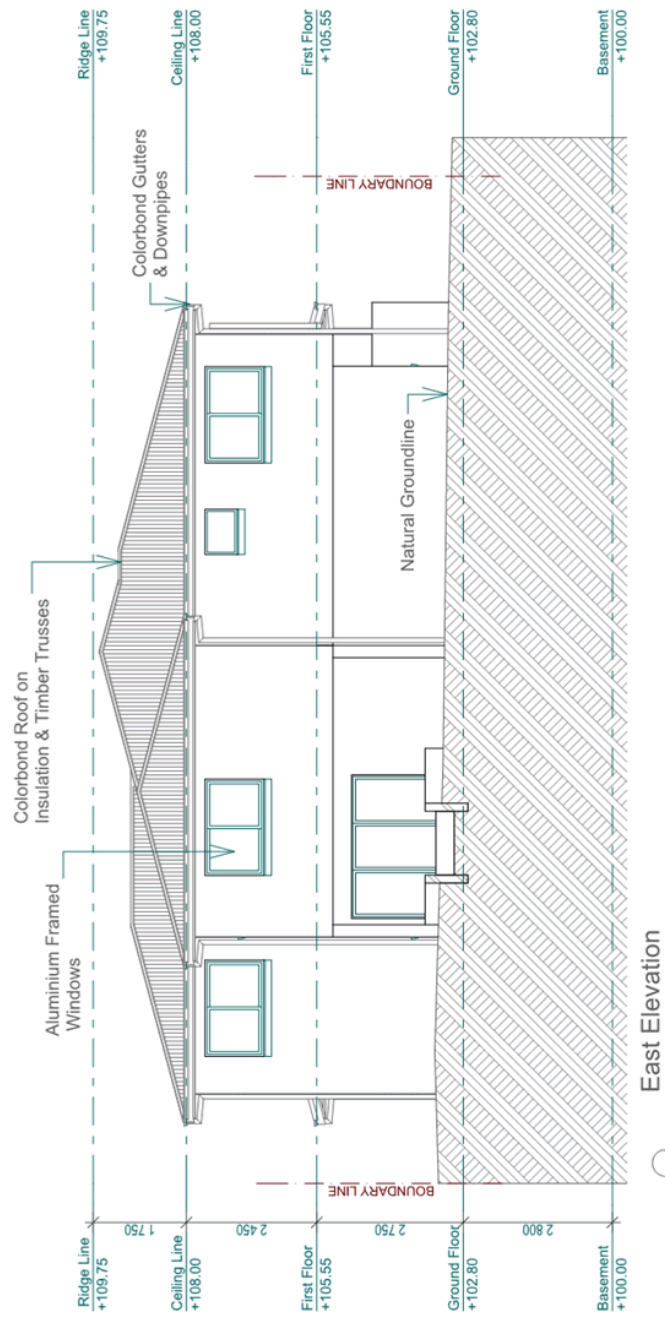


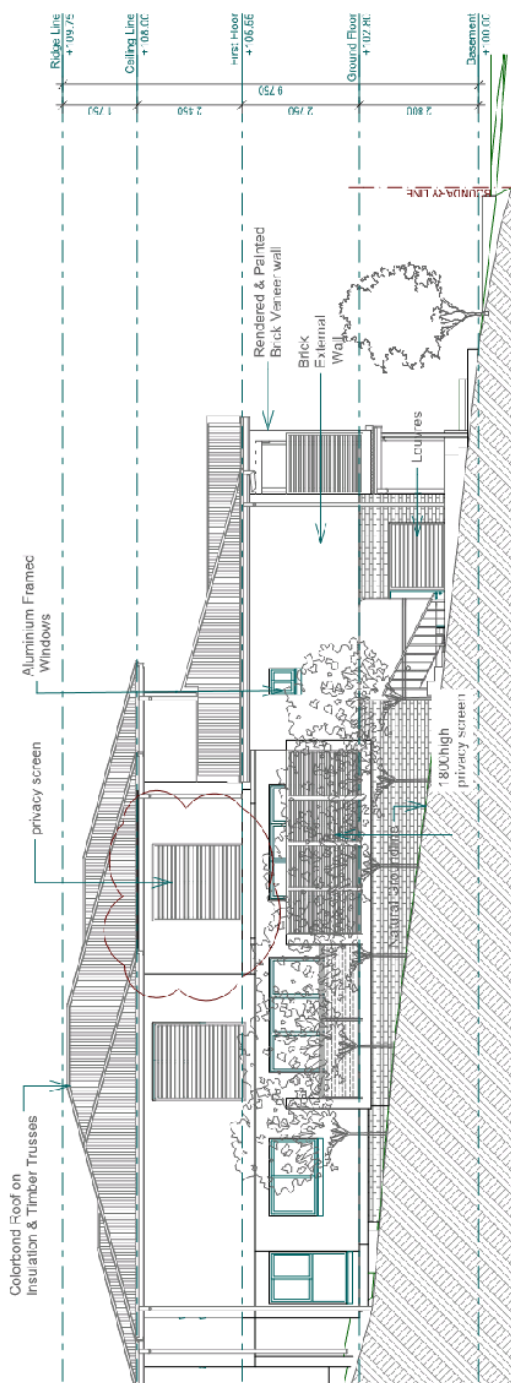


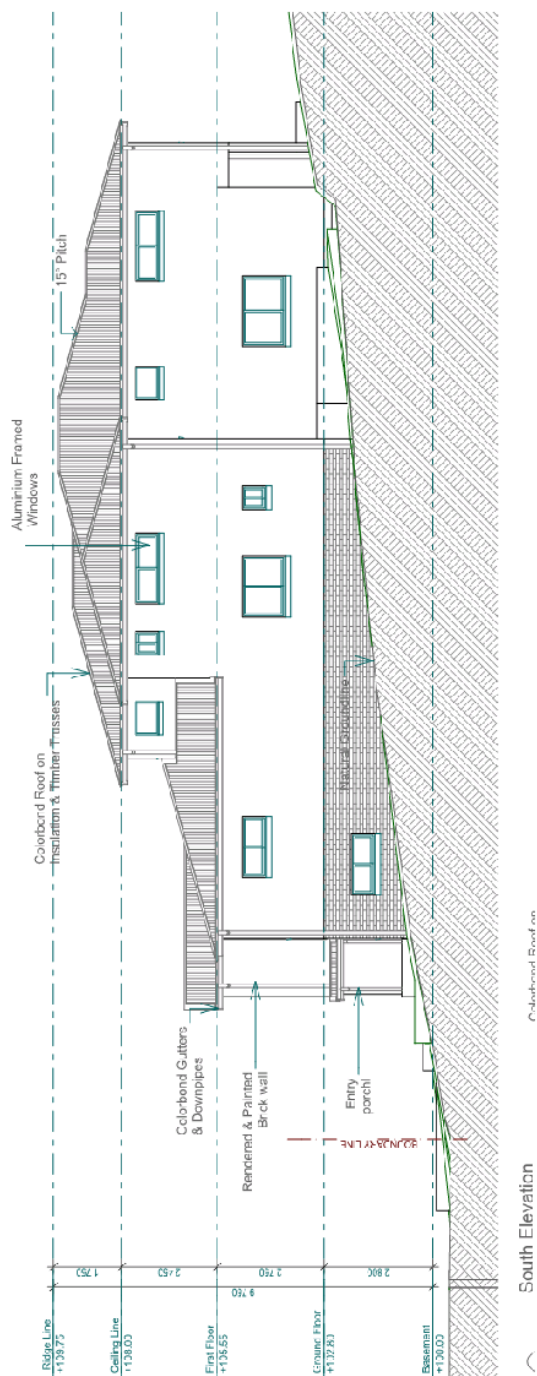


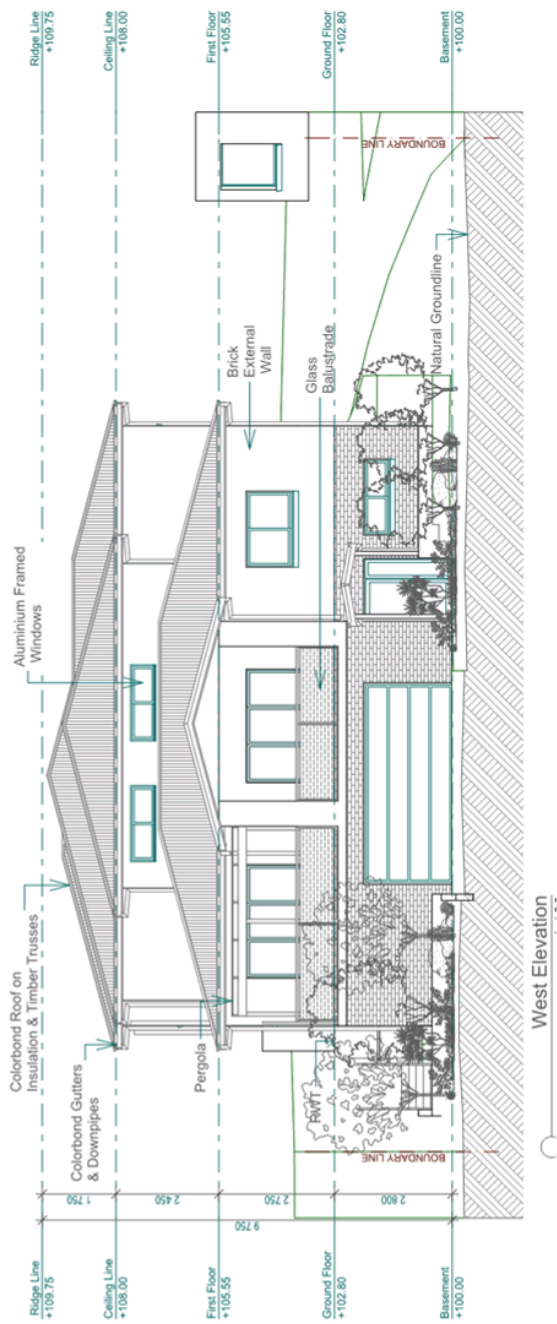


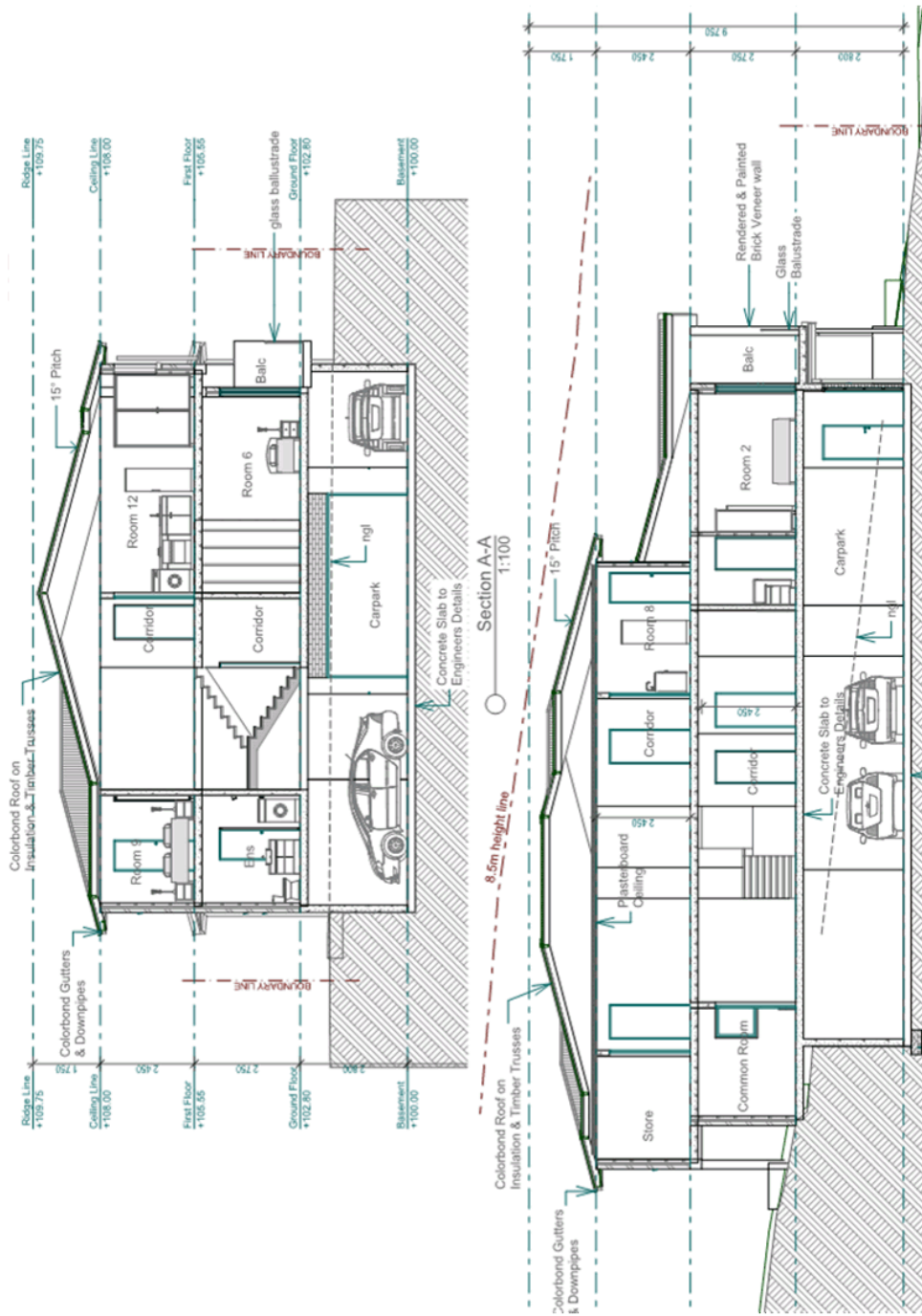
LANDSCAPE PLAN 1 : 100

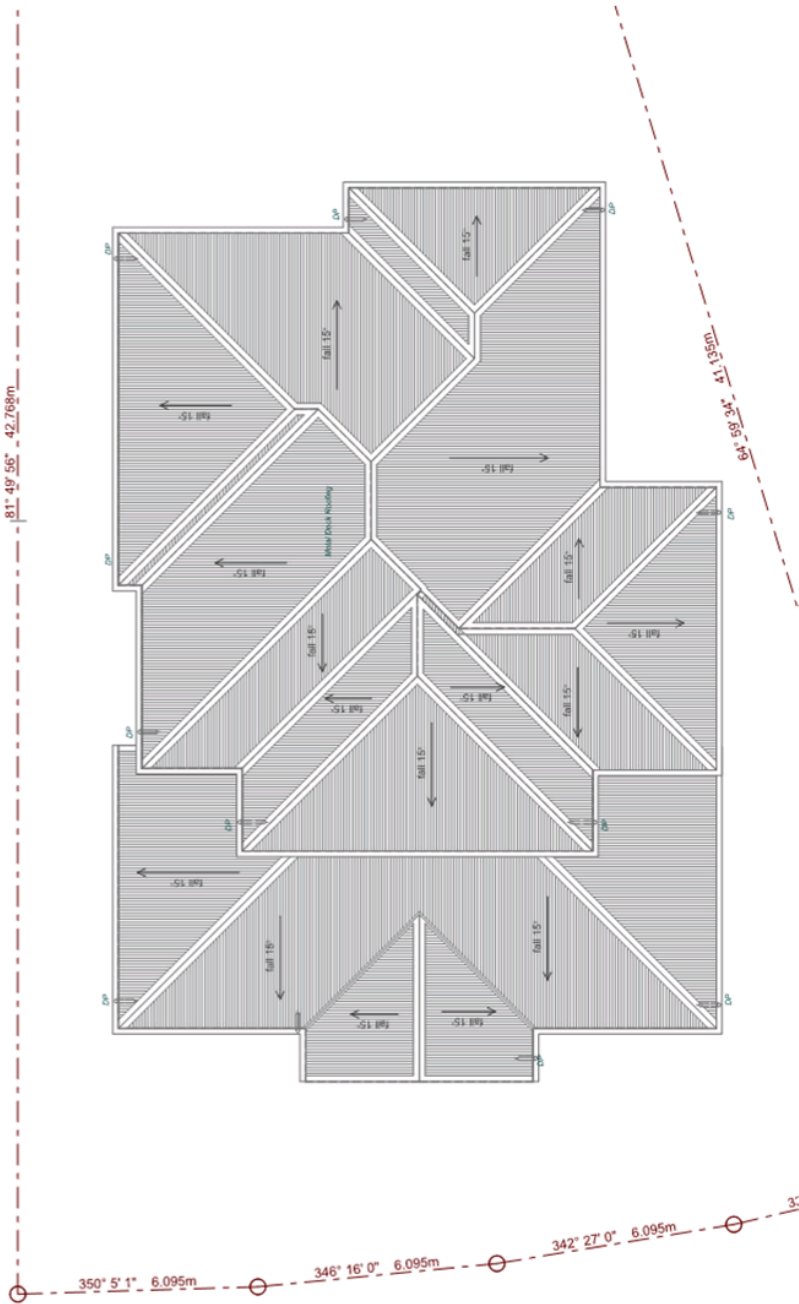












4.2 Demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment - 139 Heritage Way, Glen Alpine

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.2 - Ensure that service provision supports the community to achieve and meets their needs

Referral Criteria

The consent authority for the subject development application is the Campbelltown City Council Local Planning Panel, due to the nature of the proposed development (telecommunications facility) and the ownership of the land by Campbelltown City Council.

Executive Summary

- Development Consent is sought for the demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment at the Glen Alpine Community Hall, 139 Heritage Way, Glen Alpine.
- The site is located within a residential area that consists of low density detached dwellings. The site is a complex that contains a Community Hall, four (4) tennis courts and associated car parking.
- The application outlines that networking demands are increasing and existing infrastructure will not be sufficient to provide quality and consistent telecommunications service in Glen Alpine, Englorie Park, Ambarvale and Rosemeadow. Accordingly, in order to satisfy the additional demands, it is proposed to replace the existing telecommunications facility and light pole with an upgraded facility.
- In accordance with the requirements of Section 9.5.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2015, it is required that the application (being a high impact telecommunications facility) be referred to the Campbelltown Local Planning Panel for its determination.

Officer's Recommendation

That development application number 1322/2017/DA-C for the demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment at Glen Alpine Community Hall, 139 Heritage Way, Glen Alpine, be approved, subject to the draft conditions included in attachment 1.

Purpose

The purpose of this report is to outline the proposal and summarise the assessment of the subject Development Application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The Campbelltown Local Planning Panel is the consent authority for this development application, due to the nature of the proposed development (telecommunications facility) and ownership of the land by council.

Property Description	Lot 3132 DP 873530, Glen Alpine Community Hall, 139 Heritage Way, Glen Alpine
Application No	1322/2017/DA-C
Applicant	Telstra C/- Service Stream
Owner	Campbelltown City Council
Provisions	State Environmental Planning Policy (Infrastructure) 2007 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015 Section 94A Development Contributions Plan 2011
Date Received	2 May 2017

History

At Council's Ordinary Meeting dated 28 March 2017, Council provided approval for owners consent to allow lodgement of a development application by Telstra Corporation Limited for the new telecommunications facility which includes the proposed monopole and shelter hut at the Glen Alpine Community Hall, 139 Heritage Way, Glen Alpine.

The development application was lodged with Council on 2 May 2017 for the demolition of an existing communications facility and construction of a 19 metre telecommunication monopole and ground level facility for equipment.

Report

1. Vision

Campbelltown 2025 - Looking Forward

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

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

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

The strategic directions relevant to this application are:

- growing the regional city
- development and land use that matches environmental capacity and capability.

The application is consistent with the above strategic directions as the proposal would support increased wireless mobile phone network coverage to support a growing population.

2. Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the EP&A Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

2.1 State Environmental Planning Policy (Infrastructure) 2007

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

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

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

Principles	Proposed	Compliance
Principle 1: A telecommunications facility is to be designed and sited to minimise visual impact		
(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.	The proposed telecommunications tower is a free standing tower.	N/A
(b) The visual impact on telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimension (including support mounts) should be sympathetic to the scale and height of the building	The monopole tower and attached carrier equipment are not considered to be visually obtrusive, give rise to visual clutter and is subsequently deemed to acceptably integrate into the surrounding landscape.	Yes

Principles	Proposed	Compliance
to which it is to be attached, and sympathetic to adjacent buildings.		
(c) Where telecommunications facilities protrude from a building or structure and are predominately backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.	The telecommunications tower and ancillary equipment is a free standing tower and is not attached to an existing building or structure. A condition has been recommended for the structure to be a neutral colour.	N/A
(d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.	A condition of consent has been recommended for the ancillary facilities associated with the telecommunications tower to recede into, and not dominate, the surrounding landscape.	Yes
(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	The subject site is zoned RE1: Public Recreation, and is not considered a rural landscape setting.	N/A
(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.	The subject site is not a listed State or local heritage item, or within a heritage conservation area.	N/A
(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	<p>The proposed location of the telecommunications tower, and associated ancillary equipment, is not considered to obstruct significant views.</p> <p>It is also considered the proposed facility is unlikely to have significantly adverse impact on the visual amenity of the surrounding neighbourhood.</p> <p>Despite the slim construction of the telecommunications monopole, a condition has been recommended that requires the surface of the proposed monopole to be finished in a non-reflective and recessive colour/texture in order to further reduce the potential for adverse</p>	Yes

Principles	Proposed	Compliance
	visual impact.	
(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.	No tree removal required to facilitate the proposed development.	N/A
(i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.	A condition of consent has been recommended for the land to be restored as close as practicable to pre-construction condition, should the telecommunication facilities be removed.	Yes
(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	The proposed telecommunications tower is considered to be compliant with the relevant public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency, in addition to the Building Code of Australia and Deployment Code.	Yes
Principle 2: Telecommunications facilities should be co-located wherever practical.		
(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	The fibre and power network connections to the facility will be installed in existing conduits, or in new underground conduits wherever feasible or possible.	Yes
(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radio communications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.	The proposal involves upgrading an existing facility. The applicant has also demonstrated that there is no opportunity for co-location on another facility as there are no facilities or structures located within the proposed location that would offer suitable attachment.	N/A
(c) Towers may be extended for the purposes of co-location.	The proposed facility is being extended, as the effective operation of the base station requires antennas to protrude above the surrounding buildings in order to meet the necessary coverage levels.	Yes
(d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.	The swapping out of an existing structure rather than constructing a new standalone structure is the preferred solution. This will enable the	Yes

Principles	Proposed	Compliance
	proposed facility to cater for three (3) additional antennas.	
(e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practical.	As outlined in section 3 of the submitted SEE, there are no viable co-location opportunities in the area, with upgrading the existing facility considered to be the most practical option.	Yes
(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.	<p>The proposal involves installing six (6) new panel antennas and installing a new equipment shelter with a faux brick exterior and pitched roof.</p> <p>The maximum EME for the site would only be in the order of 5.32% of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).</p>	Yes
Principle 3: Health standards for exposure to radio emissions will be met		
(a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.	The proposed facility will comply with the ARPANSA standard regarding human exposure to EME. An EME report has been submitted, which has demonstrated compliance with the ARPANSA for operating a telecommunication facility in Australia.	Yes
(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.	<p>An Environmental EME Report, dated 1 April 2016, has been submitted with the application stating that the proposal satisfies the relevant public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency.</p> <p>The application has been accompanied by a report detailing the maximum projected electromagnetic energy (EME) levels at 1.5m above ground level at various distances from the base station. In this regard, it is stated that the maximum EME for the site would only be in the order of 5.32% of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).</p>	Yes

Principles	Proposed	Compliance
Principle 4: Minimise disturbance and risk, and maximise compliance		
(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the Civil Aviation Regulation 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development reported to the Civil Aviation Safety Authority Australia.	The provisions of the Civil Aviation Regulations 1988 and the Airports (Protection of Airspace) Regulations 1996 were considered during the design and siting process. The site is 10.18km from Camden airport. The airport manager has advised that provided the overall height is lower than 166m AHD it would not breach the OLS. The existing ground level at the site is 123m AHD and the overall height is 142.29m AHD. The proposed location is not within the OLS.	Yes
(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port of Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	Telstra will operate the radio facility within its own frequency spectrums and the facility will not cause any interference with other networks. All operating antennas will use the frequencies assigned to Telstra.	Yes
(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.	The proposed facility would be installed by licensed carriers in accordance with manufacturer specifications, thereby minimising disturbance and risk associated with the facility.	Yes
(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	The telecommunications tower is free standing and is not proposed to be attached to an existing structure.	N/A
(e) The telecommunications facility is to be erected wholly within the boundaries of a property where the landowner has agreed to the facility being located on the land.	The telecommunications facility and all supporting equipment are all proposed entirely within the site boundaries.	Yes
(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book - 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004), or its replacement.	Recommended as a condition of consent to comply with the Blue Book - 'Managing Urban Stormwater: Soil and Construction'.	Yes
(g) Obstruction or risks to	The location of the	Yes

Principles	Proposed	Compliance
pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.	telecommunications facility is such that it would be unlikely to cause obstruction or risks to pedestrians or vehicles during construction.	
(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	Recommended as a condition of consent for construction work to be carried out between 7.00am and 5.00pm Monday to Saturday and no work on Sundays or public holidays.	Yes
(i) Traffic control measures are to be taken during construction in accordance with Australian Standard AS1742.3-2002 Manual of uniform traffic control devices - Traffic control devices on road.	Recommended as a condition of consent for traffic control measures (if required) to be carried out in accordance with AS1742.3-2002.	Yes.
(j) Open trenching should be guarded in accordance with Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.	Recommended as a condition of consent for open trenching to be carried out in accordance with Australian Standard Section 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.	Yes
(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.	No vegetation is required to be removed to facilitate the proposed development, nor any threatened species occupying the site. All land will be restored to a condition that is similar to its condition prior to any works carried out.	Yes
(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.	The proposed development does not impact upon any threatened species communities.	N/A
(m) The likelihood of harming an Aboriginal Place and/or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.	No Aboriginal archaeological sites within the area of the proposed works.	N/A
(n) Street furniture, paving or other existing facilities removed or damaged during construction	Recommended condition of consent for any facilities or footpaths to be restored to a	Yes

Principles	Proposed	Compliance
should be reinstated (at the telecommunications carrier's expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.	similar condition as prior to construction works.	

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

2.2 Campbelltown Local Environmental Plan 2015

The Campbelltown Local Environmental Plan 2015 has been considered in the assessment of the proposed development. Under the planning instrument, the site is zoned RE1: Public Recreation. Telecommunications facility is not permitted within the zone.

Telecommunications facility is defined as follows:

means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

The provisions of the Infrastructure SEPP prevail in this instance by virtue of Clause 115(1) of the SEPP, which enables consent to be granted for development for the purposes of telecommunications facilities by any person with consent on any land.

The development is complementary to the following zone objectives:

- To provide for land uses compatible with the ecological, scientific, cultural or aesthetic values of land in the zone.
- To facilitate the multiple use of certain open space areas.
- To facilitate development that is ancillary or incidental to the special land uses provided for in this zone.

While not expressly permitted within the RE1: Public Recreation zone under the planning instrument, the proposal is not inconsistent with the aforementioned objectives of the zone.

Clause 4.3: Height of Buildings

Clause 4.3 of CLEP 2015 specifies the maximum permissible building height for a development. For the subject site, there is no maximum permissible building height under the CLEP 2015.

Clause 7.1: Earthworks

Clause 7.1 of CLEP 2015 requires the consent authority to consider the following matters:

- (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.

The proposed development involves minimal cut and fill. It is considered that the earthworks are unlikely to result in changes to drainage patterns or soil instability. The site is not within close proximity to waterways, drinking water catchments or environmentally sensitive land.

Further, it is unlikely that relics would be disturbed during construction, with no record of significant aboriginal artefacts at the subject site. As such, it is considered that the proposed earthworks are considered to be consistent with the aforementioned matters

2.3 Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)

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

Part 2 – Requirements applying to all Types of Development

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
Views and Vistas	Development shall appropriately respond to Campbelltown's important views and vistas to and from public places. These include views and vistas to and from: <ul style="list-style-type: none"> i) the Scenic Hills ii) rural/semi-rural landscape areas iii) the Georges and Nepean River corridors iv) areas of significant public open space (formal and informal), and v) heritage items. 	The proposed development is not expected to have an adverse impact on view corridors within the locality, with no significant views visible from the subject site. The proposed telecommunications monopole has a slim line design without presenting undesirable bulk or scale when viewed from all adjoining street frontages. <p>In addition, the visual impact is mitigated by the presence of the existing street light, which is to be renewed and replaced by the telecommunication facility.</p>	Yes
Erosion and	An Erosion and Sediment Control	Recommended condition of	Yes

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
Sediment Control	Plan (ESCP) shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	consent, prior to the commencement of any works.	
Demolition	<p>A development application involving demolition shall be considered having regard to the following information:</p> <p>i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001-The Demolition of Structures (as amended)</p> <p>ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number)</p> <p>iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain</p> <p>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition, and</p> <p>v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.</p>	<p>An existing street light pole, along with Telstra assets in the battery back-up unit (BBU) and outdoor unit are proposed to be demolished.</p> <p>The plan requires that applications for demolition be accompanied by information concerning the submission of a detailed work plan prepared in accordance with AS2601-2001-The Demolition of Structures (as amended), details of the licensed demolition contractor and details of hazardous substances to be removed from the site. Demonstration of compliance with these provisions prior to any demolition commencing is recommended as a standard condition of development consent.</p>	Yes
Risk Management – Subsidence	Any development on a site located within South Campbelltown Mine Subsidence District, or Appin Mine Subsidence District may be at risk of the effects of subsidence from past and/or future.	The subject site is located outside of the South Campbelltown Mine Subsidence District.	N/A
Waste Management Plan	A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	Recommended condition of consent, prior to the issue of a construction certificate.	Yes
Work On, Over or Near Public Land	Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public	Council has already provided owner's consent for works to be undertaken along the nature strip that adjoins the	Yes

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
	land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.	site, that being the removal of the street light pole.	

Part 12 – Telecommunication Facilities

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
General Requirements	A network masterplan shall be provided by the applicant showing the proposal in the context of all other similar infrastructure types in order to identify opportunities for co-location or sharing of facilities.	A network masterplan accompanied the application. Co-location within the vicinity is not available as the existing facility requires removal in order to facilitate the construction of the proposed new facility.	Yes
General Requirements	The applicant shall demonstrate that co-location opportunities have been adequately pursued where new stand alone telecommunication facilities are proposed. This shall include information to demonstrate: i) The possibility of sharing equipment, via the use of combiners or similar technology ii) Existing towers and poles or other appropriate structures should be investigated for appropriateness for the sharing of antennas.	The proposed equipment shelter enables the facility to be used by multiple service providers. There are no appropriate structures which are considered suitable to enable co-location.	Yes
General Requirements	Transmitting roof top antennas and towers should preferably be located in industrial or business zones, rather than residential zones or areas that include dwellings.	Not applicable as no towers or antennas are proposed on rooftops.	N/A
General Requirements	Telecommunication facilities are to be sited to avoid locations which are visually prominent in the landscape, particularly when viewed from the public domain.	Whilst the facility would be located at a high point on the land, the siting of the facility is considered satisfactory, with consideration of the tower's functionality by residing on a high point. Furthermore, the facility is slim in design and would be finished with a neutral colour so as to reduce visual prominence.	Acceptable on merit.

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
General Requirements	For new towers a photomontage of the proposal must be submitted to assist with the assessment of visual impact.	The application has been accompanied by a series of photomontages, depicting the visual context of the facility from various points of view from the surrounding area.	Yes
General Requirements	The applicant must demonstrate that all reasonable measures to reduce the visual impact of the proposal have been examined, including: i) Co-location and use of existing structures ii) Innovative design to harmonise with the existing setting iii) Use of vegetation for screening iv) Use of materials and finishes consistent with surroundings, and v) Compact and slim line construction techniques.	Co-location not available as discussed previously. Modern design. Screening not proposed, nor considered necessary in this instance. Materials/finishes not provided. Slim line construction proposed.	N/A Yes Yes Condition of consent to comply. Yes
General Requirements	No advertising signs shall be permitted on any telecommunication facilities.	No proposed advertising signs.	Yes
Electromagnetic Radiation	The applicant in selecting a site for telecommunication facilities, shall demonstrate to Council that a precautionary approach has been adopted with respect to minimising electromagnetic radiation (EMR) exposures to sensitive land uses such as residential areas, schools, child care centres, hospitals, aged care accommodation or areas regularly frequented by groups of children.	The facility is located in a Public Recreation zone, in which adjoining lots do not contain dwellings. Furthermore, the application is accompanied by a detailed response to provisions of the Communications Alliance Ltd Industry Code.	Yes
Electromagnetic Radiation	Where possible, EMR emitting telecommunication facilities, including mobile base stations, shall be located in the following land uses: i) Industrial areas ii) Rural areas, and iii) Low-use open space.	The telecommunication facility is proposed adjacent to a suburban footpath, which can be considered as low-use open space.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015)			
Control	Requirement	Proposed	Compliance
Electromagnetic Radiation	Where telecommunication facilities are proposed within 300 metres of a sensitive land use, the applicant shall demonstrate that no viable alternative sites are available.	The proposed telecommunication facility is replacing an existing tower. A network masterplan accompanied the application examining opportunities for co-location, and concluded that the location of the facility would reduce the need for an additional telecommunication facility in the area.	Acceptable on merit.
Electromagnetic Radiation	For all EMR emitting telecommunication facilities, documentary evidence is required from a suitably qualified person which analyses the cumulative effect of the proposal and demonstrates compliance with the relevant Australian exposure standard.	A report estimating the radiofrequency electromagnetic energy levels accompanied the application, demonstrating compliance with the relevant standards.	Yes
Electromagnetic Radiation	Development applications for telecommunication facilities shall include measures to restrict public access. Approaches to the facility must contain appropriate signs warning of EMR and provide contact details for the site owner and / or site manager.	The site will not be fenced as it will block off the footpath. The pole will not have climb pegs. No details of warning signs have been provided.	A condition has been included within the recommendation requiring the provision of warning signs.
Landscaping	For stand-alone telecommunication facilities, a landscape plan must be submitted to Council that provides plantings of a suitable scale to reduce the visual impact of the proposal, and where possible screen the facility from public view.	Despite the applicant stating that landscaping is not appropriate as it will obstruct pedestrian access, no landscape plan has been provided. Notwithstanding, the facility is in keeping with and of a scale that is consistent with existing structures on site and the surrounding streetscapes. Therefore, landscape screening would not provide an additional benefit.	Acceptable on merit.
Heritage	No telecommunication facilities shall be permitted where the heritage significance of a heritage item may be adversely impacted.	There is no heritage significance associated with the subject site.	Yes
Heritage	Where a telecommunication facility is proposed on a site occupied by or in the vicinity of a listed heritage item, a Heritage Impact Statement shall be prepared and submitted to Council.	The site does not contain nor is it located near any heritage items.	Yes

2.4 Campbelltown City Council Section 94A Development Contributions Plan 2011

The Campbelltown City Council Section 94A Development Contributions Plan 2011 applies to the subject site. It is considered that development contributions are not applicable to the proposed development. The proposal is considered to be an exception to the plan being a Class 6 building (outbuilding). Therefore it is considered the payment of a levy is not applicable.

3. Planning Assessment

Civil Aviation Safety Regulations 1998

Under the Civil Aviation Safety Regulations (CASR) 1998 – 139.355, an aerodrome operator is required to have established an Obstacle Limitation Surface (OLS), CASR – 139.350 requires an aerodrome operator to notify the Civil Aviation Safety Authority (CASA) of any obstacles that affects the airspace within the vicinity of the aerodrome.

Any proposed facility should not penetrate any relevant Obstacle Limitations Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority.

The proposed facility is 10.30km from Camden Airport. The airport manager for this airport has stated that provided the overall height is lower than 166m AHD it would not breach the OLS. The existing ground level at the site is 123m AHD and the overall height is 142.29m AHD. Therefore the proposed facility will not breach the OLS and as a result no objections have been raised.

Electromagnetic Energy Levels

The application has been accompanied by a report detailing the estimated radiofrequency electromagnetic energy levels generated by the facility. The report provides calculated estimations on the expected cumulative radiofrequency electromagnetic energy levels generated by the proposal, and concludes that the maximum electromagnetic energy levels at 1.5m above ground level is estimated to be only 5.32 per cent of the public exposure limits permitted by Australian Radiation Protection and Nuclear Safety Agency.

4. Public Participation

The application was notified to nearby and adjoining properties, and placed on public exhibition between 22 August 2017 and 7 September 2017.

During the notification and exhibition periods, eight submissions were received. A discussion of these concerns are raised below.

- 1) **Issue:** Opposed to the construction of the proposed telecommunications tower within Glen Alpine.

Comment: The proposed telecommunications is a permissible land use in a RE1: Public Recreation zone, as per Clause 115(1) of the SEPP (Infrastructure) 2007.

- 2) **Issue:** Concerns over potential health impacts from the emissions of electromagnetic radiation such as cancer (4 objections submitted on this matter).

Comment: The application is accompanied by a report detailing the maximum projected electromagnetic energy (EME) levels at 1.5m above ground level at various distances from the base station. In this regard, it is stated that the maximum EME emitted from the site would only be in the order of 5.32% of the public exposure limit permitted by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

- 3) **Issue:** Concerns over siting of the shed and visibility for traffic travelling south on Englorie Park Drive.

Comment: The slim line design of the telecommunications monopole minimises its visibility and would have little impact on the sightlines of commuters travelling along Englorie Park Drive, Heritage Way or Copperfield Drive

The proposed outbuilding to service the telecommunications facility is considered to assimilate into the background of the existing Glen Alpine Community Hall. As such, landscaping is not considered to be necessary. The outbuilding is setback by more than 7 metres from the nearby road reserve, and as such, sufficient separation is provided for drivers to view oncoming traffic and pedestrians when travelling along Heritage Way and Englorie Park Drive.

- 4) **Issue:** Opposed to the construction of the proposed telecommunications facility in a residential area, concerns over the development being an eyesore, and radiation emissions.

Comment: The proposed telecommunication facility is designed to integrate within the surrounding landscape, with the proposed slim line monopole conditioned to be a recessive colour that ensures the development will not visually dominate when viewed from surrounding streetscapes.

5. Conclusion

The proposal generally complies with the relevant planning provisions and is unlikely to result in a significantly adverse impact on existing occupants in the surrounding area. It is considered that the proposed removal of the existing light pole and Telstra assets being the battery back-up unit (BBU) and outdoor unit, to facilitate the construction of a new telecommunications facility, would provide improved services in the locality and is likely to reduce the need for the proliferation of telecommunication facilities in the area in the future.

Furthermore, and with respect to the matter of generation of electromagnetic energy from the facility (based on the technical EME report provided by the applicant), the proposed facility is expected to generate electromagnetic energy levels of only up to 5.32% of the allowable standard (measured 1.5m high above ground level). This level is well below the allowable public exposure limits permitted by the Australian Radiation Protection and Nuclear Safety Agency.

Having regard to the matters for consideration under Section 4.15 of the EP&A Act 1979 and the matters discussed within this report, it is considered that the development application is worthy of approval.

Attachments

1. Recommended conditions of consent (contained within this report)
2. Site access and locality plan (contained within this report)
3. Site layout (contained within this report)
4. South east elevation (contained within this report)
5. Photomontages (contained within this report)
6. Antenna layout (contained within this report)
7. Antenna Configuration Table (contained within this report)
8. Notification plan - confidential for privacy reasons (distributed under separate cover)

Reporting Officer

Executive Manager Urban Release and Engagement

1322/2017/DA-O**Recommended Conditions of Consent****GENERAL CONDITIONS**

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

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

1. Approved Development

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

Plan/ Document Title	Sheet No.	Revision/ Issue	Prepared by	Date
Site Access and Locality Plan	S1	7	Service Stream Mobile Communications	14.10.16
Site Layout	S1-1	6	Service Stream Mobile Communications	14.10.16
Antenna Layout	S1-2	1	Service Stream Mobile Communications	14.10.16
South East Elevation	S3	7	Service Stream Mobile Communications	14.10.16
Antenna Configuration Table	S3-1	6	Service Stream Mobile Communications	14.10.16
Photomontage View 1	M01	B	Service Stream Mobile Communications	21.06.13
Photomontage View 2	M02	B	Service Stream Mobile Communications	21.06.13
Photomontage View 3	M03	B	Service Stream Mobile Communications	21.06.13
Photomontage View 4	M04	B	Service Stream Mobile Communications	21.06.13
Photomontage View 5	M05	B	Service Stream Mobile Communications	21.06.13

2. Building Code of Australia

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

3. Electromagnetic Emissions

The telecommunications facility must adhere to the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and comply with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 *Deployment of Mobile Phone Network Infrastructure*.

4. Traffic Control Measures

Traffic control measures must be carried out in accordance with AS1742.3-2002.

5. Open Trenching

Any open trenching must be carried out in accordance with AS 93.080 - Road Engineering AS1165 - 1982 - Traffic hazard warning lamps.

6. Removal of Facility if Facility Becomes Redundant

Should the facility become redundant, the telecommunications facility (tower and associated infrastructure) must be removed within 30 days after the cessation of the use.

7. External Finishes

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

The surface of the monopole is to be finished with a non-reflective surface and is to be designed so as to recede (not be dominant) into the surrounding landscape. The applicant is to provide the Council with a proposed colour (e.g. light grey) and surface finish chart, and obtain its approval prior to the erection of the monopole.

8. Signage

Signage is to be appropriately erected at the base of the monopole and displayed at all times, warning the public to the electromagnetic radiation hazard and providing contact details of the site manager.

9. 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.

10. Storage of Goods

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

11. 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.

12. Unreasonable Noise, Dust and Vibration

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

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

13. Construction Certificate

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

14. 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.

15. 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.

16. 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.

17. Endeavour Energy Approval

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall liaise with Council's Property Section and obtain written approval from Endeavour Energy for the development and any associated works. The written approval must be submitted to Council's Director City Development.

18. Obstacle Lighting

Obstacle Warning Lighting must be installed on the approved tower to warn pilots of the presence of the tower in accordance with the standards specified in the section 9.4 of the Manual of Standards Part 139 - Aerodromes.

Council or an accredited certifier must not issue a Construction Certificate for design plans unless those plans include the installation of compliant aircraft Obstacle Warning Lighting on the approved tower.

The ongoing operation of the Obstacle Warning Lighting must comply with the relevant standards for Obstacle Warning Lighting at all times.

Confirmation of the compliant installation and activation of the Obstacle Warning Lighting must be provided to the Council's Director City Development within 28 days of the activation of the lighting.

19. Airspace

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant must provide separate notification in writing to the operator of Campbelltown Hospital Helicopter Landing Site (HLS) as well Airservices Australia (vod@airservices.com), of the proposal to erect the approved tower. The notification is to include an appropriate level of detail that clearly provides an understanding of the proposed timeframes for the erection of the tower, and is to include the design, finishes, physical location and dimensions of the approved tower, as well as the maximum height of the tower above finished ground level.

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant is to obtain a written response from the operator of the HLS confirming that the operator is aware of the proposal to erect the approved tower and that the erection of the proposed tower will not cause an adverse impact on the operation of the HLS.

The applicant is to provide the operator of the HLS and Airservices Australia with information relating to the tower as and when requested. Where the operator of the HLS requires the installation of additional aviation safety devices on the tower, the applicant shall immediately inform Council's Director City Development of the requirement, where a decision will be made as to whether the installation of the device will require separate assessment and approval.

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant must provide a qualified report to Council's Director City Development confirming the following:

- (a) Compliance with any relevant site and height requirements specified by the Civil Aviation Regulation 1988 and the Airports (Protection of Airspace) Regulations 1996 of the Commonwealth, and
- (a) That the development does not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.

Note: See the Advisory Circular 139-08(0) entitled Reporting of Tall Structures issued by the Civil Aviation Safety Authority Australia on 5 April 2005 concerning these conditions.

20. Electromagnetic Emissions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit the following information prepared by a suitably qualified person to Council:

- A report in the format required by the Australian Radiation Protection Nuclear Safety Agency that shows the predicted levels of electromagnetic energy surrounding the

development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and;

- A report showing compliance with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 *Deployment of Mobile Phone Network Infrastructure*.

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

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the Campbelltown City Council Section 94A Development Contributions Plan.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

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

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

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

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

22. 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.

23. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to Council or an accredited certifier issuing a construction certificate.

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

24. Consultation with NSW WorkCover Authority

Prior to the commencement of any works on the site, it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

25. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. Prior to the commencement of any works on the land, 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).

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. Demolition Works

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be

employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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

33. 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.

34. Sydney Water

Prior to works commencing, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to works commencing.

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

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.

35. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

36. Managing Urban Stormwater

Construction of the development must be in accordance with all relevant regulations of the Blue Book - 'Managing Urban Stormwater: Soils and Construction'.

37. 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.

38. 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.

39. Fill Contamination

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

40. 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.

41. 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.

42. 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.

43. 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.

44. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's '*Specification for Construction of Subdivisional Roads and Drainage Works*' (as amended), AS 3798 '*Guidelines for Earthworks for Commercial and Residential Development*' (as amended), and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

45. 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.

46. 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.

47. 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*.

48. Completion of Construction Works

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

49. 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.

50. Airservices Australia

Prior to the principal certifying authority issuing an occupation certificate, the applicant must notify Airservices Australia (vod@airservices.com) to confirm the finishes height and location to allow for entry into the Aeronautical Information Package (AIP).

51. Electromagnetic Emissions

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall provide a report, prepared by a suitably qualified person, stating that the operation of the telecommunications facility would comply with the following:

- Compliance with the safety limits for the predicted levels of electromagnetic energy surrounding the development imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard and;
- Compliance with the Australian Communications Industry Forum Industry Code entitled CIF C564:2004 Deployment of Mobile Phone Network Infrastructure.

A copy of the above information must be submitted to Council's Director City Development.

52. Restoration of Public Roads

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

53. 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.

54. 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 4.17 of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

Advice 2. Tree Preservation Order

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

A tree is defined as a perennial plant with self supporting stems that are more than 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. Covenants

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

Advice 4. 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 5. 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 6. 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 7. Dial before you Dig

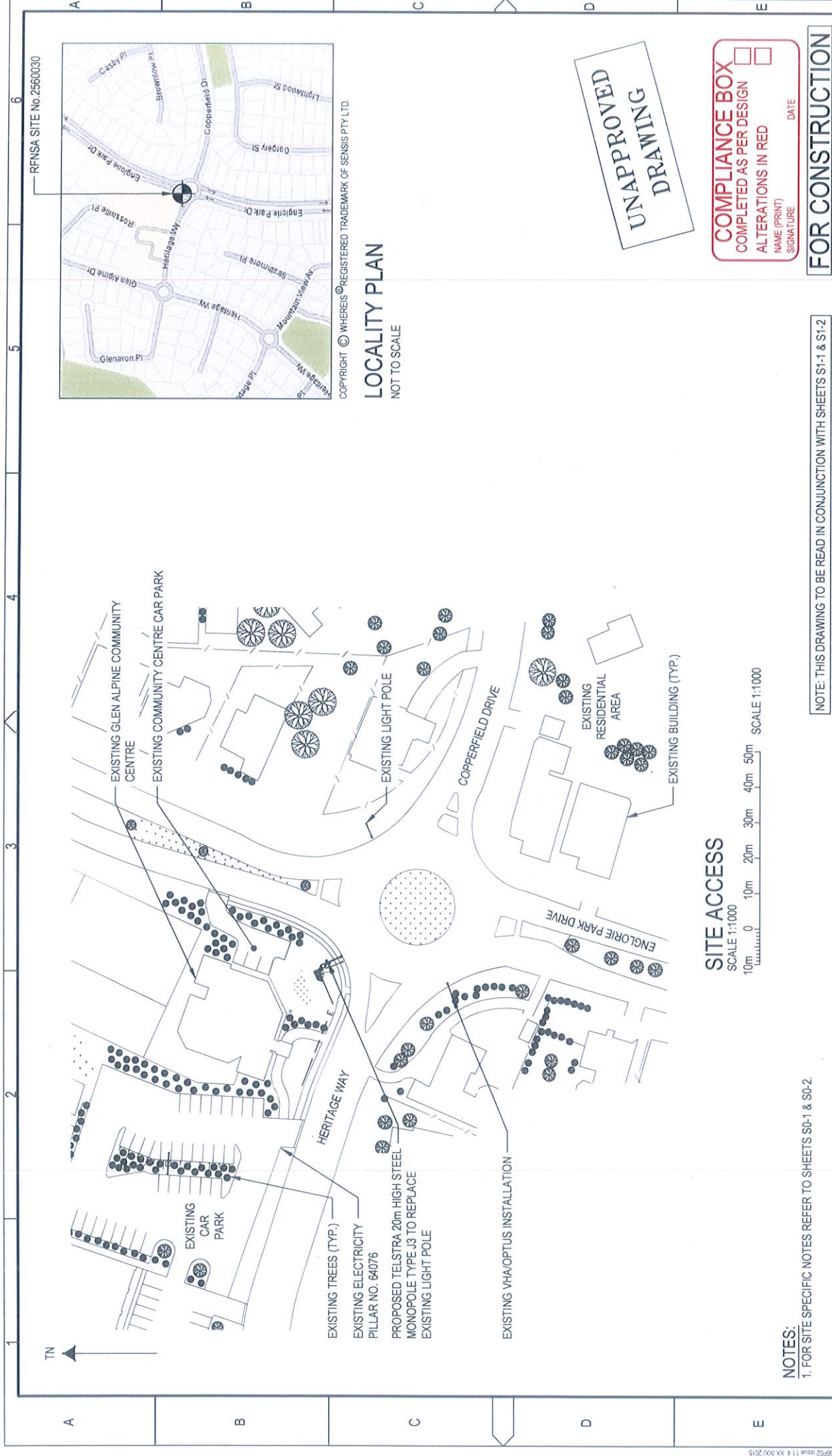
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law 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 8. Telecommunications Act 1997 (Commonwealth)

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

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

END OF CONDITIONS



SITE ACCESS
SCALE 1:1000
10m 0 10m 20m 30m 40m 50m
SCALE 1:1000

NOTES:
1. FOR SITE SPECIFIC NOTES REFER TO SHEETS S0-1 & S0-2.

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1-1 & S1-2

DO NOT SCALE	SITE STRUCTURE CO-ORDINATES HAND HELD GPS READING ± 10m, CENTRE OF POLE					
F	PROPERTY DESCRIPTION ROAD RESERVE OF ENGLOURIE PARK DR PARISH OF ST. PETER COUNTY OF CUMBERLAND	<table border="1"> <tr> <td>LATITUDE</td> <td>GDA 94 -34.08677</td> </tr> <tr> <td>LONGITUDE</td> <td>GDA 94 150.78843</td> </tr> </table>	LATITUDE	GDA 94 -34.08677	LONGITUDE	GDA 94 150.78843
LATITUDE	GDA 94 -34.08677					
LONGITUDE	GDA 94 150.78843					

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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
NA0719.01	JT	GJF	PRELIMINARY FOR APPROVAL - 65269552W001TCl	FA	JYW	18.03.10	2
NA0719.01	JT	GDE	SURROUNDING DETAILS SHOWN - 65269552W001TCl	FA	JYW	12.05.10	3
NA0719.01	SS	GJF	FEEDER ROUTE REVISED - 65269552W001TCl	FA	JYW	16.07.10	4
NA0719.01	SS	GJF	FOR CONSTRUCTION - 70589623W002TCl	FA	JYW	24.05.11	5
NA0719.01	PRN	KM	UPDATED FOR CONSTRUCTION - VICM469 - 70589623W002SSM	SS	JB	22.07.13	6
NA0719.01	KR	TM	UPDATED FOR CONSTRUCTION - 70589623W002SSM - VICM469/ST/TEL/TE/000	KK	KA	14.10.16	7

FOR CONSTRUCTION

MOBILE NETWORK SITE 257198
GLEN ALPINE HERITAGE WAY
SITE ACCESS AND LOCALITY PLAN
3132 HERITAGE WAY, GLEN ALPINE, NSW 2560

DWG NO. **N27734** SHIT NO. **S1**

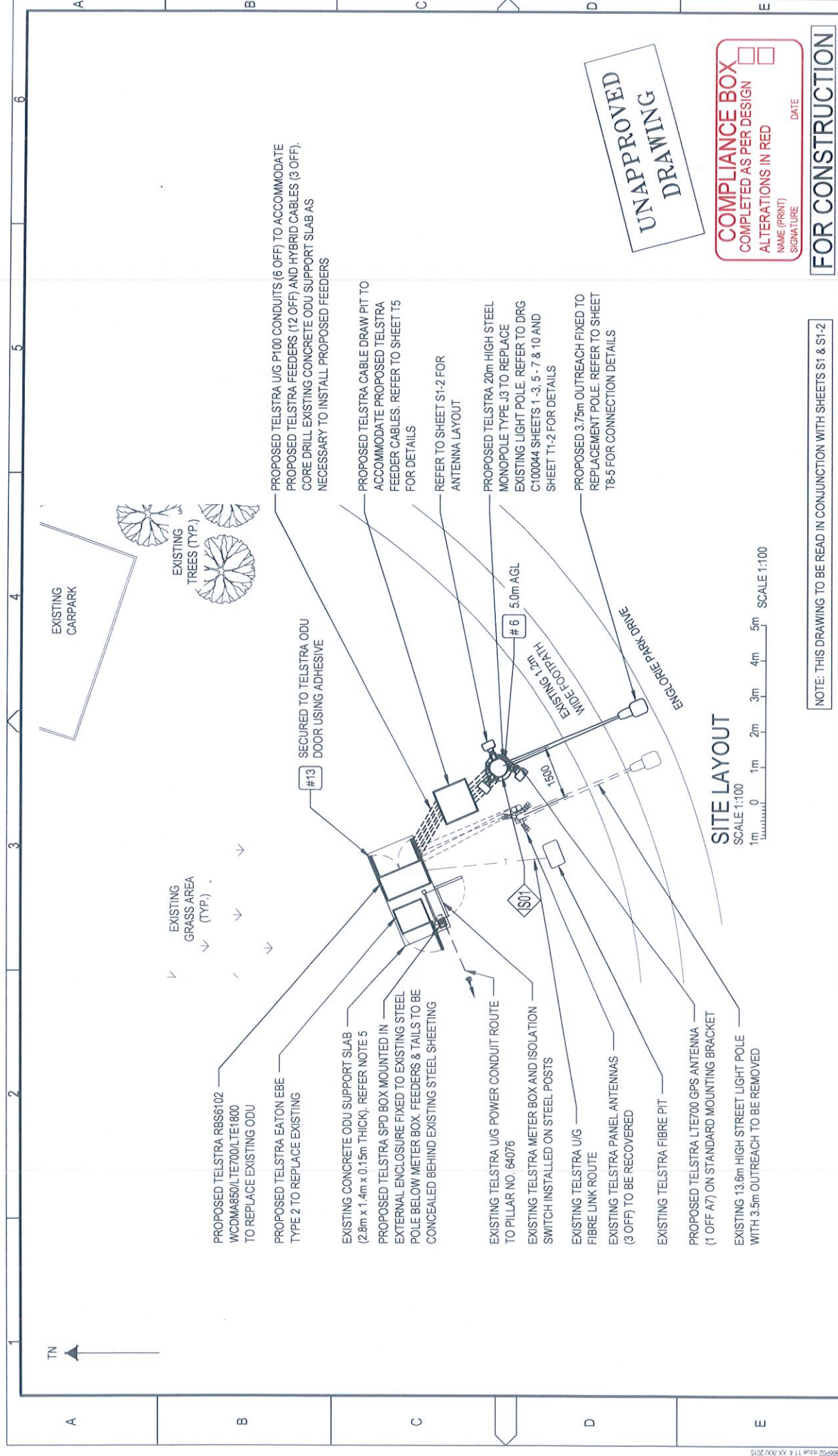


LOCALITY PLAN
NOT TO SCALE

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**UNAPPROVED
DRAWING**

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SIGNATURE _____



PROPOSED TELSTRA RBS8102 WCDMA850/LTE700/LTE1800 TO REPLACE EXISTING ODU

PROPOSED TELSTRA EATON EBE TYPE 2 TO REPLACE EXISTING

EXISTING CONCRETE ODU SUPPORT SLAB (2.8m x 1.4m x 0.15m THICK). REFER NOTE 5

PROPOSED TELSTRA SPD BOX MOUNTED IN EXTERNAL ENCLOSURE FIXED TO EXISTING STEEL POLE BELOW METER BOX. FEEDERS & TAILS TO BE CONCEALED BEHIND EXISTING STEEL SHEETING

EXISTING TELSTRA U/G POWER CONDUIT ROUTE TO PILLAR NO. 64076

EXISTING TELSTRA U/G FIBRE LINK ROUTE

EXISTING TELSTRA U/G (3 OFF) TO BE RECOVERED

EXISTING TELSTRA FIBRE PIT

PROPOSED TELSTRA LTE700 GPS ANTENNA (1 OFF A7) ON STANDARD MOUNTING BRACKET

EXISTING 13.8m HIGH STREET LIGHT POLE WITH 3.5m OUTREACH TO BE REMOVED

PROPOSED TELSTRA U/G P100 CONDUITS (6 OFF) TO ACCOMMODATE PROPOSED TELSTRA FEEDERS (12 OFF) AND HYBRID CABLES (3 OFF). CORE DRILL EXISTING CONCRETE ODU SUPPORT SLAB AS NECESSARY TO INSTALL PROPOSED FEEDERS

PROPOSED TELSTRA CABLE DRAW PIT TO ACCOMMODATE PROPOSED TELSTRA FEEDER CABLES. REFER TO SHEET T5 FOR DETAILS

REFER TO SHEET S1-2 FOR ANTENNA LAYOUT

PROPOSED TELSTRA 20m HIGH STEEL MONOPOLE TYPE J3 TO REPLACE EXISTING LIGHT POLE. REFER TO DRG C100044 SHEETS 1 - 3, 5 - 7 & 10 AND SHEET T1-2 FOR DETAILS

PROPOSED 3.75m OUTREACH FIXED TO REPLACEMENT POLE. REFER TO SHEET T8-5 FOR CONNECTION DETAILS

**UNAPPROVED
DRAWING**

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SIGNATURE _____

FOR CONSTRUCTION

Telstra
MOBILE NETWORK SITE 257198
GLEN ALPINE HERITAGE WAY
SITE LAYOUT
3132 HERITAGE WAY, GLEN ALPINE, NSW 2560

DWG NO. **N27734** SHEET NO. **S1-1**

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-2

ORDER	DRAWN	CHKD	EXAM	APPD	DATE	ISS
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NA0779.01	SS	GJF	FA	JYW	16.07.10	3
NA0779.01	SS	GJF	FA	JYW	24.05.11	4
NA0779.01	PRN	KM	SS	JB	22.07.13	5
NA0779.01	KR	TM	KK	KA	14.10.16	6

AMENDMENT

AMENDMENT	EXAM	APPD	DATE	ISS
PRELIMINARY FOR APPROVAL - 6928952W001TCI	FA	JYW	18.03.10	1
ANTENNA LOCATION AMENDED - 6928952W001TCI	FA	JYW	12.05.10	2
FEEDER ROUTE REVISED - 6928952W001TCI	FA	JYW	16.07.10	3
FOR CONSTRUCTION - 70588623W002TCI	FA	JYW	24.05.11	4
UPDATED FOR CONSTRUCTION - WCDMA850 - 70588623W002SSMC	SS	JB	22.07.13	5
UPDATED FOR CONSTRUCTION - 70588623W002SSMC - WCDMA850/LTE1800	KK	KA	14.10.16	6

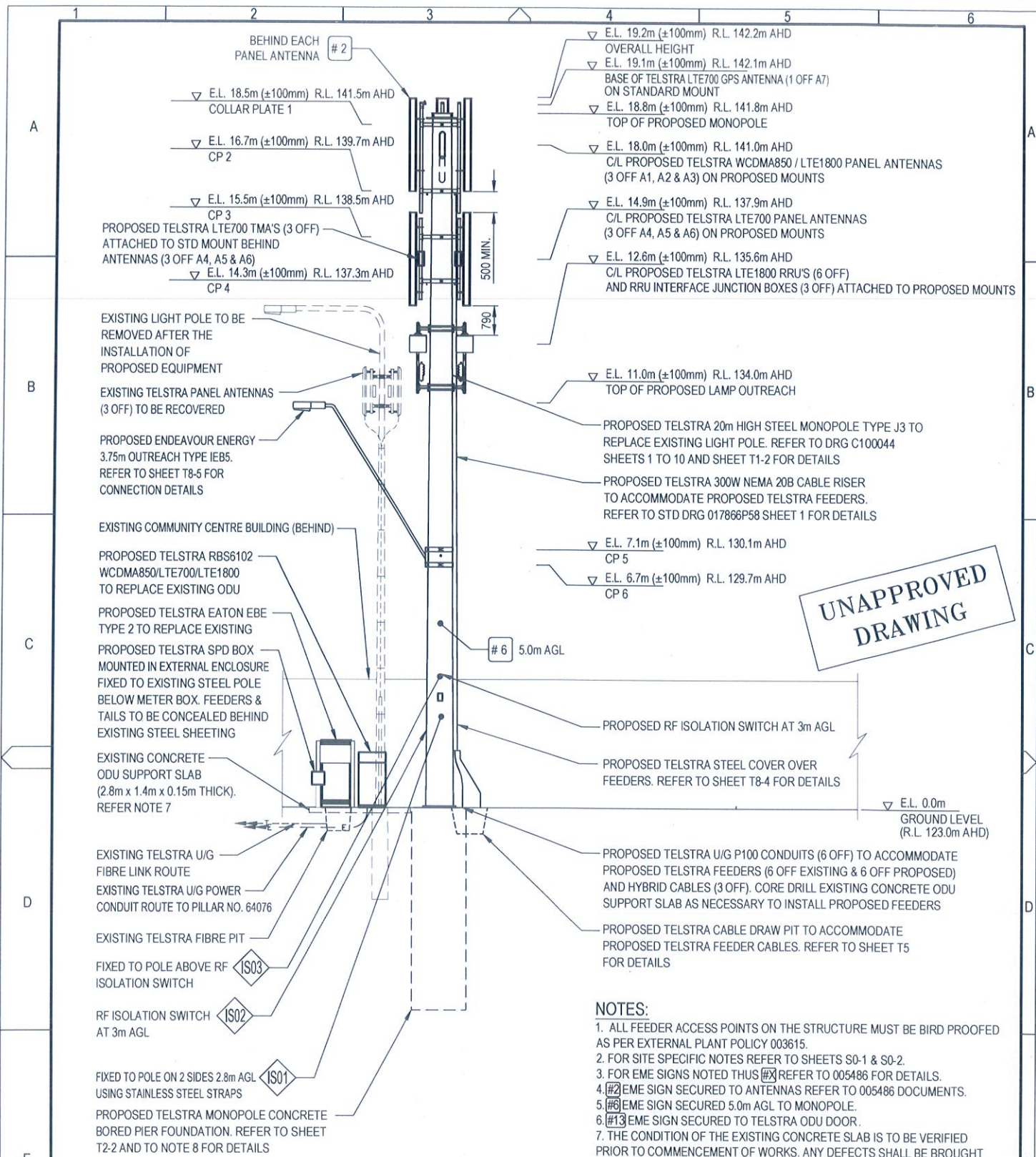
SITE LAYOUT
SCALE 1:100

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NOTES:

- FOR SITE SPECIFIC NOTES REFER TO SHEETS S0-1 & S0-2
- FOR EME SIGNS NOTED THIS DRAWING REFER TO 005486 FOR DETAILS.
- EME SIGN SECURED 5.0m AGL TO MONOPOLE.
- EME SIGN SECURED TO TELSTRA ODU DOOR.
- THE CONDITION OF THE EXISTING CONCRETE SLAB IS TO BE VERIFIED PRIOR TO COMMENCEMENT OF WORKS. ANY DEFECTS SHALL BE BROUGHT TO THE ATTENTION OF SSMC.

DO NOT SCALE



SOUTH EAST ELEVATION

SCALE 1:100
1m 0 1m 2m 3m 4m 5m SCALE 1:100

- NOTES:**
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
 2. FOR SITE SPECIFIC NOTES REFER TO SHEETS S0-1 & S0-2.
 3. FOR EME SIGNS NOTED THUS [X] REFER TO 005486 FOR DETAILS.
 4. [X] EME SIGN SECURED TO ANTENNAS REFER TO 005486 DOCUMENTS.
 5. [X] EME SIGN SECURED 5.0m AGL TO MONOPOLE.
 6. [X] EME SIGN SECURED TO TELSTRA ODU DOOR.
 7. THE CONDITION OF THE EXISTING CONCRETE SLAB IS TO BE VERIFIED PRIOR TO COMMENCEMENT OF WORKS. ANY DEFECTS SHALL BE BROUGHT TO THE ATTENTION OF SSMC.
 8. THE INSTALLATION OF MONOPOLE SHALL BE CARRIED OUT UNDER LOW WIND CONDITIONS. MAXIMUM WIND SPEED SHALL NOT EXCEED 30km/h (8.3m/s). THE EXISTING LIGHT POLE, IF REQUIRED SHALL BE STABILISED USING GUY WIRES, CRANES OR PROPS TO CONTRACTORS DETAIL PRIOR TO COMMENCEMENT OF PILING INSTALLATION WORKS.

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NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3-1


FOR CONSTRUCTION

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ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
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NA06179.01	SS	GJF	ANTENNA TYPE CHANGED - 69269552W001TC1	FA	JYW	16.07.10	4
NA06179.01	SS	GJF	FOR CONSTRUCTION - 70588623W002TC1	FA	JYW	24.05.11	5
NA06179.01	PRN	KM	UPDATED FOR CONSTRUCTION - WCDMA850 - 70588623W002SSMC	SS	JB	22.07.13	6
NA06179.01	KR	TM	UPDATED FOR CONSTRUCTION - 70668623W002SSMC - WCDMA850/LTE700/LTE1800	KK	KA	14.10.16	7

MOBILE NETWORK SITE 257198
GLEN ALPINE HERITAGE WAY
SOUTH EAST ELEVATION
3132 HERITAGE WAY, GLEN ALPINE, NSW 2560

DWG NO. **N27734** SHT NO. **S3**



Before




After


This is a representation only. The final installation may vary slightly in size, shape and/or colour.

B	21.06.13	ZV	Pole and light arm amended				
A	14.09.12	ZV	Preliminary				
Rev.	Date	Created	Revision Description				

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			Checker		
			REV.	B	




Before




After

This is a representation only. The final installation may vary slightly in size, shape and/or colour.


					 Approved:
B 21.06.13	ZV	Pole and light arm amended	Site Address 91 Englorie Park Drive Glen Alpine NSW 2560		BTS Site Name : Glen Alpine South
A 14.09.12	ZV	Preliminary	Site Number : N27734		Photographer: Date : 14.09.12
Rev.	Date	Created / Revision Description	Drawing title Photomontage View 2		Checker: REV: B

pixelwise
 405 Moran St
 Wollsworath
 NSW 2365
 P: +61 2 6650 1873
 F: +61 2 6650 1873
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Before



After

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B	21.06.13	ZV	Pole and light arm amended				
A	14.09.12	ZV	Preliminary				
Rev.	Date	Created	Revision Description				

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pixelwise
405 Wilson St
Wollasmoor
NSW 2666
P: +61 2 6460 2919
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GLENSIDE NSW 2160
T 02 8478 9999 | F 02 8478 9900
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Site Address
91 Englorie Park Drive
Glen Alpine
NSW 2560

BTS Site Name
Glen Alpine South

Site Number
N27734

Photographer
Celstra

Drawing title
Photomontage View 3

BTS Site Name
Glen Alpine South

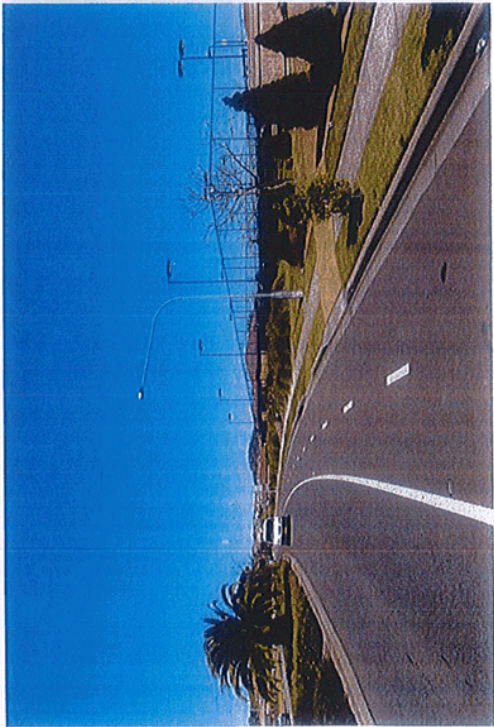
Site Number
N27734

Photographer
Celstra

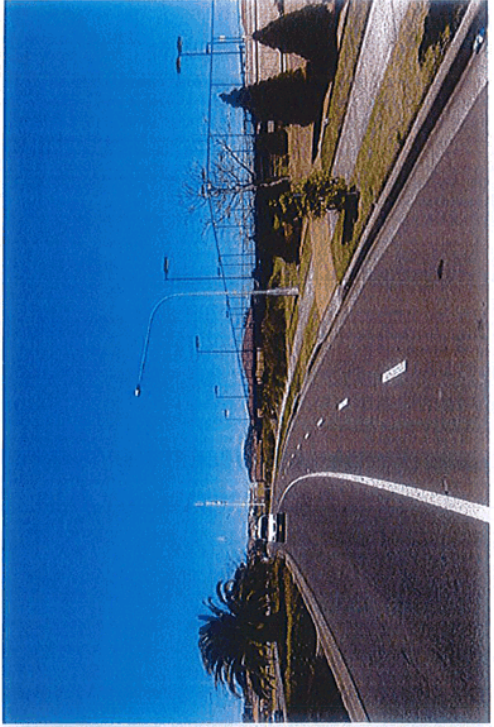
Approved
REV. B

Date
14.09.12

Checker
REV.




Before



After

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	Site Address 91 Englorie Park Drive Glen Alpine NSW 2560	BTS Site Name Glen Alpine South	Approved: 
	Site Number: NZ7734	Photographer:	Date: 14.09.12
	Drawing title Photomontage View 4	Drawing No.: IM04	Checker: REV. B

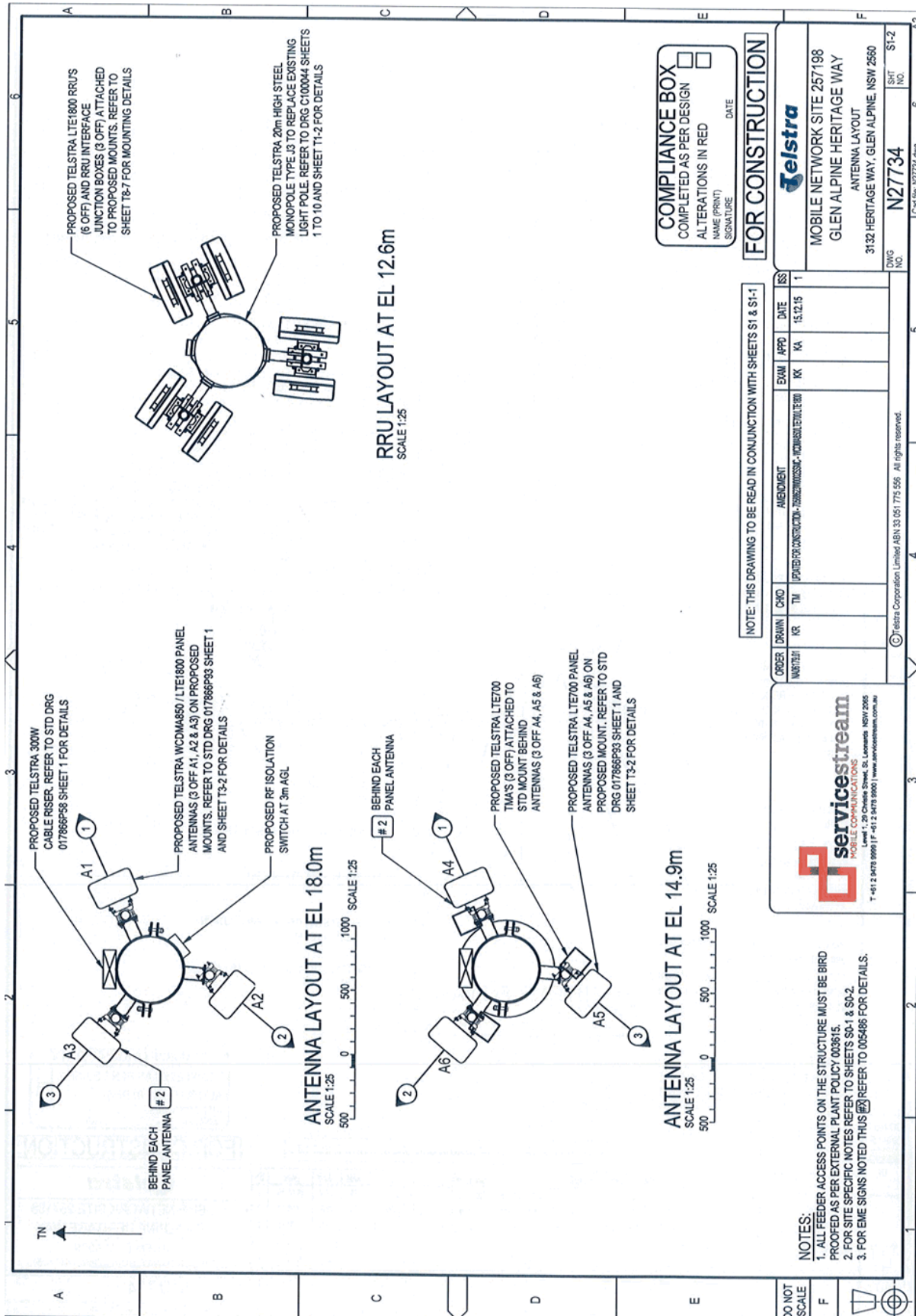
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425 Merton St
Wollasecroft
NSW 2505
P: +61 2 6450 1573
F: +61 2 6450 1573
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St Leonards NSW 2055
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Rev.	Date	Created	Revision Description
B	21.06.13	ZV	Pole and light arm amended
A	14.09.12	ZV	Preliminary

			
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<p>Site Address 91 Englorie Park Drive Glen Alpine NSW 2560</p>		<p>ITS Site Name : Glen Alpine South</p>	
<p>Site Number : N27734</p>		<p>Photographer : Telstra</p>	
<p>Drawing title Photomontage View 5</p>		<p>Approved : Telstra</p>	
<p>Drawing No. : M05</p>		<p>Date : 14.09.12</p>	
<p>Checker : REV</p>		<p>Checker : B</p>	
<p>Rev: Date Created Revision Description</p>		<p>This is a representation only. The final installation may vary slightly in size, shape and/or colour.</p>	



COMPLIANCE BOX
COMPLETED AS PER DESIGN
ALTERATIONS IN RED
NAME (PRINT) _____ DATE _____
SIGNATURE _____

FOR CONSTRUCTION

ORDER NO.	DATE	ISS
1	15.12.15	1

AMENDMENT

NO.	DATE	BY	REASON
1	15.12.15	KA	ISSUED FOR CONSTRUCTION - 15882003300 - WCDMA850/LTE1800

EXAM APPD

KK	KA
----	----

MOBILE NETWORK SITE 257198
GLEN ALPINE HERITAGE WAY
ANTENNA LAYOUT
3132 HERITAGE WAY, GLEN ALPINE, NSW 2560

DWG NO. **N27734** SHT NO. **S1-2**

Code file: N27734.dwg

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-1

ORDER NO.	DATE	ISS
1	15.12.15	1

AMENDMENT

NO.	DATE	BY	REASON
1	15.12.15	KA	ISSUED FOR CONSTRUCTION - 15882003300 - WCDMA850/LTE1800

EXAM APPD

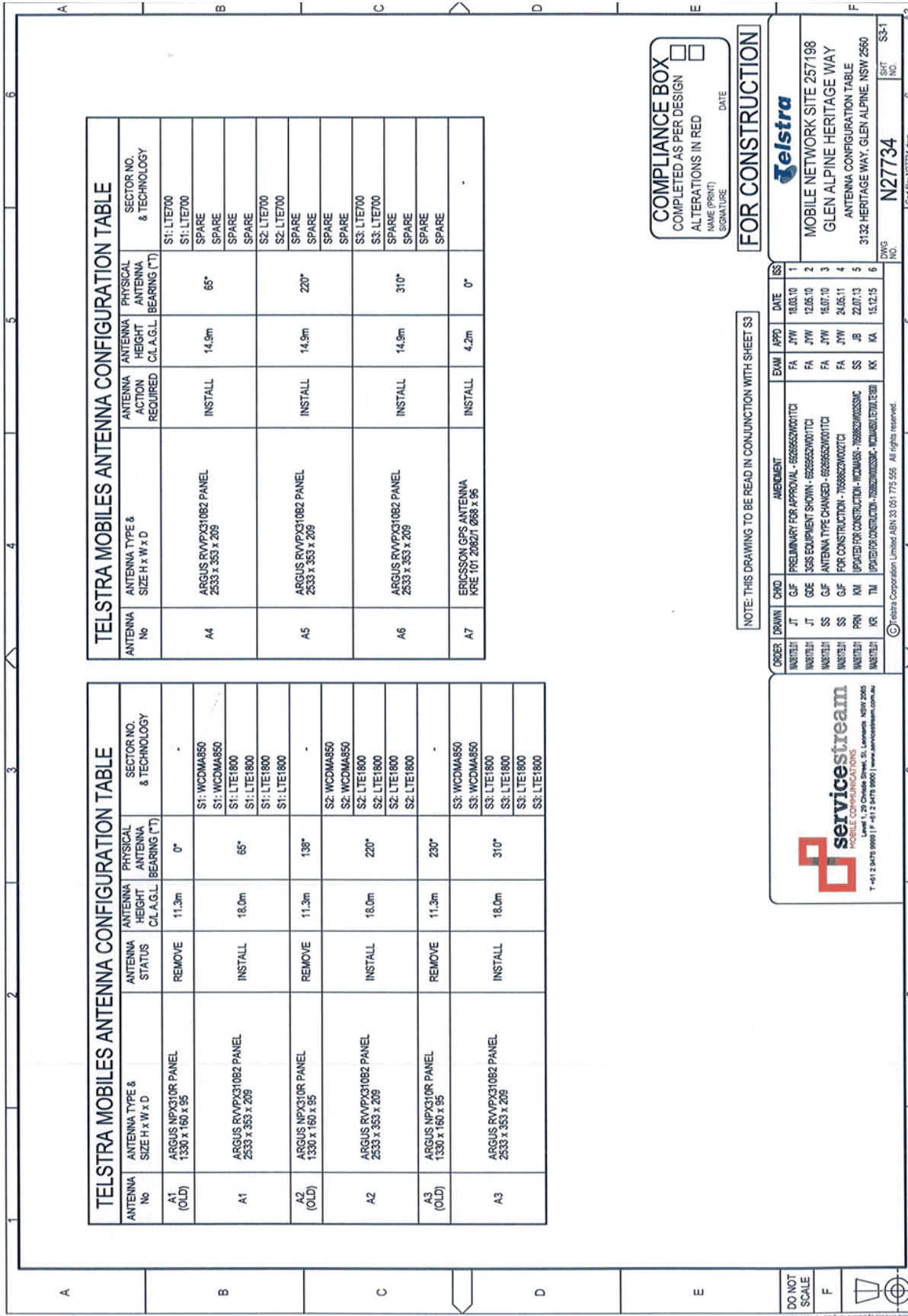
KK	KA
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- FOR EME SIGNS NOTED THUS (EM) REFER TO 005486 FOR DETAILS.



4.3 Planning Proposal for Old St James Anglican Church

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.9 - Create places where people feel good, are likely to stay, to return to and tell others about their experience

Referral Criteria

Planning Proposals are now required to be forwarded to the Local Planning Panel for advice prior to submission to Gateway.

Executive Summary

- A development application (2837/2016/DA-DEM) was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition.
- An appeal was lodged with the Land and Environment Court challenging the refusal and the proposed demolition of the building. In Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the Heritage Act 1977 to issue an Interim Heritage Order (IHO).
- An IHO for the subject property was prepared and notified by Council, and became effective on 13 October 2017. Further investigating where required to be undertaken to confirm as to whether the item had heritage significance.
- Council subsequently considered a report at its meeting on 10 April 2018 which detailed additional investigations undertaken by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. The Heritage 21 study is provided at attachment 2 of this report.
- The independent heritage study supports the heritage listing of the old church for the following reasons:
 - The Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area.
 - It is one of the last remnant buildings from the original Minto Village.
 - The setting including pine trees and fence are all intact from c1930s.
 - The St James Anglican Church represents continuing presence of the Anglican community in the locale for over a century.

Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice on the subject draft Planning Proposal which proposes the listing of St James, Minto as an item of the environmental heritage.

Purpose

The purpose of this report is to inform and seek the advice of the Campbelltown Local Planning Panel on a draft planning proposal.

Property Description	Lot 12 DP 712599, 2 Kent Street, Minto
Applicant	Campbelltown City Council
Owner	Anglican Church Property Trust Diocese of Sydney
Provisions	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions SEPP 55 – Remediation of Lands SEPP 19 – Bushland in Urban Areas SEPP (Exempt and Complying Development Codes) 2008 SEPP (State and Regional Development) 2011 SEPP (Vegetation in Non-Rural Areas) 2017 REP (Sydney harbour Catchment) 2005 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Greater Sydney Region Plan Western City District Plan Glenfield to Macarthur Urban Renewal Precinct Campbelltown Community Strategic Plan 2017-2027 Campbelltown Residential Development Strategy 2014 Re-imagining Campbelltown Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	Council initiated Planning Proposal

History

A detailed table of events that have occurred from the date of lodgement of the Development Application to the current status of the property:

Date	Key Events
30 August 2016	<p>A Development application (2837/2016/DA-DEM) was lodged with Council for the demolition of the old St James Anglican Church. Council publicly exhibited the proposal and received eight written submissions and two petitions objecting to the proposed demolition, generally for reasons relating to the potential heritage significance of the building. The justification provided by the applicant for the proposed demolition referred to the poor structural condition of the building, the associated safety hazard posed to the public and users of the site, and prohibitive cost of repairs. The use of the building for church services had also been surpassed by the multi-purpose church centre building located on the adjacent allotment, providing a more contemporary venue for the local congregation.</p>
18 April 2017	<p>Council considered a report on the subject development application and resolved to refuse the proposed demolition for the following reason:</p> <p>Pursuant to the provisions of Sections 79C(1)(d) and 79C(1)(e) of the <i>Environmental Planning and Assessment Act 1979</i>, it is considered that having regard for the number of public submissions, the development is not considered to be in the public interest.</p> <p>An appeal by the Applicant was subsequently lodged with the Land and Environment Court seeking to have the refusal overturned.</p> <p>As part of Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the <i>Heritage Act 1977</i> to issue an Interim Heritage Order (IHO) to protect the subject building for a six month period so that further detailed heritage investigations could be undertaken.</p>
10 October 2017	<p>Council considered a report on the proposed IHO for the old St James Anglican Church, in the context of the Land and Environment Court appeal, and resolved:</p> <ol style="list-style-type: none"> <li data-bbox="470 1601 1442 1736">1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the <i>Heritage Act 1977</i> and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report. <li data-bbox="470 1758 1442 1892">2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the <i>Heritage Act 1977</i>. <li data-bbox="470 1915 1442 2029">3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on

	listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.
13 October 2017	An IHO for the subject property was prepared and notified by Council, and became effective for a six month period expiring on 13 April 2018 A copy of the IHO is provided at attachment 3 Following the making of the IHO by Council, the appeal to the Land and Environment Court was discontinued on 27 October 2018 by consent of all relevant parties.
10 April 2018	Council considered an independent heritage report by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building Council resolved to support the heritage listing of St James Anglican Church The Heritage 21 heritage study is provided at attachment 3 of this Report.

Report

1. Assessment of the Planning Proposal

1.1 Summary of Planning Proposal Request

In summary, the planning proposal seeks to amend Schedule 5 of the CLEP 2015 to include the old St James Anglican Church located on No. 2 Kent Street, Minto. The proposal is to list the church and curtilage, but not the whole lot on which the church stands.

A copy of the draft planning proposal is located at attachment 1.

1.2 Justification

The NSW Department of Planning and Environment's (DPE) A Guide to Preparing Planning Proposals – issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides guidance and information for preparing planning proposals. The preparation of the draft planning proposal has been undertaken in accordance with the latest version of the guide.

1.3 Consideration of Section 9.1 Ministerial Directions

Section 9.1 (formerly Section 117) of the EP&A Act allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans.

The directions that are most relevant to this proposal are listed below:

- Direction 2.3 Environment and Heritage
- Direction 3.1 Residential Zones
- Direction 6.1 Approval and Referral Requirements
- Direction 7.1 Implementation of a Plan for Growing Sydney
- Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

The proposal is consistent with the ministerial directions outlined under Section 9.1.

Further detail and explanation of the relevant Ministerial directions are outlined in the draft planning proposal located in attachment 1 to this report.

1.4 Consideration of State Environmental Planning Policies (SEPPs)

The following SEPPs are applicable to the proposal and have been discussed below:

- SEPP 19 – Bushland in Urban Areas
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017
- REP (Sydney harbour Catchment) 2005
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

Further detail in relation to the relevant SEPPs is outlined in the draft planning proposal which is located in attachment 1 to this report.

1.5 Consideration of the Campbelltown Local Environmental Plan 2015

The subject site is currently zoned R3 – Medium Density Residential with a maximum permissible building height of 9 metres. The subject site forms part of the St James Anglican Church landholdings.

The inclusion of the old church as an item of local significance has merit, taking into consideration the independent heritage assessment undertaken by Heritage 21.

The independent assessment advises that the old church represents a strong cultural and social affiliation to the Anglican community and the local area of Minto. The church demonstrates landmark qualities and significant technical achievement, having been dismantled and reconstructed entirely by hand in 10 weeks with minimal change to the original fabric. The site is one of the last remaining buildings in the local area from the Minto Village era.

The proposal to heritage list the subject site as an item of local significance would not be out of character with the existing adjoining development surrounding the church which is predominantly 2 storeys. Future development of the surrounding sites could see an increase in medium density development between 3-6 storeys which would be facilitated by planning proposals to Council.

Future development of the subject site and surrounding sites would need to consider the heritage item.

2. Strategic Context – Relationship to State and Local Planning Policies

2.1 Greater Sydney Region Plan 2018

The Greater Sydney Region Plan has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036.

The plan also distinguishes that Greater Sydney is the site of the first colonial settlement in Australia and the history and heritage makes a significant contribution to the region's culture and identity. By conserving the subject site, the old church would provide a historical and cultural link to the local area.

2.2 Western City District Plan

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The Plan provides guidance in relation to job creation, housing supply and sustainability. The Plan also establishes the need to preserve cultural history including landscapes and heritage.

The area of Minto currently has four heritage items and the inclusion of the old St James Anglican Church would promote and enhance the Minto centres civic, cultural and heritage role. Future re-development of the area is anticipated which would be consistent with the Plan's objectives of creating stronger local economies close to jobs and housing. The role of heritage items would allow for the opportunity of adaptive re-use of these areas and would complement re-development in the near future.

2.3 Glenfield to Macarthur Urban Renewal Corridor Strategy

The NSW Government recently finalised the Minto Precinct in the Glenfield to Macarthur Urban Renewal Corridor Strategy which aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur.

As part of the strategy, Minto has been identified as an employment centre which provides a gateway to the South West and serving the wider growth area. The vision encapsulates Minto as an employment precinct which provides a variety of local based jobs within walking distance of the station and housing. Currently, there are no heritage items within the defined precinct of Minto under the Strategy.

Under the Strategy, the subject site is proposed to include 3-6 storey medium density residential development with proposed green links to Coronation Park.

The Proposal to heritage list the church would potentially have an impact on the Strategy to re-develop land for the purposes of medium density residential. Under the Strategy, future re-development would need to consider the Item and allow for sensible integration.

2.4 Campbelltown Community Strategic Plan 2027

The Campbelltown Community Strategic Plan 2027 is a document which will guide Minto over the next ten years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The strategic plan will assist Council in strategic direction over the next nine years which would include redevelopment of land around Minto Train Station for the purposes of employment and housing. The plan outlines the importance of embracing Campbelltown's rich and cultural history. The heritage listing of the old Church would support the idea of conserving local heritage listed items.

2.5 Concerns relating to the Planning Proposal

In February 2018, a submission was made to Council by Paul Davies Pty Ltd – Architects Heritage Consultants on behalf of the Anglican Church Property Trust in relation to the IHO placed on the building. The submission on behalf of the Anglican Church Property Trust detailed the following reasons not to heritage list the Church:

- The Church was not listed previously or recommended for listing in any previous studies
- Ongoing maintenance costs would increase as a result of the heritage listing
- There would be no feasibility in keeping the structure due to the large cost of undertaking the structural repair works of the church
- Estimated structural repair works would cost \$560,000 to \$660,000 which would be unfeasible to the Parish
- There is no suitable use for the building due to the current structural integrity
- Heritage listing the building would have consequences on the church into the future.

The heritage report submitted by the consultant to the Church outlined that there is not enough merit in listing the old church. The fees and costs associated with the conservation of the church in order to satisfy building and structural requirements are excessive for the Church.

A copy of the submission can be seen as attachment 4.

3. Public Participation

Should the planning proposal proceed through Gateway Determination, community consultation will be undertaken. The specific requirements for community consultation will be provided in the Gateway Determination.

4. Conclusion

The planning proposal seeks to achieve the local heritage listing of St James Anglican Church under Schedule 5 of the CLEP 2015. It is recommended to support the heritage listing of the subject property due to the long standing social and cultural significance to the Anglican community and local community of Minto. The heritage listing of the Church would also be the first within the Minto town centre which would complement the rejuvenation of Minto in line with relevant local and state strategies.

Attachments

1. Draft Planning Proposal (contained within this report)
2. Heritage 21 Study (contained within this report)
3. Interim Heritage Order (contained within this report)
4. Heritage Report (contained within this report)

Reporting Officer

Executive Manager Urban Centres



Planning Proposal

Heritage Listing

Old St James Anglican Church

No. 2 Kent Street, Minto

June 2018

INTRODUCTION

This Planning Proposal explains the intent of, and justification for, the proposed amendment to insert the 'old St James Anglican Church including front fence and palm tree plantings located on property No. 2 Kent Street, Minto also known as an item of local heritage significance under Schedule 5 of the *Campbelltown Local Environmental Plan 2015*.

Existing Situation

The subject land at No.2 Kent Street (Lot 12 DP712566) Minto is legally described as Lot 12 DP 712566, and has an area of approximately 3395 square metres and is currently zoned R3 – Medium Density Residential. The site has street frontage to Redfern Road and secondary street frontage to Kent Street.



Figure 1: Location of subject site

The site contains the old St James Anglican Church, a rectory and church hall. Vehicular access to the land is from Kent Street and via an internal service road through the adjacent property at No.2 Redfern Road, which is under the same ownership and occupied by the St James Anglican Church Centre.



Figure 2: St James Anglican Church c.1937



Figure 3: St James Anglican Church 2018

The old St James Anglican Church was originally built on the corner of Minto Road and Cumberland Road in 1897. It was dismantled and re-erected on the subject land in 1918. The building is not listed in Campbelltown Local Environmental Plan (CLEP) 2015 as an item of heritage significance.

The St James Anglican Church Centre is a multi-purpose facility has been used by the local congregation for church services since it was completed in 1985. In this respect, the old St James Anglican Church ceased its primary function as a church in 1985, and was vacated in 2014 due to safety concerns relating to the structural deterioration of the building.

The Planning Proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' August 2016.

Part 1 – Objectives or intended outcomes

A statement of the objectives and intended outcomes of the proposed instrument

The objective of the planning proposal is to list the old St James Anglican Church including pine tree plantings and front fence located on No. 2 Kent Street, Minto (Lot 12 DP712566) as an item of local heritage significance in the CLEP 2015.

The existing R3 – Medium Density Residential zoning and existing development standards currently applying to the site are not proposed to change as a result of the planning proposal.

Part 2 – Explanation of provisions

The planning proposal seeks to amend Schedule 5 Environmental Heritage of the CLEP 2015 by inserting the following:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Minto	Old St James Anglican Church Church including early pine tree plantings and front fence	2 Kent Street	Lot 12 DP712566	Local	(To be confirmed)

The planning proposal will result in the amendment to the heritage map by colouring the old church including palm tree plantings and front fence so as to indicate a Heritage Item – General. The proposed revised map is shown in Part 4 – Mapping.

Part 3 – Justification

Section A – Need for the planning proposal

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

Yes.

An independent heritage assessment was carried out by Heritage 21 on the site following the making of an Interim Heritage Order. A copy of the heritage assessment report is included at Attachment A.

The heritage assessment outlines the statement of significance as follows:

St James Anglican Church embodies historical, aesthetic, social and representative values, and is also significant for its rarity in the local context.

St James Anglican Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area and the increasing population of the late-nineteenth century. Its relocation represents the growth of Minto as a distinct township and has served the needs of the Anglican community for nearly a century.

The building is associated with two prominent architects of the Federation period – Henry Austin Wilshire (who designed the original building) and John Burcham Clamp (who oversaw the relocation project). Together, Wilshire and Burcham Clamp are associated with over 40 buildings and/or works which are statutorily protected as heritage items in New South Wales. The subject building forms part of their legacies.

Although the building is not notable for displaying any particular creative achievement, the building does demonstrate landmark qualities in the area as one of the last remnant buildings from the original Minto Village. It is intact and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early pine tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building. Additionally, the building displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).

St James Anglican Church represents the continuing presence of the Anglican Community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community, including extensive working bees in the 1970s. The place also demonstrates ties to the Anglican community in New South Wales, with Wilshire (the original architect) designing the building pro bono, and donations towards the original building made by the trustees of St James Church, Sydney and St Phillips Church, Glebe. In general, the site represents a continuing link between the Anglican Church of NSW and the Anglican community of Minto, and is socially significant.

The subject building is one of the last remnant buildings that date to the early beginnings of Minto Village, and its original form and scale, and setting is readily legible. It is a locally rare item. At the same time, the building is a highly intact example of a simple, late-nineteenth century church building, and its continued legibility means that it is a fine representation of this type of building.

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

Yes.

The site has been evaluated as satisfying the NSW Heritage Council's criteria for local heritage significance and the planning proposal is the best means of achieving the objective to conserve the old church.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes.

The Planning Proposal is consistent with the relevant objectives and actions outlined in the Sydney Metropolitan Strategy 'A Plan for Growing Sydney', Greater Sydney Region Plan and the Western City District Plan.

Greater Sydney Region Plan 2018

The 'Greater Sydney Region Plan' has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036.

The plan also distinguishes that Greater Sydney is the site of the first colonial settlement in Australia and the history and heritage makes a significant contribution to the region's culture and identity. By conserving the subject site, the old church would provide a historical and cultural link to the local area.

Western City District Plan

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The Plan provides guidance in relation to job creation, housing supply and sustainability. The Plan also establishes the need to preserve cultural history including landscapes and heritage.

The area of Minto currently has four heritage items and the inclusion of the old St James Anglican Church would promote and enhance the Minto centres civic, cultural and heritage role. Future re-

development of the area is anticipated which would be consistent with the Plan's objectives of creating stronger local economies close to jobs and housing. The role of heritage items would allow for the opportunity of adaptive re-use of these areas and would complement re-development in the near future.

Glenfield to Macarthur Urban Renewal Corridor Strategy

The NSW Government recently finalised the Minto Precinct in the Glenfield to Macarthur Urban Renewal Corridor Strategy which aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur.

As part of the strategy, Minto has been identified as an employment centre which provides a gateway to the South West and serving the wider growth area. The vision encapsulates Minto as an employment precinct which provides a variety of local based jobs within walking distance of the station and housing. Currently, there are no heritage items within the defined precinct of Minto under the Strategy.

Under the Strategy, the subject site is proposed to include 3-6 storey medium density residential development with proposed green links to Coronation Park.

The Proposal to heritage list the church would potentially have an impact on the Strategy to re-develop land for the purposes of medium density residential. Under the Strategy, future re-development would need to consider the Item and allow for sensible integration.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Campbelltown Community Strategic Plan – Campbelltown 2027

Yes.

The Campbelltown Community Strategic Plan 2027 is a document which will guide Minto over the next 10 years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The Strategic Plan will assist Council in strategic direction over the next 9 years which would include redevelopment of land around Minto Train Station for the purposes of employment and housing. The Plan outlines the importance of embracing Campbelltown's rich and cultural history. The heritage listing of the old Church would support the idea of conserving items that have potential heritage significance.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the Planning Proposal.

State Environmental Planning Policies	Comment
SEPP No. 1 Development Standards	Not applicable as Clause 4.6 of the CLEP 2015 negates the need for SEPP 1.

SEPP 14 – Coastal Wetlands	Not applicable.
SEPP 19 – Bushland in Urban Areas	The site does not contain any significant vegetation.
SEPP 21 – Caravan Parks	Not relevant to the proposal.
SEPP 26 – Littoral Rainforests	Not relevant to the proposal.
SEPP 30 – Intensive Agriculture	Not relevant to the proposal.
SEPP 33 – Hazardous or Offensive Development	Not relevant to the proposal.
SEPP 36 – Manufactured Home Estates	Not relevant to the proposal.
SEPP 44 – Koala Habitat Protection	This site does not contain any koala habitat.
SEPP 47 – Moore Park Showground	Does not apply to land within Campbelltown.
SEPP 50 – Canal Estate Development	Not relevant to the proposal.
SEPP 52 – Farm Dams	Not relevant to the proposal.
SEPP 55 – Remediation of Lands	The existing urban use of the land is unlikely to result in land contamination.
SEPP 62 – Sustainable Aquaculture	Not relevant to the proposal.
SEPP 64 – Advertising and Signage	The proposal is not inconsistent with the aims of the Policy.
SEPP 65 – Design Quality of Residential Apartment Development	Not applicable to this proposal.
SEPP 70 – Affordable Housing Schemes	Not relevant to this proposal.
SEPP 71 – Coastal Protection	Not relevant to this proposal.
SEPP (Building Sustainability Index: BASIX) 2004	The proposal is not inconsistent with the aims of the Policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	The proposal is not inconsistent with the aims of the Policy.
SEPP (Affordable Rental Housing) 2009	The proposal is not inconsistent with the aims of the Policy.
SEPP (Exempt and Complying Development Codes) 2008	The proposal is not inconsistent with the aims of the Policy.
SEPP (Infrastructure) 2007	The proposal is not inconsistent with the aims of the Policy.
SEPP (Housing for Seniors or People with a Disability)	It is not proposed to carry out the development under the provisions of this SEPP.
SEPP (Integration and Repeals) 2016	Not relevant to the proposal.
SEPP (Kosciusko National Park) 2007	The SEPP does not apply to the land.
SEPP (Kurnell Peninsular) 1989	The SEPP does not apply to the land.
SEPP (Mining and Extractive Industries) 2007	Not relevant to the proposal.
SEPP (Miscellaneous Consent Provisions)	Not relevant to the proposal.
SEPP (Penrith Lakes Scheme) 1989	Not relevant to the proposal.
SEPP (Rural Lands) 2008	Not relevant to the proposal.
SEPP (State and Regional Development) 2011	The proposal is not inconsistent with the aims of the Policy.
SEPP (State Significant Precincts) 2005	The SEPP does not apply to the land.
SEPP (Sydney Drinking Water Catchment) 2011	The SEPP does not apply to the land.
SEPP (Sydney Region Growth Centres) 2006	The SEPP does not apply to the land.
SEPP (Three Ports) 2013	The SEPP does not apply to the land.

SEPP (Urban Renewal) 2010	The SEPP does not apply to the land.
SEPP (Western Sydney Employment Area) 2009	The SEPP does not apply to the land.
SEPP (Western Sydney Parklands) 2009	The SEPP does not apply to the land.
SEPP (Vegetation in Non-Rural Areas) 2017	The subject site is within a well-established urban area, having historically been used for residential purposes. The proposal will not impact any significant vegetation.

The following table provides a brief assessment of consistency against each Deemed SEPPs relevant to the Planning Proposal.

Consideration of Deemed SEPPs	Comment
REP (Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal.
Greater Metropolitan Regional Environmental Plan No2 – Georges River Catchment	Consistent. The proposal would not impact on the water quality and river flows of the Georges River and its tributaries.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Consistent. The planning proposal is consistent with this Direction which will result in the conservation of a property in accordance with the NSW Heritage Council's criteria for items of local significance.
2.4 Recreation Vehicle Areas	Not applicable.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The subject site is located within a residential

	zone. The proposal would be consistent with this Direction as the Proposal relates to an established church and in this regard would have no impact on housing choice, infrastructure or the environment.
3.2 Caravan Parks and Manufactured Homes Estates	Not applicable.
3.3 Home Occupations	Not applicable.
3.4 Integrating Land Use and Transport	Not applicable.
3.5 Development Near Licensed Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable.
4.2 Mine Subsidence and Unstable Land	Not applicable.
4.3 Flood Prone Land	Not applicable.
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable.
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5 – 5.7	Repealed
5.8 Second Sydney Airport	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Not applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal requests that a condition be implemented requesting comment from the OEH.
6.2 Reserving Land for Public Purposes	The Proposal does not impact on land reserved for public purposes.
6.3 Site Specific Provisions	The proposal is not inconsistent with the aims of the Policy.
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	The proposal is consistent with the requirements of the strategy as discussed in Part 3 of this Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and	Not applicable.

Infrastructure Implementation Plan	
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	The proposal is consistent with this Direction as the Proposal will not impact on the future renewal of the Minto precinct along existing transport hubs such as the Railway Station.

Section C – Environmental, Social and Economic Impact

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

No.

The subject site does not contain any known critical habitat or threatened species, populations' or ecological communities, or any other habitat. Therefore, the proposal will not have an impact on any ecological communities.

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

No.

The Planning Proposal proposes to include part of No. 2 Kent Street, Minto as an item of local heritage under Schedule 5 of the CLEP 2015. Accordingly, it is suggested that comments on the proposal should be sought from the Office of Environment and Heritage as a condition of Gateway.

9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is not supported by a social or economic assessment. However, the independent heritage report by Heritage 21 identifies the need for further works to be undertaken in relation to the old church. The report acknowledges the need for repair works due to the slow deterioration of the church. Furthermore, the heritage listing of the old church would not impact on the current existing social configuration of the Anglican Church and its relationship with the local community of Minto.

Section D – State and Commonwealth Interests

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

Yes.

Services are available in the vicinity of the site. The proposal would not impose any additional demands on local infrastructure, public or community services. The sites are located in close proximity to existing bus and train services.

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

Consultation would occur with the public authorities identified in the Gateway Determination, including the Office of Environment and Heritage.

Part 4 – Mapping

The Planning Proposal seeks to amend the Campbelltown LEP Height of Building Maps as proposed below: -

Map	No	Requested Amendment
Heritage Map	Heritage Map HER_007 Date 20 February 2017	Amend the heritage map to include the Old St James Church, front fence and palm trees located on No. 2 Kent Street, Minto as an item of local environmental heritage.

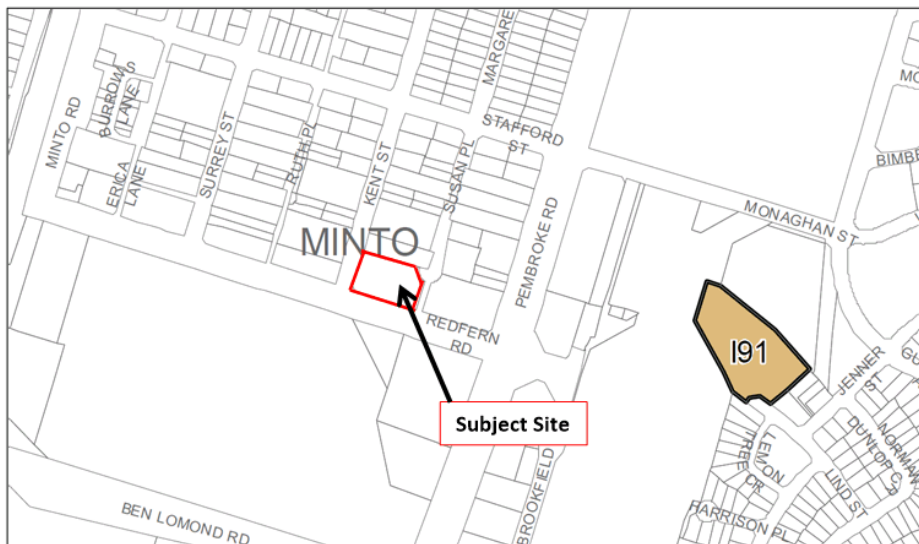


Figure 3: Current CLEP 2015 Heritage Map



Figure 4: Proposed CLEP 2015 Heritage Map

Part 5 – Community consultation

In accordance with “A guide to preparing local environmental plans” prepared by the Department of Planning and Environment (2016), the consultation strategy would include:

Advertisement in the local newspaper

An advertisement placed in the LOCAL NEWSPAPER identifying the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

Advertisement on the Council website

The Planning Proposal would be exhibited on Council’s website (www.campbelltown.nsw.gov.au). Council’s libraries also have access to the website.

Letters to affected owners

A letter would be sent to landowners who adjoin or are in close proximity to the site, advising them of the exhibition of the Proposal and inviting submissions.

Displays at the Council Administration Buildings and the local libraries

The Planning Proposal would be displayed at the Council Administration Building, 91 Queen Street, Campbelltown, Campbelltown Library and Ingleburn Library.

Part 6 – Project Timeline

Weeks after Gateway Determination	Item
0	Gateway Determination
8	Exhibition Start
13	Exhibition End
17	Consideration of submissions from exhibition
22	Report to Council on submissions
24	Request draft instrument be prepared

Heritage Data Form

ITEM DETAILS					
Name of Item	St James Anglican Church				
Other Name/s Former Name/s	-				
Item type (if known)	Built				
Item group (if known)	Religion				
Item category (if known)	Church				
Area, Group, or Collection Name	-				
Street number	2				
Street name	Kent Street				
Suburb/town	Minto	Postcode	2566		
Local Government Area/s	Campbelltown				
Property description	Lot 12 / DP 712599				
Location - Lat/long	Latitude	-34.028673	Longitude	150.846923	
Location - AMG (if no street address)	Zone		Easting		Northing
Owner	Anglican Church of Australia				
Current use	Vacant				
Former Use	Church				
Statement of significance	<p>St James Anglican Church embodies historical, associative, aesthetic, social, and representative values, and is also significant for its rarity in the local context.</p> <p>St James Anglican Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area and the increasing population of the late-nineteenth century. Its relocation represents the growth of Minto as a distinct township and has served the needs of the Anglican community of Minto for nearly a century.</p> <p>The building is associated with two prominent architects of the Federation period – Henry Austin Wilshire (who designed the original building) and John Burcham Clamp (who oversaw the relocation project). Together, Wilshire and Burcham Clamp are associated with over 40 buildings and / or works which are statutorily protected as heritage items in New South Wales. The subject building forms part of their legacies.</p> <p>Although the building is not notable for displaying any particular creative achievement, the building does demonstrate landmark qualities in the area as one of the last remnant buildings from the original Minto Village. It is intact and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early pine tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building. Additionally, the building displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).</p> <p>St James Anglican Church represents the continuing presence of the Anglican community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community, including extensive working bees in the 1970s. The place also demonstrates ties to the Anglican community of New South Wales, with Wilshire (the original architect) designing the building pro bono, and donations towards the original</p>				

Heritage Data Form

	<p>building made by the trustees of St James Church, Sydney and St Phillips Church, Glebe. In general, the site represents a continuing link between the Anglican Church of NSW and the Anglican community of Minto, and is socially significant.</p> <p>The subject building is one of the last remnant buildings that date to the early beginnings of Minto Village, and its original form, scale, and setting is readily legible. It is a locally rare item. At the same time, the building is a highly intact example of a simple, late-nineteenth century church building, and its continued legibility means that it is a fine representation of this type of building.</p>				
Level of Significance	State <input type="checkbox"/>		<u>Local</u> <input checked="" type="checkbox"/>		
DESCRIPTION					
Designer	Henry Austin Wilshire				
Builder/ maker	T. P. Latter				
Physical Description	<p>Exterior:</p> <p>The subject site is a large allotment located at the intersection of Redfern Road and Kent Street. The property frontage displays a wire and timber fence which, although not original, likely dates to the Inter-War period. Between the fence and the Church building are a series of palm trees, which were planted in the late 1910s. The relatively large, grassed allotment gives ample curtilage for the Church building to stand out as the prominent built form at the site.</p> <p>The Church building itself is of simple form – a single-storey building with a prominent gabled roof with a slight parapet at the front and back. The structure is of polychromatic brick masonry construction, with a roof of cement tile sheeting. At the front of the building is a smaller, enclosed gable element with a pointed arch window fronting the street, which serves as the entry point to the Church. Near the apex of the primary gable, at both sides, is a decorative oeil de boeuf opening.</p> <p>At the side elevations to the east and west, the structure is punctured by an identical fenestration pattern of three, pointed arch windows set into bays created by non-load bearing piers, with doors at the northern ends.</p> <p>At the rear, the Church is supported by two buttresses of brick masonry in a polychromatic tonality similar to that of the primary structure. These were added after the building was reconstructed at the present site in 1918.</p> <p>Interior:</p> <p>Originally, the site would have been divided into two spaces: the front gable entrance, and the nave. Currently, the interior is divided into four spaces: the entrance, a makeshift narthex, the nave, and an upper level (above the narthex, facing into the nave). The narthex and upper level are recent additions of timber construction.</p> <p>The ceiling is of timber planks, with evenly-spaced hardwood trusses. Flooring is timber, and likely early to the construction of the Church.</p> <p>Stained glass windows at the rear wall are visible from within the building.</p>				
Physical condition	A preliminary visual inspection was undertaken in January 2018, which found that the item is in fair condition.				
Archaeological potential	Low – none.				
Construction years	Start year	1897	Finish year	1898 (dismantled and reconstructed 1918)	Circa <input type="checkbox"/>
Modifications and dates	<p>The original building – located on a different site between the townships of Minto and Ingleburn – was dismantled and reconstructed in its present location in Minto in 1918. The reconstructed Church was exactly the same as the original, although the original veranda which extended across the primary elevation of the building had been deleted in the building's second iteration.</p> <p>Other modifications and alterations to the building and the site include:</p>				

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	<p>Late 1910s: Planting of palm trees at the property frontage, Redfern Road</p> <p>1920: Construction of tennis court</p> <p>Late 1920s: Replacement of four Miller kerosene lights – used to illuminate the interior – with three Aladdin lamps (donated by parishioners)</p> <p>August 1938: Installation of electric lights in interior</p> <p>1948: Connection to new city water supply</p> <p>1962: Expansion of Church to obtain adjacent Guild Hall (currently in use at the Children’s Centre)</p> <p>1966: Construction of Sunday School Hall (later demolished to make way for new Church building)</p> <p>1975: Erection of rectory building; Retiling of roof of Church building (the cost of which was borne through an interest-free loan from Mary Monkley, a late parishioner)</p> <p>1977: Internal floor varnished; vestry and broom room removed from interior to allow space for organ, communion table, and dais</p> <p>Late 1970s: Renovation of stained glass window at northern end of building in memory of Mr Apps, a late parishioner; Community working bees – repainting all windows and doors of building; clearing moss from southern end of building; replacement of most fencing around Church and rectory buildings</p> <p>1 December 1984: Laying of foundation stone for new Church building, to the south of the original Church – the new Church building, which is currently in use, was opened on 25 May 1985</p>
Further comments	None.

HISTORY

Historical notes	<p><u>Beginnings:</u></p> <p>As a result of significant population growth in the region, St James Church of England was first erected on the corner of Minto and Cumberland Roads in 1897 to serve the suburbs of Glenfield, Ingleburn, and Minto. The architect of the building was Henry Austin Wilshire, the youngest son of James Robert Wilshire MLC, second elected Lord Mayor of Sydney. Henry Wilshire was a prominent social figure and architect in the late nineteenth and early twentieth centuries, and at present 12 of his buildings have been afforded statutory protection as heritage items in NSW. Wilshire provided his services pro bono to the Anglican Church for the design of St James Church. Prior to construction of the Church, a sum of approximately £200 was donated by the trustees of St James Church in central Sydney, with a smaller amount given by St Phillips Church in Glebe.</p> <p><u>Construction and Opening:</u></p> <p>The foundation stone for the Church was laid on 13 September 1897 by the Bishop of Bathurst, the Right Reverend Dr C.E. Camidge. The ceremony was seen as a “means of bringing a large gathering of the residents together,” and was a well-attended affair which was followed by a fundraising concert. Copies of Sydney and local newspapers from the day of the ceremony were placed in a bottle, which in turn was placed into a portion of the foundation stone. Also in the bottle was a written document recording the names of the principal figures in the ceremony.</p> <p>St James Church was officially opened on Saturday 5 February 1898. The Cumberland Herald wrote at length on the Church’s opening, describing a service which had “a very large attendance, which included visitors from all parts of the [Minto-Ingleburn-Glenfield] district.” The article goes on to describe the building:</p> <p><i>The foundations are built in solid cement, the walls being 9in. with a 3in. cavity. The gables are 14in. with 3in. cavity, dark grey, with red bricks as a string course ; also, door and window openings which are Gothic. The frames are Oregon with Kauri linings and architraves. The roof is open with framed principals, lined on the top with colonial mahogany and covered with Terra Cotta roofing [sic] tiles. The floors are 4in. x 1in. T.G. best tallow-wood. The chancel windows are fitted with lead lights and tinted glass ; all other windows are frosted. The vestry and organ screens are formed of Oregon and diagonal panels of best Kauri. The whole of the seats, pulpit, reading-desk, and front-table are of the same material. The decoration of interior of walls are French grey Alabastine, with a stencil design</i></p>
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	<p><i>over a dark dado. The principals and rafters are grained, and all other woodwork and furniture varnished throughout, thus producing a very pleasing effect.</i></p> <p>St James would soon become a focal point for community gatherings, with many fundraising events held at the Church grounds. For one such event, a marquee was lent gratis to the Church by Dudley and Co., sailmakers located in Sussex Street, Sydney. Captain Thomas Dudley, of Dudley and Co., was a somewhat infamous figure in the late nineteenth and early twentieth centuries. In July 1884, Dudley was on voyage from Southampton, England to Australia on the yacht Mignonette, which became foundered some 1800 miles from the closest shoreline. Dudley, two men, and a young boy were fortunate enough to escape on a boat, but without any provisions. After two weeks with no food or water, Dudley and one of the other men decided to execute and consume the young boy. The three survivors were eventually rescued and taken to Falmouth. Dudley and the other man responsible for the death of the boy were tried at the assizes of Exeter, where they were sentenced to death for cannibalism on the high seas. The sentence, however, was immediately commuted to six months' prison with no hard labour. After moving to Sydney and finding commercial success as a sail maker and ship chandler, Dudley would become the first person in Australia to die of the bubonic plague in February 1900.</p> <p><u>Relocation:</u></p> <p>Rising populations in the townships of Minto and Ingleburn in the early twentieth century saw St James increasingly unable to serve the two communities for which it was established. A meeting was convened on 25 June 1915 by the Rural Dean of Cobbity and attended by the rectors of Campbelltown and Ingleburn, together with their wardens. Ingleburn expressed a desire for a new church and St James, in its original location on the border of the two towns, was not seen as adequately central to either one or the other. On 15 February 1915, the people of Minto had purchased two blocks of land in proximity to Minto Village, on Kent Street at the intersection with Redfern Road. This would eventually become the new location for St James Church (where it still stands), although at the time there were inadequate funds to move the structure to a new location.</p> <p>By the mid-1910s St James was only occasionally being used for Church services, with services mainly being held at the Minto School of Arts. During this time, St James would become something of a haven for 'swaggies' – transient itinerant labourers who would pass through on their way to find employment opportunities wherever they existed.</p> <p>Research suggests that the initial plan was for the final services at the original St James to be held towards the end of 1915. An article from the Campbelltown Herald dated 25 September 1915 writes of a wedding which was "in all probability" the final service to be held at the Church before the relocation.</p> <p>However, Church records indicate that the final service to be held at the original St James was on Sunday, 21 July 1918. No records detailing the specifics of this service were kept, however following this and through the end of July, workers began the process of cleaning and clearing the new Kent Street site and dismantling the original Church building.</p> <p><u>The New Church:</u></p> <p>In July 1918, a contract was signed with builder Syd A. Cross and architect John Burcham Clamp for the dismantling and rebuilding of St James Church on the allotment purchased by the parishioners of Minto in 1915. Burcham Clamp was a prominent architect in the late-nineteenth and early-twentieth centuries, responsible for the original St James Hall on Phillip Street, Sydney (since demolished), Victoria Hall, Manly (since demolished to make way for St Matthews Church), and the conversion of a two-storey residence in Rushcutters Bay to house St Luke's Hospital. Clamp was also an active Anglican and served as the building surveyor for the diocese of Sydney – he designed St Matthews Church, Manly and the Sydney Church of England Grammar School (Shore) chapel, North Sydney, and was a founder of the prestigious Cranbrook School in Rose Bay. At present, 29 works designed by or associated with Burcham Clamp have been afforded statutory protection as heritage items in NSW, including two items listed on the State Heritage Register.</p> <p>The contract for the relocation of St James included a time allowance of 10 weeks, and included the dismantling of the original building, transportation of all material and fabric from the original site to the new, and reconstruction of the Church at the new site. All transport was done by horse and dray, and all work done by hand.</p>
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	<p>The foundation stone for the rebuilt St James – in its current location on Kent Street, Minto – was laid by Anglican Archbishop of Sydney, John Charles Wright, on Saturday 24 August 1918. The day's editions of the Daily Telegraph and Campbelltown Herald were placed in the cavity, along with details of the Church and a silver coin struck in 1918. The original foundation stone was also laid at this ceremony.</p> <p>The rebuilt St James was open for worship by the end of 1918, with a dedication service being held on 19 November and conducted by the Dean and Archdeacon of Sydney, Albert Edward Talbot. Records indicate that it was a well-attended affair, with 162 seated guests and many others standing.</p> <p>The Church in its new location was almost identical to its original iteration, save for the deletion of the original veranda which extended along the primary elevation of the building. There were also plans to insert a Gothic arched-extension to the north of the building to lead to the Chancel and vestry door, although this plan never came to fruition.</p> <p>The Church was officially consecrated on Sunday, 14 October 1934 by the Archbishop of Sydney, Howard W. K. Mowl.</p>
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THEMES

National historical theme	<ul style="list-style-type: none"> 3. Developing local, regional and national economies 4. Building settlements, towns and cities 8. Developing Australia's cultural life
State historical theme	<ul style="list-style-type: none"> Events Land tenure Religion

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APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>St James Anglican Church demonstrates the development of the Minto-Ingleburn locale towards the end of the nineteenth century, and was constructed to serve the needs of the growing population of the area. The original foundation stone is intact and exhibits this early development of the area.</p> <p>In its current location, the site represents the growth of Minto as a distinct locality and is located within the grounds of the first subdivision of the Minto Township, in the original Minto Village. The second foundation stone is intact and demonstrates this early development of Minto. Today, the Church is one of the final extant buildings from the original Minto Village.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting historical significance at the local level.</p>
Historical association significance SHR criteria (b)	<p>The original design for the Church was that of Henry Austin Wilshire, who was the youngest son of James Robert Wilshire MLC, second elected Lord Mayor of Sydney. Henry Wilshire was a prominent architect in the late nineteenth and early twentieth centuries, and at present 12 of his buildings have been afforded statutory protection as heritage items in NSW. Wilshire provided his services pro bono to the Anglican Church for the design of St James Church.</p> <p>The relocation of St James Church in 1918 was overseen by architect John Burcham Clamp, a prominent architect in the late-nineteenth and early-twentieth centuries. At present, 29 works designed by or associated with Burcham Clamp have been afforded statutory protection as heritage items in NSW, including two items listed on the State Heritage Register.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting associative significance at the State level.</p>
Aesthetic significance SHR criteria (c)	<p>The subject building is not notable for demonstrating any creative achievement, being of a simple form typical of church buildings. Despite its associations with two prominent late-nineteenth and early-twentieth century architects, the building is not considered a major work by either of these designers.</p> <p>However, the building does demonstrate landmark qualities in the area, being one of the last remnant buildings from the original Minto Village. It is intact, and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early pine tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building.</p> <p>The subject building also displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting aesthetic significance at the local level.</p>
Social significance SHR criteria (d)	<p>St James Anglican Church represents the continuing presence of the Anglican community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community.</p> <p>The site exhibits ties to the Anglican community of New South Wales, with the building's original architect Henry Austin Wilshire undertaking the work pro bono and donations made for the original building by the trustees of St James Church, Sydney and St Phillips Church, Glebe. The relocation work was overseen by John Burcham Clamp, who was also a prominent figure in the Anglican Church in the early twentieth century.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting social significance at the local level.</p>
Technical/Research significance SHR criteria (e)	<p>There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time.</p> <p>The subject site therefore does not meet the requirements of this criterion.</p>
Rarity SHR criteria (f)	<p>The subject building is one of the last extant buildings that date to the early beginnings of Minto Village.</p> <p>As such, the site meets the threshold of this criterion and is assessed as being locally rare.</p>

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Representativeness SHR criteria (g)	<p>Although not of notable design, the subject building is a highly intact example of simple, late-nineteenth century local church buildings in New South Wales. Its original form, scale, and dimensions remain highly legible, and its historical setting – including palm trees and front fence – has been retained, despite later development on the allotment.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting representative significance at the local level.</p>
Integrity	<p>The original form, scale, and dimensions of the Church are readily legible to the present day.</p> <p>Internally, some intrusive fabric has been recently introduced (namely the timber partitions which have created the narthex and the upper level – including the staircase), however this is readily distinguishable from the original fabric.</p> <p>Extant original / early fabric includes: front fence, palm trees, building envelope of brick masonry, timber window frames, roofing, timber doors and surrounds, stained glass windows, and internal flooring.</p>

HERITAGE LISTINGS

Heritage listing/s	None.
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INFORMATION SOURCES

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Newspaper	Biz; Camden News; Campbelltown Herald; Daily Telegraph; Evening News; Liverpool Herald; Morning Bulletin; The Sydney Morning Herald.		Various	'Trove': National Library of Australia
Publication	Olaf Brockenhuus-Schack	The Church of St James Parish of Minto, Wollongong Region, Anglican Diocese of Sydney	2010	Myrrh – The Moore Institutional Repository, Moore College Library
Online	Manly Library Local Studies Blog	A Cannibal on North Head	16 January, 2014	Northern Beaches Library
Online	Peter Reynolds	Clamp, John Burcham (1869-1931)	1981	Australian Dictionary of Biography
Online	NSW Office of Environment & Heritage	State Heritage Inventory	Various	NSW Office of Environment & Heritage

RECOMMENDATIONS

Recommendations	<p>Retain and conserve building and setting (including significant landscape elements) within an appropriate curtilage. Repair works should be undertaken – in keeping with the maxim of doing “as much as necessary, but as little as possible” – in order to restore full structural integrity to the building. A suitably-qualified heritage practitioner should be engaged to prepare a Schedule of Conservation Works and to subsequently supervise conservation works.</p> <p>The site should be listed as an item of environmental heritage on Schedule 5 of the Campbelltown Local Environmental Plan 2015.</p> <p>In general, the identified heritage values of the site should be managed in accordance with best practice conservation principles offered by <i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013</i> and pertinent documentation produced by the NSW Office of Environment and Heritage.</p> <p>Any work at the site which carries the potential to impact upon identified heritage values should entail</p>
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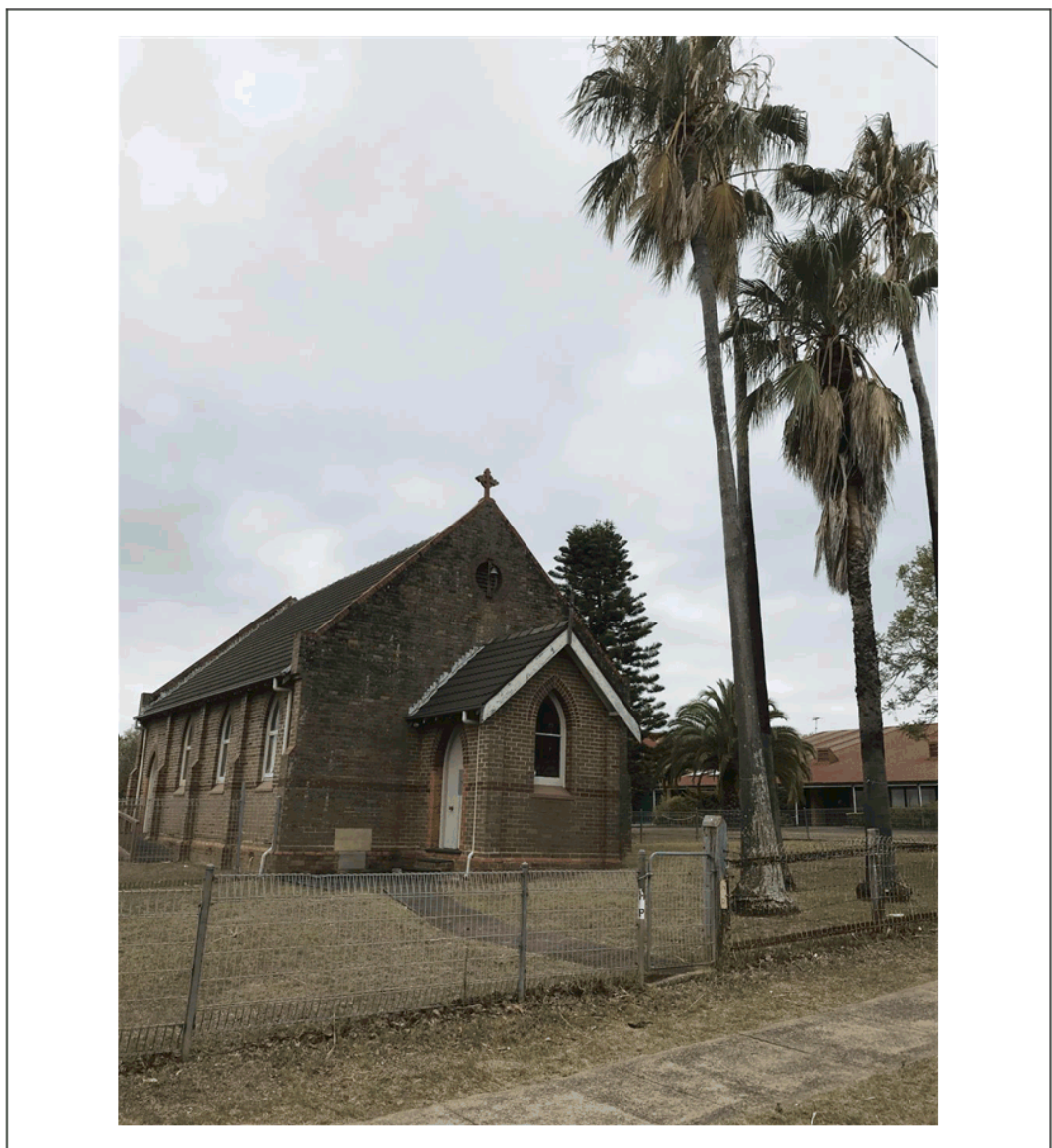
	<p>the preparation of a Heritage Impact Statement, to be written by a suitably-qualified heritage practitioner.</p> <p>Any approved works undertaken at the site should be supervised by a suitably-qualified heritage architect and be undertaken by tradespeople experienced with historical building fabric.</p>
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SOURCE OF THIS INFORMATION			
Name of study or report	N/A	Year of study or report	N/A
Item number in study or report	N/A		
Author of study or report	N/A		
Inspected by	N/A		
NSW Heritage Manual guidelines used?	Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>
This form completed by	Heritage 21	Date	February 2018

Heritage Data Form

IMAGES

Image caption	Primary (western) elevation and front landscape elements (front fence, palm trees).				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Southern elevation.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

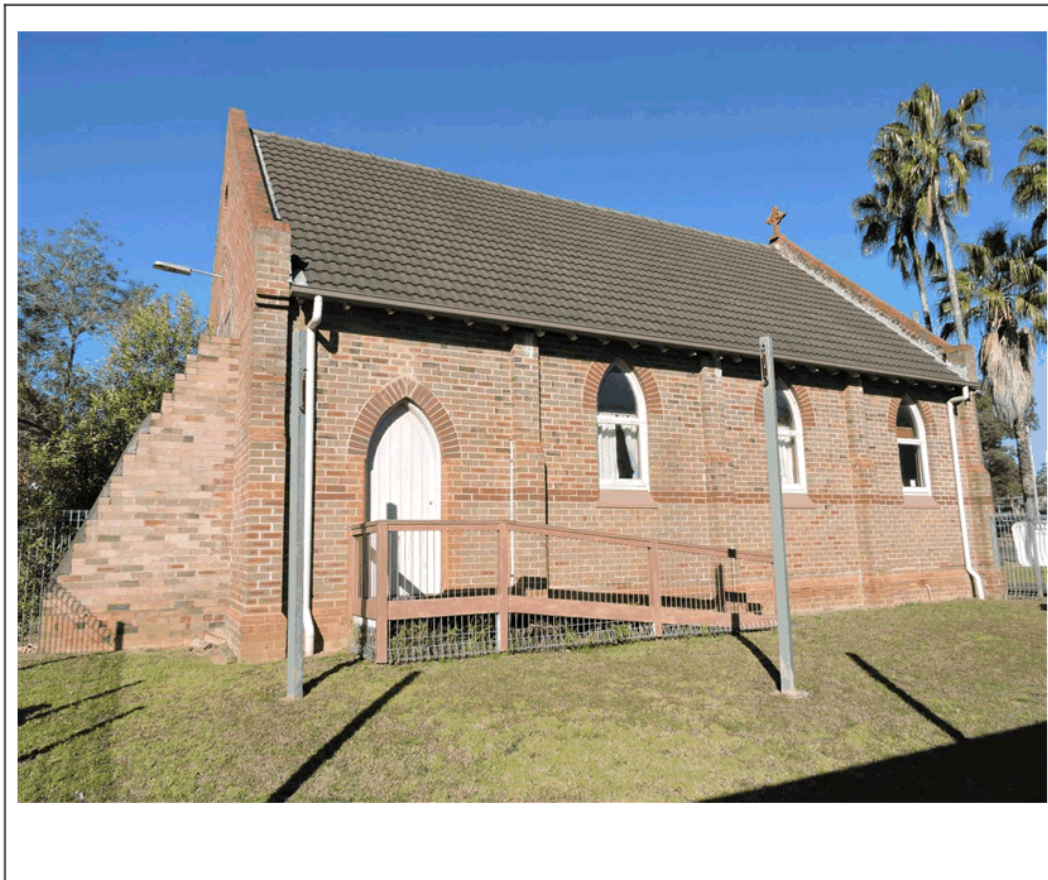
Image caption	Rear (eastern) elevation.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Northern elevation.				
Image year	2017	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Entrance at front gable.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

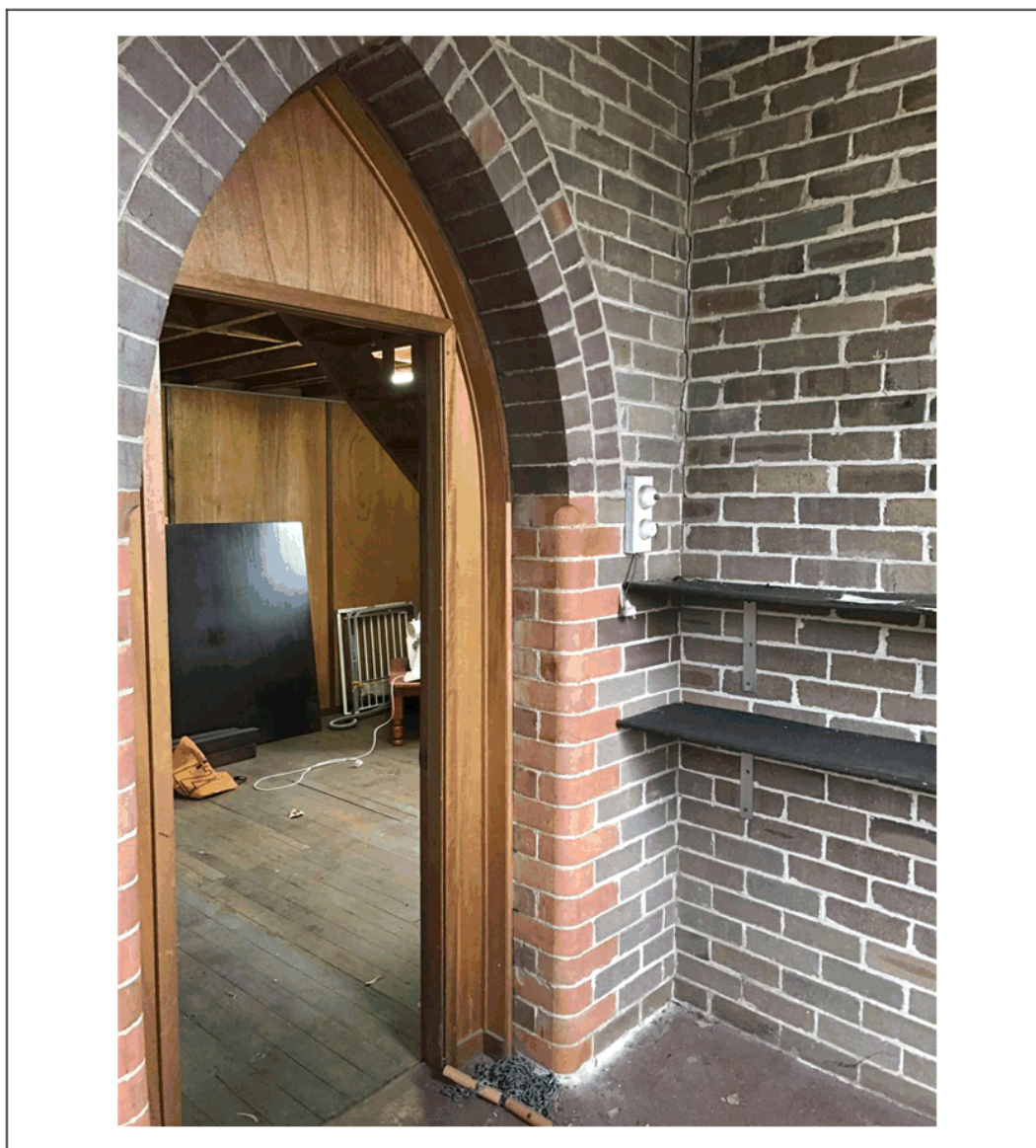
Image caption	Foundation stones, next to front entrance.				
Image year	2017	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

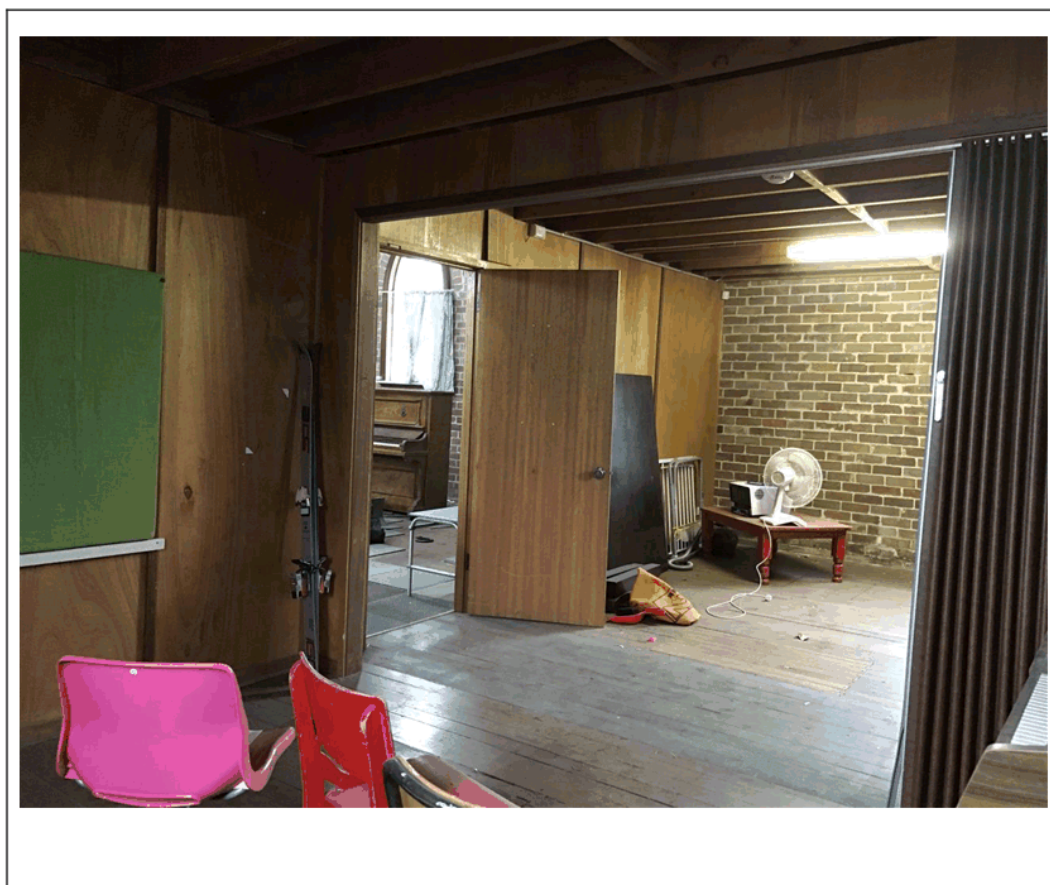
Image caption	Entrance to Church inside front gable.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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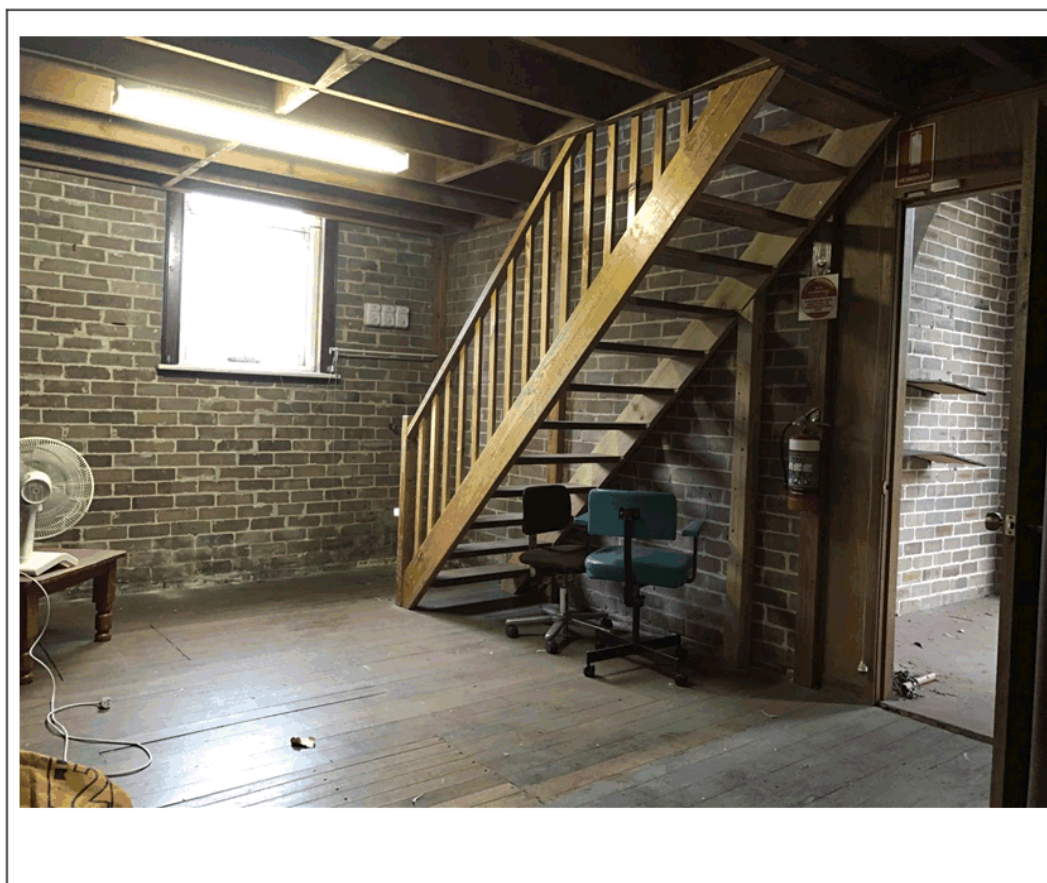
Image caption	Narthex.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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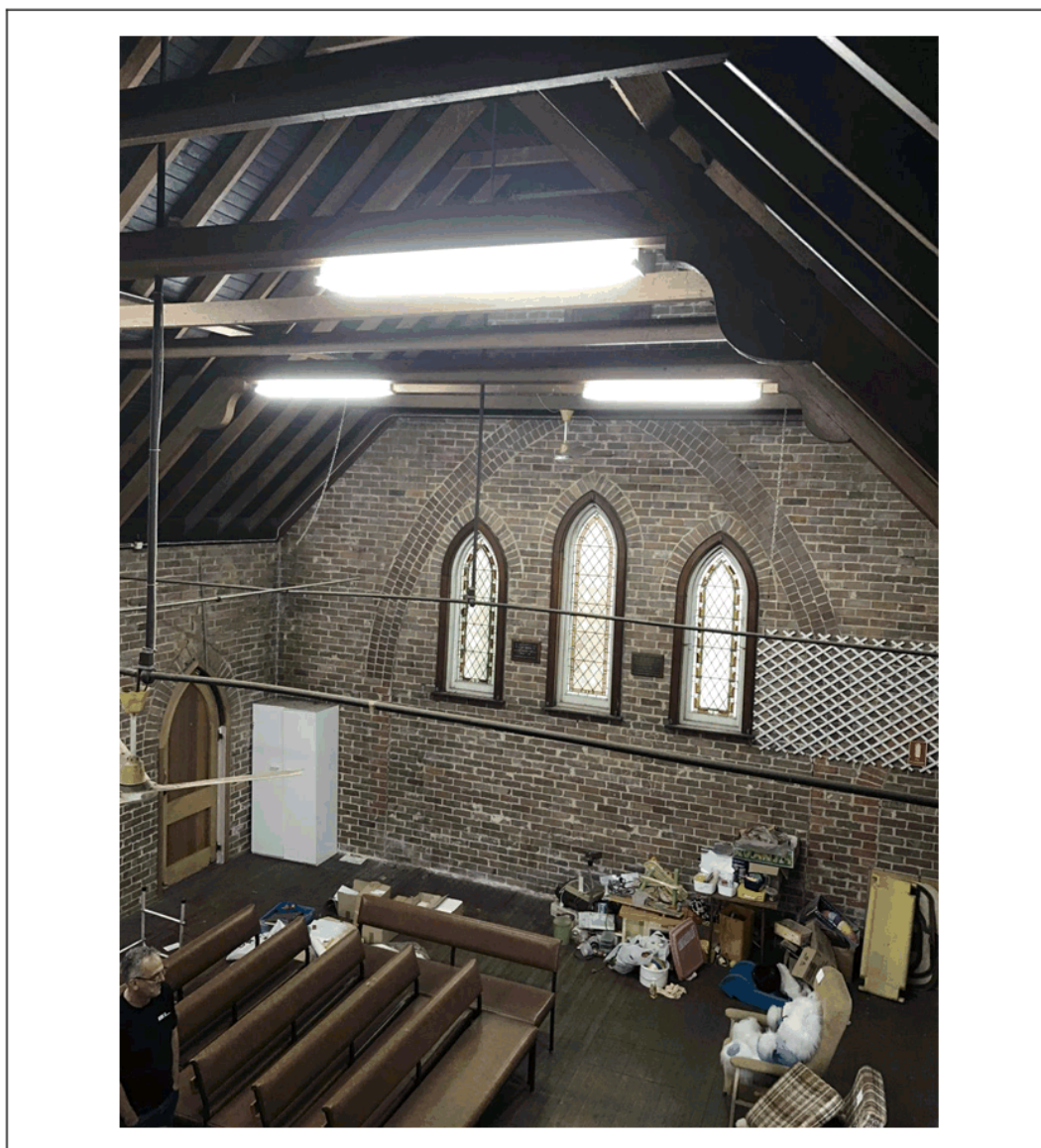
Image caption	Staircase in narthex.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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Image caption	Nave, as viewed from upper level.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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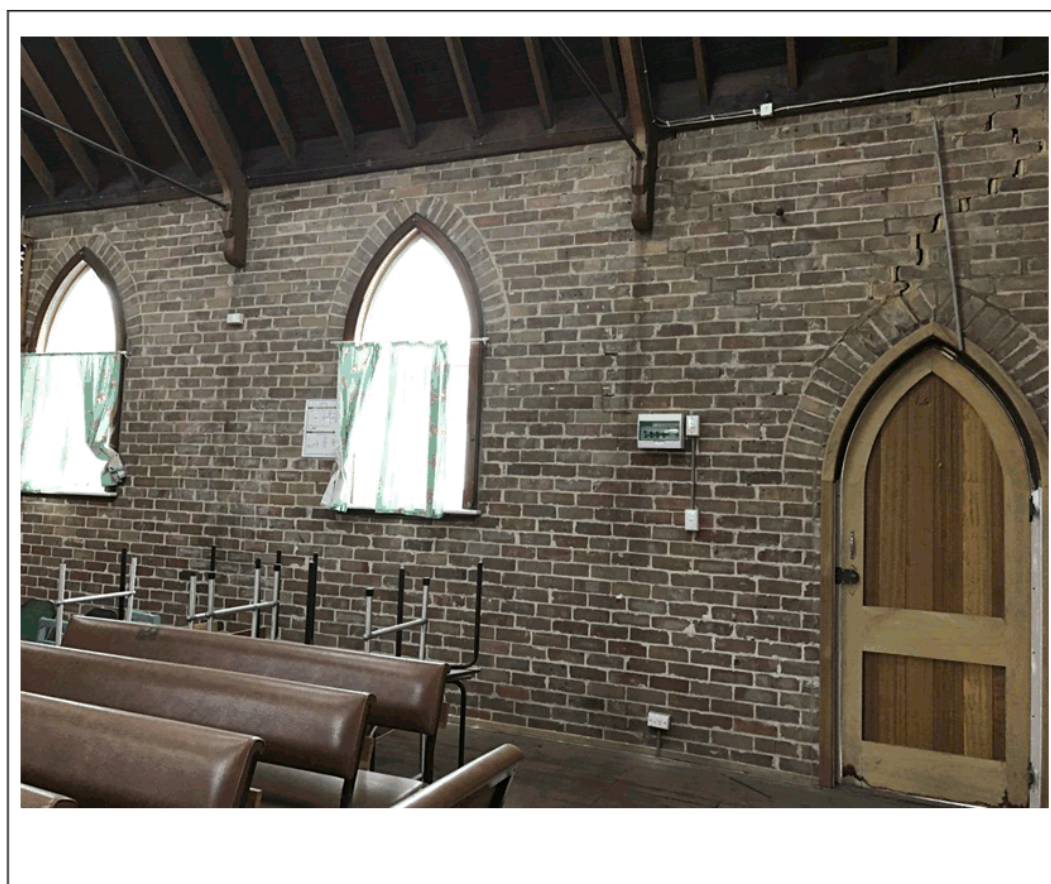
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Image caption	Stained glass windows at rear (eastern) elevation.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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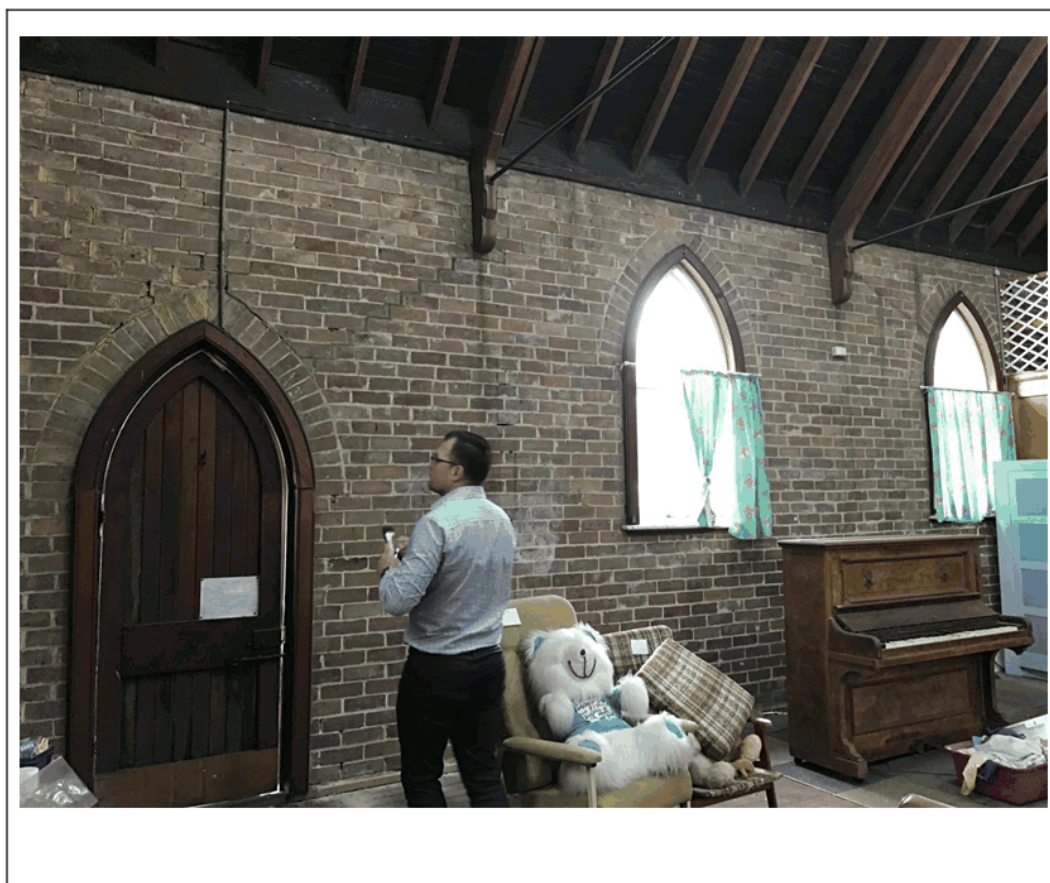
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Image caption	Northern elevation, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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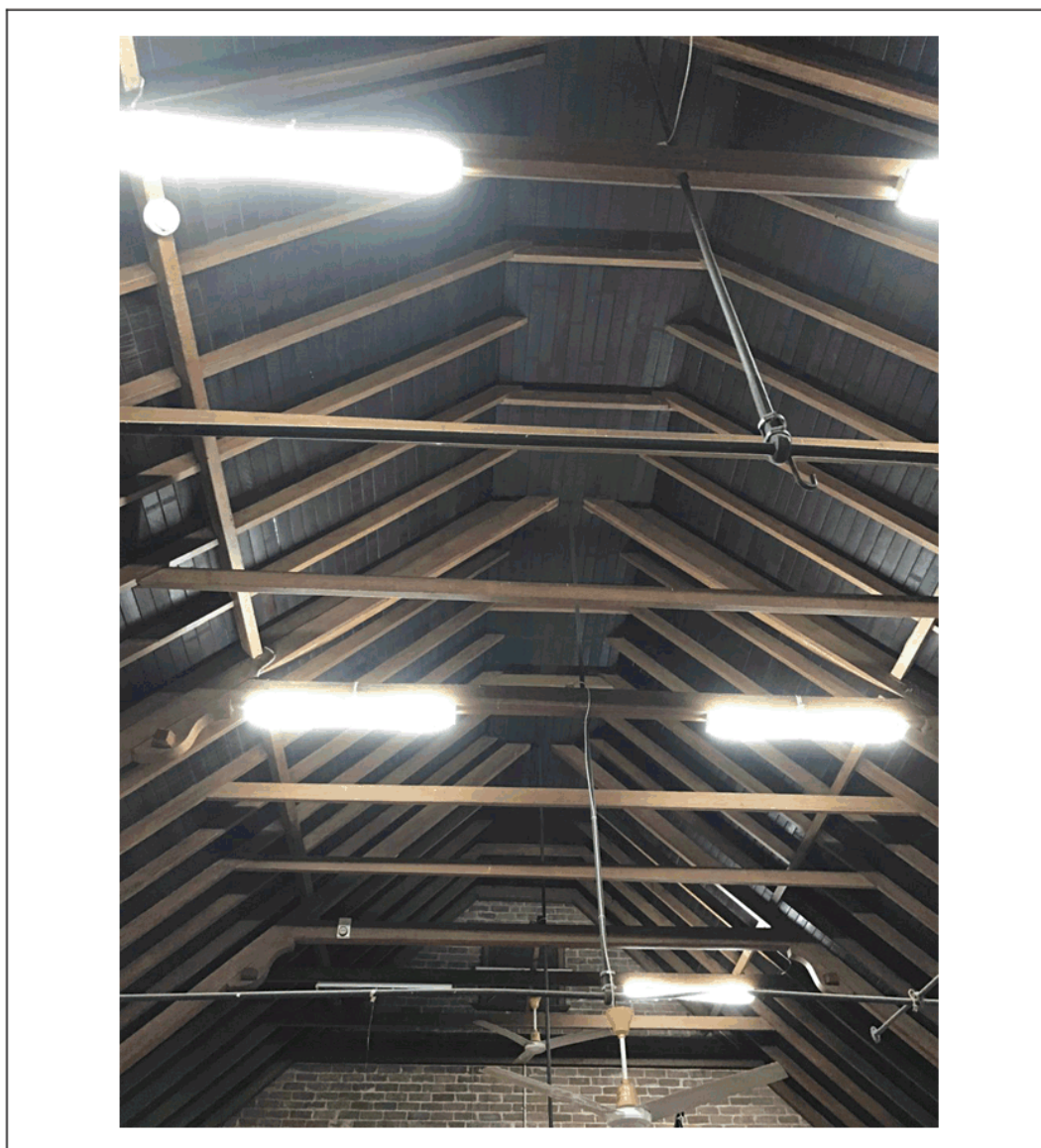
Image caption	Southern elevation, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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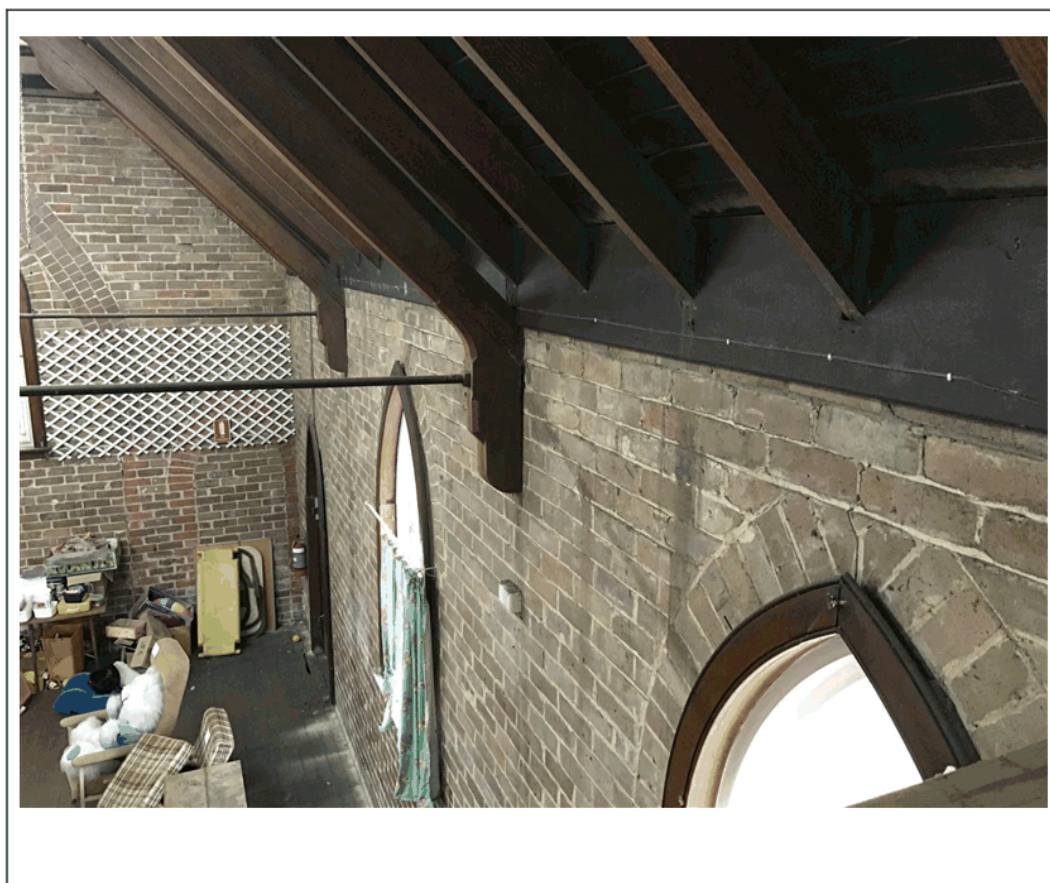
Image caption	Roofing, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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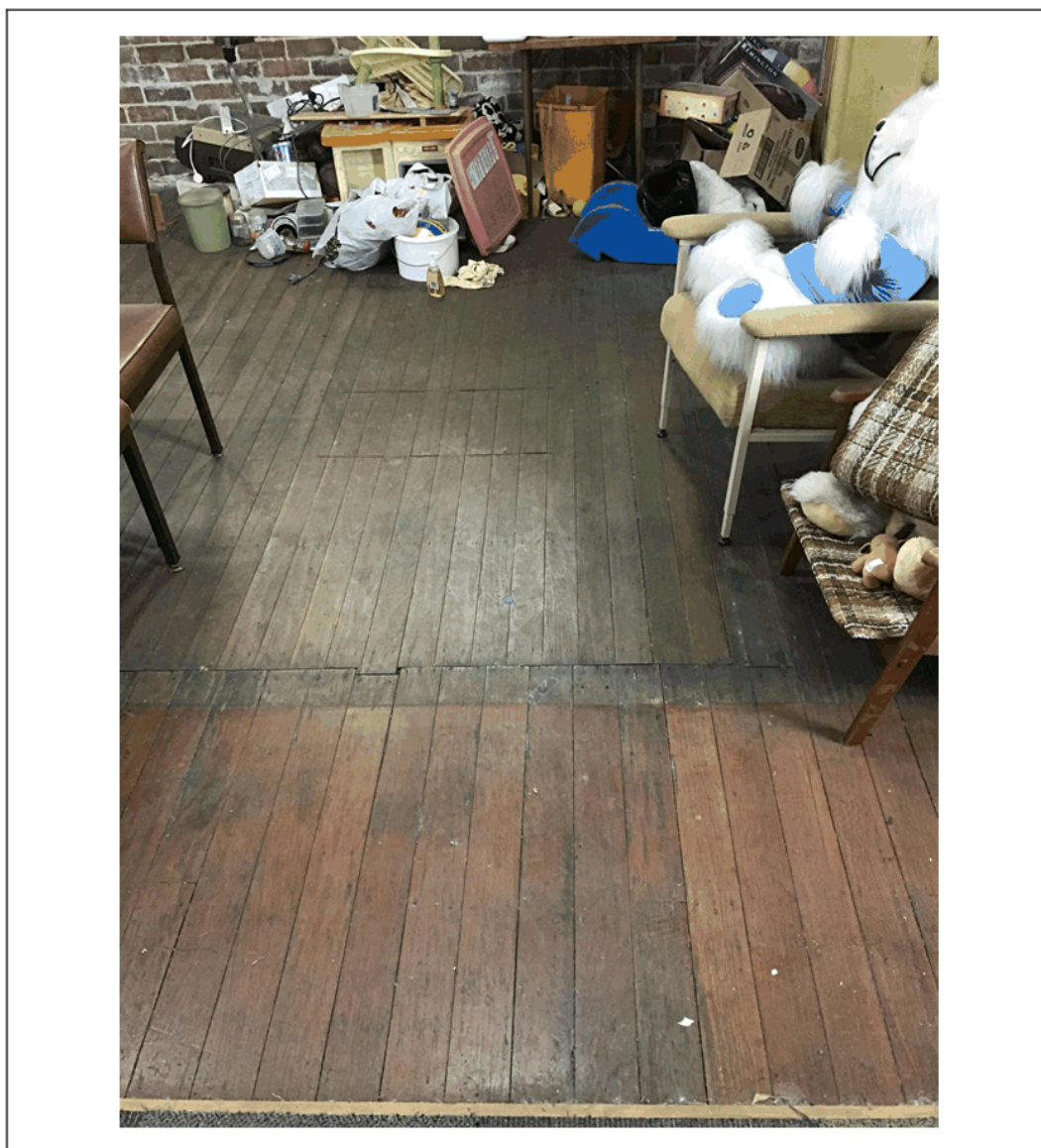
Image caption	Detail of roofing.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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Image caption	Detail of floor.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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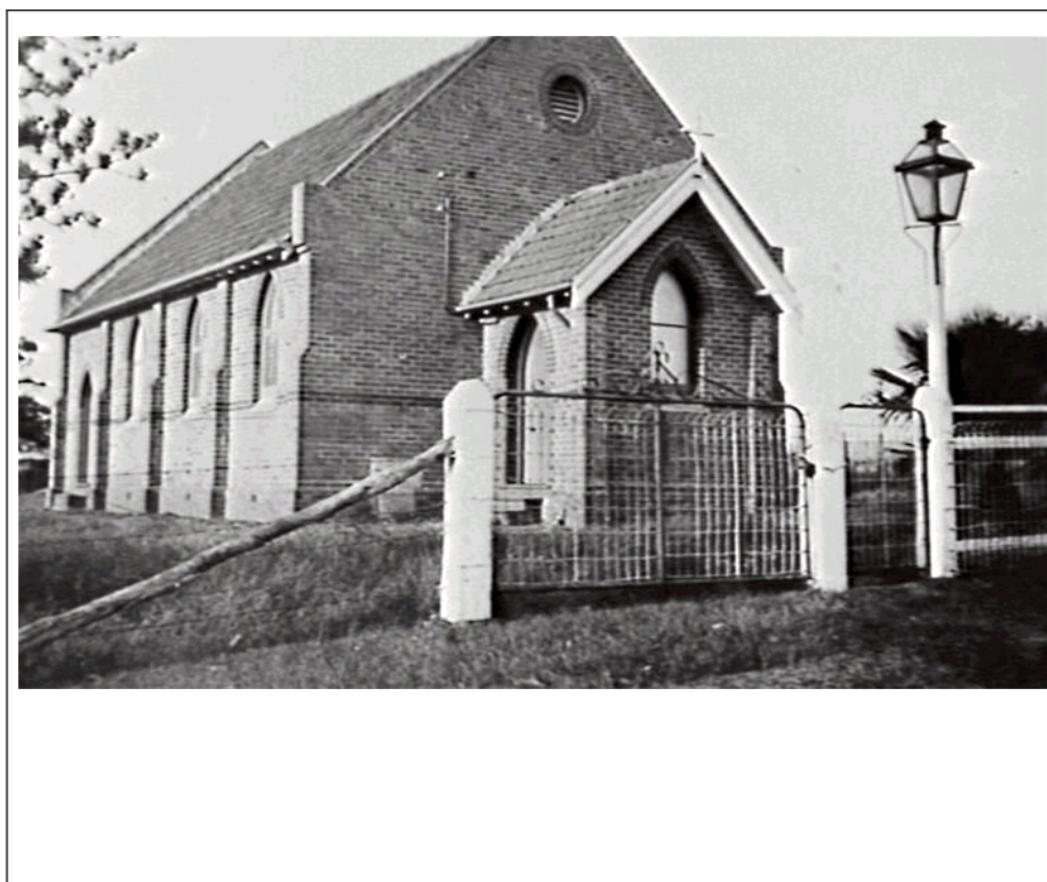
Image caption	Original St James Church, located on the intersection of Minto and Cumberland Roads.				
Image year	n.d.	Image by	Unknown	Image copyright holder	Campbelltown & Airs Historical Society



Heritage Data Form

IMAGES

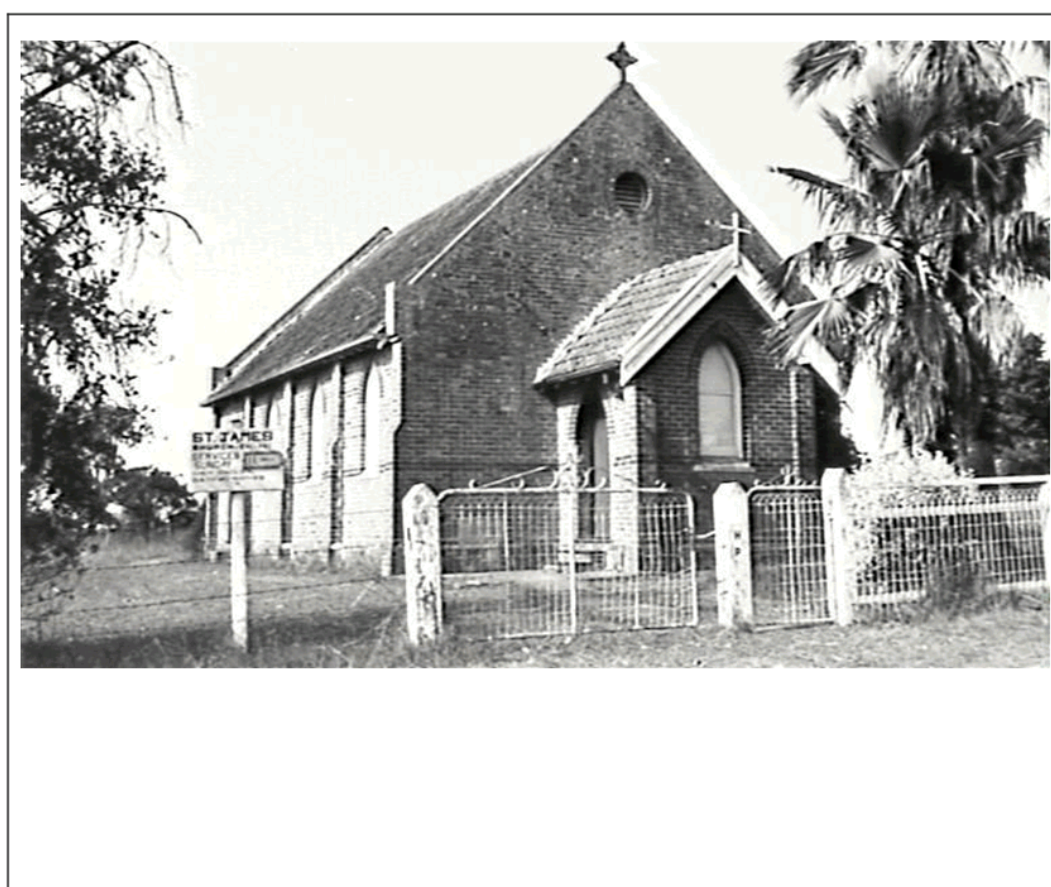
Image caption	St James Church in its current form and location.				
Image year	c.1937	Image by	Unknown	Image copyright holder	Campbelltown City Council (Follan Collection, Local Studies Collection)



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Image caption	Current St James Church, with palm trees at front.				
Image year	n.d.	Image by	Unknown	Image copyright holder	Campbelltown City Council (William Bayley Collection, Local Studies Collection)



Heritage Data Form

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Image caption	Current St James Church, as viewed from Kent Street				
Image year	1979	Image by	Unknown	Image copyright holder	Campbelltown City Council (Local Studies Collection)



CAMPBELLTOWN CITY COUNCIL**INTERIM HERITAGE ORDER NO 1**

Under section 25 of the Heritage Act 1977 Campbelltown City Council does by this order:

- i. make an Interim Heritage Order to cover the item of the environmental heritage specified or described in Schedule "A"; and
- ii. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule "B".

This Interim Heritage Order will lapse six months from the date that it is made unless the local Council has passed a resolution before that date either:

1. in the case of an item which, in the Council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
2. in the case of an item which in the Council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Sydney 10th October 2017

LINDY DEITZ, General Manager, Campbelltown City Council

Schedule "A"

The property known as St James Anglican Church, situated at 2 Kent Street, Minto on land described in Schedule B.

Schedule "B"

All those pieces and parcels of land known as Lot 12, DP 712599 in the Parish of Minto, County of Cumberland.

The former St James Anglican Church Building Minto Submission on behalf of the Anglican Church Property Trust with regard to the IHO on the building.

prepared by

Paul Davies

Paul Davies Pty Ltd – Architects Heritage Consultants

I have been requested by the Anglican Church Property Trust to make a submission in relation to the IHO on the former church building that is currently under consideration by Council.

The background to the IHO, the application for demolition and the consequent appeal against Council's refusal of the DA are well known and are not set again in this submission.

The question before Council is whether to proceed to list the building as a heritage item on the LEP or to not proceed with the IHO.

Council based the IHO on a heritage report that Council commissioned prepared to inform that process.

We provide, as part of this submission, our heritage assessment of the property along with supporting material that points to the property not being of sufficient heritage significance to be included as a heritage item. This is material that was prepared for the appeal that has now been abandoned.

We would suggest that simply finding a ground for significance (which is not hard given that the place is a church) to support heritage listing, is not the only consideration that should inform Council's decision.

While we maintain that the church should not be heritage listed, as set out in the supporting material, we understand that the community wish to see the building retained as there is almost nothing of heritage value in the locality or suburb. Being only one of a few possible heritage places does not though equate to significance in itself.

There also has to be an understanding of why the place was not previously recommended for listing. If the building is worthy of being a heritage item, given the prominence of the place, it is very hard to understand how it was overlooked when heritage studies were undertaken. At best this suggests that the place was not seen as an important site or it would have been listed.

My practice has supported Council's heritage initiatives through studies, advice, defending council in court appeals etc. and is very aware of the heritage issues of the council area. Consequently, we do not make this representation lightly and rarely support the removal of a building that may have some value.

If Council determine to proceed with heritage listing in the LEP, the issue that immediately arises is what then happens to the building.

As the supporting report sets out, the building is quite small, in very poor condition and while it could be used for church related purposes if it was in sound condition, has no use as it is now found. If the building were usable and sound, the parish would use it as any space is valuable and the parish are not able to easily undertake the construction of new facilities. Until its condition deteriorated significantly it was used for church uses.

It is not difficult to see that the parish is not well-resourced financially and is not able to simply replace the building. The parish are not able to undertake the required structural repair and conservation/ maintenance work that would be necessary to use the building as part of the parish life.

The proposal is not part of an application to redevelop the site where a building is 'in the way'. The church site contains several buildings that are quite separate and the small hall to the west is separated from the main church building by the former church lands and selling the church is not viable as it is centrally located on the site and would make the site unviable.

The first task we undertook when considering the future of the building was to seek costings to ascertain if it was viable to retain the building in use. The parish had expected that repair work would be in the order of \$150,000 and that could not be afforded. We prepared a scope of works and sought three builders quotes to understand the range of costs. Two quotes were received at \$560,000 and \$660,000. Council have copies of that material and it is appended to this submission.

In the supporting material we also looked at doing less work but even at half the quoted costs the work is not viable for the parish.

There are also no grant or funding sources available for buildings such as this that have marginal heritage value.

Each parish or church is self-funded and has not assistance in funding from the diocese. Quite the reverse is the case where all parishes contribute funds to support the diocese. The only funds available at parish level are those that the parish holds or can raise through donations.

There is also very little chance of raising say \$500,000 from the community.

This represents a significant problem as if the building were to be heritage listed there is no practical or viable way to repair it or use it. If there were the parish would continue to use the building.

Summary

We understand that council may take the view that the building has some heritage value and should be protected but we wish to make sure that Council understands that the consequences of the listing are very significant and onerous for the parish.

Where, as we argue, the significance of the building is nominal and where the condition and ability to manage the building are very difficult we submit that Council should not heritage list the building and, even if reluctant, should allow its future removal.

Paul Davies

February 2018

4.4 Use of Mawson Park for night markets - Mawson Park, Queen, Cordeaux and Browne Streets, Campbelltown.

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.9 - Create places where people feel good, are likely to stay, to return to and tell others about their experience

Referral Criteria

The application is being forwarded for determination to the Local Planning Panel as the applicant is Campbelltown City Council.

Executive Summary

- The application proposes the use of Mawson Park for twice monthly night markets, where a range of food and other stalls would be made available to visitors.
- The application seeks consent to enable ongoing use of the Park, following a successful 12-month trial of the twice monthly markets that commenced in mid 2017.
- The site is zoned RE1 – Public Recreation pursuant to Campbelltown Local Environmental Plan 2015 (LEP 2015).
- The use is defined as ‘markets’ pursuant to LEP 2015 and is permissible with consent in the RE1 zone.
- The application was notified and publicly exhibited and no submissions were received.
- The application is recommended for approval, subject to the conditions in Attachment 1 to this report.

Officer's Recommendation

That the Local Planning Panel approve development application 1382/2018/DA-U which proposes use of Mawson Park for twice monthly night markets at Queen, Cordeaux and Browne Streets Campbelltown, subject to the conditions in attachment 1.

Purpose

A development application has been received, which seeks development consent to use Mawson Park for markets twice a month.

The application has been lodged by Campbelltown City Council and therefore, pursuant to the Minister for Planning’s Direction of 23 February 2018, the Local Planning Panel is the determination authority.

This report has been prepared to assist the Panel in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 1 DP 6678144, Lot 7028 DP 1055669, Lot 1 DP 724144 and Lots 1-5 DP 1129654, known as Mawson Park, Queen, Cordeaux and Browne Streets, Campbelltown
Application No	1382/2018/DA-U
Applicant	Campbelltown City Council
Owner	Department of Lands (Crown Reserve Trust D.500386) and Campbelltown City Council
Planning Provisions	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan
Other Provisions	<i>Local Government Act 1993</i> Campbelltown 2027 – Community Strategic Plan
Date Received	8 May 2018

History

Council first granted development consent for the Temporary use of Mawson Park for night food markets on 31 May 2017. The temporary consent permitted use of Mawson Park for markets for an initial 6 month period. The consent permitted the operation of markets at the site twice per month, between 5pm and 9pm on each occasion.

The consent was granted with a short period of operation in an effort to gauge community interest as well as monitor any impacts that the markets might have on existing (particularly food-related) business in relatively close proximity.

At the time of this application, Council received several submissions and a petition in objection to the proposal on the grounds that the markets might negatively impact the viability of local food shops.

This initial 6 month period was subsequently extended by further a 6 months by way of Section 4.55 (formerly Section 96) modification, where the condition limiting the time for which the consent is valid was amended.

The extension provided for an additional 6 months of operations and was undertaken to provide for market operation during the warmer weather and extended daylight associated with summer/autumn.

The modification application was notified and publicly exhibited in the same manner as the original application; however, no submissions were received. That modified consent is set to expire at 11:59pm on 30 June 2018.

The Site and Surrounding Locality

The site is comprised of several allotments and is known as Mawson Park. It has an area of approximately 1.48 hectares and is irregular in shape.

Two of the seven allotments that make up Mawson Park are under the ownership of the Crown, however have been dedicated to the management and care of the Council by way of Reserve Trust D.500386, which was made in February 1876. The remaining five allotments are owned by the Council.

Mawson Park has three main street frontages, being to Queen, Cordeaux and Browne Streets. It is also adjacent to Howe Street, in which vehicle parking is presently located.

The Park contains formal gardens, turfed lawn areas, tree plantations, a footpath network, amenities, memorial structures, play equipment and other embellishments. An aerial photograph of the Park is provided below.



The Park contains one locally significant heritage item (being Milestone 33) and adjoins the locally listed St Peter's Anglican Church group. The site is opposite to Campbelltown Court House, which is also listed as an item of local heritage significance.

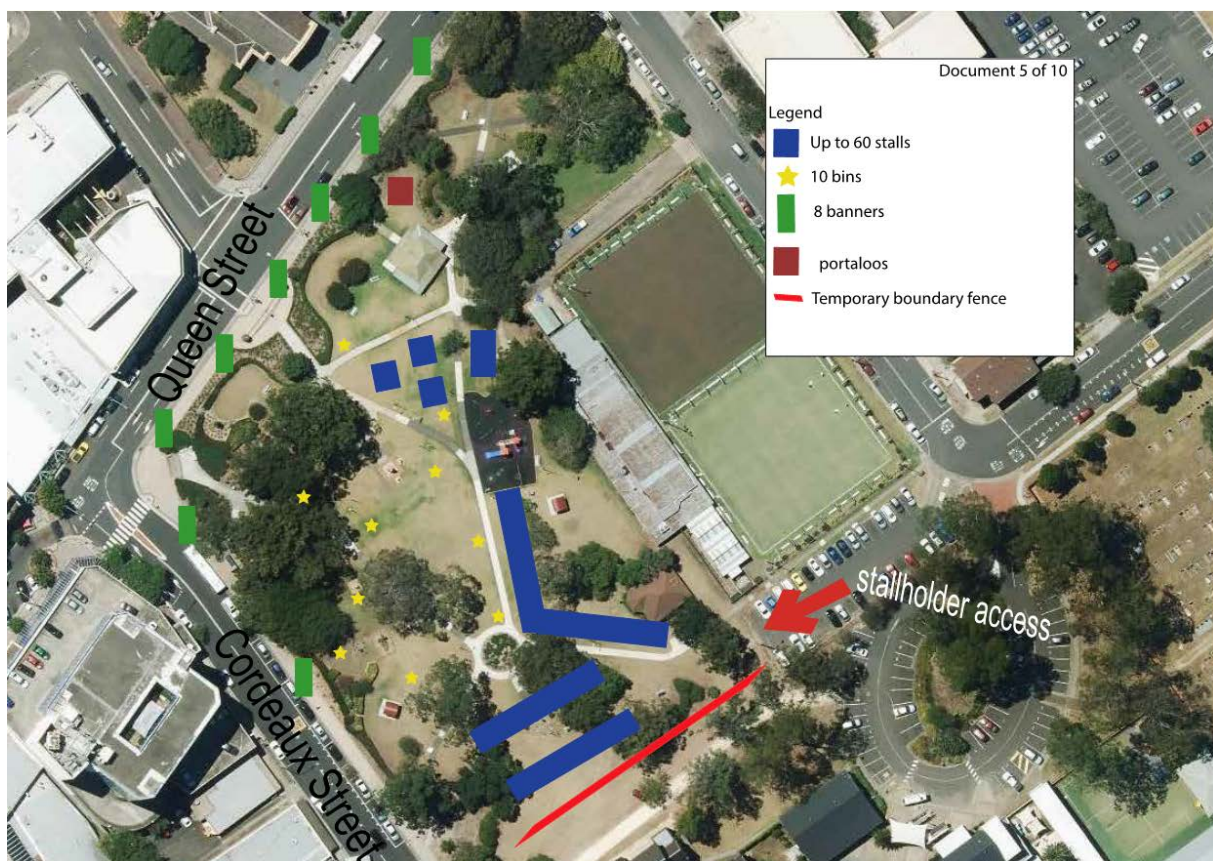
The surrounding locality contains a range of land uses that are typical to an urban town centre, such as retail and commercial premises, the aforementioned Church group and associated education establishment, registered clubs and services such as law courts. The site is also close to Campbelltown railway station, which is approximately 200 metres away to the north west.

The Proposal

The application seeks consent to operate markets from the Park two times per month, between 5pm and 9pm on each occasion.

The markets would operate generally in the southern and central portions of the site, where it has good access to Howe Street. Howe Street would be used as an entry and exit point for stall holders and their vehicles.

A plan of the Park and the position of stalls is provided below and in attachment 3.



Stalls range from small temporary tent-like structures to registered food trucks and specially fitted out vans and trailers. Products for sale would include a range of foods and other small items such as clothing, jewellery and similar.

Ancillary live music is also proposed to be offered in conjunction with the markets and would only operate during the times that the markets are operating.

Amenities are provided for in the Park and would be enhanced by the provision of additional portable facilities on an 'as required' basis. Extra garbage bins, in addition to those already located in the Park, are also to be provided.

The application does not propose the service of alcohol.

A recommended condition of consent acknowledges that pre-5pm set up and post-9pm pack down would occur as part of market operation.

Report

1. Other Provisions

1.1 Local Government Act 1993

Pursuant to the *Local Government Act 1993* and the Reserve Trust mentioned earlier in the report, Mawson Park is set aside as a public reserve and made available for the community to use and enjoy.

As part of the considerations required for any development proposal within a public reserve, the determination authority is required to consider the development's compliance with Section 36G of the *Local Government Act 1993*, which relates to community use of parks. Relevant extracts of the Section are reproduced below:

The core objectives for management of community land categorised as a park are:

- a. to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- b. to provide for passive recreational activities or pastimes and for the casual playing of games, and
- c. to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

The proposal to use Mawson Park for the markets is considered to complement the above objectives, particularly objectives a. and c.

Further, the proposal is also complementary to Plan of Management No. 4 - Parks, which provides the Council's objectives and management procedures for parks throughout the City. Plan of Management No. 4 – Parks has been prepared by the Council in compliance with Part 2, Division 2 of the *Local Government Act 1993*. The proposal is particularly complementary to objectives a. and e. of the Plan, which discuss the Council's intention to encourage use of its parks by the community.

1.2 Campbelltown 2027 Community Strategic Plan

Campbelltown 2027 is the Community Strategic Plan (CSP) for the city of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city.

Outcome 1 is the most relevant to the proposed development. The strategy relevant to this application is as follows:

- 1.9 – Create places where people feel good, are likely to stay, to return to and tell others about the experience.

Use of Mawson Park for this ongoing community-focussed event is complementary to the Strategic Plan. The markets are likely to focus the community's attention on the Park, as well as enhance the night time economy and social experience of the town centre.

2. Planning Provisions

Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to consider several matters in relation to a development's compliance with planning objectives and controls, its potential to impact on the environment and any submissions made by the public.

Section 4.15(1)(a)(i) requires the Panel to consider relevant planning instruments and development control plans when determining a development application.

2.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) applies to the development as it proposes the installation and use of temporary structures, which are considered in Part, Division 3, Subdivision – temporary Uses and Structures Exempt Development Code.

The Codes SEPP provides controls for the establishment of those abovementioned facilities in relation to community events and specifies that should those criteria be met, the use of tents and the like is considered to be 'exempt' from further approval.

The proposal is considered to complement the various provisions of the Codes SEPP as it relates to the use of Mawson Park for temporary events, such as the markets proposed in this application.

The markets would comply with the time restrictions mentioned, would comply with the floor area of tents/booths permitted as exempt development and would have adequate waste collection and disposal measures in place. Where any departure from the exempt development provisions of the SEPP is made, consent via separate development application or a complying development certificate would be required.

Accordingly, the use of Mawson Park as proposed in this application is considered to be compliant with the Codes SEPP.

2.2 Campbelltown Local Environmental Plan 2015

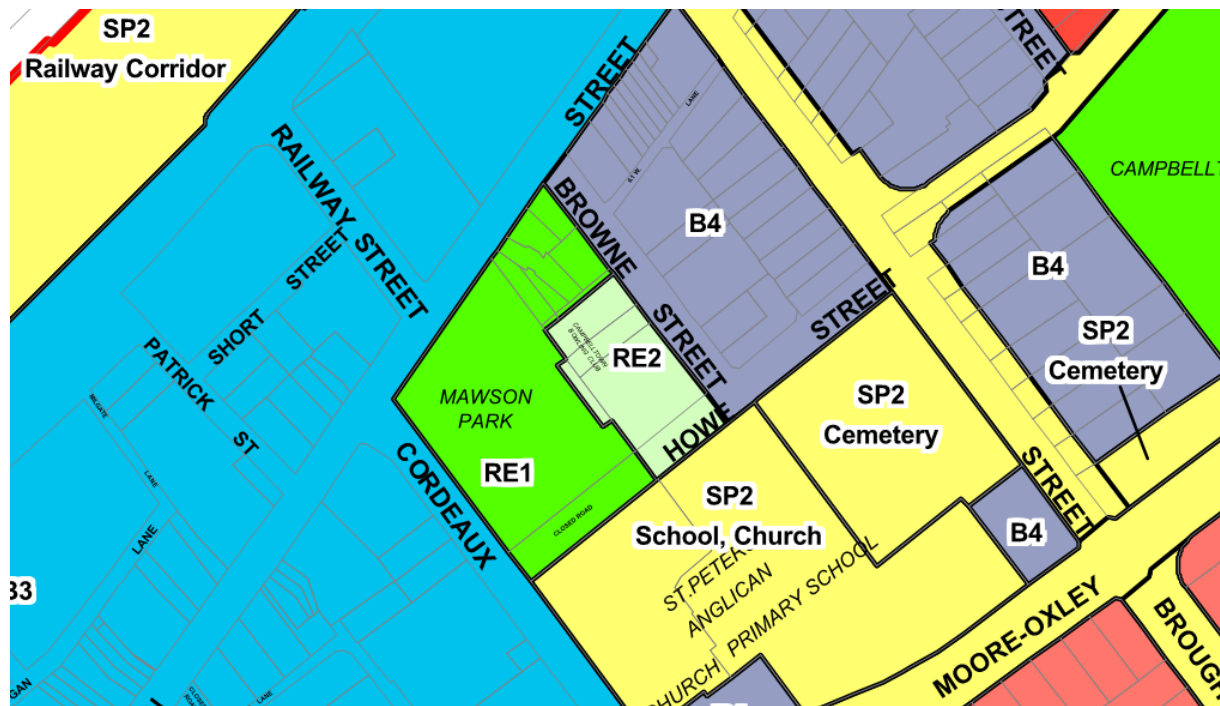
Campbelltown Local Environmental Plan 2015 (CLEP 2015) applies to the site. CLEP 2015 contains the Council's objectives and controls for development throughout the City.

Pursuant to CLEP 2015, the site is zoned RE1 – Public recreation. An extract from the land zoning map for CLEP 2015 is provided overleaf.

Relevant objectives for development in the RE1 zone include:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To facilitate the multiple use of certain open space areas.

The proposal is complementary to those objectives as it promotes use of Mawson Park as a recreation area and would enable a compatible land use that engages the community.



Pursuant to CLEP 2015, the proposed use would be defined as a market. A market is permissible with development consent in the RE1 zone and is defined as:

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Clause 5.10 of CLEP 2015 must also be considered, as the site contains and adjoins items of locally significant environmental heritage. As mentioned previously in the report, the site contains a Milestone post (No. 33) which was a representation of the site's distance from Sydney city. It is located in the north eastern portion of the site, near Queen Street.

The Milestone would not be affected by the proposal as the markets take place in a separate part of the Park. It is not considered likely that the Milestone would be exposed to any greater threat of vandalism or other damage as a result of the markets taking place nearby.

The site also adjoins the locally significant St Peter's Church group, which is located immediately to the south east. The markets do not impact on the Church or its grounds and do not therefore interfere with its heritage significance.

Additionally, the proposal would have a positive influence on the site's overall heritage significance, being the former 'town common' and a central meeting point for the community over almost 200 years. The markets continue the tradition of using the space for community gatherings and social interaction.

Clause 7.17 of CLEP 2015 also applies to the proposal as it contains specific controls relating to the consideration of development applications in the RE1 zone. The Clause reads:

Development in Zone RE1

- (1) The objective of this clause is to ensure that land required for public recreation is maintained for that purpose.
- (2) Development consent must not be granted to the carrying out of development on land in Zone RE1 Public Recreation if that land is owned or controlled, or is proposed to be owned or controlled, by the Council unless the consent authority has considered the following:
 - (a) the need for the development of the land
 - (b) the impact of the development on the existing or likely future use of the land, and prevailing natural systems
 - (c) the need to retain the land for its existing or likely future use

Owing to the market's temporary nature, the proposal is considered to be complementary to Clause 7.17 as any development consent granted would not preclude use of 'Mawson Park' for other community activities or recreational purposes. The markets are unlikely to cause a negative impact on any prevailing natural systems on the land.

Having regard to the above considerations, the proposal is considered to complement CLEP 2015 and is permissible with consent at the site.

2.3 Campbelltown (Sustainable City) Development Control Plan

Campbelltown (Sustainable City) Development Control Plan (the SC DCP) applies to the land. It does not contain specific controls relating to a 'market' or other community event. Rather, these land uses are dealt with on a 'merits' basis, where the impacts are considered in the context of the site and the terms of a development application such as proposed operating hours and similar.

The SC DCP does however contain the Council's controls for the notification and exhibition of development applications. In this case, Part 9.4.2 of the SC DCP specifies certain applications that shall be publicly exhibited and notified. Particularly, Clause 9.4.2.1(b) states:

Council shall publicly notify and exhibit any DA which in the opinion of Council is also in the public interest.

Having regard to the initial community interest in the trial period application(s) for markets at the site, it was thought prudent to re-exhibit the current development application.

The notice of the application was placed in the local media for a period of just over two weeks between 15 May and 1 June. In addition, letters were sent to owners of land in the vicinity and notification letters regarding the proposal were also sent to occupiers of commercial premises along Queen Street and side streets between Allman Street to the south and Chamberlain Street to the north. In all, over 200 letters were provided to the public in addition to the public notice in local media.

No submissions from the public were received.

Accordingly, relevant requirements of the SC DCP have been met.

3. Impacts on the Natural and Built Environment

Sections 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979* require the Panel to assess the development's potential impacts on the natural and built environment, potential social and economic impacts as well as the site's suitability for the proposed development.

Key matters for consideration when considering the development's potential impact on the natural and built environment are:

- Traffic
- Noise
- Economics

These matters are individually discussed in more detail below.

3.1 Traffic

The use of Mawson Park for the markets generates traffic. The site is provided with a good level of public car parking in relatively close proximity, including on-street parking and Council-owned car parking areas at Broughton Street and Cordeaux Street.

Car parking locations and available parks within are nominated on in the figure below:

Parking locations around Mawson Park

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- * Short Street - 133 parking sites and 5 accessible
- * Milgate Lane/rear of Spotlight - 415 parking sites and 8 accessible
- * Campbelltown Station - 175 on Hurley Street side and 885 on Farrow Road side
- * Howe Street - 38 parking sites
- * Old Showground - 201 parking sites and 7 accessible
- * Carberry Lane - 467 parking sites and 15 accessible
- * Lihgow Street - 257 parking sites and 6 accessible
- * Allman Street - 199 parking sites and 4 accessible



Anecdotally, use of the site for night markets has not resulted in unacceptable traffic and parking impacts in the locality. The markets open to the public after regular business hours, at a time when local streets and the abovementioned car parking areas do not experience large volumes of vehicles.

3.2 Noise

The markets generate noise as a result of the sometimes large number of people congregating in the one place as well as the operation of machinery and the amplified entertainment.

Notwithstanding the above, the noise that is generated is not considered to be excessive and does not unreasonably impact on nearby occupants. The nearest residential receiver at present is some 230 metres away and is not in a direct line of sight (being interrupted by buildings along Browne Street).

Should noise become an issue as residents begin to occupy buildings closer to the site over time, the applicant would be responsible to ensure those impacts are not unreasonable. In any event, restriction of operating hours to 9pm twice a month is not considered likely to significantly and detrimentally impact on any nearby existing and future residents.

3.3 Economics

As a result of a portion of the public's objection to the original development application in early 2017, Council imposed a condition on the applicant requiring submission of some further work to be undertaken during the trial period in a bid to measure the market's impacts on the existing local economy at night.

A summary of the work undertaken during the trial period of consent is located in Attachment 4 to this report.

Briefly, the markets appear to have had a net positive influence on the town centre's night time economy over the past year. Anecdotally and following surveys, the community appears to be significantly in favour of the markets continuing to take place at the site.

Those that made submissions in objection or signed the petition objecting to the original development application have not made submissions since or provided information to Council that describes a negative impact on their business. Some businesses have reported increases in trade on markets nights as the community comes to the town centre and moves beyond 'Mawson Park'.

Accordingly, the markets are considered to provide a positive impact to the locality and are therefore complementary to the requirements of the Act.

3.4 Suitability of the Site

Mawson Park is an area that has been designated for community uses and designed to be a premier park within the Campbelltown area having the following assets:

- sufficient open space available to facilitate a community event.
- water and power are available.
- toilet facilities are available, however it would be the responsibility of the event organiser to ensure that sufficient toilet facilities are available to accommodate large patronage at the event.
- permanent waste bin facilities exist within the park, but additional bins are to be provided during the hours of operation for the event and a waste management plan accompanies this application.
- the site is readily accessible by both public and private transport.

Mawson Park is a key community asset within the Campbelltown town centre and its ongoing use as a focal point for community activities makes it a suitable site for the subject development.

4. Public Participation

Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* requires the Panel to consider any submissions made by the public or other government agencies in relation to the application.

Council forwarded the application to Campbelltown Police for comment. The Police did not raise any objection to the continued operation of the markets in a manner similar to their present trial format. The Police also noted that there had been no discernible increase in crime in the locality on nights when the markets had operated.

As mentioned previously, the application was publicly exhibited and notified directly to nearby owners and occupiers for a period of just over two weeks in May and June 2018.

In addition to a notice in local newspapers, letters were sent to owners of land in the vicinity and notification letters regarding the proposal were also sent to occupiers of commercial premises along Queen Street and side streets between Allman Street to the south and Chamberlain Street to the north. In all, over 200 letters were provided to the public in addition to the public notice in local media.

No submissions from the public were received.

5. The Public Interest

Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* requires the Panel to consider the public interest when determining an application.

The public interest is an overarching assessment of the benefits or otherwise that a development may have for the immediate area and/or community in general.

In this instance, the development proceeding is considered to be in the public's interest, having regard to its positive community contribution and limited impacts on the natural and built environment.

6. Conclusion

Development application 1382/2018/DA-U proposes that Mawson Park be used twice a month for markets between 5pm and 9pm. The markets would sell a range of food and other products and include ancillary public entertainment.

The markets have been operating with separate development consent at the Park over the past 12 months and have received positive support from the business and social community.

The markets comply with relevant State and local planning objectives and controls for use of the site, having regard to its zoning and status as a community reserve.

The proposal is not considered likely to have any significant detrimental impacts on the natural or built environment and is suitable for the site, noting its proximity to the town centre and existing businesses.

The application was publicly exhibited and notified and no submissions in objection were received.

The proposal is therefore recommended for approval.

Attachments

1. Recommended conditions of consent (contained within this report)
2. Location plan (contained within this report)
3. Site plan (contained within this report)
4. Applicant's night market survey results (contained within this report)
5. Notification Plan (contained within this report)

Reporting Officer

Executive Manager Urban Centres

1382/2018/DA-U

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 take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified by any conditions of this consent.

2. Maximum Number of Market Events

This development consent permits the operation of markets on the subject land for two Fridays per calendar month, except during significant local event periods when the markets may be undertaken on each Friday.

Any change to the maximum number of events requires separate development consent.

3. Duration of Events

The markets shall operate between 5pm and 9pm on each approved night.

Market set up and pack down shall be undertaken in a timely manner before and after each market event.

4. Toilet Facilities

Adequately sign posted toilet facilities and associated amenities are to be provided by the event organiser in accordance with the respective provisions of table F2.3 Building Code of Australia to otherwise as approved in writing by Council to ensure that a sufficient number of toilet facilities are provided.

The event organisers shall ensure all toilet facilities are regularly cleaned and maintained in a sanitary condition and provided with a continuous supply of running water, soap and hand towels for the duration of the event.

The automated toilet facility located within the subject land shall be programmed to provide access until at least 11pm on market nights unless separately advised by Council's Director City Delivery.

The location of the toilets at the venue shall be adequately signposted.

5. Waste Management

Suitable provision is to be made for the collection of rubbish and recycling.

All waste and recycling generated from the food stalls/vehicles is to be kept within an appropriate storage receptacle. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.

The market venue and immediate surrounds shall be left clean and free from litter immediately upon the cessation of each event.

6. Sale of Alcohol

This consent does not permit the sale or consumption of alcohol in association with the markets.

7. Security

The markets organiser shall provide adequate security personnel for the markets as required by Council.

Contact details of the Security Supervisor shall be provided to NSW Police and Council's Senior Ranger prior to the markets being undertaken.

8. Event Noise

Any noise attributable to the event shall be controlled, to reduce noise impacts to any nearby residents. Any direction by Police or suitably authorised officer to reduce or mitigate noise disturbances shall be observed without undue delay.

All generators used for any appliances within the food stalls/food vehicles must be silent to reduce any noise impacts to nearby residents, other stalls and the public attending any event.

Any entertainment shall be provided only between the hours permitted for the markets. No amplified music or loud speaker system shall be used or played outside of the approved hours.

Any direction by Police or suitably authorised officer (e.g. authorised Council officer) to reduce or mitigate noise disturbances must be responded to immediately.

9. Traffic Management

In the event of traffic safety and/or efficiency in the locality becoming compromised during market events, the applicant shall liaise with the Council's Executive Manager Infrastructure and prepare for written approval a traffic management plan.

The plan shall describe measures that would be enacted to minimise the impacts of the market development on the local road network.

10. Central Command Post Facility

The markets venue shall provide a central command post facility for coordination purposes. Details of the facility location shall be provided to appropriate authorities such as Police, Ambulance and Council prior to the commencement of the markets.

The event organiser shall have readily available at the command centre, relevant documents and information for authorised persons including the Police and Council.

The command post facility shall also provide suitable facilities that are adequately sign posted for lost children at each market.

All personnel manning the lost children facility shall have undertaken a Working with Children Check and completed the required statutory declaration to verify their suitability.

All relevant documentation shall be submitted prior to the markets event and be retained at the command post for verification purposes.

11. Stall Location

The designated location of all stalls and vehicles must:

- not obstruct access to and through emergency exits and pedestrian thoroughfares.
- not obstruct access to fire safety equipment.

12. Variable Message Board Signs

The use of Variable Message Board Signs (VMS) are permitted for traffic management purposes. The use of VMS for other purposes without the separate written approval of Campbelltown City Council is not permitted. VMS are only to be located in positions approved by Campbelltown City Council.

13. On Site Event Set Up and Pack Down

Vehicular traffic movement and parking other than which is necessary for market set up and pack down shall be excluded from unsealed surfaces.

14. Exclusion Areas – Hot Cooking Surfaces

A suitable exclusion zone shall be implemented and monitored continuously to ensure public access to hot cooking surfaces is restricted to prevent injury.

15. Temporary Structures

To ensure the stalls and marquees are erected in a safe and stable manner, all temporary stall structures shall be suitably erected and anchored to ensure stability during inclement weather. Stalls and marquees erected in accordance with manufacturers recommendations or hire company specifications would be considered suitable to comply with this condition.

The structures shall comply with the 'exempt development' requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or separate consent shall be sought for their installation/operation.

16. First Aid

Suitable facilities, adequately sign posted, shall be provided at the event venue for the provision of first aid.

17. Lighting

Adequate lighting must be provided at the event venue to all pedestrian paths of travel, activity and congregational areas.

18. Electrical Equipment

Electrical equipment, leads and connections associated with an event or any stall or temporary structure are to comply with Council and SafeWork NSW requirements, and any requirements of the associated activity risk assessment. Electrical installation associated

with any ride, game or show shall comply with AS/NZS 3002:2008, Electrical Installations - Shows and Carnivals.

Suitable measures shall be implemented to prevent public access to all electrical equipment, leads and connections.

19. Property Damage – Damage to Site Infrastructure

In the event that any stakes, pegs, poles or similar items are to be driven into the event site, the event organiser shall liaise with Council's Director City Delivery beforehand to ensure locations are clear of underground irrigation, drainage, electrical or other site infrastructure.

20. Property Damage – Site Reinstatement

The event organiser is responsible for reinstatement of any damage caused to Council property or site infrastructure that may be directly attributable to the conduct of the event, including any damage caused by organisers, event volunteers or participants.

The organisers shall ensure that Council is notified as soon as possible of any damage that is caused or occurs to its property as a result of the event or any associated activity.

21. Closed Circuit Television Infrastructure

Cables, banners and the like shall not be secured to any closed circuit television fixtures or fittings.

Placement of lights, marquees, vehicles and signage shall not unreasonably interfere with the capability and effectiveness of Council's closed circuit television system located on the subject land.

Council reserves the right to require that the placement of lights, marquees, vehicles and signage be altered to reduce any impacts on the closed circuit television system, should issues arise.

22. Temporary Fencing

Any temporary fencing erected at the event venue shall comply with relevant Australian Standards requirements and shall be removed immediately upon cessation of the respective event.

23. Public Liability Insurance

The market organisers, including any associated participant, contractor or stall holder shall hold and provide evidence of public liability insurance for the event to a minimum value of \$20,000,000, or as otherwise required by Council.

The policy shall note Campbelltown City Council as an interested party and be current for the duration of each market event.

24. Access for Emergency Vehicles

Adequate provision shall be made for access for emergency vehicles to and within the event venue throughout the duration of each event. Emergency Vehicle access shall also be maintained in accordance with the requirements of any Traffic or other Management Plan that has been approved in respect of any event.

25. Risk Assessment

The event organisers shall undertake a risk assessment for the markets to the satisfaction of the Council's Director City Governance.

The assessment(s) shall be submitted to Council's Risk and Liability Officer or other nominated delegate prior to the markets taking place.

The markets organiser shall ensure that all requirements imposed by any approved Risk Assessment are continually adhered to. A copy of any approved risk assessment is to be readily available for inspection at the venue command post throughout the duration of any respective event.

FOOD SAFETY CONDITIONS

The following conditions have been applied to ensure that the proposed night food markets are carried out in such a manner that is consistent with the Food Act 2003, Food Regulation 2010, Local Government Act 1993 and associated technical standards.

26. Food Safety Supervisor

The applicant must appoint a certified food safety supervisor. The Food Safety Supervisor must hold a current Food Safety Supervisor Certificate issued by the NSW Food Authority.

The Certificate must be available on-site at all for the duration of the markets. The food safety supervisor will be responsible for overseeing the operation of all temporary food stalls and ensuring they are operating in compliance with the conditions of this Consent, The Food Act 2003, The Food Regulation 2010, the FSANZ Food Standards Code and the NSW Food Authority Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority Guidelines for Food Businesses at Temporary Events.

27. Food Stall Requirements

The applicant is to ensure that all food stalls operating within the market comply with the provisions of the Food Act 2003, Food Regulation 2010, Australia New Zealand Food Safety Standards Code and Council's Requirements for the Operation of One Day Food Stalls which is available on Council's website and the NSW Food Authority Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority Guidelines for Food Businesses at Temporary Events.

All food must be prepared and cooked onsite, or in a commercial, Council-approved kitchen.

28. Food Stall Inspections

Council reserves the right to inspect all food stalls and mobile food vans operating within the markets. The applicant will be responsible for the payment of all associated food inspection fees, which are reviewed annually and published in Council's adopted schedule of fees and charges.

Food stalls shall be conducted in accordance with Council's requirements for the operation of one day food stalls and the NSW Food Authority Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority Guidelines for Food Businesses at Temporary Events. Council reserves the right to revoke approval for any food stall operator to trade in the event the stall/operator fails to comply with Council's requirements.

29. Food Business Registration

The applicant is required to keep a register of all food stalls and food vehicles selling food. This register is required to be provided to Council's authorised officer upon request.

30. Ventilation

The applicant is responsible for providing appropriate ventilation during the operation of the markets to eliminate any smoke or odour nuisances from the use of all cooking appliances. Gas appliances are only permitted for food preparation.

The applicant is responsible for ensuring that all smoke and odour dispersing from the use of all cooking appliances during the operations of the markets does not affect the safety of users of the site and the amenity of the area.

OPERATION AND ADMINISTRATION CONDITIONS

The following conditions have been applied to ensure that the use of the premise is carried out in such a manner that is consistent with the Local Government Act 1993 and associated technical standards.

31. Fireworks

The use of fireworks and/or pyrotechnics is not permitted at the markets.

32. Petting Zoos

Where there is a Petting Zoo, the operator of the petting zoo must provide and maintain the following:

- The petting zoo and camel ride operators shall only provide healthy animals for public display or contact, by establishing close association with a vet to ensure animals are clinically healthy, appropriately vaccinated and maintaining a comprehensive parasite control program for all species. Known aggressive animals are to be kept from coming into contact with visitors.
- All animals that are a part of the event shall be kept under effective control at all times.
- A suitable enclosure where members of the public can interact with the animals together with a trained animal handler within the enclosure is deemed to satisfy effective control.
- Adequate hand washing facilities for visitors must be provided at the exit area of the petting zoo and camel rides. The hand washing facilities must be provided with warm running water, liquid soap and single use paper towels. All waste water from the hand washing facilities must be properly disposed of to the sewerage system. Hand sanitiser alone is not sufficient for proper hand washing.
- All solid animal waste is to be cleaned up as soon practicable and stored in a sealable container in an area that is restricted from public access.
- At the completion of the event all animal solid waste is to be removed by the operator and disposed of at an approved waste facility.
- At the completion of the event the grounds and exhibit areas where animals were kept must be left in a clean and tidy condition.

ADVISORY NOTES

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

Advice 1. 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).

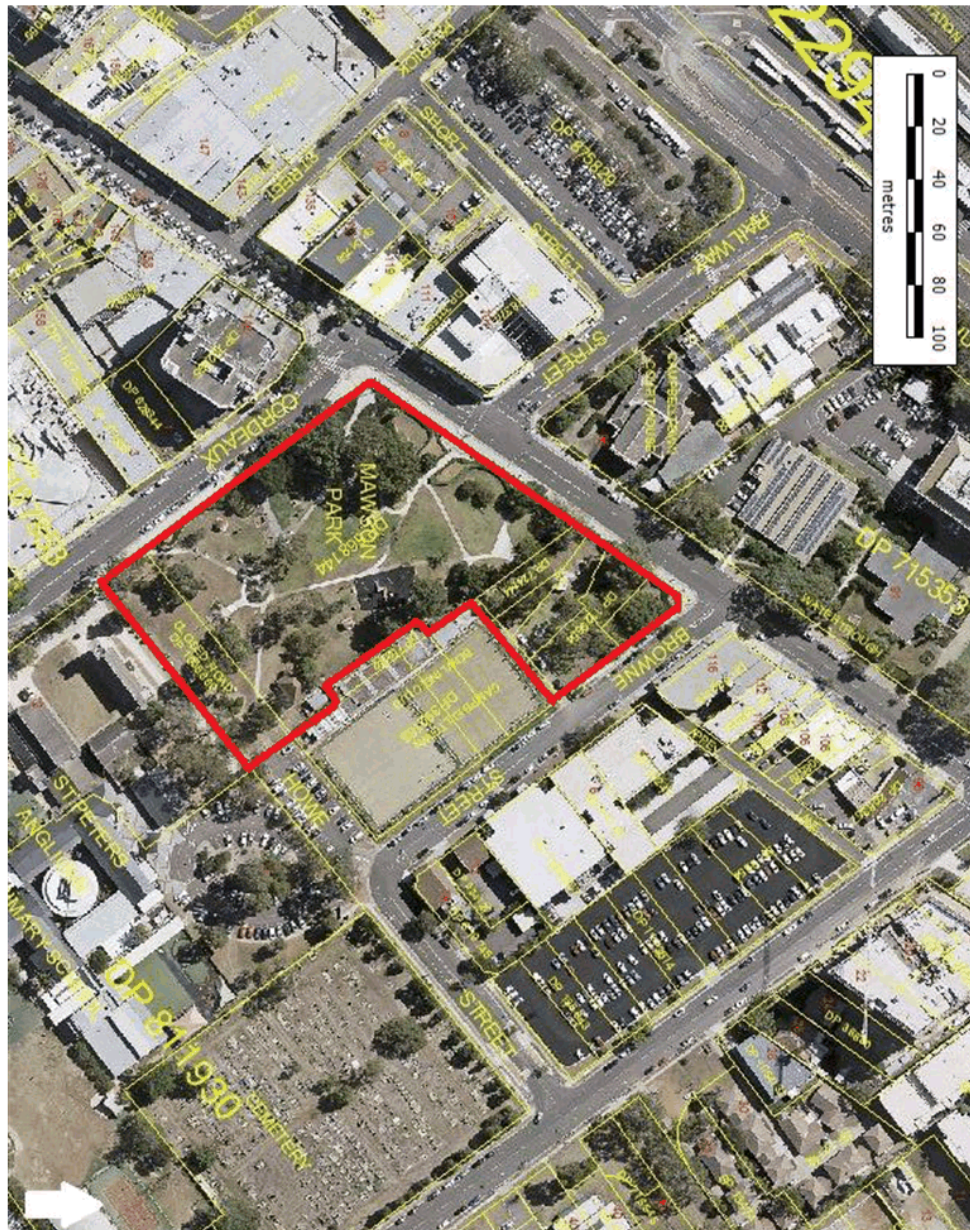
Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

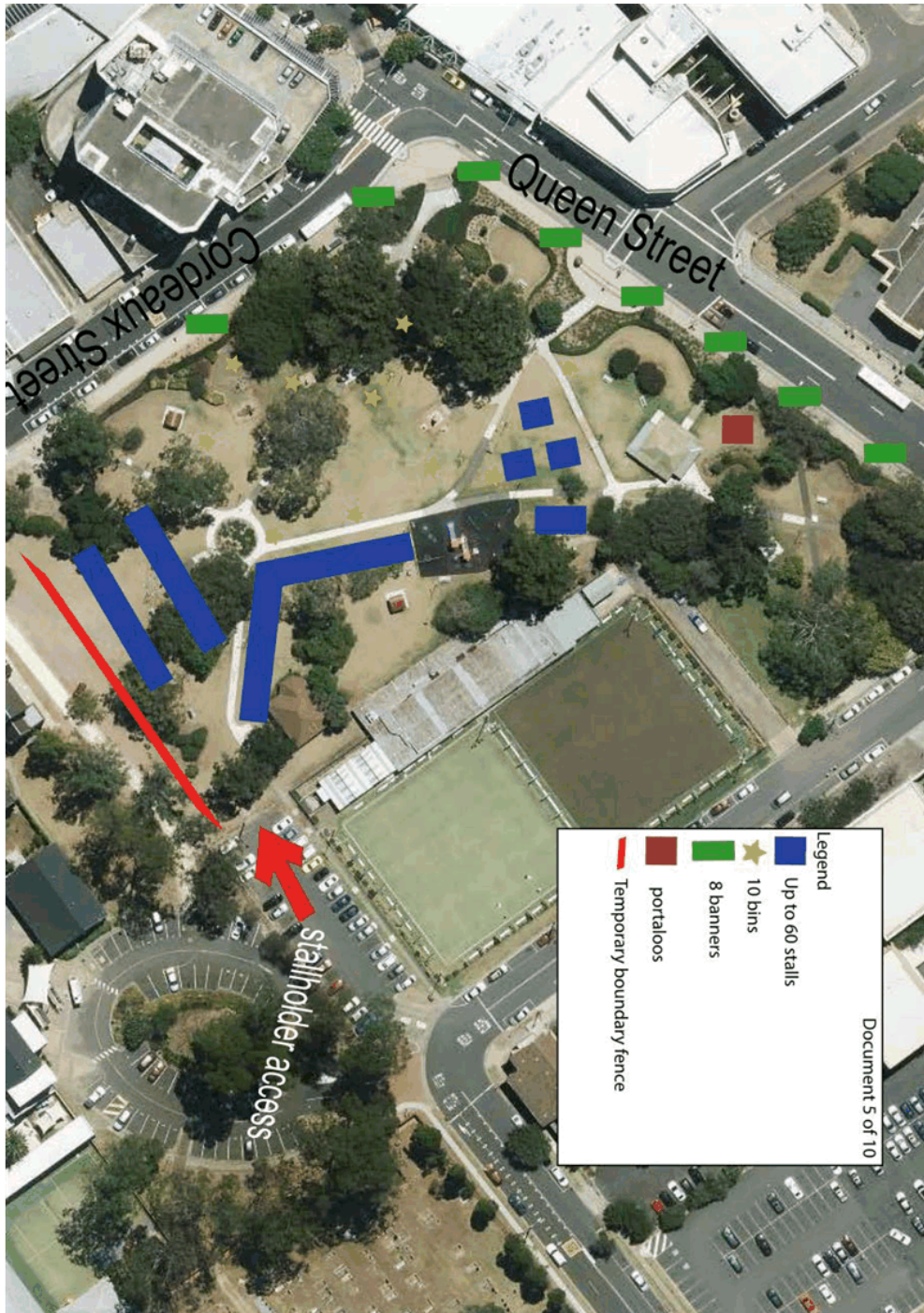
Advice 2. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007).

In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

END OF CONDITIONS





Night Market Review Survey Results

Boundary of Economic Impact Survey - Chamberlain Street to Dumaresq Street (as per illustration 1)



Illustration 1

Stage 1 Results Summary:

Prior to the delivery of the Mawson Park - Night Market pilot project, preliminary research was conducted to assess impact of the project on local business. Forty seven businesses were notified regarding the project and invited to participate as stallholders free of charge across four events on 2 and 16 June, 7 and 21 July. Subsequently two businesses took up the opportunity to trade at the markets. One business has continued to at the market trade throughout the pilot project.

Of the forty seven businesses notified, two businesses raised concerns around the possibility of the loss of passing trade and on street parking. In response these businesses were offered opportunity to regularly communicate with Council. Staff undertook ongoing consultation with these businesses throughout the duration of the project. No further concerns were raised.

Patron counts were undertaken on two different occasions to provide before and after comparisons of the five businesses trading within the vicinity of Mawson Park during the 5pm to 9pm timeframe who are potentially affected by the market. The data collected has shown that visitation levels to surrounding businesses were unchanged by the operation of the market. This data was collected on the nights of 26 May and 2 June 2017.

Further monitoring and surveying took place via an online survey with 344 respondents. The survey revealed positive results for the continuation of the night markets beyond December 2017. Of the 344

respondents, 333 people advised they would like to see the Macarthur Night Markets continue. It is expected that patronage will continue to increase due to the activation of the precinct.

Face to face consultation was carried out over nine night market events where patron feedback was collected by Eat, Shop, Love event staff with a minimum of over twenty people being surveyed each evening. One hundred percent of patrons interviewed provided positive comments about the event. Thirty percent of the patrons interviewed made suggestions for future improvement.

Event Feedback Examples – June & July 2017

<p>Eat. Shop. Love Macarthur Night Markets, Mawson Park 16.6.2017 – Visitor Feedback (22 comments were collected on this evening)</p>	<ul style="list-style-type: none"> •“All I can say is, absolutely brilliant”. •“Great for the Campbelltown community”. •“Wonderful community event, thank you for organising something like this local.” •“Local events like this lift local moral”. •“Fantastic event, it feels like being on holiday in your own town!”
<p>Feedback (suggestions) themes 16.6.2017</p>	<ul style="list-style-type: none"> •“A great family night out, but you need better signage for the toilet areas – it is very difficult to find, especially when you have young children busting to go to the toilet”. •Better lighting is needed. •More seating was regularly suggested (i.e. rugs or tables and chairs). •More choice and availability of goods and craft vendors was regularly suggested.
<p>Eat. Shop. Love Macarthur Night Markets, Mawson Park 7.7.2017 – Visitor Feedback</p>	<ul style="list-style-type: none"> •“We have had a great night, thank you and I have to tell you this is the first time it has felt safe to bring the family anywhere near Mawson Park in a very long time”. •“A fabulous night and the food is great, I’d really like to see some more Asian food here though”. •“The atmosphere is amazing and the food is delicious, may I suggest the vendors sell smaller portions, there is so much food here to try but you can’t fit it all in”. •“A fantastic community event, a clever way to make use of Mawson Park for a family event”.
<p>Feedback (suggestions) themes 7.7.2017</p>	<ul style="list-style-type: none"> •“We have been coming to every market, it is a great family night out, as a mother with four children may I suggest you re-locate the jumping castle closer to the play area, it would be so much better for the kids and the jumping castle people might get more customers that way too”. •Outdoor heating for the winter months. •Better lighting is needed. •More seating was regularly suggested – tables, chairs and rugs.

Council has engaged in informal discussions with the Campbelltown Chamber of Commerce. Feedback was positive specifically regarding the markets ability to bring people into the CBD after normal business hours. The Chamber supports the return of the markets in 2018. Ongoing consultation with the chamber and local businesses will be conducted in an ongoing basis.

Benefits to the local economy and precinct:

- One local café “Bar Centrale” has traded throughout the market pilot and has reported that they have received additional business at the café because of market trading.
- Macarthur Night Markets has proven to be focal point for startups and social entrepreneurs, businesses such as “Mr Pig” has used the market as an opportunity to launch their businesses.
- Problem food truck traders, who have previously traded in unsafe locations, have embraced the markets and begun to trade in a safe, controlled environment.
- Local community members have commented that the night markets are a valuable meeting point to begin their evening in Campbelltown, where they meet for dinner then move on to other establishments to continue their evening.
- As noted in the feedback examples there are positive changes towards community perception of Mawson Park, for families in the CBD.

Overall, the feedback from the pilot of the night markets has been overwhelmingly positive and has demonstrated the community’s desire for more activity in the CBD after normal business hours. Council’s Community Life team will continue to work closely with other relevant sections across Council to build on the encouraging start to activating the Campbelltown CBD, and creating a vibrant, dynamic city centre.

Notification Plan

property owners notified during the notification process



4.5 Planning Proposal - Reclassification of land from Community to Operational Land - 21 Deans Road, Airds

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.3 - Ensure that Campbelltown is an inclusive city

Referral Criteria

All Planning Proposals are now required to be forwarded to the Local Planning Panel for advice prior to submission to Gateway.

Executive Summary

- Council owns land at 21 Deans Road, Airds, which is occupied by the Tharawal Aboriginal Medical Centre.
- It is proposed to transfer ownership to the Tharawal Aboriginal Medical Centre.
- A Planning Proposal has been prepared to allow the subject site to be reclassified from Community land to Operational land to facilitate the transfer of ownership.
- Advice on the draft Planning Proposal is sought from the Planning Panel in accordance with the ministerial direction that planning proposals prepared after 1 June 2018 shall be reported to the Local Planning Panel for advice.

Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice on this proposal to reclassify land at 21 Deans Road, Airds as operational:

Purpose

The purpose of the report is to inform and seek the advice of the Campbelltown Local Planning Panel of a draft planning proposal to be forwarded to the Campbelltown City Council for its consideration. The draft planning proposal seeks to reclassify land at 21 Deans Road, Airds from Community to Operational Land.

The subject site is currently owned by Council and leased to the Tharawal Aboriginal Medical Centre. It is proposed to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre.

Property Description	Lot 21 DP 1180338, 21 Deans Road, Airds
Applicant	Council
Owner	Council

Provisions

Environmental Planning and Assessment Act 1979

Local Government Act 1993

State Environmental Planning Policy (Infrastructure) 2007

Airds Bradbury Renewal Project Planning Agreement

History

The subject site is owned by Council and occupied by the Tharawal Aboriginal Medical Centre.

Report**1. Vision**

The vision is to transfer ownership of the land to Tharawal Aboriginal Medical Centre.

2. Planning Provisions**2.1 Local Government Act 1993**

The Local Government Act 1993 establishes the concept of classifying Council land as being either Community land or Operational land.

Community land is generally Council land made available for use by the general public, for example, parks, reserves or sports grounds.

Operational land is generally Council land that facilitates the functions of Council, and may not be open to the general public, for example, a works depot or council garage. Operational land can be sold without the need for public comment.

The *Local Government Act 1993* establishes a procedure for changing the classification of land from Community land to Operational land involving public comment using the local environmental plan amendment process. Changing the classification of land can arise from a change in circumstances in relation to a particular land parcel such as in this case.

2.2 *Environmental Planning and Assessment Act 1979*

The Act establishes the procedures for undertaking amendments to local environmental plans.

2.3 Campbelltown Local Environmental Plan 2015:

The land is within the R2 Low Density Residential zone. No change is proposed to the zoning or any development standards under the Campbelltown LEP 2015.

2.4 State Environmental Planning Policy (Infrastructure) 2007

The current land use is the Tharawal Aboriginal Medical Centre, which is a permissible use under the State Environmental Planning Policy (Infrastructure) 2007 (the SEPP overrides the Campbelltown LEP 2015).

2.5 Airds Bradbury Renewal Project Planning Agreement

The subject site is within the area of the Airds Bradbury Renewal Project Planning Agreement. The proposed reclassification would not be in contravention of this Planning Agreement.

3. Planning Assessment

The subject site, while in Council ownership is currently occupied by the Tharawal Aboriginal Medical Centre. It is not land that is available for use by the general public, such as parks, reserves or sports grounds as envisaged by the concept of Community land under the *Local Government Act 1993*.

It is considered unlikely that the transfer of the land to the Tharawal Aboriginal Medical Centre will have an adverse impact on the community of Airds for the following reasons:

- a) The extent of land available for use by the general public will remain unchanged; and
- b) The operation of the Tharawal Aboriginal Medical Centre would remain unchanged.

The draft Planning Proposal, if supported by Council, will require a Gateway Determination by the Greater Sydney Commission before it can be exhibited by Council for public comment.

4. Public Participation

The proposed reclassification would be required to be publicly exhibited as a Planning Proposal by Council for public comment and following the public exhibition it would be necessary to conduct a public hearing (usually chaired by an independent facilitator). The results of the public exhibition and public hearing would subsequently be reported to Council.

5. Conclusion

The proposed reclassification is considered reasonable in the circumstances. It will not affect the extent of land available for use by the general public and will allow the continued operation of the Tharawal Aboriginal Medical Centre would remain unchanged.

Accordingly, it is requested that Local Planning Panel provide advice on the adequacy of the PP prior to submission of a report to Council for its endorsement to seek a Gateway Determination from the Department of Planning and Environment.

Attachments

1. Planning Proposal Reclassification (contained within this report)

Reporting Officer

Executive Manager Urban Centres



Planning Proposal

Proposed amendment of Campbelltown Local Environmental Plan 2015 Reclassification of 21 Deans Road, Airds

Background

The subject site is currently owned by Council and leased to the Tharawal Aboriginal Medical Centre. It is proposed to convert the land from long term lease to freehold title to transfer it to the Tharawal Aboriginal Medical Centre.

The site is located within the Airds Bradbury Renewal Project. Council gave its final endorsement to the project in July 2012 and the Minister for Planning and Infrastructure subsequently issued approval to the Concept Plan in August 2012.

Definitions and abbreviations

CLEP 2015 means Campbelltown Local Environmental Plan 2015.

PP means Planning Proposal.

SEPP means State Environmental Planning Policy.

Community land has the same meaning as in the Local Government Act 1993. It is land council makes available for use by the general public, for example, parks, reserves or sports grounds.

Operational land has the same meaning as in the Local Government Act 1993. It is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

LEP means Local Environmental Plan.

The Site

The subject site is located at Lot 21 DP 1180338, 21 Deans Road, Airds and is shown on Figure 1.



Figure 1 Location Map

Existing Zoning

The subject site is in the Zone R2 Low Density Residential under CLEP 2015. Figure 2 shows the subject in relation to the surrounding land use zones.

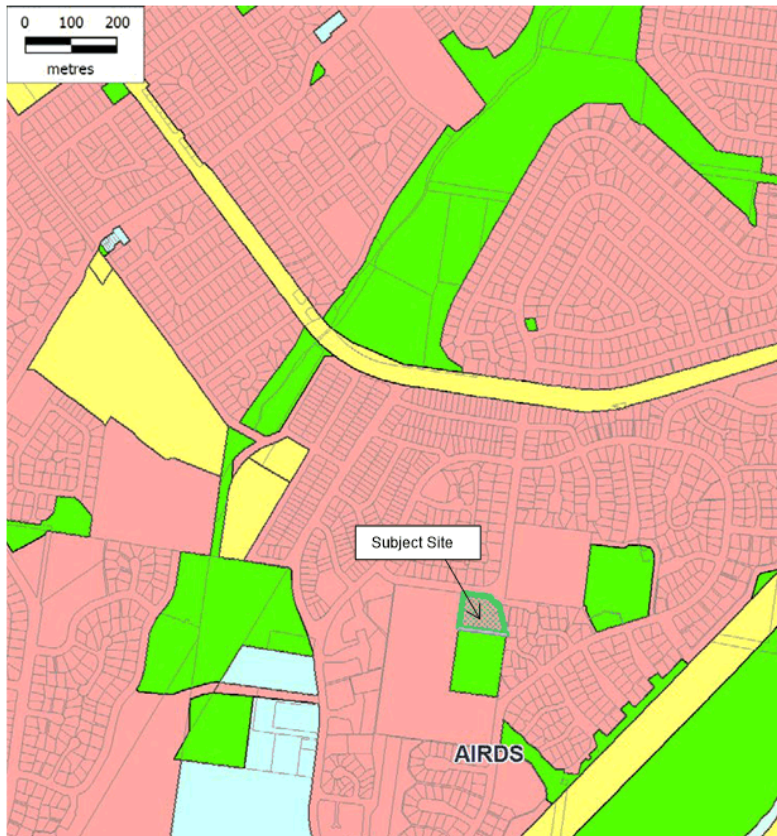


Figure 2 Surrounding Zoning

Part 1 – Objectives or Intended Outcomes

It is proposed to convert the land from long term lease to freehold title and to transfer it to the Tharawal Aboriginal Medical Centre. It is expected that the land would be transferred for a nominal amount. The land, being owned by Council is currently classified “Community” under the Local Government Act 1993. In order for the land to be sold it must be classified as “Operational”, which is done by a Local Environmental Plan (LEP) under the Environmental Planning and Assessment Act 1979.

It is not proposed to amend the zoning to permit the existing operation as it is a permissible use under SEPP (Infrastructure) 2007, being a health services facility.

The objective of the PP is thus to amend the CLEP 2015 to enable the subject site to be reclassified from Community land to Operational land and permit subsequent transfer to the Tharawal Aboriginal Medical Centre.

Part 2 - Explanation of provisions

It is proposed that CLEP 2015 be amended to reflect the reclassification by inclusion of the property description of the subject land in Part 1 in Schedule 4.

No changes are proposed to any maps.

Part 3 - Justification

Section A – Need for the Planning Proposal

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

The subject site is currently in Council ownership. It is not a “public reserve” that is currently available for use by the general public. The reclassification would not result in the loss of open space or the removal of any public reserve status.

It is proposed that the land would be transferred to the Tharawal Aboriginal Medical Centre for a nominal amount following gazettal of the amendment to the Campbelltown LEP 2015.

The subject site is in the R2 – Low Density Residential zone. It is currently occupied by the Tharawal Aboriginal Medical Centre. This would be within the scope of the definition of “health services facility”, which is permissible in the R2 zone pursuant to the SEPP (Infrastructure) 2007. The SEPP overrides the provisions of the Campbelltown LEP 2015.

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 considered to be the most appropriate means of achieving the planning objective and intended outcomes detailed in Part 1. It follows the LEP practice note for Classification and reclassification of public land through a local environmental plan issued by the NSW Department of Planning and Environment.

The subject site is already in the R2 – Low Density Residential zone, which amongst other uses permits community facilities.

Section B – Relation to Strategic Planning Framework

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

Greater Sydney Region Plan 2018

The Greater Sydney Region Plan 2018 was released in March 2018. The PP is considered to be consistent with the Plan in that it is consistent with the following objectives in the plan as shown in Table 1.

Table 1

Objective	Comments on consistency
<p>Objective 6</p> <p>Services and infrastructure meet communities' changing needs</p> <p>Strategy 6.1</p> <p>Deliver social infrastructure that reflects the needs of the community now and in the future.</p> <p>Strategy 6.2</p> <p>Optimise the use of available public land for social infrastructure.</p>	<p>The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the objective and strategies.</p>
<p>Objective 8</p> <p>Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>Engagement with Aboriginal communities should be founded on self-determination, economic participation and mutual respect.</p> <p>This includes facilitating the ability of Local Aboriginal Land Councils to more readily derive economic, community and cultural use of Aboriginal land acquired under the Aboriginal Land Rights Act 1983.</p>	<p>The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the objective and the strategy.</p>

Western City District Plan

The draft Western City District Plan was released in March 2018. The PP is considered consistent with the Plan in that it is consistent with the following planning priorities in the plan as shown in Table 2.

Table 2

Planning Priority	Comments on consistency
<p>Planning Priority W4</p> <p>Fostering healthy, creative, culturally rich and socially connected communities</p> <p>Supporting Aboriginal self-determination, economic participation and contemporary cultural expression through initiatives such as the development of culturally-appropriate social infrastructure, will strengthen the District's identity and cultural richness.</p>	<p>The reclassification to operational land to permit transfer to the Tharawal Aboriginal Corporation is consistent with the Planning Priority and the strategy.</p>

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

Campbelltown Community Strategic Plan – Campbelltown 2027

This overarching Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The PP may be considered to not be inconsistent with the relevant objectives headed accordingly.

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

Campbelltown Local Planning Strategy 2013

The strategy makes reference to the redevelopment of the Airds Bradbury Public Housing Area is one of a number infill opportunities. The PP is consistent with the Campbelltown Local Planning Strategy 2013.

Campbelltown Residential Development Strategy 2013

This does not apply as no additional residential development is proposed and existing residential development is lost.

Proposed Amendment to
Campbelltown Local Environmental
Plan 2015

**Planning Proposal – 21 Deans Road,
Airds**

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

The planning proposal is consistent with applicable SEPPs. See Table 3 below.

Table 3

State Environmental Planning Policies	Comments on consistency
SEPP No 1 Development Standards	Not applicable as CLEP 2015 is a Standard Instrument LEP & incorporates Clause 4.6 - Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 14 - Coastal Wetlands	Not applicable in the Campbelltown LGA.
SEPP No. 19 - Bushland in Urban Areas	Not applicable as there is no bushland on site.
SEPP No. 21 - Caravan Parks	Not applicable to this PP.
SEPP No. 26 - Littoral Rainforests	Not applicable in the Campbelltown LGA.
SEPP No. 30 - Intensive Agriculture	Not applicable to this PP.
SEPP No. 33 - Hazardous and Offensive Development	Not applicable to this PP.
SEPP No. 36 - Manufactured Home Estates	Not applicable in the Campbelltown LGA.
SEPP No. 44 - Koala Habitat Protection	Not applicable to this PP.
SEPP No. 47 - Moore Park Showground	Not applicable in the Campbelltown LGA.
SEPP No. 50 - Canal Estates Development	Not applicable to this PP.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable in the Campbelltown LGA.
SEPP No. 55 - Remediation of Land	Not applicable to this PP as no development is proposed as a result of this PP.
SEPP No. 62 - Sustainable Aquaculture	Not applicable to this PP.
SEPP No. 64 - Advertising and Signage	Not applicable to this PP.
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable to this PP as residential flat buildings are not proposed on the site.
SEPP No. 70 - Affordable Housing (Revised Schemes)	Not applicable in the Campbelltown LGA
SEPP No. 71 - Coastal Protection	Not applicable in the Campbelltown LGA.
SEPP (Affordable Rental Housing) 2009	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Consistent as the PP does not propose any provisions contrary to the SEPP.

Proposed Amendment to
Campbelltown Local Environmental
Plan 2015

Planning Proposal – 21 Deans Road,
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State Environmental Planning Policies	Comments on consistency
SEPP (Infrastructure) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP. The current use is permissible pursuant to the SEPP.
SEPP (Integration and Repeals) 2016	Not applicable to this PP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable in the Campbelltown LGA.
SEPP (Kurnell Peninsula) 1989	Not applicable in the Campbelltown LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to this PP.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable in the Campbelltown LGA.
SEPP (Rural Lands) 2008	Not applicable to this PP.
SEPP (State and Regional Development) 2011	Not applicable to this PP.
SEPP (State Significant Precincts) 2005	Not applicable to this PP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable in the Campbelltown LGA.
SEPP (Sydney Region Growth Centres) 2006	Not applicable to this PP.
SEPP (Three Ports) 2013	Not applicable in the Campbelltown LGA.
SEPP (Urban Renewal) 2010	Not applicable to this PP.
SEPP (Vegetation in Non - Rural Areas) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable to this PP.
SEPP (Western Sydney Parklands) 2009	Not applicable to this PP.
REP No.2 – Georges River Catchment	Consistent, as the PP has minimal impact on the issues of REP No.2 – Georges River Catchment.
REP No.9 - Extractive Industry (No 2)	Not applicable to this PP.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	Not applicable to this PP.
Drinking Water Catchments REP No.1	Not applicable in the Campbelltown LGA.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (S9.1 directions)?

The PP is either considered consistent, justifiably inconsistent or the inconsistency is of minor significance with the applicable Ministerial Directions (S9.1 directions). See Table 5 for an assessment of the PP against the S9.1 Ministerial Directions.

Table 4

Ministerial Direction	Comments on consistency
1. Employment and Resources	
1.1 Business and industrial Zones	Not applicable to this PP.
1.2 Rural Zones	Not applicable to this PP.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to this PP.
1.4 Oyster Production	Not applicable to this PP.
1.5 Rural Lands	Not applicable to this PP.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable to this PP. There is no vegetation on the site.
2.2 Coastal Protection	Not applicable to this PP.
2.3 Heritage Conservation	Not applicable to this PP.
2.4 Recreation Vehicle Area	Not applicable to this PP.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable in the Campbelltown LGA.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable to this PP as no residential development is proposed as a result of this PP.
3.2 Caravan Parks & Manufactured Home Estates	Not applicable to this PP.
3.3 Home Occupations	Not applicable to this PP.
3.4 Integrating Land Use & transport	Not applicable to this PP.
3.5 Development Near Licensed Aerodromes	Not applicable to this PP.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent as the land is not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	Not applicable to this PP.
4.3 Flood Prone Land	Not applicable to this PP as the land is not identified as being flood liable.
4.4 Planning for Bushfire Protection	Not applicable to this PP as the land is not identified as being bushfire prone.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable in the Campbelltown LGA

Proposed Amendment to
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Planning Proposal – 21 Deans Road,
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Ministerial Direction	Comments on consistency
5.2 Sydney Drinking Water catchments	Not applicable in the Campbelltown LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable in the Campbelltown LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable in the Campbelltown LGA.
5.5 -5.7	Revoked.
5.8 Second Sydney Airport	Not applicable in the Campbelltown LGA
5.9 North West Rail Link Corridor Strategy	Not applicable in the Campbelltown LGA.
5.10 Implementation of Regional Plans	Consistent with the Regional and District Plans.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent as the PP does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Not applicable to this PP as the land is not identified for acquisition.
6.3 Site Specific Provisions	Not applicable in the Campbelltown LGA
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	Consistent, see comments on consistency with Greater Sydney Region Plan 2018 and Western City District Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to this PP.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable in the Campbelltown LGA.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable in the Campbelltown LGA.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to this PP.

Section C – Environmental social or 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?**

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on the subject site.

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

No environmental effects are expected as no major development works are expected as a result of the PP.

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

The PP does not propose any rezoning of land. It will allow the transfer of an existing community facility to be transferred to the Tharawal Aboriginal Corporation with no adverse effects expected on the social or economic values of the Campbelltown community.

Section D – State and Commonwealth interests

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

The PP will not result in the need for any additional public infrastructure such as public utilities or road works.

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

These views will be documented after the Gateway Determination is actioned.

Part 4: Mapping

No alterations are required to the maps that accompany the Campbelltown LEP 2015.

Part 5 - Community Consultation

Public consultation will take place in accordance with a relevant Gateway determination.

All relevant agencies and local community will also be consulted during the mandated minimum public exhibition period.

A public hearing will also be held by Council following the exhibition period and be conducted by an independent facilitator. A report from the facilitator on the outcomes of the hearing will be submitted to Council and incorporated in a report to Council on the public exhibition of the PP.

Part 6 Project Timeline

Milestone	Timeline
Local Planning Panel endorsement	June 2018
Council endorsement	August 2018
Referral for Gateway Determination	September 2018
Gateway Determination	November 2018
Completion of additional supporting documentation	February 2019
Public Exhibition	March 2019
Public Hearing	April 2019
Consideration of submissions (Report to Council)	May 2019
Finalisation of LEP amendment	June 2019
Plan amendment made	July 2019

4.6 Multi Dwellings in R2 Zone Planning Proposal

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Executive Summary

The New South Wales Government has recently changed planning legislation to enable the construction of medium density residential developments as complying development under the new Medium Density Housing Code (the Code).

In the Campbelltown context, the Code would likely have unplanned impacts on infrastructure, as medium density housing permitted by the Code could be constructed in all residential zones of the Campbelltown Local Government Area (LGA).

The greatest impacts are likely to occur within established residential neighbourhoods zoned R2 Low Density Residential under Campbelltown Local Environmental Plan 2015 (CLEP 2015), where the cumulative impact on increased stormwater runoff and traffic congestion cannot be identified or mitigated through early strategic planning.

The NSW Minister for Planning has announced that the operation of the Code will now be deferred until July 2019 for Ryde, Canterbury-Bankstown, Northern Beaches and Lane Cove Councils.

On 5 June 2018, the Department of Planning and Environment (DPE) offered Council the opportunity to consider deferring the operation of the Code for the R2 zone under CLEP 2015. This offer was subject to the DPE receiving a written request by 27 June 2018 and the submission of a Council endorsed draft Planning Proposal to the Gateway Panel, by 27 July 2018.

Officer's Recommendation

1. That the Panel note Council's submission requesting the deferral of the operation of the Medium Density Housing Code which is proposed to commence on 6 July 2018.
2. That the Panel provide advice on the proposal to prohibit 'multi dwelling housing' in the R2 Low Density Residential zone under CLEP 2015.
3. That the Panel note that a more comprehensive review of CLEP 2015 and updated Housing Strategy will occur over the next two years.

Purpose

To request the Local Planning Panel's (the Panel) advice on the proposal to prohibit multi-dwelling housing within Zone R2 Low Density Residential, of CLEP 2015.

Report

As a result of the Minister for Planning's decision to defer the operation of NSW Government's newly made Medium Density Housing Code for the Councils of Ryde, Lane Cove, Canterbury-Bankstown and Northern Beaches, on 5 June 2018 the NSW Department of Planning (DPE) contacted Campbelltown City Council and advised that the DPE would also consider a formal request from Campbelltown Council to defer the operation of the newly made Medium Density Housing Code for the Campbelltown LGA. The DPE further advised that for any such request to be considered, the request needed to be submitted to the DPE by 27 June 2018, with a formally endorsed draft Planning Proposal submitted to the DPE by 27 July 2018.

1. Multi-dwellings in the R2 Zone - CLEP 2015

Campbelltown Local Environmental Plan 2015 (CLEP 2015) was gazetted on 11 December 2015 and became operational on 11 March 2016. CLEP 2015 was prepared over an extensive timeframe, based in the end, on a best fit philosophy. This resulted in the transfer of multi-dwellings as a permissible land use from the generic 2B residential zone under the previous LEP 2002, to the R2 Low Density Residential zone under CLEP 2015.

In adopting CLEP 2015, Council acknowledged that there would be a need to review the Plan soon after its inception, including amendments of particular clauses relating to the permissibility and development of multi-dwelling housing within the R2 zone to ensure that the intent of promoting multi-dwelling housing in the more appropriate R3 zoned areas was achieved.

In this respect, although CLEP 2015 retained multi-dwelling housing as a permissible land use in the R2 zone, it discouraged this land use by imposing stricter controls on qualifying site areas, subdivision sizes and floor space ratios compared to the R3 Medium Density Residential zone. This is consistent with Council's objective for the R2 Low Density Zone to provide for the housing needs of the community within a low density residential environment.

2. Medium Density Housing Code

The Medium Density Housing Code (the Code) has been released by the State Government and will come into effect on 6 July 2018. The Code will allow medium density housing, to be approved and built as complying development in R1, R2, R3 and RU5 zones, where permitted in that zone under Council's LEP.

Under CLEP 2015, multi-dwellings are permitted with development consent in the R2 and R3 zones. Consequently, the Code will apply to these residential zones from 6 July 2018, allowing new forms of medium density residential development to be approved and built in these areas as complying development, without any meaningful consultation or consideration of the development standards for this type of development prescribed under Council's LEP.

A significant concern is that when the Code becomes operational, medium density residential development would be encouraged in R2 zoned areas of the Campbelltown LGA never planned for housing densities of this nature. This includes a new housing type introduced under the Code termed manor houses that comprise a two storey block of four flats on any residential zoned lot in the Campbelltown LGA with a 15m frontage and land area of 600sqm. When the Code commences, Council's development standards under CLEP 2015 for multi-dwelling housing within the R2 zone will be by-passed for developers seeking approval under the Code. Consequently, the ability of Council's planning policies to guide the orderly development of medium density housing within more appropriate areas zoned R3, rather than the low density R2 zone, will be severely diminished.

3. Councillor Briefing/Concerns

The Medium Density Housing Code (the Code) and ramifications for the Campbelltown LGA were discussed at the Councillor Briefing of 29 May 2018. At this briefing, planning staff outlined concerns that the Code would promote medium density housing in R2 low density residential zones, distant from supporting infrastructure and without any merit consideration of the impacts on existing low density residential neighbourhoods. These concerns included by-passing the strategic controls imposed by Council under CLEP 2015 for multi-dwelling housing developments within the R2 zone, potentially resulting in excessive demands on limited infrastructure, adverse amenity impacts to existing neighbourhoods, increased stormwater runoff and traffic generation.

Concern was also raised that the Code would likely be inconsistent with long term planning outcomes being investigated for strategic sites within the Campbelltown LGA, such as the promotion of higher density housing and mixed use development within the Glenfield to Macarthur Urban Renewal Corridor. Given the likely disruption to the planned and orderly development of medium density housing within the LGA, there was general consensus from Councillors to request an exemption from the operation of this Code.

It is relevantly noted that the Minister for Planning has recently deferred the operation of the Code in the City of Ryde and the City of Canterbury-Bankstown, who it is understood sighted similar concerns relating to unplanned housing growth and insufficient supporting infrastructure. At the time of writing of this report, the Code has also been deferred from operating in Lane Cove and Northern Beaches Councils.

5. Conclusion

Commencement of the Medium Density Housing Code on 6 July 2018 will override local planning controls and will allow for increased housing densities without the need for the Council to assess a development application or any consultation with the community.

A significant concern with this is the likely negative impacts of medium density housing developments being promoted within low density R2 zoned neighbourhoods that have not been planned to accommodate increased housing densities envisaged by the Code.

At the Councillor Briefing of 29 May, it was agreed to seek an exemption from the commencement of the Code. It is understood that the Code has been deferred from operating in Lane Cove, Northern Beaches, City of Ryde and City of Canterbury-Bankstown Councils.

On 5 June 2018, the NSW Department of Planning (DPE) advised Council that any request to defer the operation of the Code for the R2 zone would need to be formally submitted by 27 June, and such a request would only be considered if a draft Planning Proposal was submitted to the DPE by 27 July 2018, which sought the removal of multi-dwellings as a permissible land use from the R2 zone under Council's CLEP 2015.

The removal of multi-dwellings as a permissible land use within the R2 Zone under CLEP 2015 would remove the trigger for the operation of the Medium Density Housing Code within this zone. To offset this amendment, it is proposed that Council's Housing Strategy would be updated as part of a comprehensive update of CLEP 2015 which is required to be completed within two years in accordance with the City Deal.

This outcome is supported by planning work being undertaken by Council to encourage medium density housing within more appropriate areas zoned R3, in closer proximity to transport infrastructure and commercial centres.

Given the adverse consequences which are likely to arise as a result of the uncontrolled operation of the Code across the Campbelltown LGA, and in particular on lands existing within the R2 Zone, it is considered essential and of the utmost importance that in providing any advice, the Panel's advice assists the Council in meeting the short response timeframe provided by the DPE, and assists with the removal from the Council's CLEP 2015, multi-dwellings as a permissible development within the R2 Low Density Residential Zone.

Attachments

1. Submission to the Department of Planning and Environment (contained within this report)

Reporting Officer

Executive Manager Urban Centres

18 June 2018

Ms Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Carruthers,

Medium Density Housing Code – Request for Deferral

I am writing in response to the announcement that the NSW Planning Minister, Anthony Roberts, will consider deferring the operation of the Medium Density Housing Code for any Council that wants to change its planning rules.

Campbelltown City Council has significant concerns that the Medium Density Housing Code would detrimentally impact the orderly and planned development of future housing supply within the Campbelltown Local Government Area by promoting new forms of medium residential housing in inappropriate areas; in an uncontrolled manner; in a way not in keeping with the reasonable expectations of the community; and distant from supporting infrastructure and ill-suited to densification.

A main concern is that the Code will override Council's development standards under Campbelltown Local Environment 2015 (CLEP 2015) for multi-dwelling housing within the R2 zone, resulting in higher density development outcomes inconsistent with Council's objective for the R2 Low Density Zone, which seeks to provide for the housing needs of the community within a low density residential environment. These concerns include the mandated permissibility of 'manor houses' within the R2 zone, comprising a new type of medium density housing for which Council has no specific development controls.

The proposed low rise medium density housing code, in Campbelltown's situation, would allow medium density development within low density residential areas, unplanned for growth and remote from services, shops and transport.

In adopting CLEP 2015, Council committed to the ongoing review of the Plan including amendments of particular clauses relating to the permissibility and development of 'multi-dwelling' housing within the R2 zone to ensure that the intent of promoting multi-dwelling housing in the more appropriate R3 Medium Density Residential zones was achieved.

Campbelltown City Council is continuing to work closely with the Department of Planning and Environment on the revision of CLEP 2015 to facilitate housing diversity and supply in the Greater Macarthur Priority Growth Area, the Glenfield to Macarthur Urban Renewal Corridor, and urban renewal sites at Claymore and Airds. We are actively considering individual planning proposals to increase building heights and densities near the Campbelltown centre.

Additional to this work, Campbelltown City Council will be reviewing its Housing Strategy and updating the Local Environmental Plan as one of the Western Sydney City Deal Councils identified for priority funding to undertake this task. Campbelltown City Council clearly meets the criteria of a place that is committed to reviewing its planning rules to promote housing diversity and supply.

For these reasons, Council formally requests that the operation of the Low Rise Medium Density Housing Code for the Campbelltown LGA is deferred. This will allow the important and necessary planning work on the Campbelltown Housing Strategy and CLEP 2015 to be advanced in consultation with the Department of Planning and Environment.

Should you require any further information or explanation please contact Council's Executive Manager Urban Centres, David Smith on (02) 4645 4598.

Yours sincerely

Signature removed

Jim Baldwin
Director City Development