

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 19 February 2013.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Planning and Environment Committee held on 19 February 2013

Present

- Councillor G Greiss (Chairperson)
- Councillor R Kolkman
- Councillor D Lound
- Councillor A Matheson
- Councillor M Oates
- Councillor T Rowell
- Councillor R Thompson
- Director Planning and Environment - Mr J Lawrence
- Director Business Services – Mr M Sewell
- Manager Cultural Services – Mr M Dagostino
- Acting Manager Customer Services – Mr P Macdonald
- Manager Development Services - Mr J Baldwin
- Manager Sustainable City and Environment - Mr A Spooner
- Acting Manager Waste and Recycling Services – Mr L Atkinson
- Manager Community Resources and Development - Mr B McCausland
- Corporate Support Coordinator - Mr T Rouen
- Executive Assistant - Mrs K Peters

Apology Nil

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests

Nil

Non Pecuniary – Significant Interests

Councillor Matheson - Item 3.4 - Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition of existing structures, removal of trees and construction of a four storey residential flat building comprising of 55 units above a sub-floor level car park - Councillor Matheson advised that the family is known to her and that she will leave the Chamber and not take part in the debate.

Non Pecuniary – Less than Significant Interests

Nil

1. WASTE AND RECYCLING SERVICES

1.1 Outcome of the 2013 Free Recyclables Drop Off Day

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To update Council on the outcome of the Free Recyclables Drop Off Day held on 5 January 2013.

History

Council held its inaugural Free Recyclables Drop Off Day in January 2009, and due to the success of the event, Council at its meeting on 3 February 2009 resolved to provide Campbelltown residents with a Free Recyclables Drop Off Day each year following Christmas and New Year.

Report

The fifth annual Free Recyclables Drop Off Day was held on Saturday 5 January 2013 at Coronation Park, Redfern Road, Minto. Residents were provided with the opportunity to drop off recyclable materials that would normally be collected in their domestic yellow-lid recycling bin for free.

The 2013 event was promoted in local newspapers, at Council's libraries, leisure centres, child care centres and in the Summer edition of Compass. Information was also provided on Council's website, Facebook page, on-hold message service and in the Mayoral message on C91.3, which aired on 2 January 2013.

In addition, Council flashing signs located on Narellan Road and Campbelltown Road were utilised during the week leading up to the event for further promotion.

Two divisions of SITA Australia (SITA) provided sponsorship for the 2013 event. SITA's Campbelltown Branch supplied two compactor vehicles free of charge to assist with the collection of recyclables at the event, and the recyclables collected at the event were accepted at SITA's Spring Farm Advanced Resource Recovery Park for recycling, free of charge.

The 2013 Free Recyclables Drop Off Day saw the highest participation to date, with 536 residents utilising the service. This is an increase of 67 participants from the previous attendance record set at the 2012 event. It should be noted that 331 participants (or 62%) had not attended a Free Recyclables Drop Off Day previously. This indicates that advertising for the event continues to reach a new audience, and suggests that participation rates have the potential to further increase at future events.

The increase in participation resulted in an increased tonnage of recyclables dropped off on the day, with more than 10 tonnes of material collected, which was an increase of approximately 1 tonne when compared to the 2012 event. The recyclables collected consisted primarily of cardboard, which is consistent with the material composition seen in previous years. Other recyclables collected at the event included glass bottles, aluminium cans, plastic bottles and paper.

Figure 1 shows the tonnage of recyclable materials collected at the 2013 Free Recyclables Drop Off Day, in comparison with the tonnages collected at the previous three events.

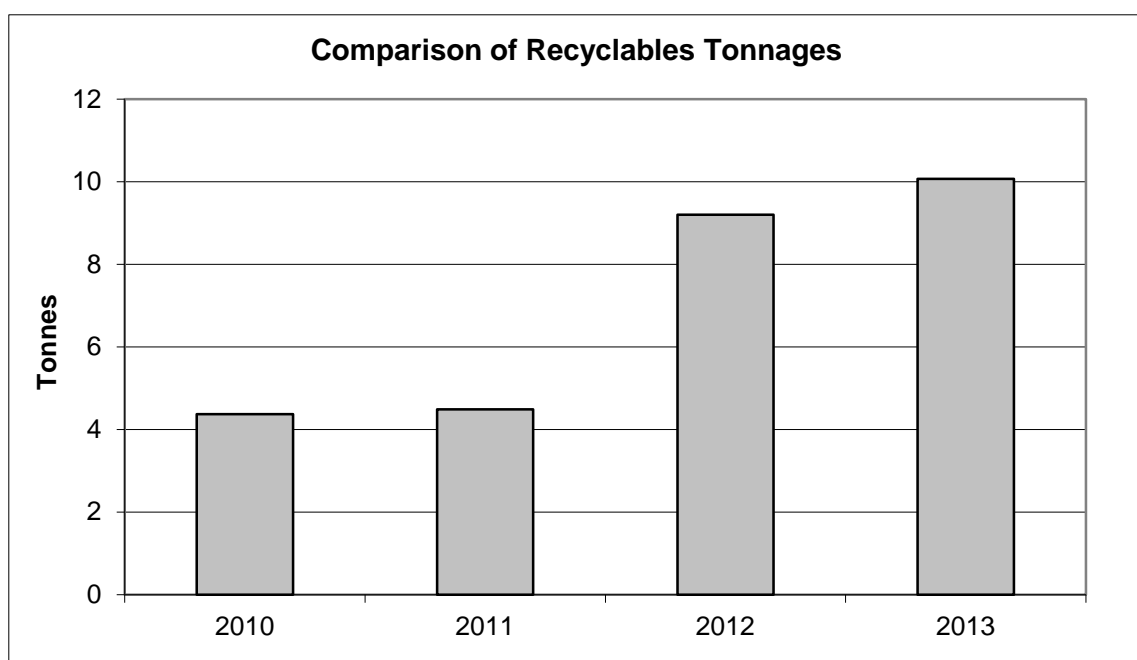


Figure 1: Comparison of recyclables collected at Free Recyclables Drop Off Day events from 2010 to 2013

As in previous years, residents were also able to drop off polystyrene for recycling, which is not able to be disposed of in domestic recycling bins, but is commonly accumulated during the festive season. As residents are usually advised to dispose of polystyrene in their general waste bins, this service is provided to assist residents with disposing of this bulky material at a time when general waste bins already tend to be filled to their capacity.

The polystyrene drop off service proved to be popular again in 2013, with nearly 300 residents dropping off approximately 88 cubic metres of polystyrene for recycling. By using this service, residents have collectively saved approximately 620 general waste bins full of polystyrene from going to landfill. The polystyrene will now be recycled into new products such as timber-look blinds, decking and compact discs. The volume of polystyrene collected at Free Recyclables Drop Off Day events from 2010 to 2013 is shown in Figure 2 below.

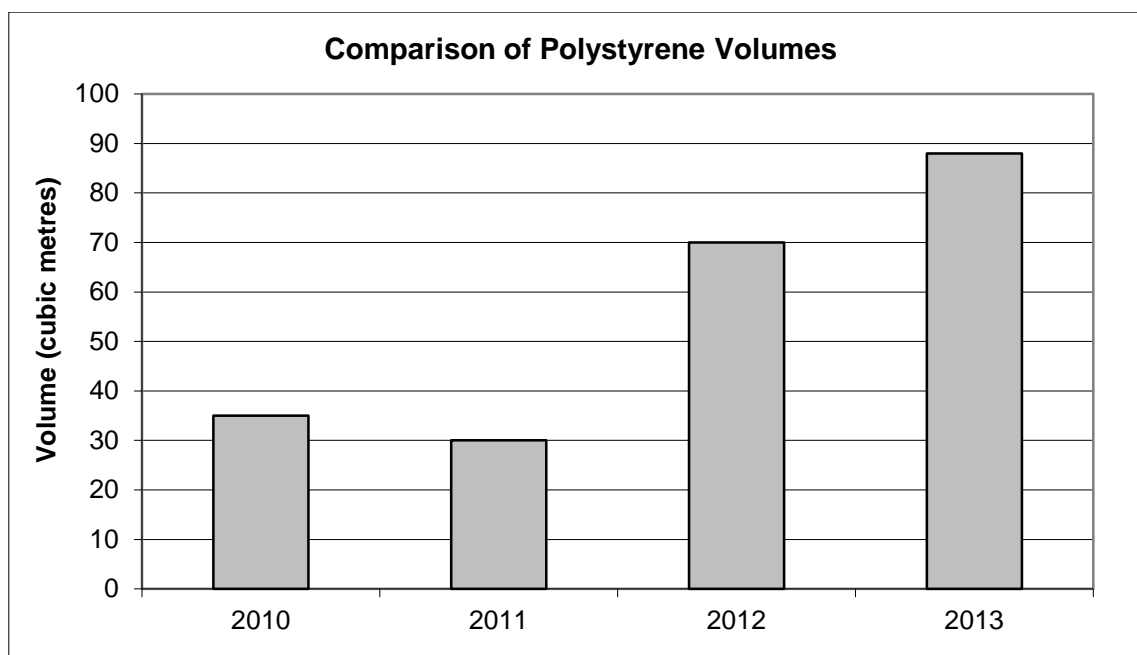


Figure 2: Comparison of polystyrene volumes collected at Free Recyclables Drop Off Day events from 2010 to 2013

As in previous years, the feedback received from residents who participated in the event was very positive. Due to the increase in participation and the higher volume of material collected, some increased waiting periods occurred during the peak of the day. However, a large proportion of participants expressed their thanks to Council for providing the service, and nearly all participants indicated that they would use the service again in 2014.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

1.2 Quarterly Statistical Report - Second Quarter 2012-2013

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To provide Council with a quarterly update of the domestic waste and recycling tonnages, diversion rates and requests received for waste-related services during the second quarter of 2012-2013, which is the period from 1 October to 31 December 2012.

Report

For the purpose of this report, 'domestic waste' refers to waste disposed of in household general waste (garbage – small bin), recyclables (yellow lid bin) and garden organics (green lid bin) bins, as well as waste collected at booked kerbside clean ups.

Figure 1 illustrates the tonnage of domestic waste collected during the second quarter of 2012-2013, compared with the tonnages collected during the second quarters of 2009-2010, 2010-2011 and 2011-2012.

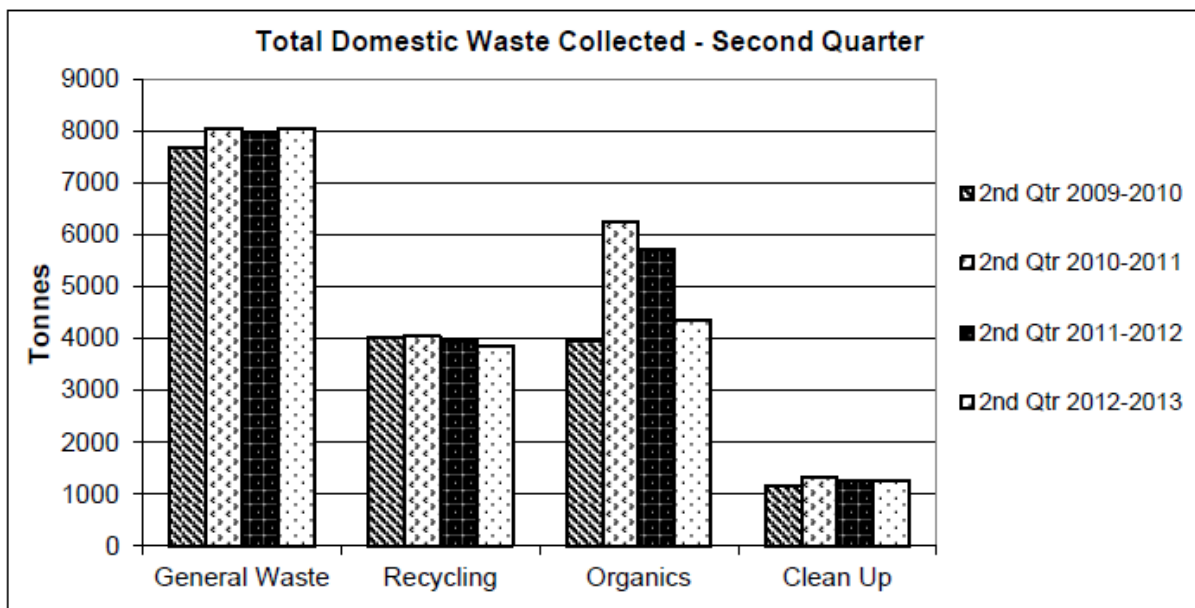


Figure 1: Comparison of tonnages collected during the second quarters of 2009-2010, 2010-2011, 2011-2012 and 2012-2013.

Figure 2 below lists the tonnages of each waste type collected during the second quarter of 2012-2013, compared with the tonnages collected during the second quarters of 2009-2010, 2010-2011 and 2011-2012. It also shows the total tonnage of all domestic waste collected during each of these periods.

Waste Type	2nd Qtr 2009-2010	2nd Qtr 2010-2011	2nd Qtr 2011-2012	2nd Qtr 2012-2013
General Waste	7,671	8,053	7,973	8,040
Recycling	4,033	4,043	3,961	3,863
Organics	3,951	6,237	5,707	4,354
Clean Up	1,164	1,310	1,250	1,267
Total (tonnes)	16,819	19,644	18,891	17,524

Figure 2: Comparison of tonnages collected during the first quarters of 2009-2010, 2010-2011 2011-2012 and 2012-2013.

The second quarter of 2012-2013 saw a decrease in the total tonnage of waste generated across the Campbelltown Local Government Area, in comparison with the second quarter of 2011-2012. A slight increase in generation rates was experienced in general waste and kerbside clean up tonnages during the second quarter of 2012-2013, while recycling and garden organics tonnages decreased during this period, in comparison to the second quarter of 2011-2012.

The NSW Government, under the Waste Avoidance and Resource Recovery Strategy 2007, has set a target for NSW councils to divert 66% of municipal waste from landfill by 2014. At the end of the second quarter, Council's total diversion rate across all waste streams was 61.8%, which equated to more than 10,800 tonnes of material diverted from landfill for the period.

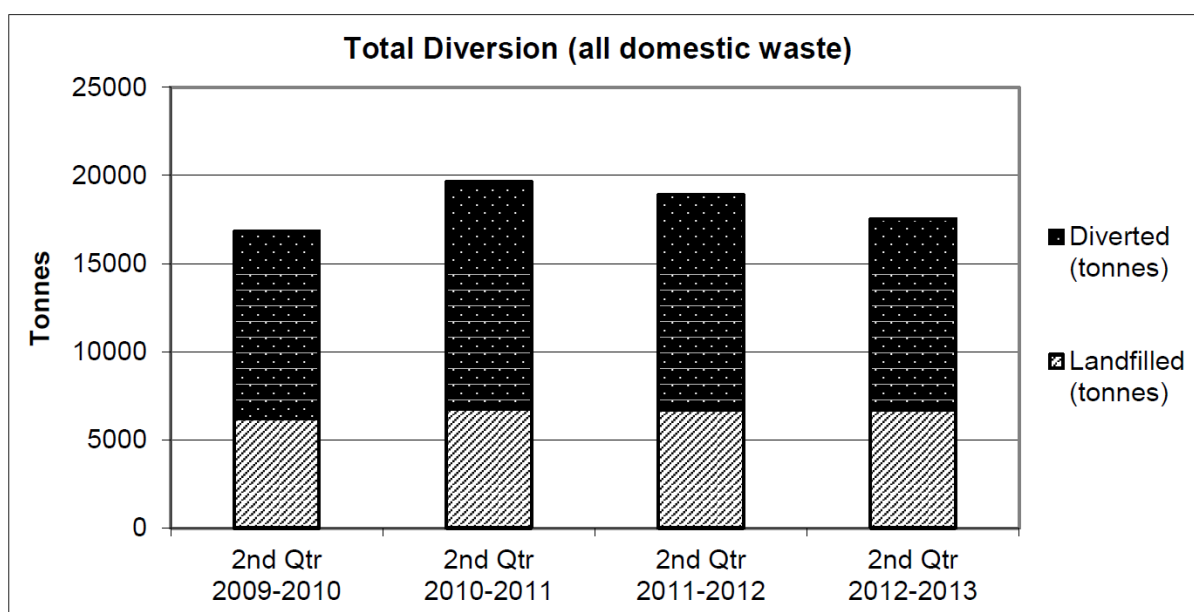


Figure 3: Comparison of total diversion rates.

Figure 3 (above) shows the diversion rates for all domestic waste over the past four years.

At the end of the second quarter of 2012-2013, the diversion rate for general waste was 38%. The diversion rates for general waste over the past four years are shown in Figure 4 (below).

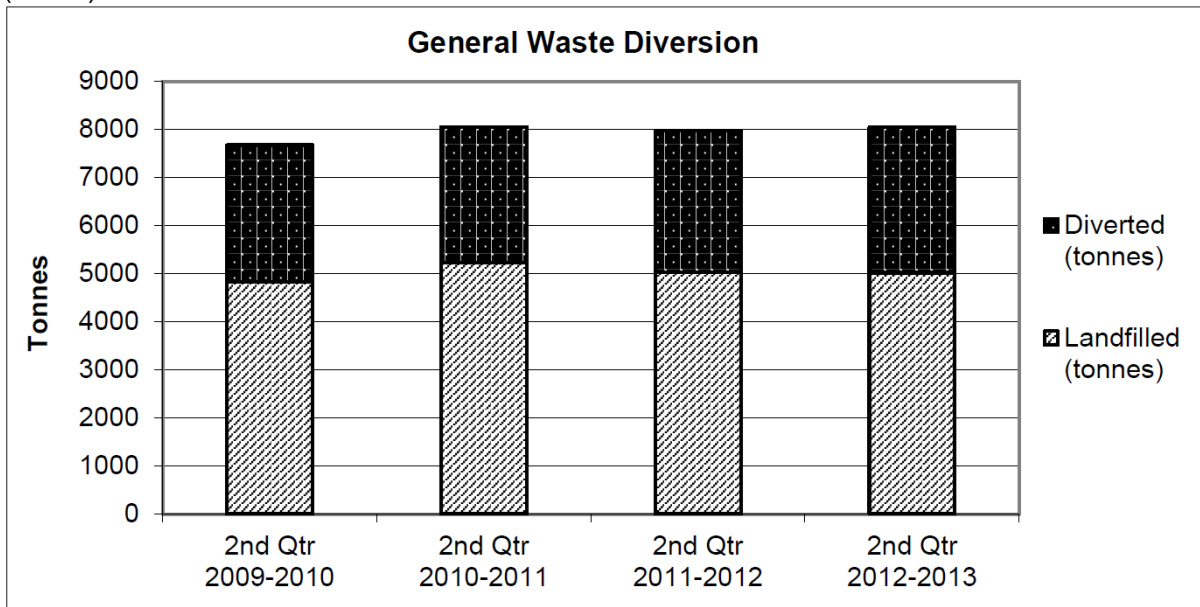


Figure 4: Comparison of diversion rates for general waste.

Diversion rates for recycling and garden organics have remained constant at 94% and 96% respectively. Approximately 3,630 tonnes of recyclables and 4,180 tonnes of garden organics were diverted from landfill during the second quarter of 2012-2013.

Figure 5 (below) shows the amount of kerbside waste and recycling generated per household for the second quarter of 2012-2013, in comparison with the second quarters of the previous three financial years.

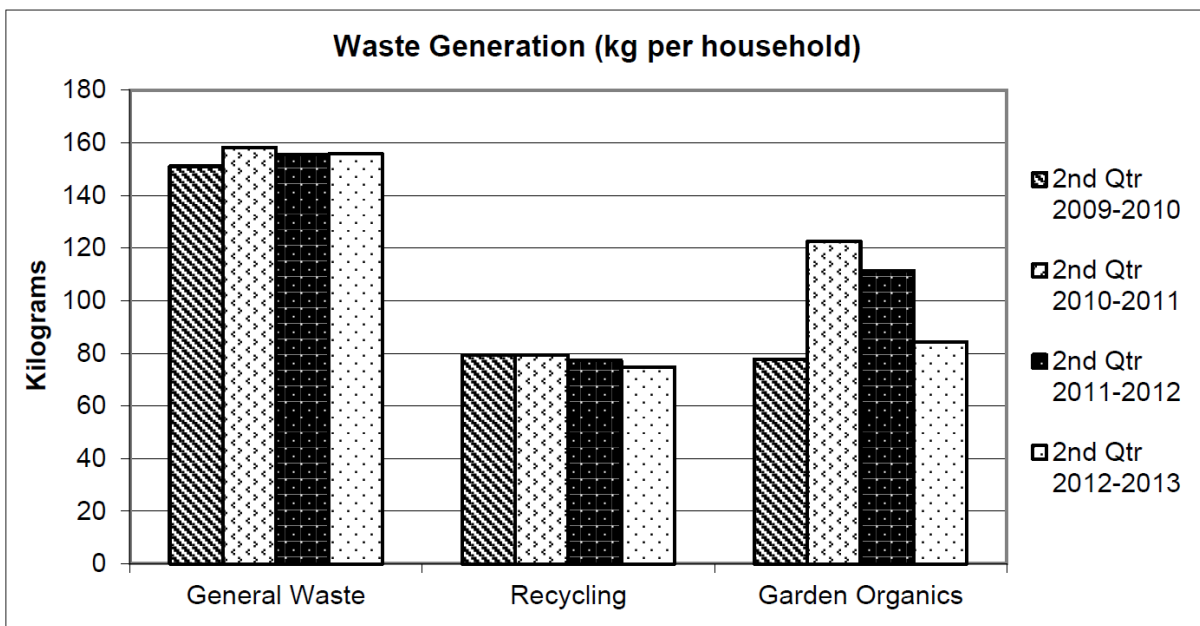


Figure 5: Comparison of waste generation rates per household.

The overall waste generation rate decreased from 344kg per household during the second quarter of 2011-2012 to 315kg per household during the same quarter of 2012-2013. Generation of general waste remained constant at 156kg per household, while recycling and garden organics generation decreased by 2kg to 75kg and 27kg to 84kg per household respectively during the second quarter of 2012-2013.

Figure 6 (below) shows the number of customer service requests received by request type for the second quarter of 2012-2013, in comparison to the second quarters of the previous three financial years.

Request Type	2nd Qtr 2009-2010	2nd Qtr 2010-2011	2nd Qtr 2011-2012	2nd Qtr 2012-2013
Damaged Bins	634	671	694	573
Illegally Dumped Rubbish	317	419	613	669
Stolen Bins	438	438	478	335
Clean Ups	8,176	9,243	10,062	10,652
Total	9,565	10,771	11,847	12,229

Figure 6: Comparison of customer requests.

Figure 6 illustrates a continued increase in kerbside clean up bookings, with an additional 590 requests received during the second quarter of 2012-2013 when compared to the second quarter of 2011-2012. Of the 10,652 requests received for kerbside clean ups during the second quarter of 2012-2013, online bookings accounted for 2,230 requests, or 21% of this total.

It is likely that the increase in kerbside clean up requests is due to the ongoing promotion of the availability of the kerbside clean up service. The ongoing promotion is an initiative to significantly reduce the incidents of illegally dumped waste. The ongoing increase in bookings may also be the direct result of improved accessibility to the service and greater convenience provided to residents following the introduction of Council's online kerbside clean up booking system in July 2011.

Conclusion

Council has three key objectives in managing domestic waste in Campbelltown:

1. Minimising the amount of waste generated per household
2. Achieving the highest possible ratio of recyclables-to-waste produced per household
3. Reducing the impacts associated with illegal dumping.

The information provided in this report indicates that the overall amount of waste generated per household across the Local Government Area has dropped slightly during the second quarter of 2012-2013. Council continues to develop campaigns and implement programs to assist in reducing waste generation across the Local Government Area, and continues to work with its waste processing contractor to increase the diversion of domestic waste from landfill.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

1.3 CD and DVD Recycling Pilot Update

Reporting Officer

Manager Waste and Recycling Services

Attachments

Nil

Purpose

To advise Council of the outcome of the recent CD and DVD recycling pilot.

History

At its meeting on 3 July 2012, Council resolved:

1. That a pilot CD and DVD recycling program be offered to residents for a period of six months and that residents be able to drop off CDs and DVDs to Council's Civic Centre and libraries for recycling free of charge.
2. That the pilot program be promoted in local newspapers, on Council's website and in the Spring edition of Compass.
3. That a further report on the results of the pilot program be provided to Council.

Report

The CD and DVD recycling pilot commenced on 6 August 2012, and ran for a period of six months, until 31 January 2013. During the pilot period, designated collection boxes were provided at Council's Civic Centre and libraries to allow residents to drop off unwanted CDs, DVDs and their cases for recycling free of charge.

The pilot program was well received by residents, with approximately 2,700 discs (combined total of CDs and DVDs) dropped off for recycling during the pilot period. This equates to approximately 40kg of CDs and DVDs. More than 1,200 CD cases and 300 DVD cases were dropped off for recycling during the pilot period.

The initial set up costs for the project consisted of the purchase of collection boxes, newspaper advertising and postage of the CDs and DVDs to the recycler. The CD and DVD recycling pilot was promoted in the Macarthur Chronicle and Macarthur Advertiser between August 2012 and January 2013. In addition, the initiative was featured in the Spring edition of Compass, the August edition of Council's eNewsletter and the Mayor's message on 21 November. The total cost of the pilot was approximately \$7,300.

The cost to continue the recycling program for an additional 12 months is as follows:

Postage of CDs and DVDs to recycler	\$720 (6 boxes per month costing \$10 each)
Newspaper advertising	\$9,000 (18 advertisements costing \$500 each)
Recycling of CDs and DVDs	Free of charge

The program would also be promoted in Compass, Council's eNewsletter and Council's website throughout the year to increase public awareness of the availability of the program.

Ongoing implementation of the CD and DVD recycling program would be funded from the existing Waste and Recycling Services budget.

Officer's Recommendation

1. That Council extend the CD and DVD recycling program for a further 12 months, and that residents be able to drop off CDs and DVDs to Council's Civic Centre and libraries for recycling free of charge.
2. That the program be promoted in local newspapers, Compass, Council's eNewsletter and on Council's website during 2013.
3. That a further report be provided to Council at the conclusion of the 12 month period advising of the results and possible continuation of the program.

Committee's Recommendation: (Thompson/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

Councillor Mead asked that his name be recorded in opposition to the resolution in regard to Item 1.3 - CD and DVD Recycling Pilot Update.

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Georges River Combined Councils Committee - Riverkeeper Program Update

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To provide Council with an update on the Georges River Combined Councils Committee (GRCCC) Riverkeeper Program's activities within the Campbelltown Local Government Area (LGA) between June and December 2012.

History

The Riverkeeper Program was established by the GRCCC and NSW Maritime in 1999 with the aim of improving the health and amenity of the Georges River. Activities undertaken under the Program include a range of works including rubbish removal, bushland regeneration, control and management of terrestrial and aquatic weeds and monitoring of the Georges River for illegal activities and river health. The Program also assists in raising community awareness and appreciation of the natural environment along the Georges River.

The GRCCC primarily partners with Corrective Services NSW using work teams comprised of individuals subject to Intensive Correction Orders, for assistance in delivering the Riverkeeper Program. The Program also operates with teams of volunteers sourced from organisations such as the National Parks Association, National Green Job Corps Program and other interested community groups.

The Riverkeeper Program is focused on undertaking on-ground restoration works for member councils along the river. The projects that are undertaken in each LGA are agreed upon in collaboration with member councils and are subject to compliance with Work Health and Safety procedures and access conditions for Corrective Services NSW.

Report

Rubbish Collection

Riverkeeper Program rubbish collection teams provide large-scale removal of rubbish from the River's foreshores, creeks and tributaries. Member councils identify rubbish 'hotspots' on the River for inclusion in the Riverkeeper work plan.

Types of rubbish removed include:

- Plastics (including plastic bags, drink bottles and packaging)
- Building and construction materials
- Green waste
- Rubber tyres
- Furniture and household items
- Trolleys
- Auto parts.

A large amount of time is spent by the Riverkeeper teams removing micro-rubbish. Micro-rubbish includes items such as: small pieces of polystyrene, plastic, bottle tops and cigarette butts which can be harmful to aquatic ecosystems and the animals that live within them.

Table 1 provides information on the amount of rubbish collected and volunteer hours undertaken by the Riverkeeper Program within the Campbelltown LGA between June and December 2012.

Table 1: Riverkeeper rubbish collection results for sites within the Campbelltown LGA - June to December 2012

Site	Volunteer Hours	No. Bags	Weight (kg)	No. Syringes
Bow Bowing Creek, Airds Road, Leumeah	236.5	75	1125	17
Bow Bowing Creek GPT, Minto	291.5	112	1700	4
Kyngmount Reserve, Minto	53.5	4	75	0
Tree Gully Reserve, Blair Athol	75.5	23	445	0
Mount Erin Road, Blair Athol	70.5	22	350	0
Park Central, Campbelltown	111.5	33	570	14
Pembroke Park, Minto	69	15	225	0
St Helens Park GPT	217	58	910	22
Fisher's Ghost Creek, Bradbury	129	20	305	0
St Andrews Park, St Andrews	114	28	495	0
Rose Park, Minto	64	8	200	0
Mansfield Creek GPT, St Helens Park	93	23	345	2
Lower Mansfield Creek, St Helens Park	82	9	135	0
Cleopatra Reserve, Ambarvale	40	14	250	0
Total	1647	444	7130	59

Intelligence regarding sites of high rubbish volume and numbers of syringes has been passed on to Council's Rangers for investigation and referral to local police where appropriate.

Bush Regeneration

The bush regeneration component of the Riverkeeper Program aims to increase the biodiversity and quality of remnant bushland and riparian vegetation along foreshores, creeks and tributaries, through the targeted removal of weeds, revegetation works and natural regeneration of native vegetation. Increasing species diversity and restoring natural levels of ground cover within riparian areas is important to maintain a healthy waterway. Dense, healthy riparian areas prevent erosion and filter stormwater runoff and therefore ultimately prevent pollutants entering the waterway.

Whilst continuing to operate at Eagle Farm Reserve in Eagle Vale the Riverkeeper Program has also commenced bush regeneration works at Tree Gully Reserve in Blair Athol and has been successful in treating half of the reserve's African Olive infestation. Both sites contain remnant Cumberland Plain Woodland, a critically endangered ecological community under both State and Federal Government legislation.

Bush regeneration teams have predominantly targeted the removal of African Olive, African Boxthorn and Privet at these sites. Between June and December 2012, the Program has worked an area of 1241m² and removed 146m³ of weeds.

Conclusion

The Riverkeeper Program contributed a total of 1647 volunteer hours towards environmental protection and restoration works and has removed a total of 7.13 tonnes of rubbish from the Georges River catchment within the Campbelltown LGA between June and December 2012.

These figures are slightly lower than reports from the first half of 2012 due to lower volunteer numbers and dryer weather conditions reducing the volumes of rubbish flowing into Campbelltown's waterways.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

2.2 Glenlee Planning Proposal

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Location plan
2. Planning Proposal (distributed under separate cover)
3. Map - Spring Farm Parkway (distributed under separate cover)

Purpose

The purpose of this report is to seek Council's endorsement of the preparation of a planning proposal for the rezoning of land at Glenlee for lodgement with the Department of Planning and Infrastructure for determination by the Gateway Panel.

History

Council resolved in December 2006 to prepare a draft local environmental plan jointly with Camden Council, to rezone certain land at Glenlee (in the vicinity of the coal washery / emplacement site) for industrial and related development purposes (but not including retailing, bulky goods retailing and stand alone commercial development) from its existing rural zoning. The subject site falls within both the Camden and Campbelltown local government areas. Please see the map marked Attachment 1 for the location of the subject site. The property description and ownership details for each property contained within the planning proposal are detailed below:

Property Description: Part of Lot 38 DP 1098588 and Part of Lot 1 DP 405624

Owner: Sada Services Pty Ltd

Property Description: Part of Lot 1102 DP 883495

Owner: J & W Tripodi Holdings Pty Ltd

A project control group, with representatives from both Councils, the property owners and their consultants was established, and a project plan prepared which included consultation with relevant government and service agencies. Subsequently, a draft local environmental study, associated technical studies and planning documentation was prepared by the consultants, and provided to both Councils for comment in February 2009. The Councils jointly provided an extensive response to all the submitted documentation in September 2009 highlighting a number of inadequacies, the most notable of which relates to traffic access.

Currently the only vehicular access to the site is via the Camden Local Government Area (LGA) which includes the Spring Farm Urban Release Area. Both Councils recognise that the Spring Farm Parkway (Attachment 3), which is proposed to link the Camden bypass with the F5 freeway, is vital to any future development of the Glenlee area. The existing road network within Camden is not considered to be able to accommodate the expected increase in heavy vehicle movements which this type of development would generate.

As a result of the Councils' comprehensive response, the proponents subsequently questioned the viability of the project and decided to prepare an economic viability/feasibility assessment, which was submitted to both Councils in October 2010. This assessment proposed additional land uses within the Camden LGA (being commercial and retail uses) over and above the industrial uses originally agreed to by the Councils.

A Councillor briefing session was held on 19 April 2011 to advise councillors that officers of both Camden and Campbelltown Councils considered that the rezoning process for the Glenlee site could proceed, but only if:

- the connection of the Spring Farm Link Road through to the F5 Freeway is secured,
- the land is zoned for light and/or general industrial purposes only, as originally proposed, and
- all of the issues and concerns previously raised by the Councils in response to the draft local environmental study are addressed to the satisfaction of both Councils. These include issues relating to contamination, geotechnical stability of the emplacement site, noise etc.

Report

Correspondence was forwarded to the Department of Planning and Infrastructure (DPI) in April 2011 by Camden Council, outlining the concerns of both Camden and Campbelltown Councils with regard to the conditions under which it was considered that the rezoning of land at Glenlee could proceed, and specifically requesting the DPI's position regarding its commitment to the Spring Farm Parkway. The DPI responded in August 2011 advising that a meeting would be convened between both Councils and Roads and Maritime Services (RMS) to resolve the matter. Whilst this meeting did not eventuate, representatives from the DPI did meet with officers of both Camden and Campbelltown Councils in February 2012, where the DPI again agreed to convene a meeting between itself, the Councils and RMS.

There has been no specific meeting to date between the Councils, DPI and RMS to discuss the issue of the proposed Spring Farm Parkway as it relates to the proposed rezoning of the Glenlee Precinct. However, Council officers have had meetings with RMS with regard to the proposed Spring Farm Parkway and the rezoning of land within the Menangle Park Urban Release Area, but there is currently no commitment from RMS to proceed with the road.

Nonetheless, the owners of the land at Glenlee are keen to pursue the rezoning of their property. As such Camden Council has advised that its traffic engineers have undertaken further investigation into the ability of the existing and planned local road system within the Camden LGA, to cater for the increase in traffic type and volume likely to result from the rezoning of the Glenlee Precinct as originally proposed. The outcome of this investigation is that no more than 12,500m² gross floor area of warehousing or 10,000m² gross floor area of general industrial use (or a combination of both) should be developed, until the proposed Spring Farm Parkway is constructed with access to the F5 Freeway.

The property owners recognise this restriction, however, still wish to continue with the proposed rezoning of the subject land.

Glenlee Planning Proposal

Due to changes with regard to State legislation and the processes involved in the preparation of local environmental plans, it is now a requirement that for the Glenlee proposed rezoning to proceed, a planning proposal must be submitted to the DPI for lodgement with the Gateway Panel for determination.

- **The Site**

The subject site straddles the boundary between the Local Government Areas of both Camden and Campbelltown, and includes 74 hectares of land owned by Sada Services, 27 hectares owned by Camden Soil Mix and 8.8 hectares owned by the TRN Group. While the total area of the site is approximately 110 hectares, only 60 hectares is considered by the property owner's consultant, to be suitable for employment/industrial use. Please note that the land within the Campbelltown LGA, only falls within the ownership of Sada Services (being part of Lot 38 DP 1098588 and part of Lot 1 DP 405624) and Camden Soil Mix (being part of Lot 1102 DP 883495).

The site is located south of the Spring Farm Resource Recovery Park, south west of the Australian Botanic Garden at Mount Annan, and east of the Nepean River. A separate spur line (owned by Sada Services) connects with the Main Southern Railway, and vehicular access is only currently available via the Camden local road network. It is understood that this spur line is not currently electrified.

- **Zoning**

The subject site is currently zoned Non Urban under the provisions of Environmental Planning Instrument (EPI) *Interim Development Order (IDO) No 15 – City of Campbelltown* (IDO No 15). IDO No 15 also provides for the greenwaste recycling facility currently operating from the Camden Soil Mix site (part of Lot 1102 DP 883495). The coal washery/reject coal emplacement site (part of Lot 38 DP 1098588) is currently operating under the existing use rights provisions of the *Environmental Planning and Assessment Act 1979*.

The main EPI for the Campbelltown Local Government Area is *Campbelltown (Urban Area) Local Environmental Plan 2002* (CLEP 2002). As the southern and eastern boundary of the subject site adjoins the Menangle Park Urban Release Area, which is proposed to be rezoned under the provisions of CLEP 2002, it is considered technically appropriate to include the subject site within CLEP 2002.

- **Key Planning Issues**

A draft local environmental study and associated technical studies have been prepared by consultants, which indicate that the subject site can feasibly accommodate general industrial development. However, there are a number of issues that still require further investigation and clarification.

- **Transport and Access**

As noted above the only vehicular access to the site is currently via the Camden local road network, which is not considered by Camden Council as being capable of accommodating the projected increase in heavy vehicle movements which are expected to result from future industrial land uses. As also noted above, Camden Council have requested a restriction on the amount of industrial gross floor area that can occur prior to the construction of the proposed Spring Farm Parkway through to the F5 Freeway.

- **Geotechnical and Contamination Constraints**

Further investigation is required with regard to the stability of the emplacement site and subsequent recommended industrial land uses. Clarification is also required to ensure that all contaminations matters have been satisfactorily addressed.

- **Non-indigenous Heritage, Visual, Acoustic and Air Quality Issues**

More information is required on the types of industrial land uses considered to be appropriate for the site, in recognition of the visual, acoustic and air quality impacts of such uses on the Spring Farm and Menangle Park Urban Release Areas, Camden Park Estate, Glenlee House and the Australian Botanic Garden.

- **Water Cycle Management Strategy**

The principles of Water Sensitive Urban Design are intended to form the basis of the Water Cycle Management Strategy. However, more detailed investigation is required to ensure that the Council's can be confident that the final system will meet all its requirements.

- **Indigenous Heritage and Environmental Protection Lands**

While the subject site has been heavily disturbed, the Indigenous Heritage Study has recorded some archaeological sites particularly within the riparian lands. These lands are proposed to be zoned for environmental protection, and a new land use table could be required to be prepared to address this issue. It is also recognised that significant works could be required to rehabilitate and revegetate these lands which currently contain many exotic plants and weeds.

Conclusion

It is recognised that further investigative and planning work is required to satisfy the Council's that the subject site can support further industrial uses. However, in light of Council's previous initial support (in 2006) for this proposed rezoning, and the work undertaken so far by various consultants in the preparation of the Draft Glenlee Local Environmental Study and supporting technical studies (which indicate that the site is capable of further industrial development), it is recommended that Council continue with the rezoning process of the subject land. This involves the preparation (and endorsement by both Camden and Campbelltown Councils) of a planning proposal for the subject site for submission to the Department of Planning and Infrastructure and determination by the Gateway Panel.

Council staff have prepared a draft planning proposal to address the planning intent and range of issues raised in this report, including, importantly, a reduction in the maximum amount of industrial floor space that could be developed prior to the construction of the Spring Farm Parkway. (Please see Attachment 2).

Officer's Recommendation

1. That Council endorse the draft planning proposal (generally as shown in Attachment 2), which seeks to rezone part of Lot 38 DP 1098588, part of Lot 1 DP 405624 and part of Lot 1102 DP 883495, Glenlee to permit industrial and related development purposes (but not including retailing, bulky goods retailing and stand alone commercial development), and lodge with the Department of Planning and Infrastructure for determination by the Gateway Panel.
2. That Council advise the applicant of Council's decision.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

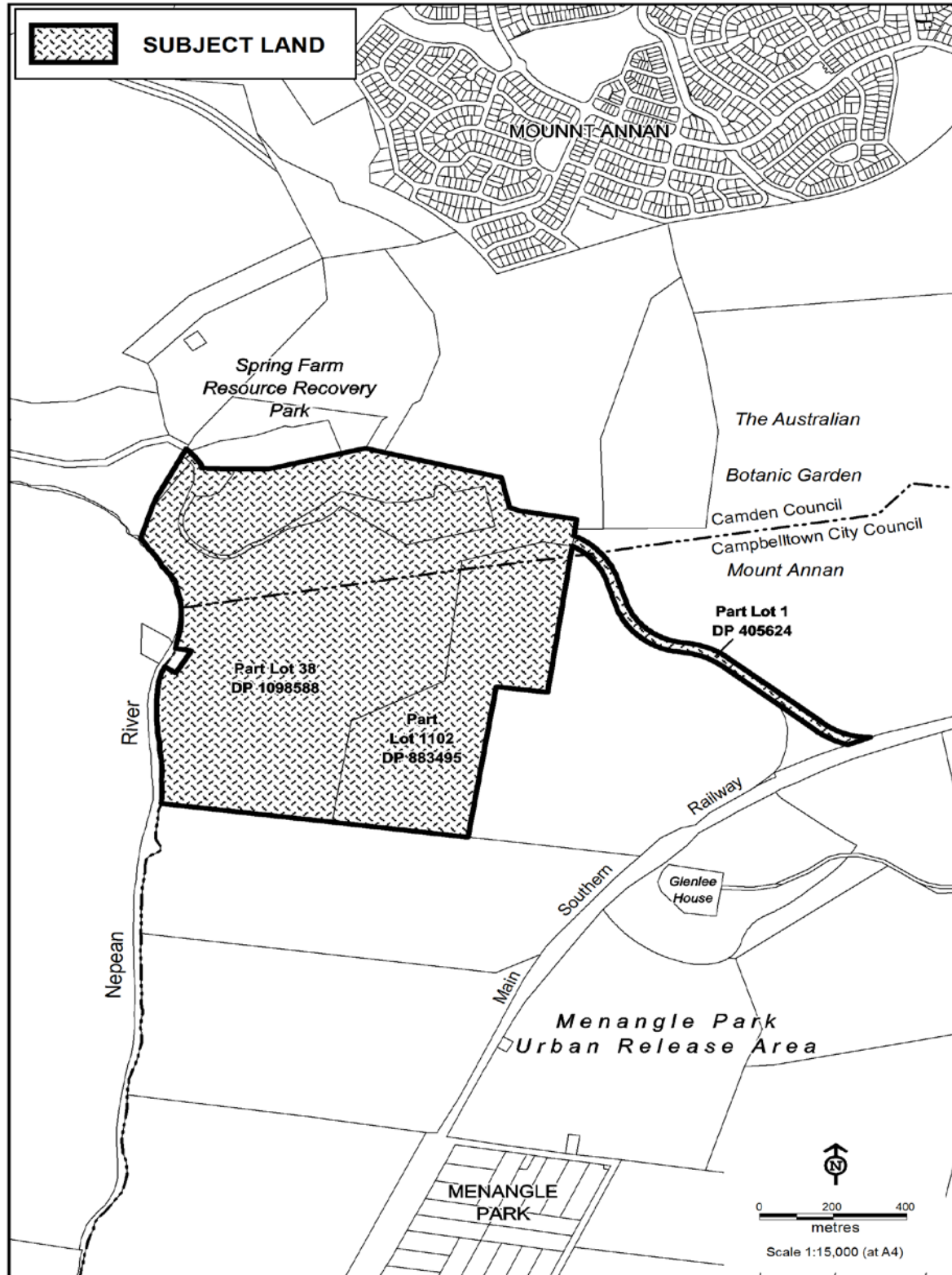
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Map 1 - Land subject to the planning proposal



2.3 Minutes of the Camden Gas Community Consultation Committee

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Minutes of the Camden Gas Community Consultation Committee Ordinary Meeting, held on 16 August 2012
2. Map showing the location of replacement well site in the Camden Gas Stage 3 Project Application (distributed under separate cover)
3. Response received from the Environment Protection Authority to Council's correspondence regarding emissions from the Rosalind Park Gas Processing Plant.

Purpose

To provide Council with an update on the outcomes of the Camden Gas Community Consultation Committee Meeting held on 16 August 2012.

History

Stages 1 and 2 of the Camden Gas Project (CGP), within the southern portion of the Campbelltown Local Government Area (LGA), were approved by the NSW Government in July 2002 and September 2008 respectively. In February 2009, AGL lodged an application for Stage 3 of the CGP, which applies to the western and north western sections of the Campbelltown LGA, with the NSW Department of Planning and Infrastructure (DP&I). This application was publicly exhibited during October and December 2010 and the 'Response to Submissions Report' for this application was the subject of a report considered by Council at its meeting on 18 December 2012.

The Camden Gas Community Consultation Committee (CCC) was established in 2001 as a condition of consent for the CGP, to provide a forum for discussion between AGL, and the community. The Camden Gas CCC is comprised of representatives of Campbelltown, Camden and Wollondilly Councils as well as community representatives associated with each of the stages of the Camden Gas Project.

The General Manager was appointed as Council's representative to the Camden Gas CCC on 31 May 2011 and the Director of Planning and Environment as his formal delegate.

Report

A meeting of the Camden Gas CCC was held at the Rosalind Park Gas Processing Plant on 16 August 2012. Council was represented by the Manager Sustainable City and Environment and Senior Environmental Officer (Environment Protection and Management). A representative from the Environment Protection Authority (EPA) also attended in an observer capacity.

This report provides a broad summary of the outcomes of the meeting and highlights issues of relevance to Council. The minutes of meeting were formally endorsed at the meeting of the Camden Gas CCC held on 15 November 2012 and are provided as Attachment 1. It should be noted that the minutes were endorsed without the support of the Scenic Hills Association representative, who disputed the wording of an item regarding landholder agreements for gas extraction well sites. Copies of presentations referred to in the minutes are available from the Manager Sustainable City and Environment upon request.

Minutes of the Meeting held on 16 August 2012

1) Camden Gas Stage 3 Project Application

An AGL representative outlined proposed alterations to the locations of gas well sites detailed in the report considered by Council at its meeting on 18 December 2012. The Scenic Hills Association representative expressed the view that the replacement well site (indicated as Site 3 on Map 1 in Attachment 2) would impact on nearby schools. The representative further expressed the view that this location was less preferable to residents within the vicinity of the well site compared to the well locations contained in the initial application.

The Scenic Hills Association representative sought details on the outcomes of discussions held with landholders regarding proposed gas well extraction sites. An AGL representative advised that agreements with all landholders affected by the amended project application had not been reached at the time of the meeting.

2) Treatment and reuse of produced water

An AGL representative advised that a short video that explained the lifecycle of produced water at well sites as part of coal seam gas extraction activities was being prepared and that the completed video will be shown a future meeting.

Note: Subsequent to the meeting an AGL representative has advised that a presentation rather than a video regarding this matter will be provided at the next meeting of the Camden Gas CCC to be held on 14 March 2013.

3) Monitoring of the Rosalind Park Processing Plant

As advised in a Planning and Environment Division Councillor Weekly Memo (dated 24 August 2012), AGL had recently become aware that continuous monitoring of emissions, from the Rosalind Park Gas Processing Plant, had not been conducted since 2009. This monitoring is a requirement of the EPA licence for the facility. This issue was the main point of discussion for the meeting, a summary of which follows.

(i) Background from the AGL Group Manager

The AGL Group General Manager for Upstream Investments Pty Ltd was invited to attend the meeting to provide background information, on behalf of AGL, on this matter. The Group Manager advised that preliminary findings of an internal inquiry had identified that there was internal confusion regarding the need for both quarterly and continuous monitoring of emissions. There was a view amongst operation personnel that quarterly monitoring was sufficient. Notwithstanding this, the Group Manager advised that compliance with the EPA licence conditions was of high importance to AGL. The Group Manager further advised that details of the internal inquiry and report requested by the EPA would be provided to a subsequent meeting of the Camden Gas CCC.

(ii) Presentation by air quality consultant

A representative from PAE Holmes, an air quality consultancy, provided a presentation on regional air quality and any likely impacts from the Roslyn Park Processing Plant. Key points raised in the presentation were:

- the major pollutants discharged from the compressors at the facility are Nitrous Oxides and particulate matter
- discharge levels of these pollutants fluctuate significantly, but the levels emitted by the plant are within the load levels permitted by the EPA licence. A number of spikes (peaks) in emissions were however in close proximity to the maximum load permitted
- the impacts on regional air quality as a consequence of emissions from the facility are relatively minor compared to other sources, such as vehicle emissions.

(iii) Discussion on impacts on local and regional air quality

The EPA representative advised that any impact on local and regional air quality would be minimal as a consequence of spikes in emissions. This is due to the low impact of emissions from the facility on regional air quality.

Officer comment: This view is generally agreed with, however continuous monitoring is more effective in detecting peaks in emissions from the facility that are above the maximum load permitted by the licence and hence the reason for the condition being placed on the licence.

(iv) Regulatory action by the EPA

Council's Manager Sustainable City and Environment raised concern that the breach of the EPA licence condition was not detected for three years. The Manager also enquired whether this protracted timeframe was a result of self-reporting and whether the EPA should be using licence conditions that can be enforced to adequately address this matter.

In response the EPA representative advised that:

- the licence only requires reporting of annual summaries of monitoring data which does not differentiate between the frequency of data collection
 - this reporting does not identify whether continuous monitoring of emissions from the facility had been conducted
 - the onus is on AGL to comply with its licence conditions at all times, AGL did not specify any breach of its licence conditions in its annual report
-

- the EPA had requested a report from AGL on the licence breach and would determine an appropriate regulatory response following its consideration of this report. Such regulatory action can involve requiring a company to provide funds to the community as an alternative to the issuing of fines
- recent amendments to the *Protection of the Environment Operations Act 1998* require companies to place emission monitoring data on their website on a monthly basis. This requirement is beneficial in ensuring monthly monitoring of emissions from the facility occurs at a minimum.

Note: The EPA representative advised at the meeting held on 15 November 2012 that details of the report would be provided at the next Camden Gas CCC meeting scheduled for 14 March 2013. The response by EPA (presented in Attachment 3) to Council's correspondence, states that the report (when finalised), will be provided to both Council and the Camden Gas CCC.

Officer comment: It is appropriate that Council defer undertaking any action or adopting a position regarding this matter until the investigations by both AGL and the EPA have been completed and details of the findings of the EPA and regulatory action are known. However, it is apparent that deficiencies in the processes of both the EPA and AGL are contributing factors to the protracted timeframe (three years) for detection of the licence breach.

The amendment of the EPA licence to require AGL to specify the details of its continuous monitoring and summaries of collected data, in its reporting would reduce the future potential for a similar breach of the licence and failure to detect a breach. This amendment would also be beneficial in increasing community and Council confidence in the monitoring process.

4) Next meeting

The next meeting of the Camden Gas CCC is scheduled to be held on 14 March 2013 at the Rosalind Park Gas Processing Plant where the minutes for the meeting held on 15 November 2012 are proposed to be endorsed. A report providing a summary of the minutes of the 15 November 2012 meeting will be presented to the next available Council meeting following their endorsement.

Officer's Recommendation

1. That the information be noted.
2. That Council send correspondence to the Environment Protection Authority requesting that AGL be required to specify results of continuous monitoring and a summary of collected data as a condition of its Environmental Protection Licence.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

2.4 Response of the NSW Government to the Parliamentary Inquiry into Coal Seam Gas

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. NSW Government Response to the Legislative Council Inquiry into Coal Seam Gas (distributed under separate cover)
2. Table 1 – Level of support by the NSW Government to each of the recommendations of the Legislative Council Inquiry (distributed under separate cover)
3. Table 2 – Comments on the NSW Government response to recommendations of key relevance to Council's resolutions and submissions (distributed under separate cover)

Purpose

To inform Council of the response by the NSW Government to the recommendations of the NSW Legislative Council Inquiry into Coal Seam Gas.

History

In September 2011, Council provided a submission to NSW Legislative Council Inquiry (the Inquiry) into Coal Seam Gas. The Terms of Reference for the Inquiry required the Committee to examine the environmental, health, economic and social impacts of coal seam gas extraction activities as well as the role of coal seam gas in meeting the future energy needs of NSW. Council's submission to the Inquiry outlined issues requested to be investigated in association with the Terms of Reference. Council's submission also expressed the view that the rapid expansion of the coal seam gas industry appeared to be occurring without sufficient definitive scientific research, particularly in regard to potential impacts on surface and groundwater resources and the lifecycle of greenhouse emissions associated with the industry.

At its meeting on 3 July 2012 Council considered a report on the recommendations of the Inquiry and resolved to urge the NSW Government to support all 35 recommendations of the Inquiry, subject to a number of conditions that would enhance the issues raised in Council's previous submissions.

In October 2012, the NSW Government released its response to the Inquiry (Attachment 1). This report provides an overview of this response and an analysis of the response in addressing Council's previous resolutions and submissions on the coal seam gas industry, the Camden Gas Project and the draft Strategic Regional Land Use Policy (SRLUP).

Report

The full response of the NSW Government to all 35 recommendations of the Inquiry can be obtained from Council's Manager Sustainable City and Environment. However, in broad terms, the NSW Government has largely supported seven of the recommendations, partially supported 13 recommendations and has offered nil or limited support to 15 of the recommendations of the Legislative Council. Table 1 (Attachment 2) shows each of the recommendations and the level of support offered by the NSW Government.

An underlying theme of the NSW Government response is that many of the recommendations have been implemented or are in the process of being implemented through the SRLUP. In this regard, the NSW Government response is noted to state that this 'policy package (SRLUP) implements or proposes more effective alternatives to many of the recommendations of the Committee'.

Comments on the response to recommendations of key relevance to Council's resolutions and submissions are presented in Table 2 (Attachment 3) and are summarised in this report along with any recommended course of action for Council.

Recommendations supported by the NSW Government

The Government has supported recommendations that predominantly relate to land access and compensation issues associated with the draft Code of Practice for Coal Seam Gas Exploration (which is still under preparation).

The Government also offered in-principle support for a number of recommendations relating to the development and implementation of a mining royalty scheme. It should be noted that the Association of Mining Related Councils (of which Council is a member) is currently lobbying the Government to commit to the introduction of a royalty scheme.

Recommendations not supported or still being considered by the NSW Government

The NSW Government has not supported or is considering support for a number of recommendations, those of key relevance to Council's submissions and resolutions are as follows:

- that the NSW Government amend the Draft Code of Practice for Coal seam gas exploration to require information on baseline data to be made publicly available (Recommendation 3)
 - that the NSW Government ban the open storage of produced water (Recommendation 8)
 - that the NSW Government continues the current ban on fracking (Recommendation 9)
 - that Reviews of Environmental Factors associated with coal seam gas exploration applications be referred to the Office of Environment and Heritage during preparation (Recommendation 12)
 - that the NSW Government require the Department of Trade and Investment, Regional Infrastructure and Services to notify relevant local councils as soon as a petroleum exploration licence is made over their Local Government Area (Recommendation 14)
-

2.4 Response Of The NSW Government To The Parliamentary Inquiry Into Coal Seam Gas

- that the development of remaining SRLUPs (including the Southern Highlands) be expedited (Recommendation 24)
- that the NSW Government include in all conditions of consent a requirement for petroleum production to minimise fugitive emissions and to comply with an upper limit of 0.1 per cent fugitive emissions (Recommendation 30)
- that the NSW Government establish a Compliance unit with the Environmental Protection Authority that undertakes regular monitoring of coal seam gas operations and addresses community complaints, investigates incidents and takes enforcement action where required. (Recommendation 33)
- that no further production licences be issued until a comprehensive framework for the regulation of the coal seam gas industry is implemented (Recommendation 35).

Council assessment and response

It is disappointing that the NSW Government's response has only provided support or partial support for 20 of the 35 recommendations of the Legislative Council Inquiry. This disappointment is further compounded as the recommendations currently not supported are associated with issues of transparency, Environmental Protection and enforcement of an industry who's impacts are unknown and is suffering from widespread community concern. Council staff are of the view that the response by the Government has been concerning primarily due to its reliance on the implementation and effectiveness of the SRLUP. The report provided to Council at its meeting on 20 November 2012 outlined a number of deficiencies of the SRLUP in addressing issues raised by Council associated with the Camden Gas Project and the coal seam gas industry in general.

The NSW Government's actions are also inconsistent with Council's request for support of all 35 recommendations made in August 2012.

The NSW Government has not agreed to support a moratorium on the issue or approval of new licences for Coal Seam Gas mining or exploration, which is inconsistent with Council's resolution of 18 December 2012:

That Council request the Minister for Energy and Resources not to issue any more exploration or mining applications until such time as scientific evidence guarantees that such activities do not compromise the environment or health of the community.

Further to this issue, a meeting was recently held between Council staff and representatives of the NSW Office of Water and Division of Resources and Energy. Council's position and concerns associated with the Camden Gas Project and the coal seam gas industry generally were discussed, including the SRLUP and associated documents such as the Aquifer Interference Policy.

Whilst the meeting assisted in clarifying some issues raised in Council's submission on the SRLUP framework and its application, Council continues to have concern regarding the effectiveness of the SRLUP framework in protecting groundwater resources and comprehensively addressing the environmental, health and social risks associated with the coal seam gas industry.

2.4 Response Of The NSW Government To The Parliamentary Inquiry Into Coal Seam Gas

It is therefore recommended that Council advise the NSW Government that it is not satisfied with its response to the recommendations of the Legislative Council Inquiry due to its failure to address Council's resolutions and issues raised in Council's submissions. It is further recommended that this correspondence express strong opposition to the view of the NSW Government that the SRLUP provides a comprehensive regulation for the coal seam gas industry, based on the deficiencies outlined in the report considered by Council at its meeting on 20 November 2012.

Officer's Recommendation

1. That Council send correspondence to the NSW Premier that:
 - a) Expresses dissatisfaction at the response of the NSW Government to the recommendations of the NSW Legislative Council Inquiry into Coal Seam Gas due to its failure to address Council's resolutions and issues raised in Council's submissions relating to the Coal Seam Gas Industry and the Camden Gas Project.
 - b) Expresses opposition to the view of the Government that the SRLUP provides a comprehensive regulation for the coal seam gas industry, based on the deficiencies outlined in the report considered by Council at its meeting on 20 November 2012.
 - c) Advises that Council continues to have the view that no new licences for Coal Seam Gas mining or exploration should be issued until such time as scientific evidence guarantees that such activities do not compromise the environment or health and safety of the community.
2. That a copy of this correspondence be forwarded to all local State Members of the NSW Parliament.

Committee's Recommendation: (Thompson/Matheson)

That a decision in this matter be deferred subject to the Director Planning and Environment providing a detailed report to Council at its meeting 26 February 2013 addressing a number of issues regarding Coal Seam Gas including the announcement by the NSW Premier on the 19 February 2013.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

2.5 The Environmental Planning and Assessment Amendment Bill 2012

Reporting Officer

Manager Sustainable City and Environment

Attachments

Environmental Planning and Assessment Amendment Bill 2012 - Explanatory note
(Distributed under separate cover)

Purpose

To further inform Council of the Environmental Planning and Assessment Amendment Bill 2012 that passed through the NSW Parliament on 15 November 2012 which primarily amends the *Environmental Planning and Assessment Act 1979* in relation to the status and operation of development control plans.

History

The NSW State Government is currently preparing to undertake major reforms to the NSW planning system. In July 2012 NSW Department of Planning and Infrastructure released 'A New Planning System for New South Wales – Green Paper', which set out a blueprint for establishing a new planning system for NSW. Following from this the NSW Government is planning the release of a White Paper, which will provide specific detail on the proposed new planning system and how it will be implemented.

Ahead of the White Paper and as part of this planning reform process, a draft amendment Bill to the *Environmental Planning and Assessment Act 1979* (EP&A Act) was released in October 2012. The draft Bill proposed (in part) major changes to the operation and status of Development Control Plans (DCPs). These proposed changes should they have been implemented would have meant that DCPs would be disabled if they prevented or unreasonably restricted development that was otherwise permitted under a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP). In addition, DCPs would have less legitimacy and significance than LEPs and SEPPs.

Following strong lobbying from Councils and other community groups principally concerned about the heritage conservation related impacts of the draft Bill, the NSW Government reviewed the proposed changes and in November 2012 the NSW Parliament passed the Environmental Planning and Assessment Amendment Bill 2012 (the Bill). In effect the adopted Bill reflects significant amendments to the original draft Bill and now reaffirms the status quo with regard to DCPs.

The adopted Bill includes a range of amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Building Professionals Act 2005* (BPs Act).

In addition to the above, the adopted Bill includes minor administrative amendments to the following Acts:

- Heritage Act 1977
- Growth Centres (Development Corporations) Act 1974
- State Property Authority Act 2006
- Threatened Species Conservation Act 1995
- Growth Centres (Development Corporations) Act 1974.

This report provides information on the main amendments to the EP&A Act and the BPs Act. Information regarding the minor amendments to the Acts listed above is provided in the explanatory note in the Attachment to this report.

Report

The main purpose of the Bill is to help facilitate additional housing supply by removing impediments to the development assessment process and address current issues with the building certification system in NSW.

The Environmental Planning and Assessment Amendment Act 2012 (Amendment Act)

The adopted bill (Amendment Act) includes amendments to the following aspects of the EP&A Act:

1. Development Control Plans
2. Bush Fire Planning in Urban Release Areas.

1. Amendments to Development Control Plan (DCP) Provisions

The following key changes were made to the EP&A Act in regard to DCPs:

- The insertion of a new section 74BA defining the status and purpose of DCPs as:
 - DCPs are prepared to provide guidance to councils and applicants.
 - DCPs are to give effect to the aims of LEPs, facilitate development that is permissible under an LEP and achieve the objectives of land zones under the relevant planning instruments.
 - Provisions of DCPs are not statutory.
 - Substituting the current section 74C(5) with a new section which means that a DCP will have no effect if it is inconsistent with the provisions of an Environmental Planning Instrument (EPI) that applies to the land:
 - The insertion of new section 79C(3A) expressly providing that, when considering a development application, a consent authority is:
 - not to use a DCP to require more onerous standards than would otherwise apply to an aspect of a development application
 - where a development application does not comply with the provision of a DCP, to be flexible in the application of standards and in allowing "alternative solutions" that achieve the objects of those standards for dealing with that aspect of the development
-

- to only consider provisions of a DCP in connection with the assessment of that particular development application - This means that Council will not be able to consider the consequences of a decision on hypothetical future development applications, and so the notion that “a development application may set a precedent” will no longer apply.

Comment: The NSW Government aims to facilitate the delivery of residential development to meet current and future housing demands arising from rapid population growth in NSW and to address housing affordability in Metropolitan Sydney. DCPs, (given the previous provisions of the Act) were seen by the NSW Government as potentially being an impediment to housing supply.

On 14 November 2012, the Minister for Finance and Services, stated in his second speech to the NSW Parliament:

“Councils have always been able to provide additional guidance through development control plans. The problem is that some councils no longer consider them as providing guidance. They seek to apply the provisions of their development control plans inflexibly and seem unwilling to consider alternative solutions for achieving the objects of the particular provisions. The other problem is that in recent years development control plans have grown and become ever more complex and prescriptive, making it harder for projects to comply with the controls. Taken together these changes have led to greater complexity, greater prescription and greater inflexibility.”

The NSW Government is also concerned with inconsistencies between some local councils' DCPs and their LEPs, which contribute to delays and add confusion in preparing and assessing development applications.

Council staff are of the view that it seems unrealistic to assume that provisions within DCPs are the primary impediments to housing supply. There are other important factors that will need to be addressed if increases to housing supply are to be achieved. These could include housing affordability, the provision of infrastructure to service new housing estates, and the availability of financial incentives.

There are currently some inconsistencies between the provisions within the SCDCP, Campbelltown (Urban Areas) LEP 2002 and Interim Development Orders (IDOs). The major inconsistency relates to the 'definition of terms' under Section 1.4 Definitions, Part 1 Volume 1 of the SCDCP. The SCDCP adopted its definitions from the Standard Instrument - Principal Local Environmental Plan, to ensure consistency between the SCDCP and the forthcoming Principal LEP. These inconsistencies will be avoided once Council's Principle LEP is made.

In addition, Council currently has provisions relating to Floor Space Ratios (FSRs), minimum subdivision standards and building heights under the SCDCP. Under the Amendment Act, controls and standards, within DCPs must be applied flexibly. This may result in Council receiving development applications that do not strictly comply with these development standards.

Notably, the Minister for Planning and Infrastructure also indicated that DCPs will undergo further reforms as part of the White Paper. In his speech to Parliament, on 24 October 2012, in relation to the Amendment Act, the Minister stated:

“These changes are also not an opportunity for councils to delay the preparation of their standard instrument local environmental plans or to seek, at this stage, to include unnecessary development controls in those plans. Further work will be done in this area—now is not the time to be requiring councils to redraft their development control plans—the Government plans more comprehensive reform in this area in its forthcoming white paper.”

Given the above, it is important that Council finalise its Principal LEP and therefore no changes are recommended to Council’s DCPs at this Stage. It is likely however, that the principle DCP, the SCDCP will need to be reviewed further, in tandem with the principle LEP.

2. Amendments to Bush Fire Planning Provisions

The EP&A Act has been amended by the insertion of new additional sections relating to Bushfire Planning that:

- remove unnecessary assessment by Rural Bush Fire Services to areas that have previously been assessed as part of an urban release planning process
- give the Rural Fire Service Commissioner new powers to update bushfire prone land maps at any time, to reflect the latest information. The changes also mean it may not be necessary for a bushfire assessment to be undertaken for individual development applications if an assessment has already been completed at an earlier stage in the planning process e.g. subdivision stage.

Comment: This amendment to bush fire planning provisions is supported. The amendments will enable streamlined assessment of approvals in urban release areas by ensuring timely amendments of bushfire maps to reflect the transformation of non-urban areas to urban areas.

Potential Implications for Council: There are no adverse implications for Council as a result of the above amendments to Bush Fire Planning in Urban Release Areas

3. Amendments to Building Certification & Accreditation of Certifiers

The Bill included a number of amendments to the BPs Act. The changes will have impacts on the certification system as follows:

- Certifiers will be required to enter into written contracts with applicants for certification services. These will provide greater protection for the building industry by clarifying who will undertake the certification work, their responsibilities, when they will undertake the work and when fees and charges must be paid.
 - Councils will be able to better recover costs of enforcing development consents through widening of compliance costs notices.
-

- The Building Professionals Board (the Board) will now have the power to formally recognise a wider range of industry professionals, architects or land surveyors to undertake certification functions. This will increase the number of endorsed experts available in the marketplace.
- The Board will now be able to re-assess the competency of a certifier at any time and could, if necessary, change or impose new conditions on the certifier's accreditation, or suspend or cancel their accreditation.
- The Board and the Administrative Decisions Tribunal will also now be required to consider previous disciplinary decisions against a certifier when deciding on penalties for breaches, ensuring penalties appropriately reflect any history of unsatisfactory conduct.
- The Board will be able to give a direction to a former Principal Certifying Authority (PCA) (and others including their employers) to provide copies of relevant documents in their possession to the new PCA.

Comment: The amendments to the BPs Act improve the private certification system in NSW.

The NSW Government has indicated that more reforms in this regard will be included in the forthcoming White Paper.

Potential implications for Council: There are no potential adverse implications for Council identified as a result of the above amendments.

When do the changes take place?

While the Bill has passed the NSW Parliament and some of the changes have already been enacted, others are due to take place at varying times. Implementing some of the changes requires amendments to the Environmental Planning and Assessment Regulation (the Regulations).

Conclusion

The NSW Government is undertaking major reforms to the NSW Planning System. As a result of these reforms, there will be ongoing amendments to the statutory planning framework. In the interim and in order to avoid potential unintended development outcomes, it is most important that Council finalise the preparation of its Principal LEP and ensure consistency between the forthcoming Principal LEP and the SCDCP.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

2.6 Georges River Combined Councils Committee Annual Report 2011-2012

Reporting Officer

Manager Sustainable City and Environment

Attachments

Georges River Combined Councils Committee Annual Report Executive Summary 2011-2012 (distributed under separate cover).

Purpose

To present an overview of the Georges River Combined Councils Committee (GRCCC) Annual Report 2011-2012 to Council and to highlight the work undertaken by the GRCCC within the Campbelltown Local Government Area (LGA) during the 2011-2012 financial year.

History

The GRCCC represents local councils in the Georges River Catchment of NSW. Members include nine local councils: Rockdale City, Sutherland Shire, Kogarah City, Hurstville City, Bankstown City, Liverpool City, Fairfield City, Campbelltown City and Wollondilly Shire Councils. It is an incorporated association of local councils working in partnership with State and Federal Government agencies and community representatives within the Georges River Catchment.

Formed in 1979, the GRCCC's mission is to advocate for the protection, conservation and enhancement of the health of the Georges River, by developing programs and partnerships and by lobbying government organisations and other stakeholders.

Report

During the 2011-2012 financial year, the GRCCC continued to partner with the nine member councils and several State and Federal government agencies to achieve shared goals of quality catchment management. These partners include the National Parks and Wildlife Service, Office of Environment and Heritage, Sydney Metropolitan Catchment Management Authority, Department Primary Industries, Corrective Services NSW, NSW Education and Training (Georges River Environmental Education Centre), Roads and Maritime Services, Oceanwatch Australia, Sydney Water and the Federal Department of Sustainability, Environment, Population and Communities.

This report outlines the GRCCC's priorities and achievements over the 2011-2012 financial year as detailed in the 2011-2012 Annual Report. The Executive Summary (Attachment 1) provides a snapshot of the report.

GRCCC Programs

1. Georges River Riverkeeper Program

The Georges River Riverkeeper Program aims to protect the ecological health and biodiversity of the Georges River system via the collection of litter and rubbish and the regeneration of weed infested remnant bushland.

The program continued to expand during the reporting period. Rubbish collection across the catchment was almost four times greater than that achieved in the two previous years. Bush regeneration undertaken through the program also increased in scope and volume.

The following table (Table 1) provides an overview of the key quantifiable outcomes of the program both across the catchment and within the LGA.

Table 1. Riverkeeper Statistics for 2011-2012

Indicator	Total for Program	Total for Campbelltown
Total rubbish collected (t)	115.4	20.4
Area treated for bush regeneration (m ²)	27,171	1898
Volume of weeds removed (m ³)	1250	421
Volunteer hours	32,214	4083
Number of approved worksites	111	15
Community engagement (hours)	52.4	12.5

The outcome of the Riverkeeper between June and December 2012 is the subject of separate report to Council on this same agenda.

Other highlights during the reporting period included the release of the first Riverkeeper Report Card in November 2011, Clean Up Australian Day activities at Bolga Gong Island (Chipping Norton Lakes) and the maintenance of five real time water quality monitoring buoys installed under the Botany Bay Water Quality Improvement Program.

2. Community River Health Monitoring Program

The Community River Health Monitoring Program involves the monitoring of macroinvertebrates (small aquatic animals), water quality and riparian vegetation at 47 strategically selected sites along the Georges River catchment. The data collected is used to produce a series of program 'report cards' which provide a snapshot of the health of the Georges River.

During the reporting period the program expanded to undertake testing at 11 sites in the Cooks River catchment. Data sharing agreements have also been established with Councils which undertake their own water quality monitoring.

To date in the order of 900 volunteers contributing 2715 volunteer hours have been involved in the sampling including schools and community groups. Local schools within Campbelltown who have participated in the program include Sarah Redfern, Airs and James Meehan High Schools.

The Program results have facilitated on-ground works in five council areas. Two peer-reviewed publications on urban waterway health have also been prepared in collaboration with the University of Western Sydney and Macquarie University.

3. Communications Program

The Communications and Engagement Program works with a diversity of stakeholders, including various areas and levels of government. The program is responsible for communication policy development, community engagement and education, publication design and production and corporate sponsorship for the GRCCC.

During the reporting period highlights of the Program included:

- preparation of the GRCCC communications and Engagement Strategy, draft GRCCC Corporate Sponsorship Policy and the draft GRCCC Branding and Acknowledgement Policy
- participation in community engagement events across the catchment including Clean Up Australia Day activities
- design and production of a suite of technical and advisory materials for GRCCC programs, including the Riverkeeper report card
- preparation of award applications
- upgrade of the Georges River website and development of GRCCC councillor voting software
- volunteer recruitment, coordination and support.

4. GRCCC Partnership Programs

i) Lower Georges River Sustainability Initiative (LGRSI)

The LGRSI is a partnership between Rockdale City, Hurstville City, Kogarah City and Sutherland Shire Councils, the GRCCC, the Sydney Metropolitan Catchment Management Authority (CMA) and the NSW Environmental Trust.

The LGRSI developed a model for supporting change by focusing on council and community capacity to plan and act toward sustainability and found that stronger relationships between program partners are a critical ingredient in sustainability outcomes. The Program was finalised in July 2012.

Program achievements were across the following areas:

- more effective urban water management
- more effective institutional arrangements within partner councils
- more sustainable practices of community and business
- more integrated planning of Natural Resource Management programs.

ii) Upper Georges River Sustainability Initiative (UGRSI)

The UGRSI is a partnership between Campbelltown City Council and Liverpool City Council, in association with Wollondilly Shire Council, the GRCCC and the NSW Environmental Trust.

During the reporting period the project entered its final stages and was completed in 2012. Highlights from the period included:

- delivery of Water Sensitive Urban Design workshops to Upper Georges River Councils and facilitation of WSUD Action Plans
- bush regeneration on strategic sites across 3.5 hectares of the upper catchment
- construction of a waterwise garden in the Park Central precinct to educate the community on waterwise plant species and gardening techniques
- engagement of an artist to deliver a project designed to foster a sense of stewardship and connection with the River in the Airs/Bradbury community, in partnership with the Museum of Contemporary Art.

iii) Improving Prospect Creek Sustainability Initiative (IPCSI)

The IPCSI is a partnership between Bankstown City, Fairfield City and Holroyd City Councils. The project aims to develop and implement a Strategic Management Plan (SMP) for the Prospect Creek Riparian Corridor.

During the reporting period works undertaken through the project included:

- widening of the riparian corridor on the lower Prospect Creek
- bush regeneration within the Mirrambeena Regional Park
- design of a gross pollutant trap and rock plunge pool at Little Street Smithfield.

Following an extension, the project is due for completion in March 2013.

5. GRCCC Executive Committee

The GRCCC Executive Committee deliver operational, financial, business administration and strategic planning direction for the GRCCC. During this reporting period, former Campbelltown Councillor Julie Bourke chaired this Committee.

Following recommendations from a Strategic Review undertaken in May 2011, the duties of the Finance and Administration Program were absorbed into the Executive Committee during the reporting period. The Executive Committee also managed the expansion of the Riverkeeper, River Health Monitoring and Communications Program and focused on developing funding strategies for the ongoing delivery of the River Health and Communications Programs beyond their grant funding periods.

6. Recognition of GRCCC programs

During the reporting period the GRCCC received significant recognition for its programs and activities.

- The GRCCC was nominated as a finalist in two categories of the NSW Green Globe Sustainability Awards in 2011 for Local Government Sustainability and Public Sector Sustainability.
 - The River Health Monitoring Program was awarded winner in the Urban Landcare category of the biennial NSW Landcare Awards in 2011.
-

- The Riverkeeper Program was awarded Keep Australia Beautiful NSW Clean Beaches 2011 awards for:
 - State and Regional Plans Litter and Waste Management
 - State and Regional Environmental Protection
 - Regional Community Partnerships and Action
- The River Health Monitoring Program was nominated Program nominated for a 2012 National Urban Landcare Award.
- The GRCCC was a finalist in the 2012 International RiverFoundation's Australian Riverprize (an Australian Federal Government Award).

Council continues to be an active member of the GRCCC and work in association with the Committee on a range of projects.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

2.7 Water Quality Monitoring Program - Half Yearly Report

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Percentage compliance with ANZECC guidelines for water quality at Council's water quality monitoring sites (Distributed under separate cover)
2. Table 1 - Percentage compliance with ANZECC water quality trigger values for aquatic ecosystem, primary contact recreation and secondary contact recreation criteria for Council's water quality monitoring sites (Distributed under separate cover)
3. Table 2 - Classification of Recreational Water Environments (Distributed under separate cover)

Purpose

To inform Council of the results of Council's Water Quality Monitoring Program (WQMP) for the period July to December 2012.

History

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

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

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

The increased distribution and density of urban areas within the catchments of Campbelltown's major waterways has resulted in a greater volume and flow of stormwater discharge into these systems. Stormwater has a high propensity to be contaminated with pollutants such as sediment, chemicals, litter, excess nutrients and oils.

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

- urbanisation
- pollution spills
- illegal dumping
- litter accumulation
- aquatic noxious weeds
- degraded riparian vegetation

Report

A review of Council's WQMP was undertaken in 2011 to determine compliance with the relevant changes to national and state water quality monitoring and management. Following the recommendations from the review, Council updated its Water Quality Monitoring Strategy (WQMS) in 2012 to guide the future of the WQMP with the following objectives:

- undertake long term monitoring of the waterways within the LGA to assess trends in water quality over time from point and non-point pollution sources and understand the causes and effects of elevated nutrient and microbial levels
- compare water quality results between sites across the LGA, including urban and non-urban landscapes
- monitor microbial levels at popular sites
- provide direction and assist in the development of stormwater management programs.

Council's current WQMP involves the sampling and monitoring of 13 sites within the Georges River and the Nepean River Catchments against National Guidelines for Fresh and Marine Water Quality, developed by the Australian and New Zealand Environment and Conservation Council (ANZECC 2000). Under the current WQMS three sites are now also assessed against the National Health and Medical Research Council Guidelines, Managing Risks in Recreational Areas (NHMRC 2008). The NHMRC guidelines are considered the most industry relevant for assessing risks to human health from recreational water bodies and specifically analyses microbial levels within the waterbody.

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

This report provides an overview of the results of the WQMP for the period between July and December 2012. During the monitoring period, the following sites were sampled on a monthly basis –

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

In addition to this monthly testing, weekly testing was conducted at Simmo's Beach, Menangle Bridge and The Woolwash throughout December 2012 and will continue until the end of April 2013 due to the high levels of recreational use these sites attract.

Attachment 1 provides a diagrammatic representation of percentage compliance of monitoring sites with ANZECC guidelines for primary and secondary contact recreation and aquatic ecosystem health. Attachment 2 shows the percentage compliance with ANZECC guidelines for primary and secondary contact recreation and aquatic ecosystem health for each water quality parameter measured. Attachment 3 shows the classification of recreational water environment at Simmo's Beach, Menangle Bridge and The Woolwash against the NHMRC guidelines.

The results indicate that, on average, water quality throughout the LGA remains similar to the previous reporting cycle (July 2011 to June 2012), as outlined in Council's State of the Environment Report 2011-2012. The following provides an overview of the results during the reporting period:

- Water quality at Kooringa Reserve continues to be 'very poor' for aquatic ecosystem health, the site has the lowest rate of compliance with the ANZECC guidelines within the Campbelltown LGA. This is most likely due to its location within a suburban area, where stormwater runoff from roads and gardens provides a major source of pollutants. At the next downstream sampling site within the catchment, Harold Street Bridge, water quality results show improvement across all parameters compared to both Kooringa Reserve and Minto GPT, suggesting that there is some stormwater treatment along the catchment.
- Water quality at Wedderburn Gorge has declined since the last reporting period. Electrical Conductivity at this site continues to exceed the ANZECC guidelines. This is thought to be influenced by the discharge of wastewater from the Brennan's Creek coal wash emplacement.

It should be noted that in 2012 Endeavour Coal applied to the NSW Environment Protection Authority to vary its Environment Protection Licence for the operation of West Cliff Colliery in regard to discharges from the Brennan's Creek Coal Emplacement Area. At this time Council made a submission to the EPA on the licence variation application requesting that the EPA strengthen the licence conditions to reduce the levels of pollutants discharged from the facility and require the investigation and adoption of alternate means of coal wash waste disposal.

- Turbidity visibility levels in the Georges River show 'very poor' compliance with the ANZECC guidelines. However, the non-compliance is due to the readings falling below the prescribed range, meaning the water column is clearer than expected. The cause of the reduced turbidity is most likely a result of a decrease in stormwater and urban-runoff due to low rainfall during the period.
- Overall the Woolwash and Frere's Crossing have the greatest compliance with the ANZECC guidelines.
- The recreational swimming areas were assessed against the NHMRC guidelines. Simmo's Beach was classified as 'poor', Menangle Bridge was 'fair' and the Woolwash was 'very good'. A decrease in bacteria levels was evident at Menangle Bridge, most likely due to the decrease in rainfall during this reporting period.

Guided by the results of the WQMP Council continues to work toward water quality improvement within the LGA. Most recently Council staff have conducted a review of land use activities within the Georges River Catchment and identified potential pollution sources. Compliance and advisory actions have been taken where necessary to prevent land use activities contributing to pollution levels. This has included inspecting properties where contaminated water runoff is not being correctly treated on site and is being allowed to drain into nearby creeks and drainage channels. Land owners of these properties have been educated on potential impacts and in some case have been directed to improve land use practices.

In addition a Water Sensitive Urban Design project is being developed to improve water quality within the Spring Creek catchment, through the installation of a bioretention device downstream of Lake Mandurama, Rosemeadow. The device will serve to filter stormwater as it travels through the system and remove sediment and pollutants prior to the Creek's confluence with the Georges River.

Conclusion

During the reporting period water quality in the LGA on average remains fair. Water quality results for the reporting period July to December 2012 have demonstrated poor results within the Bow Bowling/Bunbury Curran catchment. This is most likely due to urban and industrial stormwater influences. High salinity levels continue to be recorded at Wedderburn Gorge.

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - December 2012

Reporting Officer

Manager Development Services

Attachments

Development Services Application Statistics for December 2012 (distributed under separate cover)

Purpose

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

Report

In accordance with Council's resolution of 23 August 2005 that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for December 2012 as they affect the Development Services Section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

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

3.2 Council's monitoring and reporting obligations of variations to Development Standards allowed under State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

Reporting Officer

Manager Development Services

Attachments

SEPP 1 variations approved for the period October 2012 – December 2012 (distributed under separate cover)

Purpose

To advise Council of development applications approved for the period 1 October 2012 to 31 December 2012 that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 Applications).

Report

In accordance with the Department of Planning and Infrastructure's (DPI) requirement for all SEPP 1 Applications to be reported to Council, the attachment to this report indicates that there were no SEPP 1 Applications determined within the period stated above.

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

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

3.3 No. 20 Frost Road, Campbelltown - Construction and Use of a Warehouse/Storage Building, Use of land and an existing building as a Truck Maintenance Facility, construction of associated car parking and construction of an Acoustic Wall

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality plan
3. Site/landscape plan
4. Floor plans
5. Elevation plans
6. Shadow diagrams

Purpose

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

Property Description	Lot 92 DP 1004803 and Lot 7 DP 1008057, No.20 Frost Road, Campbelltown
Application No	845/2012/DA-U
Applicant	AR Design
Owner	Mr Robert Tebb and Mrs Annette Tebb
Provisions	Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Development Control Plan No.87 – Public Notification and Public Exhibition Policy Campbelltown 2025 – Looking Forward
Date Received	8 May 2012

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

Report

Introduction

Council has received a development application for the construction and use of a warehouse/storage facility building, the use of the land and an existing building as a truck maintenance facility, the construction of associated car parking and the construction of an acoustic wall at No. 20 Frost Road, Campbelltown.

The Site

The subject site is located to the south of the cul-de-sac head of Frost Road and is located approximately 310 metres away from the intersection of Frost and Johnson Roads.

The site has a total area of 7,685.60 square metres and is square in shape, with an average width of 78.90 metres and average depth of 83.04 metres. As the land is located at the head of the cul-de-sac, the allotment's front boundary width to Frost Road is 15 metres.

The land currently contains an industrial building that was constructed in the 1970s. The existing industrial building has an approximate area of 600 square metres. The land is encumbered along its eastern side with a 25 metre wide drainage easement.

Council understands that the property is currently occupied for the purpose of truck parking and servicing.

Adjoining and nearby land uses include industrial land uses to the east, north and north-west of site, residential land uses to the west and south of the site and a service station to the south-east of the site. Six residential properties adjoin the subject land comprising a mix of single and two storey dwellings.

The Proposal

The proposed development includes the construction and use of a new warehouse building for bulky goods delivered to the site for holding until ready for dispatch, the construction of an acoustic wall for the full length of the adjoining residential boundary, the use of the land and an existing building as a truck maintenance facility and the construction of associated car parking.

The proposed industrial building has a footprint of 1,600 square metres and contains a mezzanine level of 140 square metres.

The proposed development also includes:

- 33 car parking spaces
 - Five truck parking bays
 - One truck wash bay
 - Concrete driveway and manoeuvring areas
 - Landscaping
-

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The proposed hours of operation of the truck maintenance and storage establishment facility are:

- Monday to Friday – 7.00am to 8.00pm
- Saturday – 8.00am to 6.00pm
- Sunday – 9.00am to 5.00pm

1. Other Provisions - Vision

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- Growing the Regional City
- Building a distinctive Campbelltown sense of place
- Creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

The relevant desired outcomes associated with Council's vision, included in Campbelltown 2025 include:

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
 - An impression of architecture that engages its environmental context in a sustainable way
 - Development and land use that matches environmental capacity and capability.
-

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

It is considered that the proposed development is generally consistent with the Vision's desired outcomes having regard to the proposed employment opportunities, function and design. Some potential issues exist with impacts on adjoining residential amenity.

2. Planning Provisions

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

2.1 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 4(a) General Industry under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002.

The proposed development is defined as a 'motor vehicle repair station' and 'storage establishment' which are permissible land uses, with Council's consent, within the zone.

Under the CLEP 2002, a 'motor vehicle repair station' is defined as:

a building or place used for:

- (a) the selling or fitting of accessories to
- (b) the repair, other than body building, panel beating or spray painting, of, motor vehicles or agricultural machinery.

Under the CLEP 2002, a 'storage establishment' is defined as:

A building or place used principally for the storage of goods, materials or products and includes facilities for the loading and unloading of vehicles carrying those goods, materials or products, but (in Part 2) does not include a road transport terminal.

The objectives of the zone include:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown
 - (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown
 - (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development
 - (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development
-

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

- (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

The proposed development is considered to be consistent with (a), (b), (c) and hence development consent can be granted, should Council deem it appropriate to do so.

Clause 37(d) of CLEP 2002, requires that development consent must not be granted to development, other than for the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4 (a) or 4 (b) which is within 10 metres of Frost Road.

The proposed development includes landscaping and car parking within the 10 metre setback area.

2.2 Campbelltown (Sustainable City) Development Control Plan 2009

The proposed development has been assessed having regard to the provisions (including relevant numerical and design standards) of Council's Sustainable City Development Control Plan 2009 (SCDCP 2009). The below assessment sets out the proposal's compliance with a number of the relevant requirements of the Plan:

Part 2 - Requirements Applying to All Types of Development

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

Views and vistas – The proposed development would not obscure any important views to and from public places and would not impact upon district views.

Sustainable building design – A rainwater tank of 10,000 litres in size is required to be provided for the development, as the proposed building has a roof area of between 1,000m² and 5,000m². A 5,000 litre rainwater tank has been incorporated into the proposal, to be located underneath the parking area.

Should Council approve the development, a condition of consent would require the installation of a 10,000 litre tank.

Landscaping – The landscaping opportunities at the site are limited by the site's orientation and location at the head of a cul-de-sac. Landscaping is proposed adjacent to the site's northern and western boundaries and is considered to be satisfactory.

Flora, fauna and weed management – The site contains no existing significant vegetation.

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Cut, fill and floor levels – The application proposes a warehouse building located at the rear of the property. Cut and fill is not proposed. Proposed floor levels are considered satisfactory given the topography of the land.

Waste Management – A Waste Management Plan has been submitted and is considered to be satisfactory.

Stormwater – The application proposes to drain the development to Council’s existing stormwater system within Frost Road.

Part 6 – Industrial development

The application has been assessed against the relevant requirements of Part 6 of Campbelltown Sustainable City DCP 2009 (SCDCP).

Standard	Required	Proposed	Compliance
Height	Predominantly single storey, excluding offices and mezzanines	One storey	Yes
Building design	Vertical/horizontal offsets in wall surfaces	Vertical/horizontal offsets in wall surfaces provided	Yes
	Articulated windows/doors/ roof/entrances	Windows/ doors/roof /entrances articulated	Yes
	Walls to be articulated using texture, colour, materials	Walls articulated – different materials and colours	Yes
	Minimum of 50% of total surface area of front elevation to be constructed of masonry material	70%	Yes
	Mezzanines/offices to be no more than 30% of leasable floor area	Mezzanine/office level proposed, Mezzanine/office area to be 10.2% of leasable floor area	Yes
	Main entry to be identifiable from street	Main entry would be not be identifiable from street given the subject lot’s orientation and location of proposed warehouse	NA
Setbacks	10 metres to Frost Road	Proposed building is 41 metres from Frost Road boundary	Yes

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<p>Car parking</p>	<p>Industrial/warehouse space:</p> <p>Minimum two spaces per unit (four required) plus:</p> <p>One space for every 100m² of leasable floor area up to 2,000m² (18 required based on 1,800m² of LFA), plus</p> <p>One space per 35m² for office areas, lunch rooms, office storage areas, etc. (6.1 required based on 215m² of LFA)</p> <p>Total required = 28 spaces</p> <p>Car parking spaces and manoeuvring areas are not to occupy more than 50% of the required front setback area</p> <p>10% of required car spaces, including disabled spaces, located close to main pedestrian entry</p>	<p>33 spaces provided</p> <p>Landscaping and parking areas are located within the setback area. Location of parking and landscaping adjacent to boundary considered acceptable in this instance</p> <p>More than 10% of spaces, including an accessible parking space, are located close to the main pedestrian entry</p>	<p>Yes</p> <p>NA</p> <p>Yes</p>
<p>Manoeuvring and Loading</p>	<p>All vehicles shall be able to enter and leave the site in a forward direction with a maximum of a three point turn</p> <p>Each industrial building having a leasable floor area of:</p> <p>Between 400m² and 1,500m² shall provide an area to allow a medium rigid vehicle to manoeuvre on site;</p> <p>More than 1,500m² shall provide a loading area for a heavy rigid vehicle to manoeuvre on site</p>	<p>All vehicles including trucks are able to enter and leave the site in a forward direction with a maximum of a three point turn</p> <p>A loading bay and manoeuvring areas sufficient for both medium and heavy rigid vehicles has been provided to service the proposed building.</p> <p>Adequate manoeuvring areas for all vehicle types are available on site.</p>	<p>Yes</p> <p>Yes</p>

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Landscaping	Landscaping is to be provided to a minimum of 50% of each required setback area	Given the location of the subject property and width street frontage, the required setback area to be landscaping cannot be achieved	NA
	Landscaping to be provided along the full width of street frontages, other than driveways	Landscaping provided along full width of street frontage apart from driveway areas	Yes
Fencing	Maximum height of 2.4m	2.1m side fencing proposed	Yes
	Palisade design required	Steel palisade fencing proposed	Yes
Residential Interface	Loading areas, driveways, rubbish and storage areas, and roof top equipment shall not be located adjacent to residential areas	The design of the proposed development avoids loading areas, storage areas and roof equipment near dwellings as the entrances to the proposed building are furthest from the boundary abutting the residential properties (26 metres). Proposed parking areas located adjacent to residential areas are to be separated by way of the construction of an acoustic wall.	Yes
	External and security lighting shall be positioned to avoid light spillage to adjacent residential development	Location of warehouse and acoustic wall would assist in avoiding light spillage impact adjoining residential development	Yes
	An acoustic report shall be prepared to accompany the development application	Acoustic report has been submitted to accompany the development application	Yes

The proposed development is generally consistent with the development and numerical requirements of SCDCP 2009.

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3. Planning Assessment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the likely impact that the development would have on the natural and built environment, as well as potential social and economic impacts.

3.1 Applicants Acoustic Assessment

The development application is accompanied by an 'Environmental Noise Impact Assessment' prepared by specialist consultancy "Acoustic Logic" to assess the noise impact of the proposed development. The assessment has considered the NSW EPA Industrial Noise Policy.

Background noise levels have been measured and presented and determined by the applicant's consultant to be 44 dB(A) (day time period) at the south western boundary of the subject land – adjacent to the residential boundary.

The major noise sources generated by the proposed development were identified as:

- Workshop noise within factory – hammering, air compressors, impact ratchet guns, impact chisels, etc
- Truck movements outside the factory
- Car park noise.

The EPA Industrial Noise Policy provides guidelines for assessing noise impacts from industrial developments. The recommended assessment objectives vary, depending on the potentially effected receivers, the time of day and type of noise source. The EPA Industrial Noise Policy has two requirements which both have to be complied with:

- Amenity criterion
- Intrusiveness criterion.

The guideline is intended to limit the audibility of noise emissions at residential receivers and requires that noise emissions measured do not exceed the background noise level by more than 5 dB(A).

The guideline is intended to limit the absolute noise level from all noise sources to a level that is consistent with the general environment.

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The NSW EPA Industrial Noise Policy sets out acceptable noise levels for various localities. The below table provides the recommended ambient noise levels for urban residential receivers for the day, evening and nights periods:

Type of Receiver	Time of Day	Recommended Acceptable Noise Level dB(A) Leq
Residential	Day	60
	Evening	50
	Night	45

Day is defined as:

- Period from 7:00am to 6:00pm Monday to Saturday and 8:00am to 6:00pm Sundays and Public Holidays.

Evening is defined as:

- Period from 6:00pm to 10:00pm.

Night is defined as:

- Period from 10:00pm to 7:00am.

The below table provides a summary of the applicant's recommended assessment criteria applicable to the nearest residential building. The intrusiveness and amenity criteria for this project have been determined using the EPA guidelines and measured background noise levels:

Time of Day	Measured Background Noise Level L90	Amenity Criteria Leq	Intrusiveness Criteria Leq	Noise Objective Leq
Day	44	60	49	49
Evening	44	50	49	49

Noise emission from the subject site was assessed using the measured, or provided noise levels from a previous acoustic study.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

The applicant has indicated that calculations were performed taking into account the orientation of windows, walls, roof, barrier effects, façade transmission loss and room sound absorption characteristics to predict likely external noise emissions. The following table shows the results of the applicant's calculations and whether in the applicant's opinion, the results met the amenity criteria recommended in the table above:

Noise Receiver	Predicted Noise Level	Criteria	Comply
Rear façade of No. 35 John Kidd Drive, single storey dwelling	49 dB(A) Leq	49 dB(A) Leq	Yes
Rear façade of No. 31 John Kidd Drive, two storey dwelling	47 dB(A) Leq	49 dB(A) Leq	Yes

The applicant's acoustic consultant has provided a number of engineering, construction and management controls to ensure the proposed development would not adversely affect the adjacent properties. These include:

- No amplified music/speech is permitted to be produced within the factory or external areas of the subject building
- Roof of the industrial building shall be a metal deck roof with all penetrations acoustically sealed
- The southern, eastern and western façades of the warehouse to be constructed of full height minimum 100mm thick concrete panels
- All wall and roof junctions and penetrations shall be acoustically sealed
- Acoustic wall along southern boundary shall be a minimum 4.5 metres high from finished ground level of the residential side constructed by concrete panel or hebel with all junctions acoustically sealed
- Truck reverse alarms to not be activated at truck parking areas
- Any future mechanical ventilation system be treated to ensure compliance with external acoustic emissions.

The acoustic consultant's report has concluded that provided all recommendations above are satisfied, the noise emissions from the proposed development would fully comply with NSW EPA Industrial Noise Policy and would not have an adverse impact on surrounding properties.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

3.2 Peer Review of Applicant's Acoustic Assessment

In light of the above findings of the applicant's acoustic assessment, Council engaged NG Child and Associates (Acoustic Consultant) to undertake a peer review of the applicant's 'Environmental Noise Impact Assessment'.

Key findings of the peer review included apparent inconsistencies with the applicant's reported background noise levels, proposed hours of operation as well as limitations with respect to the appropriateness of various base noise levels/criteria used by the applicant's acoustic consultant as part of their assessment and reporting.

As a consequence of these findings, Council engaged NG Child and Associates to undertake a separate acoustic assessment of the current operations at the site as well as an assessment of the proposed operations having regard to the proposal that includes the construction of a warehouse/factory building.

In order to minimise acoustic impacts generated by the development, NG Child and Associates recommend relevant controls to be implemented which would include:

- Introduction of a Noise Management Plan designed to control work practices and minimise levels of noise generated at the site
- Construction of a noise barrier/wall along the south-western boundary of the subject site, returning part way along the north-western and south-eastern boundaries to minimise reflected sound.

In addition to the above, NG Child and Associates recommends that pending the erection of a suitable acoustic wall or barrier, truck movement and truck maintenance operations should not be permitted after 6.00pm and before 7.00am. However, following the introduction of the required acoustic barrier NG Child and Associates states that subject to the approval of the Council, during the designated evening period (6.00pm to 10.00pm) activities such as limited maintenance work on vehicles already located in the workshop could be carried out on the premises. During this period, the ingress, manoeuvring or egress of vehicles to/from the building should not be permitted nor should the movement of vehicles around the site (yard movements) be permitted during this period. Any proposal for an extension of the hours of operation would need to be the subject of a further development application.

Notwithstanding the above, it is important to note that NG Child and Associates considers that even with an acoustic barrier/wall in place, it is possible that noise from truck movement and associated yard activities could still exceed relevant guidelines and criteria at the residential boundary. In this regard it is recommended that in addition to the development of a Noise Management Plan, that where the Council is of a mind to approve the subject application, that the applicant be required to undertake continual noise monitoring at the site under the direction of an approved acoustic consultant and that the results of the monitoring be provided to the Council on a 6 monthly basis for its review. Where it is established that the activities on the site unreasonably exceed the accepted noise emission criteria, the applicant would be required to revise the Noise Plan of Management and introduce additional noise mitigation measures (physical or operational) in order to reduce the noise generated by the site to the accepted standards. A draft condition has been included at Attachment 1 requiring the same.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

In light of the results of this assessment, NG Child and Associates provides a number of recommendations to the design and operational controls which are considered necessary in order to achieve the required noise criteria at the boundary of the subject site and adjoining residential properties. These controls include:

- External masonry or concrete walls of the proposed warehouse building to achieve an RW rating of greater than or equal to 55
 - The south eastern and western façades of the proposed warehouse building shall be constructed of masonry or concrete with a minimum thickness of 150mm
 - The proposed acoustic wall extending from the proposed warehouse building along the southern boundary shall also be constructed of masonry or concrete with a minimum thickness of 150mm
 - The proposed acoustic wall along the southern boundary of the property to be a minimum 4.5 metres high, measured from finished ground level on the residential side of the southern property boundary
 - The proposed acoustic wall along the southern property boundary to incorporate a 20 metre return along, or immediately within, the south eastern boundary
 - The roof of the proposed factory to be of minimum metal deck construction, with all penetrations to be acoustically sealed
 - 120mm thick 30kg/m³ Fibertex Rockwool insulation or equivalent to be fitted to the underside of the metal factory roof
 - All wall and roof junctions and penetrations to be acoustically sealed
 - A Noise Management Plan, binding on staff, clients and visitors, to be completed by the applicant and approved by Campbelltown City Council, dealing with but not limited to the following issues:
 - Vehicles operations
 - Control of truck reversing alarms
 - Fork lift operations
 - No amplified music or speech within the proposed factory
 - Compressor operations
 - Truck wash operations
 - Operating hours
 - Noise minimisation strategies and procedures
 - Other procedures as appropriate
 - Any fire escape doors required to be fitted to the southern façade of the proposed warehouse building to be of solid core construction and fully acoustically sealed
-

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

- Any mechanical ventilation system to be installed in the proposed warehouse building to be treated and insulated to ensure full compliance with relevant Campbelltown City Council (and other) noise emission criteria.

The above controls have been included as part of the draft conditions of consent attached to this report, should Council deem it appropriate to approve the subject application.

In light of the above consultant recommended controls, and in consideration of the results of the continuous noise monitoring presented by NG Child and Associates, it is also recommended that truck movement and maintenance operations be prohibited during the designated night time period (after 10.00pm and before 7.00am). It should be noted that notwithstanding the recommendations of NG Child and Associates, it is Council's understanding that for Work, Health and Safety reasons truck reverse alarms are not able to be de-activated nor is it considered that such a measure would result in a safe or practical outcome. As such, the deactivation of reversing alarms is not recommended.

Following this, draft conditions have been included at Attachment 1 of this report to address the recommendations of NG Child and Associates. It is also recommended that hours of operation on the site be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 9.00am to 5.00pm Saturday, with no industrial type works, or moving of trucks or machinery on site permitted at any other time (including public holidays).

3.3 Social and Economic Impact

It is anticipated that the development will contribute by providing a net positive impact to the industrial landscape by generating additional employment opportunities.

Economic benefits will be realised through both the construction phases and operation of the development. In this regard, it is considered that the development will generate a number of short term and long term employment opportunities – expanding upon the existing number of jobs in the locality, adding to additional economic activity within the LGA.

The social impacts arising from the development will be positive, as these impacts largely stem from the resulting economic benefits realised.

The proposed development is considered to enhance the appearance of the site given the nature and age of the existing development on the site.

3.4 Built Form

The overall development includes the construction of an industrial building, acoustic wall, landscaping, car and truck parking areas. Given the site's location and orientation, the built form of the development will not impact upon the existing and future streetscape.

The proposed warehouse and acoustic wall will be located 1.5 metres from the rear boundaries of the residential properties to the south of the subject land. A 1.5 metre wide easement for electrical services currently exists on the land at the rear boundary.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

The subject industrial site has an existing ground level of 1.5 metres below the residential allotments that abut the property. The rear of the residential allotments are fenced by a timber lapped and capped fence with an approximate height of 3.0 metres (top of fence being 4.5 metres higher than the subject industrial land).

The height of the proposed warehouse is 7.7 metres at the rear of the building measured from ground level on the industrial site. The height of the proposed acoustic wall is 6.0 metres from the ground of the site. The rear of the building and acoustic wall will be higher than the existing rear fence and will add to the further reduction of noise intrusion on adjacent residential allotments.

Adjoining development at Nos. 14, 16 and 18 Frost Road which abut residential allotments in John Kidd Drive and Sophia Place, Blair Athol are developed with industrial buildings either on the rear boundary or with a minor setback. The built form of the proposed development will be consistent with other developments in the vicinity of the subject land and not considered inconsistent to how the other buildings relate to the adjacent residential lands.

4. Public Participation

The proposed development was notified to adjoining land owners in accordance with the provisions of Development Control Plan No.87 – Public Notification and Public Exhibition Policy from 31 May 2012 for a period of 14 days.

During this period Council received six submissions objecting either to the proposed development or to the existing land use on the site.

The submissions objecting to the proposed development are addressed below:

- **8.0 metre wall along the rear boundary** – Concerns were raised having regard to the proposed building heights along the rear boundary.

Comment: The proposed building will have a height of 7.7 metres at the rear of the industrial building. The proposed acoustic wall will have a height of 6.0 metres. The ground level of the industrial land is 1.5 metres below the ground level of the residential allotments.

The proposed warehouse building and acoustic wall will be 1.5 metres from the rear boundaries. A timber fence having a height of 3.0 metres is currently located on the rear boundaries of the residential allotments. The building and acoustic wall will extend 3.2 metres and 1.5 metres above the existing fence line respectively.

- **The wall will block the sun, solar access and view of the sky** – Concerns were raised that the development will block all sun from the dwelling's private open space areas.

Comment: A shadow diagram accompanies the proposed development application. The private open space area of the residential allotments abutting the subject land will be able to achieve a minimum 20 square metres receiving three hours of continuous direct solar access on 21 June between 9:00am and 3:00pm in accordance with Section 3.6 of SCDPC 2009.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

- **Increase in business activity and subsequent increase in noise and air pollution** – Concerns were raised that the development would increase in vehicle movements and other activities that would increase the amount of noise generated by the development.

Comment: The Statement of Environmental Effects and Environment Impact Noise Assessment Report indicate the proposed hours of operation sought by the applicant. Should Council approve the development applicant an appropriate condition of consent should be included limiting the hours of operation of the business. The acoustic assessment report concludes that noise from activities associated with the development would be within acceptable levels as prescribed by NSW EPA Industrial Noise Policy.

Council is not aware of any ongoing air pollution issues being generated by the current use of the subject land.

- **Set precedent for other 24/7 industrial uses** – Concerns were raised that the approval of the development would set the precedent for more industrial uses operating 24 hours a day, seven days a week.

Comment: The application is not seeking to operate 24 hours, seven days per week. The sought hours of operation are Monday to Friday 7:00am to 8:00pm, Saturday 8:00am to 6:00pm and Sunday 9:00am to 5:00pm. There a number of industrial land uses that operate 24 hours a day within the Campbelltown LGA and hence would not set a precedent. The assessment of industrial land uses considers the impact of the development on adjoining land.

- **Inappropriate land use adjoining residential allotments** – Concerns were raised that the proposed use of the subject site is inappropriate given the adjoining residential zone.

Comment: The proposed activity is a permissible land use in the zone. The assessment has considered the location and siting of the proposed building and acoustic wall that is being constructed to ameliorate the impacts of noise generated from the activities. Industrial activities have been undertaken on the subject site since 1974.

- **Property prices** – Concerns have been raised that the approval of the development would devalue the adjoining land and property values.

Comment: There is no evidence to suggest that the development would impact on property value in the locality. A development's impact on land value is not a relevant matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

5. Conclusion

The application for the construction of an industrial building and use of the development as a truck maintenance facility and storage establishment at No. 20 Frost Road, Campbelltown has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

The use of the truck maintenance facility would be undertaken in an existing building on site that has been constructed in the 1970s. The development includes the construction of a warehouse building to be used a storage facility, an acoustic wall to ameliorate noise impact being generated from the site, formalisation of car parking areas and landscaping.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised above, it is considered that the proposed development is satisfactory and should be approved subject to the recommended conditions contained in Attachment 1.

Officer's Recommendation

That development application No. 845/2012/DA-U, proposing construction of an industrial building and use of site as a truck maintenance facility and storage establishment at No. 20 Frost Road, Campbelltown be approved subject to the recommended conditions contained in Attachment 1.

Committee Note: The Director Planning and Environment advised that the noise levels referenced on page 65 (the first table under heading - 3.1 - Applicants Acoustic Assessment) of the report are from the NSW Industrial Noise Policy and are recommended Maximum Noise Levels not recommended Acceptable Noise Levels as stated. This correction does not change any other aspect of this report or attached development consent which still stands as shown.

Mr McCabe addressed the Committee objecting to the development.

Mrs Tebb, the applicant and Mr Darling addressed the Committee.

Committee's Recommendation: (Thompson/Rowell)

That development application No. 845/2012/DA-U, proposing construction of an industrial building and use of site as a truck maintenance facility and storage establishment at No. 20 Frost Road, Campbelltown be refused due to the noise and the environmental impact that this development would have on the adjacent residents.

CARRIED

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

Voting against the Committee's Recommendation was Councillor: Kolkman.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

Council Meeting 26 February 2013 (Borg/Lound)

That a decision in this matter be deferred at the request of the applicant to allow the provision of additional information.

Council Resolution Minute Number 10

That the Council Resolution be adopted.

Note: as no determination was made in regard to Item 3.3, the recording of voting is not required.

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall 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 in red by Council and/or any conditions of this consent.

In addition to the general requirements of this consent and for the purpose of clarity, the separate aspects of the proposed development shall be carried out in accordance with the following.

Use of the Existing Building and Site as a Truck Maintenance Facility:

- On the issue of this consent, maintenance activities can be carried out wholly within the existing building in accordance with the conditions of this consent. Maintenance of trucks, plant, parts, trailers, devices or similar (**Vehicles**) is not permitted outside of the existing building. Subject to the conditions of this consent, the site shall only be used for the purpose of parking Vehicles waiting for maintenance or awaiting pickup or those activities ancillary to the operation of a maintenance facility, such as delivery or parts, or other similar items. Vehicles that have commenced maintenance are to be stored inside the existing building or out of view from a public area.
 - The applicant is to develop and implement a Noise Management Plan (NMP) covering all aspects of the operation of the truck maintenance facility. The NMP is to be designed to control and continually improve work practices within the existing building and on the site, and reduce the levels of noise generated at the site so as to not exceed the background noise levels at the property boundary by more than 5 dB(A). The completed NMP must be lodged with Council for its review and approval within 2 months of the date of this consent. All noise control measures required by the NMP are to be installed, implemented and/or constructed within 3 months of Council's written approval of the NMP. The noise management plan is to be binding on staff, clients and visitors, and is to include but not be limited to the following issues:
-

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

- Vehicle operations
 - Fork lift operations
 - No amplified music or speech within the proposed factory
 - Compressor operations
 - Truck wash operations
 - Operating hours
 - Noise minimisation strategies and procedures
 - Other procedures as appropriate
- The parking of Vehicles (registered or unregistered) is not permitted within 25m of the south-western (residential) boundary of the site unless a noise barrier has been constructed in accordance with this consent and has been inspected and approved by Council
 - 18 car parking spaces in accordance with the approved plans are to be constructed within 2 months of the date of this consent. The construction of an additional 15 car parking spaces are to be provided in accordance with the approved plans within 6 months of the date of this consent
 - The applicant/operator of the site shall carryout continuous and daily noise monitoring of the site under the direction of a suitably qualified acoustic engineer for a two year period. At the end of each 6 month period, provide a tabulated technical report to Council with the results of the noise monitoring for the preceding 6 month period. The report is to be submitted to Council within 28 days of the end of the respective 6 month period. Council may require additional monitoring or the implementation of additional noise mitigation measures (physical or operational) where it is identified that noise generated by the activities on the site exceed the accepted noise criteria.

In the case that any of the above requirements have not been complied with within the prescribed time period, the operator of the site shall cease all activities on site until the relevant items have been complied with to Council's satisfaction.

Notwithstanding the above, it remains the applicant's responsibility to ensure that all other relevant conditions of this consent are complied with.

Construction of the noise barrier/wall:

- The applicant shall construct a noise barrier/wall at a 1.5m offset and parallel to the south-western boundary of the subject site, returning a minimum of 20m, parallel and along the north-western and south-eastern boundaries (1.5m offset from all boundaries) to minimise reflected sound to Council's satisfaction and as described in the report by NG Child and Associates. The noise barrier/wall is to be constructed of a height 4.5m above the ground level of the neighbouring residential property
 - The noise barrier is to be fully erected and certified within 6 months of the date of this consent
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3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

- The noise wall is to be constructed of masonry or concrete with a minimum thickness of 150mm and designed to achieve an RW rating of not less than 55.

In the case that any of the above requirements have not been complied with within the prescribed time period, the operator of the site shall cease all activities on site until the relevant items have been complied with to Council's satisfaction.

Notwithstanding the above, it remains the applicant's responsibility to ensure that all other relevant conditions of this consent are complied with.

Construction of the Warehouse/Storage Building:

- The design of the proposed warehouse building shall incorporate all noise mitigation measures recommended in the report by NG Child and Associates - CA/12/27-7803 relating to the mitigation of noise intrusion from the operation of the warehouse building, both from within and external to the building
 - The building design and construction is to comprise external masonry or concrete walls to achieve an RW rating of not less than 55. In this regard, the south eastern and western façades of the proposed warehouse building are to be constructed of masonry or concrete with a minimum thickness of 150mm
 - The proposed acoustic wall to be constructed in conjunction with the new building shall extend from the proposed warehouse building at a 1.5m offset and parallel to the south western boundary and shall also be constructed of masonry or concrete with a minimum thickness of 150mm and have an RW rating of not less than 55.
 - The proposed acoustic wall to be constructed in conjunction with the new building shall be erected to a minimum height of 4.5 metres when measured from finished ground level on the residential side of the south western boundary and is to incorporate a 20 metre return, 1.5m away from and parallel to the south eastern boundary of the site
 - The roof of the proposed warehouse building is to be of minimum metal deck construction, with all penetrations to be acoustically sealed and 120mm thick 30kg/m³ Fibertex Rockwool insulation or equivalent is to be fitted to the underside of the metal factory roof
 - All wall and roof junctions and penetrations are to be acoustically sealed
 - The applicant is to develop and implement a Noise Management Plan (NMP) covering all aspects of the operation of the warehousing facility. The NMP is to be designed to control and continually improve work practices within the proposed building and on the site, and reduce the levels of noise generated at the site so as to not exceed the background noise levels at the property boundary by more than 5 dB(A). The completed NMP must be lodged with Council for its review and written approval. All noise control measures required by the NMP are to be installed, implemented and/or constructed prior to the occupation, use or issue of any occupation certificate for the building. The NMP is to be binding on staff, clients and visitors, and is to include but not be limited to the following issues
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3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

- Vehicle operations
 - Fork lift operations
 - No amplified music or speech within the proposed factory
 - Compressor operations
 - Truck wash operations
 - Operating hours
 - Noise minimisation strategies and procedures
 - Other procedures as appropriate
- Any fire escape door/s required to be fitted to the southern façade of the proposed warehouse building is to be of solid core construction and fully acoustically sealed
 - Any mechanical ventilation system to be installed in the proposed warehouse building to be treated and insulated to ensure full compliance with relevant noise emission criteria.
 - 33 car parking spaces in total are to be made available on site in accordance with the approved plans prior to the occupation, use or issue of any occupation certificate for the building

In addition to all relevant conditions of this consent, all required items, devices and acoustic design measures for the proposed warehouse building are to be installed, constructed and implemented prior to the use, occupation or issue of any occupation certificate for the proposed warehouse building.

Use of the Warehouse/Storage Building:

- The applicant implementing noise mitigation measures generally in accordance with that recommended in the report by NG Child and Associates - CA/12/27-7803 relating to the mitigation of noise intrusion from the operation of the warehouse building, both on the site and from within the building.
 - The applicant is to develop and implement a Noise Management Plan (NMP) covering all aspects of the operation of the warehousing facility. The NMP is to be designed to control and continually improve work practices within the proposed building and on the site, and reduce the levels of noise generated at the site so as to not exceed the background noise levels at the property boundary by more than 5 dB(A). The completed NMP must be lodged with Council for its review and written approval. The NMP is to be binding on staff, clients and visitors, and is to include but not be limited to the following issues
 - Vehicle operations
 - Fork lift operations
 - No amplified music or speech within the proposed factory
 - Compressor operations
 - Truck wash operations
 - Operating hours
 - Noise minimisation strategies and procedures
 - Other procedures as appropriate
-

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In addition to all relevant conditions of this consent, all items, devices and acoustic design measures required by the approved NMP for the proposed warehouse building are to be installed, constructed and implemented prior to the use or occupation of the proposed warehouse building.

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. Landscaping

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

4. 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.

5. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

6. 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.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

7. 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/s.

8. Bund Wall

A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

9. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids.

10. Trafficable Bund

A 100mm high trafficable bund shall be provided to all exits from the mechanical repair workshop so as to prevent the escape of any pollutants into Council's stormwater drainage system.

11. Mechanical Repairs

The operation of the mechanical repair workshop shall comply with the following requirements:

- a. All mechanical repairs shall be conducted within the workshop, the floor of which shall be graded to an internal drainage point connected to the sewer of Sydney Water in accordance with that Authority's requirements. Under no circumstances shall work be conducted on open driveways
 - b. The driveway area is to be kept free of oil contamination
 - c. All car washing, engine degreasing and steam cleaning shall be conducted in the wash bay connected to the sewer of Sydney Water in accordance with that Authority's requirements
 - d. Waste oil shall be stored in a covered area pending regular removal to a waste oil recycler
 - e. There shall be no washing of motor vehicles carried out on the premises other than in the approved and constructed wash bays
 - f. No motor vehicle or part of a motor vehicle that is in the custody of the business shall be left standing on any public road or footpath
 - g. A spill kit shall be provided on site at all times to clean up any minor liquid spillages
-

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

- h. No repair/maintenance works on any vehicle, device or part shall be undertaken outside of the existing building
- i. No parts shall be stored outside of the existing building and all vehicles undergoing maintenance shall be stored within the building or out of direct view from a public area.

12. Workshop Connection to Sewer

The workshop's connection to the sewer in accordance with Sydney Water's requirements shall be undertaken within three months of the date of this consent.

13. Use of Proposed Warehouse Building

No storage or distribution of goods or occupation of the proposed warehouse building shall occur on the site until the construction/implementation of all required acoustic measures (including the revision of the Noise Management Plan and the construction of all noise walls) have been completed in full and in accordance with this consent and the approved plans. In this regard, Council is to be notified at the time of final inspection of the completed acoustic barrier/wall and is to be issued with a copy of the relevant final certificate certifying that all required acoustic measures have been constructed in accordance with this consent, prior to occupation, use or the issuing of an occupation certificate for the proposed building.

14. No Panel Beating/Spray Painting

The subject premise has not been approved for panel beating or spray-painting. It is prohibited to undertake such activities without separate written development consent being obtained from Council.

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 unreasonable interference to adjoining or nearby occupants.

In the event of an unreasonable noise, dust, vibration related issue arising during the operation of the site or during the construction of the proposed warehouse building, the person in charge of the premises shall when instructed by Council, cease the activity causing the nuisance. Council may on investigation require the person in charge of the premises to alter the adopted work practices causing the nuisance, to Council's satisfaction.

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17. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

18. Operating Hours

Hours of operation for all activities on the site shall be limited to:

Monday to Friday	7.00am – 6.00pm
Saturday	9.00am – 5.00pm
Sunday and Public Holidays	Nil

19. Retail Sales

The direct retail sale of goods from the premises is prohibited.

20. Car Parking Spaces

33 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

Car parking spaces numbered 19 to 33 shall be constructed prior to the use, occupation, or issuing of an occupation certificate for the proposed building or within six months of the date of this consent (whichever date comes first). At least one of these spaces shall be designed as an accessible parking space in accordance with the relevant Australian Standard.

21. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a. Protect and support the adjoining premises from possible damage from the excavation
- 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.

22. Rain Water Tank(s)

Rain water tank/s, having a minimum capacity of 10,000 litres 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.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

23. 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
- 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.

24. 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.

25. 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.

26. 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.

27. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the nearest system under Council's control. All proposals shall comply with the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

28. 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.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

29. 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.

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.

30. 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.

31. 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.

32. 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
 - b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council
-

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

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

33. 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.

34. 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.

35. 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.

36. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

37. Hoarding/Fence

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

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

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

38. Fencing

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

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

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.

39. Construction Work Hours

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

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

40. 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.

41. 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.

42. 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.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

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

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

43. Fill Compaction Requirements

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with one test per 500m² (minimum one test per 300mm layer) certified by a qualified geotechnical engineer.

44. 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.

45. 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.

46. 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.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

47. Industrial / Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council within four weeks of the date of this development consent and be constructed within three months of the driveway and layback approval. Conduits must be provided to service authority requirements.

48. 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.

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

50. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a Section 73 certificate issued by Sydney Water.

51. 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.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

52. 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, acoustic walls and retaining walls are to be completed to the satisfaction of the principal certifying authority. In this regard, the PCA shall obtain from Council written confirmation that the required acoustic wall has been erected to its satisfaction, prior to the issue of an occupation certificate.

53. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

The applicant shall also submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- Finished ground and building floor levels together with building outlines
- Spot levels every 5.0m within the site area
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required
- A minimum of 15 site levels
- If the floor level is uniform throughout, a single level is sufficient
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s
- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
 - All level information to Australian Height Datum (AHD)
-

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

AutoCAD Option

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type - zip
File Format - AutoCAD 2004 Drawing Format or later
Transmittal Options - Include fonts

Include textures from materials

Include files from data links

Include photometric web files

Bind external references

The drawing is not to be password protected.

MapInfo Option

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will also be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

54. 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.

55. Council Fees and Charges

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

ADVISORY NOTES

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

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

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

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

Advice 2. Provision of Equitable Access

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

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

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

Advice 3. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 4. Covenants

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

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

Advice 5. 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 6. 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 7. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

Advice 8. Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Advice 9. Rain Water Tank/s

It is recommended that water collected within any rainwater tank/s 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.

3.3 No. 20 Frost Road, Campbelltown - Construction And Use Of A Warehouse/Storage Building, Use Of Land And An Existing Building As A Truck Maintenance Facility, Construction Of Associated Car Parking And Construction Of An Acoustic Wall

Advice 10. *Smoke Free Environment Act 2000*

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

Advice 11. *Dial 1100 Before you Dig*

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

END OF CONDITIONS

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition of existing structures, removal of trees and construction of a four storey residential flat building comprising 55 units above a sub-floor level car park

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality map
3. Site plan
4. Landscape plan
5. Floor plans
6. Elevations
7. Design and Verification Statement

Purpose

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

Property Description	Lots 4, 5 & 6, DP 20320 – Nos. 31, 33 & 35 Cumberland Road, Ingleburn
Application No	770/2012/DA-RA
Applicant	Designcorp Australia Pty. Ltd
Owner	Shannon & Sharon Prenter
Provisions	<p>Campbelltown 2025 Looking Forward</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</p> <p>State Environmental Planning Policy (Building Sustainability Index)</p> <p>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</p> <p>Campbelltown (Urban Area) Local Environmental Plan 2002</p> <p>Campbelltown (Sustainable City) Development Control Plan 2009</p>

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

Campbelltown City Council Section 94A Development Contributions Plan

Development Control Plan No. 87 – Public Notification and Public Exhibition Policy

Date Received 1 May 2012

Report

Development Consent is sought for the demolition of existing structures, removal of trees and construction of a four storey residential flat building, comprising of 55 units above a sub-floor level car park.

The subject site consists of three rectangular shaped allotments, two of which contain existing dwellings. Each of the allotments front Cumberland Road.

The site is located adjacent to the Ingleburn Town Centre. Surrounding development consists of a variety of low and medium density housing.

1. Vision

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

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

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- Growing the Regional City
- Building a distinctive Campbelltown sense of place
- Creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

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

- Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- An impression of architecture that engages its environmental context in a sustainable way
- Development and land use that matches environmental capacity and capability.

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

2. Planning Provisions

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

2.1 State Environmental Planning Policy No. 55 – Remediation of Land

Following a site inspection and review of Council records, it appears that the use of the site has been limited to residential purposes and therefore it is considered unlikely for the land to be contaminated.

Subsequently, it is considered that the proposal is acceptable with regard to the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.

2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 (SEPP 65) requires that in determining an application for a residential flat development of three or more floors and containing four or more apartments that the consent authority takes into consideration a number of matters relating to design quality including nominated design quality principles.

The application is accompanied by a Design Verification Statement authored by Joe El-Sabbagh, Registered Architect of Designcorp (Attachment No. 7). The Design Verification Statement assesses the proposal against these design quality principles.

The assessment undertaken and outlined with the Design Verification Statement is considered satisfactory. Accordingly it is considered that the proposal is consistent with the provisions of SEPP 65.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

2.3 State Environmental Planning Policy (Building Sustainability Index)

A BASIX Certificate has been provided for the proposed development and the relevant commitments made on the plans. Therefore it is considered that the proposal is acceptable in this regard.

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

The proposal has been assessed against the provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment and does not conflict with any of the relevant provisions.

2.5 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10 (b) – District Comprehensive Centre, under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed 'residential flat building' development is permissible, within the 10 (b) – District Comprehensive Centre zone, as well as being consistent with the following objective for the zone:

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

Consequently given that the proposal satisfies one (1) or more of the objectives for the zone, it satisfies the provisions of Clause 29 of LEP 2002 and Council may grant consent to the application should it deem appropriate to do so.

Additionally, the subject site is identified by Clause 65 of LEP 2002, whereby all development is prohibited, except for the purpose of residential flat buildings or home activities, as the proposal is defined as a 'residential flat building', the proposal satisfies the provisions of Clause 65 of LEP 2002.

2.6 Campbelltown (Sustainable City) Development Control Plan 2009

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2009 (DCP 2009).

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

Section	Control	Requirement	Proposed	Compliance
2.4.1 (b)	Rain Water Tanks	A 10,000L rain water tank shall be provided for all new buildings containing a roof area of between 1,001m ² and 500m ² .	A 10,000L underground rain water tank.	Yes
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes various indigenous trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	The proposed design follows the existing ground levels and involves minimal earthworks outside of the footprint of the building.	Yes
2.9	Demolition	A Development Application involving demolition shall be accompanied by a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001 - The Demolition of Structures.	A detailed work plan has been provided. Given the age of the development, it is expected that asbestos materials may be encountered during demolition. Draft conditions have been included to ensure all asbestos material is removed and disposed of in accordance with the relevant standards.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan has been provided and is considered satisfactory.	Yes
4.3.2 (a)	Building form and character	The maximum height of a residential apartment building shall be two storeys above ground level (existing), except as specified within Schedule 1 of the Plan. The site is identified as having a maximum four storey building height.	The proposed development has an overall height of five storeys (a sub-floor level car park and four (4) levels of residential units). It is noted that the sub-floor level projects up to approximately 1.5m above the existing ground level.	No The variation is of a consequence of the sub-floor level car park projecting in excess of 1m above the existing ground level and therefore not technically satisfying the basement provisions of Section 1.4 of the DCP. The applicant identifies the projection of the car park responds to the flooding constraints of the site, and that the

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Section	Control	Requirement	Proposed	Compliance
				<p>extra height does not increase amenity impacts such as overshadowing, view loss or overlooking.</p> <p>It is acknowledged that the projection of the car park is of a consequence of flooding constraints, and that the extra height does not provide for additional view loss or overlooking, while additional overshadowing will be proportionally minor as a result of such.</p> <p>Additionally it is noted that the floor to ceiling heights of the development are reasonable at 2.7m, minimising the overall building height and the associated impacts of such.</p> <p>Given these matters it is recommended that the proposed variation be supported in this instance.</p>
4.3.2 (b)	Building form and character	Building design shall consider foremost the qualities and character of the surrounding area including the significance of any heritage item on land.	The locality is in transition and the building design and landscaping is in keeping with existing and future likely developments.	Yes
4.3.2 (c) (i)	Building form and character	Building design shall incorporate appropriate facade treatments that help the development to properly address the relevant street frontages, key vistas and to add visual interest to the skyline.	The proposed development is orientated towards the street frontage and includes vertical articulation.	Yes
4.3.2 (c) (ii)	Building form and character	Building design shall incorporate the incorporation of articulation in walls, variety of roof pitch, architectural features into the facade of the building.	The proposed development includes vertical and horizontal articulation, balconies, columns, and a variety of external finishes.	Yes
4.3.2 (c) (iii)	Building form and character	Building design shall incorporate variation in	The proposed development includes	Yes

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Section	Control	Requirement	Proposed	Compliance
		the planes of exterior walls in depth and / or direction.	off-set walls that are varied in proportion.	
4.3.2 (c) (iv)	Building form and character	Building design shall incorporate variation in the height of the building so that it appears to be divided into distinct base, middle and top massing elements.	The proposed development includes off-set walls that are varied in proportion.	Yes
4.3.2 (c) (v)	Building form and character	Building design shall incorporate articulation of the different parts of a building's facade by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used.	The proposed development includes vertical and horizontal articulation, balconies, columns, and a variety of external finishes.	Yes
4.3.2 (c) (vi)	Building form and character	Building design shall incorporate the utilisation of landscaping and architectural detailing at the ground level.	The proposed development includes significant landscaping and architectural interest at the ground floor.	Yes
4.3.2 (c) (vii)	Building form and character	Building design shall avoid blank walls at the ground and lower levels.	The proposed development includes significant architectural interest and articulation at the ground floor.	Yes
4.3.2 (d) (i)	Building form and character	Building design shall facilitate casual surveillance of/and promote active interaction with the street.	The proposed layout provides for the surveillance from units and communal open space area, and to within the site from the street.	Yes
4.3.2 (d) (ii)	Building form and character	Building design shall be of a scale which matches the desired streetscape.	The proposed development is in keeping with the scale of future likely developments in the locality.	Yes
4.3.2 (d) (iii)	Building form and character	Building design shall be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building.	The proposed development is setback to enable landscaping around the perimeter of the building.	Yes
4.3.2 (d) (iv)	Building form and character	Building design shall maximise cross flow ventilation, therefore minimising the need for air conditioning.	The proposed layout includes two large open alcoves, with the majority of units having openings to the perimeter of the building on two sides, which provide for cross flow ventilation.	Yes
4.3.2 (e)	Building form and character	Building colours, materials and finishes shall generally achieve subtle contrast. The use	The external finishes provide for contrast between the various sections of the	Yes

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Section	Control	Requirement	Proposed	Compliance
		of highly reflective or gloss materials or colours shall be minimised.	development.	
4.3.2 (f)	Building form and character	Building materials shall be high quality, durable and low maintenance.	The external materials are considered to be of a high quality, durable and low maintenance type.	Yes
4.3.2 (g)	Building form and character	Within the Ingleburn Business Centre the location of a residential apartment building and a mixed use development shall be in accordance with Figure 4.3.3.	The site is located within the residential apartment building section of the Ingleburn Business Centre. The proposed development is a residential apartment building.	Yes
4.3.3 (a)	Site Services	The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	The layout includes designated utility plant rooms within the basement.	Yes
4.3.3 (b)	Site Services	Development shall ensure that adequate provision has been made for all essential services.	The locality is appropriately serviced by essential services.	Yes Furthermore, conditions have been included within the recommendation requiring the servicing arrangements being made with the various providers.
4.3.3 (c)	Site Services	All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.	The lift overruns are integrated into the building design, by being located behind parapets.	Yes Furthermore, a condition has been included within the recommendation requiring that roof-mounted air conditioning / heating, vents / ducts or the like shall not be visible from any public place.
4.3.3 (d)	Site Services	All communication dishes, antennas and the like shall be located to minimise visual prominence.		NA However, a condition has been included within the recommendation requiring any communication dishes, antennas or the like not being visible from any public place.
4.3.3 (e)	Site Services	An external lighting plan shall be prepared by a suitably qualified person and submitted with the development application.	An external lighting plan has been provided and is considered satisfactory.	Yes
4.3.3 (f)	Site Services	An on-going waste management plan shall be prepared by a	A detailed waste management plan has been provided and is	Yes

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Section	Control	Requirement	Proposed	Compliance
		suitably qualified person and submitted with the development application.	considered satisfactory.	
4.4.1 (a)	Site requirements for residential apartment buildings	Residential apartment buildings shall not be erected on land having an area less than 2,500m ² .	3,815m ²	Yes
4.4.1 (b)	Site requirements for residential apartment buildings	Residential apartment buildings shall only be permitted on an allotment having a minimum width of 30m measured at the front property boundary.	45.67m	Yes
4.4.1 (c)	Site requirements for residential apartment buildings	Any proposal, whereby an adjoining parcel of land has an area of less than 2,500m ² and not able to be developed as a residential apartment building in accordance with this Plan, the Development Application shall demonstrate how the adjoining affected parcel can be developed in an orderly manner.	The adjoining allotment to the south west of the site (37 Cumberland Road) is less than 2,500m ² and has a medium density development located on its other side.	Yes. A detailed concept type plan has been provided, demonstrating how the adjoining site could potentially be developed. Furthermore, the applicant made a reasonable attempt to acquire the adjoining allotment (37 Cumberland Road), however the owner made it very clear through various means of communication that they were not interested in selling.
4.4.2 (a) (i)	Building setbacks for residential apartment buildings	Residential apartment buildings shall be setback a minimum of 5.5m from any street boundary.	8.955m	Yes
4.4.2 (a) (ii)	Building setbacks for residential apartment buildings	Residential apartment buildings shall be setback a minimum of 6m from any other boundary.	A minimum setback of 6m is provided to both sides and the rear boundary.	Yes
4.4.3 (a)	General requirements for residential apartment buildings	A minimum of 5% of the total number of dwellings within a residential apartment building shall be one bedroom apartments or studios. Equating to a minimum of three – one bedroom apartments or studios.	The proposed development includes 15 – one bedroom apartments.	Yes
4.4.3 (b)	General requirements for residential apartment buildings	A minimum of 10% of the total number of dwellings within a residential apartment building shall be adaptable dwellings.	Eight of the units are adaptable.	Yes

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Section	Control	Requirement	Proposed	Compliance
		Equating to a minimum of six adaptable units.		
4.4.3 (c) (ii)	General requirements for residential apartment buildings	The floor space occupied by each dwelling within a residential apartment building shall be no less than 50m ² in case of a one bedroom apartment.	Each one bedroom apartment has a floor space in excess of 50m ² .	Yes
4.4.3 (c) (iii)	General requirements for residential apartment buildings	The floor space occupied by each dwelling within a residential apartment building shall be no less than 70m ² in case of a two bedroom apartment.	Each two bedroom apartment has a floor space in excess of 70m ² .	Yes
4.4.3 (c) (iv)	General requirements for residential apartment buildings	The floor space occupied by each dwelling within a residential apartment building shall be no less than 95m ² in case of a three bedroom apartment.	Each three bedroom apartment has a floor space in excess of 95m ² .	Yes
4.4.3 (d)	General requirements for residential apartment buildings	A maximum of eight dwellings shall be accessible from a common lobby area or corridor on each level of a residential apartment building.	A maximum of five apartments are accessible from a common lobby area on each level.	Yes
4.4.3 (e)	General requirements for residential apartment buildings	All residential apartment buildings shall contain at least one lift for access from the basement to the upper most accessible storey that contains a common lobby area or corridor.	All three lifts access the sub-floor level car park and each of the four stories above.	Yes
4.4.3 (f)	General requirements for residential apartment buildings	A maximum of 50 dwellings shall be accessible from a single common lift.	A maximum of 20 apartments are accessible from each lift.	Yes
4.4.3 (g)	General requirements for residential apartment buildings	Access to lifts shall be direct and well illuminated.	Each lift is appropriately located and illuminated.	Yes
4.4.3 (h)	General requirements for residential apartment buildings	A minimum of 25% of the required open space area, or 15% of the total site area, whichever is the greater, shall be available for deep soil planting.	Approximately 20% of the total site area.	Yes
4.4.3 (i) (ii)	General requirements for residential apartment buildings	Each apartment shall be provided with an 'incidentals' storage facility within the unit or the basement, which shall be secured for	Each apartment is provided with a storage facility that satisfies the relevant capacity requirements.	Yes

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Section	Control	Requirement	Proposed	Compliance
		<p>personal use of the occupants of each dwelling.</p> <p>Such storage facility shall have a storage capacity of no less than 8m³ in case of a one bedroom apartment, 10m³ in case of a two bedroom apartment and 12m³ in case of a three bedroom apartment.</p>		
4.4.4 (a)	Car parking and access	All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS 2890 (as amended), except as otherwise specified in the Plan.	Review of the proposal indicates that the proposal can satisfy the provisions of AS 2890.	Yes Furthermore, a condition has been included within the recommendation requiring compliance with such.
4.4.4 (b)	Car parking and access	The minimum dimensions of any parking space shall be 2.5 x 5.5m. The minimum width of any car parking space shall be increased by 300mm for each side that adjoins a vertical edge.	Each parking space is a minimum of 2.5 x 5.5m in dimension.	Yes
4.4.4 (c)	Car parking and access	Driveways shall be located a minimum distance of 6m from the splay of any unsignalled intersection.	The driveway is located in excess of 6m from any intersection.	Yes
4.4.4 (f)	Car parking and access	Development containing three or more storeys shall provide all required car parking at basement level.	All car parking is provided within the sub-floor level.	No However given that the variation is of a consequence of the car park area projecting in excess of 1m above the existing ground level and therefore not satisfying the basement provisions of Section 1.4 of the DCP, it is recommended that the proposed variation be supported in this instance.
4.4.4 (h)	Car parking and access	<p>Each dwelling shall be provided with a minimum of one car parking space, and:</p> <ul style="list-style-type: none"> • an additional car parking space for every four dwellings (or part thereof); and • an additional visitor car parking space for 	The proposed layout includes 75 car parking spaces.	Yes

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Section	Control	Requirement	Proposed	Compliance
		every 10 dwellings (or part thereof). Equating to 75 spaces		
4.4.4 (i)	Car parking and access	No required car parking space shall be in a stacked configuration.	No car parking spaces are of a stacked configuration.	Yes
4.4.4 (j)	Car parking and access	Each development shall make provision for bicycle storage at a rate of one space per five dwellings within common property. Equating to 11 bike storage spaces.	The proposed layout includes 16 bike storage spaces.	Yes
4.4.5 (a)	Solar access Design	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	The proposed layout utilises the northern orientation of the site.	Yes
4.4.5 (b)	Solar access Design	A minimum 20m ² area of the required private open space on adjoining land, shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	The majority of the private open space on the adjoining residence to the south will maintain in excess of three hours continuous solar access, between 9.00am and 3.00pm on 21 June.	Yes
4.4.6 (a)	Balconies and ground level courtyards	Apartments shall be provided with a private courtyard and / or balcony.	Each apartment is serviced as a minimum by either a private courtyard or a balcony.	Yes
4.4.6 (b) (i)	Balconies and ground level courtyards	Courtyards / balconies shall be not less than 8m ² in area and have a minimum depth of 2m.	Each apartment is serviced as a minimum by a courtyard or a balcony that is in excess of 8m ² in area and in excess of 2m in depth.	Yes
4.4.6 (b) (ii)	Balconies and ground level courtyards	Courtyards / balconies shall be clearly defined and screened for private use.	All courtyards and balconies are clearly defined and appropriately screened.	Yes
4.4.6 (b) (iii)	Balconies and ground level courtyards	Courtyards / balconies shall be oriented to achieve comfortable year round use.	Courtyards and balconies utilises the northern orientation of the site.	Yes
4.4.6 (b) (iv)	Balconies and ground level courtyards	Courtyards / balconies shall be accessible from a main living area of the apartment.	Courtyards and balconies are accessible from the main living area of each apartment.	Yes
4.4.7 (a)	Privacy	Ground level apartments, incorporating a courtyard shall be provided with a privacy screen.	The courtyards are appropriately fenced to provide privacy.	Yes
4.4.7 (b)	Privacy	No window of a habitable room or balcony shall be directly face a window of	Window and balconies don't directly face other windows, balconies or	Yes

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Section	Control	Requirement	Proposed	Compliance
		another habitable room, balcony or private courtyard of another dwelling located within 9m of the proposed window or balcony.	private courtyards.	
4.4.8 (a) (i)	Communal recreation facilities	Each residential apartment building shall be provided with a recreation room with minimum area of a 50m ² (per 50 dwellings).	The proposal includes a 70m ² recreation room.	No However given that the proposal is for 55 units (slightly beyond the 50 unit limit for developments that are serviced by a single recreation room) and that the proposed recreation room is of an area in excess of the 50m ² minimum size requirement, it is recommended that the proposed variation be supported in this instance.
4.4.8 (a) (ii)	Communal recreation facilities	Each residential apartment building shall be provided with a bbq / outdoor dining area with a minimum area of 50m ² (per 50 dwellings).	The proposal includes two outdoor courtyards – 80m ² and 135m ² in area.	Yes
4.4.8 (b)	Communal recreation facilities	Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	The communal facilities are located beyond the primary setback.	Yes
4.4.8 (c)	Communal recreation facilities	All communal recreational facilities shall be provided on the same land as the residential apartment building.	The site is a single allotment.	Yes
4.4.9.1 (a)	Residential apartment buildings and waste management	All buildings shall be provided with a 240L household garbage bin, per three apartments. Equating to 19 bins.	The application indicates that 19 bins can be housed within the various bin storage rooms.	Yes
4.4.9.1 (b)	Residential apartment buildings and waste management	All buildings shall be provided with a 240L recyclable bin, per three apartments. Equating to 19 bins.	The application indicates that 24 recyclable bins can be housed within the various bin storage rooms.	Yes
4.4.9.2 (a)	Garbage chutes and waste service rooms	All buildings with a rise of more than four storeys shall make provision for a household garbage chute on each level which is accessible for all occupants.	Each level is serviced by three garbage chutes.	Yes

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Section	Control	Requirement	Proposed	Compliance
4.4.9.2 (b)	Garbage chutes and waste service rooms	All garbage chutes shall have input points located within waste service rooms. Waste service rooms shall also make provision for a sufficient number of dry recycle bins for intermediate storage of recyclable materials for access by occupants on each level.	Each level is serviced by three recyclable bin areas.	Yes
4.4.9.2 (c)	Garbage chutes and waste service rooms	Garbage chutes shall not be located adjacent to habitable rooms in each apartment.	The garbage chutes are appropriately located.	Yes
4.4.9.2 (d)	Garbage chutes and waste service rooms	Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room.		Conditions have been included within the recommendation requiring compliance with the relevant design requirements.
4.4.9.2 (e)	Garbage chutes and waste service rooms	The outlet area in which the garbage chute outlets and mechanical collection devices are located shall be secured to prevent access by occupants.		Conditions have been included within the recommendation requiring compliance with the relevant design requirements.
4.4.9.3	Bin Storage Room	Design requirements		Conditions have been included within the recommendation requiring compliance with the relevant design requirements.
4.4.9.4	Garbage Compactors	Design requirements		Conditions have been included within the recommendation requiring compliance with the relevant design requirements.
4.4.9.5	Waste Collection	Design requirements		Conditions have been included within the recommendation requiring compliance with the relevant design requirements.

3. Planning Assessment

3.1 Isolation of Adjoining Site

As previously outlined, the adjoining allotment to the south west of the site (No. 37 Cumberland Road) is less than 2,500m² (the minimum site area requirement for Residential apartment buildings) and has a major drainage system constructed along its southern side which prevents further development to the sites immediate south or the joining of the site with other allotments to the south. As such, the allotment is considered to be isolated due to the proposed development and the surrounding physical constraints.

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With respect to the above isolation issue, there have been a number of Land and Environment Court appeals that have considered such an issue and as a result, the Land & Environment Court established a Planning Principle in order to fairly deal with development proposals where the proposal would result in the isolation of an adjacent allotment. Specifically, this Planning Principle was established as a consequence of the Land and Environment Court matter of "Grech at Auburn Council".

The Planning Principle established the following three main planning considerations relating to the isolation of land through redevelopment:

"Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application."

There is a history of negotiations between owners of the properties relating to the purchasing of the adjoining site at No. 37 Cumberland Road and the possibility of undertaking a joint venture development.

"Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property."

The applicant has provided a recent valuation (by a Certified Practising Valuer) of the adjoining site and an offer was made to the respective owners on the basis of that valuation. The owner of the adjoining site declined the offer. This information and evidence of the same was provided to Council as part of the assessment.

"Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the EP&A Act."

Evidence was provided to Council of all negotiations undertaken through the development process in order to respond to the isolated allotment issue and it is considered that on the basis of the evidence provided, the applicant has adequately addressed the Planning Principle.

In addition to the above, a detailed concept type plan showing the future development potential of the isolated site was also provided to Council by the applicant in order to further demonstrate that, notwithstanding the proposed development, the potential to develop the isolated allotment would not be removed as a result of the proposed development.

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3.2 Built Form

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

3.3 Natural Environment

The proposal involves the removal of 17 trees from the site that are a mixture of indigenous and exotic species. The application has been accompanied by an Arboriculture Assessment report, which outlines that the trees are appropriate for removal. Furthermore, as previously discussed, the proposed landscaping works include various indigenous trees and shrubs, and it is considered that such provides for the suitable replacement of the trees to be removed.

3.4 Overshadowing

The application has been accompanied by shadow diagrams depicting the extent of overshadowing at the winter solstice. It is considered that the extent of the overshadowing of adjacent properties is reasonable, given that the planning provisions provide for four storey apartment buildings on the land.

3.5 Privacy

Side and rear facing balconies are serviced by privacy type louvres. Furthermore, given the overall setbacks provided, it is considered that the proposal will not present unreasonable privacy impacts upon surrounding properties.

3.6 Traffic and Parking

It is considered that the proposal provides an adequate level of on-site parking and manoeuvring, and that through the inclusion of the recommended conditions, the proposal is unlikely to detrimentally impact upon traffic in the vicinity of the site.

3.7 Security and Safety

It is considered that the overall layout of the site, including landscaping and fencing, is suitable in regard to the relevant Crime Prevention Through Environmental Design 'principles for minimising crime risk'.

3.8 Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan and accordingly a condition has been included within the recommended conditions, requiring payment of such.

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3.9 Consultation

The application was referred to Council's Building Certification Unit, Council's Senior Development Engineer, Council's City Works Directorate, and Council's Waste and Recycling Services Section, for comment. No objections were raised, subject to the inclusion of conditions, which have been included within the recommendation.

4. Public Participation

In accordance with the requirements of Campbelltown Development Control Plan No. 87, the proposal was publically exhibited and notified to adjoining property owners from 12 November 2012 until 26 November 2012. Six submissions were received that comprised a mixture of objections and comments in respect to the proposal. The submissions raised the following concerns:

- **That a four storey building is out of character with the locality**

As previously outlined, it is considered that the building form and height of the development is consistent with the overall objectives and desired future character for the Ingleburn Town Centre.

- **That the development is not architecturally pleasing in design**

As previously outlined, a Design Verification Statement has been provided assessing the proposal against 10 specific design quality principles, as required by SEPP 65. While additionally it is considered that the building form is suitable having regard to the future likely development in the locality, which is in transition.

- **That the proposal will create car parking and traffic issues**

As previously outlined, the proposal satisfies the relevant on-site car parking and manoeuvring requirements and is considered acceptable in this regard.

- **That the development will adversely impact upon trees**

As previously outlined, the proposal involves a substantial level of replacement trees and shrubs, and it is considered that such provides for the suitable replacement of the trees to be removed. Furthermore, the application has been accompanied by an Arboriculture Assessment report, which outlines that subject to the implementation of Asset Protection Zones during the construction stage that the proposal is unlikely to impact upon trees located on adjacent properties.

- **That the development will generate drainage impacts**

The application was accompanied by a detailed stormwater concept plan, outlining methods of stormwater disposal. Conditions have been included within the recommendation requiring compliance with the relevant stormwater and drainage requirements of the Campbelltown (Sustainable City) Development Control Plan 2009.

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- **Impact of the proposed development upon property values**

While this is not a matter for consideration under the provisions of the *EP&A Act*, it is also noted that no justification or specific evidence has been provided in support of this claim.

- **That the proposed development will encourage vandalism in the area**

As previously outlined, it is considered that the overall layout, is consistent with the relevant Crime Prevention Through Environmental Design 'principles for minimising crime risk'. Furthermore, a condition has been included within the recommendation requiring ongoing graffiti management of the site.

- **That the proposal provides insufficient waste management facilities**

As previously outlined, the development incorporates comprehensive internal waste storage facilities, with access to readily available to all occupants. Furthermore, conditions have been included within the recommendation requiring waste management practices being implemented at all times, including the utilisation of a waste manager to provide for the presentation of bins for roadside collection.

- **That the proposal will adversely impact on services in the area**

Conditions have been included within the recommendation requiring approvals being obtained from the relevant service providers in relation to water, sewage and electricity.

- **Impacts upon surrounding residents during the construction process**

Conditions have been included within the recommendation in relation to noise levels, dust management and sediment control, along with the provision of dilapidation reports, to minimise impacts associated with the construction process.

In addition to these matters of objection it is noted that comments were received during the notification period in relation to the need for additional planning controls for the Ingleburn Town Centre and in relation to the notification / exhibition process.

5. Conclusion

The proposal generally complies with the relevant planning provisions and is consistent with the overall planning objectives for the Ingleburn Town Centre which encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities. As detailed previously, the building is of an architectural style that is in keeping with existing and desired future developments in the locality, while not adversely impacting upon the natural environment.

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Approval of the application will enable the construction of additional housing within close proximity to the Ingleburn Town Centre, which has specifically been identified for increased employment, public transport and higher density residential development in Council's planning documents such as the Campbelltown (Urban Area) Local Environmental Plan, 2002 and the Sustainable City Development Control Plan.

Moreover, it is considered that the overall development does not compromise the future orderly development of land in the immediate vicinity of the site.

Officer's Recommendation

That Development Application No. 770/2012/DA-RA, for the demolition of existing structures, removal of trees and construction of a four storey residential flat building, comprising of 55 units, above sub-floor level car park, at Nos. 31, 33 & 35 Cumberland Road, Ingleburn, be approved, subject to the conditions within Attachment No. 1.

Having declared an interest in regard to Item 3.4, Councillor Matheson left the Chamber and did not take part in debate nor vote on this item.

Committee Note: Ms Paccione addressed the Committee objecting to the development application.

Mr El-Sabbagh the Architect addressed the Committee in support of the application.

Committee's Recommendation: (Kolkman/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation was Councillor: Lound.

At the conclusion of the discussion regarding Item 3.4, Councillor Matheson returned to the Chamber for the remainder of the meeting.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

Council Meeting 26 February 2013

Having declared an interest in regard to Item 3.4, Councillor Matheson left the Chamber and did not take part in debate nor vote on this item.

Note: Councillor Matheson advised that her Declaration of Interest at the Planning and Environment Committee Meeting in regard to Item 3.4 - Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition of existing structures, removal of trees and construction of a four storey residential flat building comprising of 55 units above a sub-floor level car park - was incorrectly recorded as Non Pecuniary - Significant and should have been Non Pecuniary Less than Significant.

Council Meeting 26 February 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 11

That the Officer's Recommendation be adopted.

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

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

At the conclusion of the discussion regarding Item 3.4, Councillor Matheson returned to the Chamber for the remainder of the meeting.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures,
Removal Of Trees And Construction Of A Four Storey Residential Flat Building
Comprising 55 Units Above A Sub-Floor Level Car Park

ATTACHMENT 1

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 completed in accordance with the approved plans prepared by Designcorp Architects, listed below, and all associated documentation submitted with the application, except as modified in red by Council and / or any conditions of this consent.

Plan Identification	Date Received by Council
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F000	30 January 2013
F200	30 January 2013
F201	30 January 2013
F202	30 January 2013
F300	30 January 2013
F500	30 January 2013
F501	30 January 2013
C009	30 January 2013
F010	30 January 2013

2. Subdivision

- a. This Development Consent does not give any approval for subdivision. Should subdivision be required, a separate development application shall be lodged with Council for consideration.
- b. Any future subdivision shall be undertaken in accordance with the approved plans and any conditions of this Development Consent. Furthermore, by-laws are to be implemented that reinforcing the applicable requirements of any conditions of this Development Consent.

3. Building Code of Australia

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

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

4. 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
- c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works

5. 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
- 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.

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. Notification of Home Building Act 1989 Requirements

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

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

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

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

8. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 1 May 2012. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

9. Landscaping

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan prepared by Online Landscape, submitted to Council on 7 February 2013, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
 - b. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
 - c. All trees are to be staked and tied with a minimum of three hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
 - d. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
 - e. Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of trees. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.
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3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

10. Fencing

No approval is issued for any boundary fencing. Any such fencing is to be dealt with separately pursuant to the provisions of the Dividing Fences Act 1991.

11. Switchboards / Utilities

- a. Switchboards 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.
- b. Any plant and / or air conditioning infrastructure is to be located on the roof of the building behind (and not above) the parapet wall.

12. 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.

13. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

14. Driveway

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

The entry to the basement car park driveway shall be designed in accordance with the submitted plans and the Campbelltown (Sustainable City) Development Control Plan 2009.

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

15. Basement Operation and Car Parking Spaces

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

75 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended). Each car parking space is to be made available exclusively for the use of the intended users of such, in accordance with the approved plans.

The ceiling of sub-floor level car parking is to be finished in white paint, as to increase the effectiveness of lighting.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

16. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls covered to the floor
- b. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket
- c. A hose cock shall be provided within the room
- d. Garbage rooms shall be vented to the external air by natural or artificial means.

17. Garbage Chutes

Garbage chutes are to be provided in accordance with the approved plans. The waste / chute rooms on each level must accommodate at least two 240L recycling bins. Chute and compactor systems must not be used for recyclables.

18. Rubbish and Recycling Bin Storage

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

The bins shall only be stored in accordance with the approved plans.

The garbage compactor and bin storage rooms, are to be finished and maintained, in accordance with the requirements of Section 4.3.10 of the Campbelltown (Sustainable City) DCP 2009.

19. Site Manager

A site manager shall be employed to manage all on-site waste management activities.

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.

21. Storage / Clothes Drying

No clothing, curtains, rugs, mops or other item, is to be placed on or from any windows, doors, railings or balconies at any time.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

22. 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.

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.

23. Consolidation of Allotment

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

24. 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.

25. Underground Services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provider. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the developer.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

26. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, development plans should be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and or easements, and if further requirements need to be met. The plans, including any amended plans are required to be appropriately stamped.

27. 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.

28. Demolition of Existing Dwelling

Prior to Council or an accredited certifier issuing a construction certificate, the existing dwellings, sheds, etc. shall be demolished in accordance with the approved plans and all materials removed from the site.

29. Geotechnical Report

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

30. Soil and Water Management Plan

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

31. Construction Traffic Management Plan

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

- Required loading zones and parking restriction areas near the development site to allow for manoeuvring and loading / unloading of heavy vehicles associated with the development
- 'Staging' locations, where heavy vehicles wait until such time that adequate space is available adjacent to the development site for loading / unloading
- Proposed access routes for heavy vehicles loading / unloading at the site
- Hours of truck movements
- Consultations made with potentially affected residents.

It is noted that the Construction Traffic Management Plan is to be referred to Council's Local Traffic Committee for consideration, prior to any approval being issued.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

32. Traffic Control Plans

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

33. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

34. Stormwater Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to Council's nearest drainage system. All proposals shall comply with the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

35. Downstream Drainage

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall liaise with adjoining land owners regarding downstream drainage and shall submit to the Council written approval from the owner(s) granting permission to discharge stormwater and to create an easement with a set width to Council's current requirement over any drainage works required to traverse those lands. Any easements required shall also be created and registered with Land and Property Information NSW prior to issue of the construction certificate.

36. Dilapidation Report

Prior to the issuing a Construction Certificate, dilapidation reports on the visible and structural condition of all structures and land, at the following properties, is to be provided the Principal Certifying Authority, for approval.

Address:

- 7-9 Flint Street, Ingleburn;
 - 29 Cumberland Road, Ingleburn; and
 - 37 Cumberland Road
-

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

Each dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a consulting structural / geotechnical engineer as determined necessary by that professional, based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking a dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation reports are to be provided to Council, prior to the commencement of works. A dilapidation report may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

37. Work on Public Land

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

38. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2009 volume 2 and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

39. Design for Access and Mobility

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

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

40. Noise from Plant

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

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

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

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.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

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.

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.

42. 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.

43. Erection of Construction Sign

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

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

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

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

44. 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.

45. 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.

46. Construction Vehicle Control

Prior to the commencement of any works on the land, the applicant shall meet with Council's Traffic Officers and Compliance Officers to discuss the management of the various stages of the development and the management of construction and workers vehicles in and around the site.

No works shall commence until Council have issued written approval to the Construction Traffic Management Plan.

47. 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.

48. 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.

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49. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

50. 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.

51. 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.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

52. Fencing

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

53. Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick check agent details - see Building Developing and Plumbing then Quick Check
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating

or telephone 13 20 92.

54. Geotechnical Reference

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

55. 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.

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.

56. Construction Work Hours

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

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

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57. Unreasonable Noise and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. The works shall be undertaken in accordance with the recommendations of the Office of Environment and Heritage's publication 'Interim Construction Noise Guideline'. 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, dust or vibration problem arising at the time, 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 Council's satisfaction.

58. 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.

59. 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.

60. Protection of Existing Trees

- a. 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.
-

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

- b. Asset Protection Zones are to be implemented and maintained in accordance with the Arborist Assessment, prepared by Redgum Arboriculture & Horticulture Consultants, received by Council on 30 January 2013.
- c. 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.

61. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

62. Certification of Location of Building during Construction

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

63. Certification of 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.

64. Certification of Levels of Building during Construction

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

65. 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.

66. 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
-

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

- 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
- 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.

67. 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.

68. 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 2009 - Volumes 1 and 2
- c. 'Soils and Construction (2004) (Bluebook)
- d. Relevant Australian standards and State Government publications.

69. Footpath

The footpath adjoining the subject land shall be regraded in accordance with levels to be obtained from Council, and concrete foot paving / pavers in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2 shall be constructed to the satisfaction of Council. Areas not concreted shall be topsoiled and turfed. The footpath formation may need to be extended beyond the site boundary to provide an acceptable transition to existing footpath levels.

70. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Medium Density Vehicle Crossing Specification.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

71. 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.

72. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

73. 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.

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

75. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a Section 73 certificate issued by Sydney Water.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

76. 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.

77. 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.

78. Restriction on the Use of Land

Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall create a restriction on the use of land under Section 88B of the Conveyancing Act, in relation to the overland flow path swales.

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. Design plans and work as executed plans shall show affected lots marked with Council approved symbols. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

79. Registration of Levels

Prior to the principal certifying authority issuing an occupation certificate, a qualified practicing surveyor shall certify that the finished floor and finished surface levels of the development comply with the relevant condition in the development consent. An electronic copy of this work as executed information shall also be submitted to Council, complying with the following provisions:

- a. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System.
- b. DXF and/or MID/MIF file format(s), and
- c. Datum to be AHD (Australian Height Datum)

80. 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.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

81. 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.

82. Line Marking / Sign Posting Documentation

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of any line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

83. BASIX

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

84. Clotheslines / Clothes Dryers

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

85. Cooling Tower Registration

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall make application and obtain approval from Council for registration of the cooling tower/s.

86. Termite Protection

Prior to the principal certifying authority issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

87. 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.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

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

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

Advice 2. Tree Preservation Order

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

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

Advice 3. Provision of Equitable Access

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

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

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures, Removal Of Trees And Construction Of A Four Storey Residential Flat Building Comprising 55 Units Above A Sub-Floor Level Car Park

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

Advice 4. Smoke Alarms

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

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

Advice 5. Filling on Site

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

Advice 6. Buried Waste

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

Advice 7. Covenants

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

Advice 8. 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 9. 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.

3.4 Nos. 31 - 35 Cumberland Road, Ingleburn - Demolition Of Existing Structures,
Removal Of Trees And Construction Of A Four Storey Residential Flat Building
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Advice 10. Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Advice 11. Dial 1100 Before you Dig

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

Advice 12. Telecommunications Act 1997 (Commonwealth)

Please note that under the Telecommunications Act 1997 (Commonwealth) Telstra's written authorisation is required before any person can enter land or undertake work on any Telstra's assets. Any person caught interfering with a facility or installation owned or operated by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. If you are aware of any works or proposed works which may affect or may impact on Telstra's assets in any way please contact Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS

3.5 2013 UDIA Congress

Reporting Officer

Director Planning and Environment

Attachments

Congress Program (to be tabled)

Report

The UDIA Congress for 2013 will be held in Melbourne on the 4-7 March 2013. The theme for the four day program is 'Population: Vision for a Nation'. The Program includes a number of informative speakers who will discuss Australia's population growth on a Federal, State and local level context. The Program will include a number of tours of award winning urban developments in and around Melbourne.

The Congress will bring together State and local politicians, developers, academics, practitioners and professionals from around Australia to hear and discuss population issues and how this will be influencing the development industry in Australia. Participants at the Congress will also gain benefit from Professor Lorraine Farrelly, Professor of Architecture and Design from the University of Portsmouth, UK, who has had experience in architecture and urban design in a number of European cities, including Dublin, Paris, Amsterdam, Vienna, Venice, Rotterdam and Segovia in Spain.

Development and industry trends are indicating that the housing sector will continue to see growth, and for the Campbelltown Local Government Area this will be highlighted with the new urban release areas. Population growth and the creation of new towns to cope with the demand will continue to have an impact on infrastructure planning and funding. The Congress will provide some insight into how Government will be planning for this future growth in population.

This is considered a reasonable forum for the Local Government Industry and it is recommended that the General Manager or nominee, the Manager Development Services and any interested Councillors be authorised to attend the 2013 UDIA Congress in Melbourne.

Officer's Recommendation

1. That the General Manager or nominee, the Manager Development Services and any interested Councillors attend the 2013 UDIA Congress in Melbourne.
 2. That all fees and charges be paid in accordance with Council's Policy.
-

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

Councillor Mead asked that his name be recorded in opposition to the resolution in regard to Item 3.5 - 2013 UDIA Congress.

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Acting Manager Compliance Services

Attachments

Nil

Purpose

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

Report

This report contains a summary of the current status of the Division's legal matters for the 2012-2013 period as they relate to:

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

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

1. Land and Environment Court Class 1 Matters – Appeals Against Council’s Determination of Development Applications

Total ongoing Class 1 DA appeal matters (as at 05/02/2013) 1
Total completed Class 1 DA appeal matters (as at 05/02/2013) 0
Costs from 1 July 2012 for Class 1 DA appeal matters: \$119.40

1 (a) Cardno (NSW/ACT) Pty Limited

Issue: Appeal against Council’s deemed refusal of Development Application No. 2052/2012/DA-C for the use of approved retail premises as a liquor store.

Property: SP 85424, 4 Rennie Road, Campbelltown

Property Owner: Andrew Osborne ATF AKO No. 2 Trust

Council File: No. 2052/2012/DA-C

Court Application: Filed on 6 December 2012 - File No. 11207/2012

Applicant: Cardno (NSW/ACT) Pty Limited

Costs Estimate: \$25,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$0.00

Status: Ongoing – Adjourned to 14 and 15 March 2013 for hearing.

Progress: At the mention on 15 January 2013 the Court gave directions in respect of the hearing which is listed for 14 and 15 March 2013.

2. Land and Environment Court Class 1 Matters – Appeals Against Council’s issued Orders / Notices

Total ongoing Class 1 Order/Notice appeal matters (as at 05/02/2013) 0
Total completed Class 1 Order/Notice appeal matters (as at 05/02/2013) 0
Costs from 1 July 2012 for Class 1 Order/Notices appeal matters: \$0.00

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

Total ongoing Class 4 matters before the Court (as at 05/02/2013)	1
Total completed Class 4 matters (as at 05/02/2013)	0
Costs from 1 July 2012 for Class 4 matters	\$14,656.84

3 (a)	Precision Logistics Pty Ltd & Robert Andrew Tebb & Annette Margaret Tebb
Issue:	Enforcement action initiated by Council to restrain the respondents from conducting unauthorised trucking activities on the property.
Property:	Lot 7 DP 1008057 and Lot 92 DP 1004803 No 20 Frost Road Campbelltown
Property Owner:	Robert Andrew Tebb and Annette Margaret Tebb
Council File:	No. 845/2012/DA-I
Court Application:	Filed on 20 December 2012 - File No. 12/41261
Respondents:	Precision Logistics Pty Ltd & Robert Andrew Tebb and Annette Margaret Tebb
Costs Estimate:	\$30,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing - Adjourned to 1 March 2013 for directions hearing.
Progress:	On 1 February 2013 the proceedings were adjourned pending Council's Ordinary Meeting on 26 February 2013 when Development Application No. 845/2012/DA-I, which seeks to regularise the use for certain truck maintenance operations and the construction of an acoustic wall and storage building on the property, will be considered.

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

Total ongoing Class 5 matters before the Court (as at 05/02/2013)	0
Total completed Class 5 matters (as at 05/02/2013)	0
Costs from 1 July 2012 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 05/02/2013)	0
Total completed Class 6 matters (as at 05/02/2013)	0
Costs from 1 July 2012 for Class 6 matters	\$0.00

6. District Court – Matters on Appeal from lower Courts or Tribunals not being environmental offences

Total ongoing Appeal matters before the Court (as at 05/02/2013)	0
Total completed Appeal matters (as at 05/02/2013)	0
Costs from 1 July 2012 for District Court matters	\$0.00

7. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 05/02/2013)	3
Total completed Local Court Matters (as at 05/02/2013)	11
Costs from 1 July 2012 for Local Court Matters	\$3,616.00

File No:	LP01/13 – Court Election of Penalty Notice
Offence:	Deposit litter (cigarette) from vehicle.
Act:	<i>Protection of the Environment Operations Act 1997</i>
Costs to Date:	\$0.00
Status:	Ongoing
Progress:	Not guilty plea entered. Listed for defended hearing on 25 March 2013

File No:	LP02/13 – Penalty Notice Court Election
Offence:	Own dog that attacks (rush at, harass, or chase) person.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$0.00
Status:	Ongoing
Progress:	Not guilty plea entered. Listed for defended hearing on 26 March 2013

File No:	LP03/13 – Penalty Notice Court Election
Offence:	Development not in accordance with consent - corporation.
Act:	<i>Environmental Planning and Assessment Act 1979</i>
Costs to date:	\$0.00
Status:	New Matter
Progress:	Listed for first mention on 19 February 2013.

8. Matters Referred to Council's solicitor for advice

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

Total Advice Matters (as at 05/02/2013)
Costs from 1 July 2012 for advice matters

5
\$10,830.80

9. Legal Costs Summary

The following summary lists the Planning and Environment Division's net legal costs for the 2012/2013 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$119.40	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$0.00	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$14,656.84	\$0.00
Class 5 Land and Environment Court - pollution and planning prosecution matters	\$0.00	\$0.00
Class 6 Land and Environment Court - appeals from convictions relating to environmental matters	\$0.00	\$0.00
Land and Environment Court tree dispute between neighbours matters	\$0.00	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$3,616.00	\$940.00
Matters referred to Council's solicitor for legal advice	\$10,830.80	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$29,223.04	\$940.00
Overall Net Costs Total (GST exclusive)	\$28,283.04	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

4.2 Compliance Services Quarterly Statistics October to December 2012

Reporting Officer

Acting Manager Compliance Services

Attachments

Compliance Services Quarterly Activity Summary Table

Purpose

To provide Council with a quarterly report of activities for the Compliance Services Section.

Report

This report summarised key section activities and operational results for the reporting period October to December 2012.

1. Regulated Premises Inspections

Regulated premises inspection statistics presented in the Activity Summary Statistics Table in the attachment are divided into Food, Public Health and Wastewater Management System inspections.

All regulated premises are placed in a risk category. The frequency of inspections varies according to the risk classification. Additional inspections (i.e reinspections) are sometimes undertaken when premises are found to be unsatisfactory and there is an identified need to follow up on outstanding matters.

a. Food Premises

Within Campbelltown there are approximately 758 regulated food premises separated into three categories requiring 1,136 scheduled inspections per annum as follows:

Low Risk Premises 1 (inspections of market and events throughout the year) ie Fisher's Ghost, Ingleburn Alive, Riverfest, New Year's Eve and Australia Day.

Low Risk Premises 2 (inspected as required for food recalls or customer complaint - includes food businesses such as pre-packaged food outlets, variety stores, confectionary shops, chemists, video stores, newsagents, teaching kitchens and tobacconists.

Medium Risk Premises (inspected once per year) - includes fruit and vegetable stores, service stations and convenience stores (serving unpackaged food), general grocery stores and minimal food preparation stores.

High Risk Premises (inspected twice per year) - includes restaurants, takeaway shops, cafes, clubs, childcare centres, supermarkets, unprepared fish shops, delicatessens, school canteens, mobile food vendors, boarding houses and charcoal chicken outlets.

Food Premises Category	No. of Premises	No. of Annual Inspections
Low Risk 1	9	9
Low Risk 2	143	when required
Medium Risk	85	85
High Risk	521	1042
TOTAL	758	1136

Amendments to the *Food Act 2003* and the establishment of the Food Regulations Partnership between the NSW Food Authority and NSW councils in 2008 resulted in a mandated and more consistent role for Local Government in food regulation.

As a result Council reviewed its food premises categories and inspection frequency in order to be consistent with other NSW councils.

A total of 362 food premise inspections were conducted for the reporting period, which is higher than quarterly average inspection numbers (317) for 2011-2012. Of the 362 inspections undertaken, 63 (17.4%) food premise inspections were recorded as unsatisfactory. Follow up reinspections are undertaken where premises are found to be unsatisfactory at the time of initial inspection, to ensure they reach a satisfactory standard. In certain situations, Improvement Notices or Penalty Notices are issued under the *Food Act 2003* when necessary to encourage compliance.

b. Public Health

Within Campbelltown there are approximately 275 regulated premises separated into three risk categories requiring 286 scheduled inspections per annum.

- **Category 1 Premises** (inspected once per year) - beauty salons (low risk), boarding houses, funeral parlours, skin penetration (low risk procedure, i.e. waxing), hairdressers, nail artists.
- **Category 2 Premises** (inspected twice per year) - brothels, skin penetration (high risk procedure - body piercing).
- **Category 3 Premises** (inspected once per year) - *Legionella* microbial control (air-conditioning towers).
- **Category 4 Premises** (inspected via complaints) - Public and private swimming pools.

Health Premises Category	No. of Premises	No. of Annual Inspections
Category 1 - Medium	162	162
Category 2 - High	27	54
Category 3 - Low	70	70
Category 4- Swimming Pools	16	via complaints only
TOTAL	275	286

A total of 5 health premises inspections were conducted for the reporting period being below the number of inspections undertaken during the corresponding quarter (46) in 2011-2012 and quarterly averages (58) for 2011-2012 year. This reduction in the number of health premise inspections was primarily due to inspection resources being prioritised to address overdue food premises inspections from the previous quarter. A large number of food and health related complaints (97) were also received during the quarter which limited available resources to conduct scheduled health premise inspections.

Of the 5 regulated health premises inspections conducted during the reporting period, 5 (100%) of the premises inspected were recorded as unsatisfactory.

Follow up (reinspections) are undertaken where premises are found to be unsatisfactory at the time of initial inspection to ensure the premises reach a satisfactory standard.

c. Wastewater Management Systems

The effective regulation and management of on-site wastewater management systems is necessary to ensure these systems operate properly and as a consequence do not cause a threat to the environment or human health.

As part of its effort to more effectively manage and regulate wastewater management systems, Council revised its Wastewater Management Strategy which was formally adopted by Council on 7 July 2009.

The implementation of the revised strategy has continued and is staged, with various unsewered locations throughout the City being addressed progressively.

A total of 46 system inspections were conducted during the reporting period.

In addition, a total of three new installations were approved and 36 existing systems were issued with an approval to operate during the reporting period.

2. Notices/Orders Issued

Food Act 2003 Notices are usually issued where there is repeated failure by a proprietor to meet appropriate standards or where serious breaches are identified. A total of one *Food Act 2003* Notice was issued during the reporting period, being lower than quarterly average *Food Act* notice numbers (10) for 2011-2012.

Local Government Act 1993 Notices and Orders are issued for a range of matters including overgrown, unhealthy, unsafe or unsightly conditions. The number of *Local Government Act 1993* Notices and Orders issued during the reporting period was 72 being relatively consistent with the corresponding quarter (83) in 2011-2012.

The number of *Swimming Pools Act 1992* Directions issued (31) requiring the erection of pool fencing or fencing repairs was higher than the corresponding quarter (14) in 2011-2012.

Environmental Planning and Assessment Act 1979 Notices and Orders are issued by Land Use and Environmental Compliance staff, primarily to ensure that premises comply with conditions of development consent and to regulate unauthorised land use. A total of 40 Notices and Orders were served during the reporting period which is lower than quarterly averages (48) for 2011-2012.

Protection of the Environment Operations Act 1997 (POEO) Notices are issued for a variety of pollution matters including water pollution and waste dumping. The number of POEO Notices issued for the reporting period (10) was marginally lower than quarterly averages (14) for 2011-2012.

Companion Animals Act 1998 Notices are issued to ensure owners of dogs and cats keep their animals in accordance with the *Companion Animals Act 1998* requirements. No Notices/Orders were issued during the reporting period.

3. Customer Service Requests

The Compliance Services Section receives a significant number of customer service requests across a broad range of issues as represented in Attachment 1. A total of 793 customer service requests were received for the reporting period. Significant complaint categories were barking dogs (95 requests), parking (including heavy vehicles) (109 requests), health (non regulated premises) (77 requests), abandoned motor vehicles (71 requests), pollution (70 requests) and illegal construction/development (73 requests).

4. Applications

Building Certificate Applications relate to certificates issued under Section 149A of the *Environmental Planning and Assessment Act 1979* and provide assurance to applicants upon issue that Council will not take action to require the demolition or upgrade of the respective structure for a period of seven years after the date of issue of the certificate. These certificates are generally sought upon sale of property.

The number of Building Certificate Applications (16) received during the reporting period was consistent with the quarterly average (13) experienced in 2011-2012 period.

Staff have continued to seek applications for an approval to operate a system of waste water management, from system owners, on a risk category basis. Seven applications for approval to operate a wastewater management system were received during the reporting period being significantly lower than the average number of applications (48) received per quarter for 2011-2012. This variation is typical as application numbers fluctuate in response to bulk mail outs that are conducted from time to time to seek applications from different areas within the Local Government Area.

Six Section 68 (*Local Government Act 1993*) Event applications were received. These were for Fishers Ghost Festival 31 October to 18 November 2012, Hollylea Road Festival 18 November 2012, Carols in the Park at Koshigaya 8 December 2012, Loko Mela (festival on Victory Day of Bangladesh) 16 December 2012, Community Carols at Rosemeadow Reserve 23 December 2012 and Disability Community Picnic 27 October 2012.

5. Impounding

The number of dogs impounded during this reporting period was 354, being less when compared to 431 dogs for the corresponding quarter in 2011-2012. The percentage of dogs microchipped at the time of impounding was 85%.

A total of 163 cats were impounded throughout the reporting period which is lower than the number of cats impounded (244) in the corresponding quarter in 2011-2012. The number of cats that are microchipped at the time they were impounded is typically lower than the dogs and for this reporting period, 14% were microchipped.

The number of abandoned vehicles impounded for this quarter was 5. None of these vehicles were released back to their owners. Four of these vehicles were disposed of by Council. Council is currently holding one abandoned vehicle.

No shopping trolleys were impounded during the quarter.

6. Penalty Notices

Council issues a range of penalty notices relating to various matters including parking offences (on street, Council car parks, school zones), companion animal registration, dog straying, littering, fail to comply with orders, food safety and fail to obtain or comply with development consent. Refer to the table at Attachment 1 for the number of penalty notices issued under the various offence categories.

The number of penalty notices issued for parking offences in Council car parks (398) was below the number of penalty notices issued in the corresponding quarter (530) in 2011-2012. The number issued for on-street offences (305) was also lower than the corresponding quarter (770) in 2011-2012.

7. Compliance/Education Programs

Compliance programs are an integral component of the Section's activities and represent a coordinated proactive approach to targeting specific community concerns. Resources are deployed strategically on a local or citywide basis as an alternative to addressing complaints on an individual basis.

A summary of Compliance Programs undertaken during the reporting period follows:

a. Illegal Parking in School Zones

During the reporting period, 25 school locations were patrolled resulting in the issue of 19 penalty notices.

b. Illegal Sign Statistics

A summary of sign statistics for the quarter can be located in Attachment 1.

c. Illegal Trail Bike Riding

During the reporting period no joint patrols with Police were undertaken. NSW Police are currently reviewing their trail bike patrol program which has impacted on the conduct of future joint patrols with Council and other agencies. Historically this program has been successful in addressing wide ranging illegal trail bike riding issues across the local government area.

Rangers continue to undertake a number of single agency patrols of known trail bike riding hot spots in response to community complaints.

In accordance with Council's resolution following consideration of a report on quarterly statistics for the prior quarter (July to September 2012) written representation was made to the NSW Police seeking their support to continue joint illegal trail bike riding operations. An initial reply has been received from Macquarie Fields Local Area Commander, Superintendent Gersbach, to advise the matter has been referred to the South West Metropolitan Region to confirm the participation and commitment of the Traffic and Highway Patrol command to future joint trail bike operations.

d. Litter from Vehicles

For the reporting period one operation was undertaken which resulted in the issuing of eight penalty notices.

e. Shopping Trolleys

No coordinated programs were conducted during the reporting period.

Random patrols were conducted which resulted in 3 trolleys being impounded.

f. Truck Parking

No truck parking patrols were undertaken during the reporting period.

8. Other Activities

A summary of other activities or initiatives implemented within the reporting period are listed below:

- Council continues to conduct surveillance of construction sites for sediment and erosion control compliance
 - Active participation in the Food Regulation partnership, incorporating activity reporting and the review of inspection procedures and related documentation
 - Continued participation in the Sydney South West Area Health Service Public Health Unit Skin Penetration Working Group to improve industry practice and compliance
 - Patrols (by way of formalised agreement) of disabled parking at Campbelltown Mall and Macarthur Square continued through the reporting period
 - Periodic (three yearly) review of risk identification documents for various environmental health, building, land use, animal care/control and ranger activities
 - Ongoing review and development of Standard Operating Procedures relating to Section activities, tasks and programs
-

- Continuation of participation in the CAWS subsidised desexing program for cats and dogs jointly with the RSPCA and Sydney University Veterinary Training Hospital Camden Campus. This program provides subsidised desexing in identified hot spots locations within the City for low income earning people. A total of 103 dogs and 58 cats were desexed in the 2012 CAWS Program.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Activity	2012-2013 Quarter Results				YTD
	1	2	3	4	
Regulated Premises Inspections					
Food	144	362			506
Public Health	7	5			12
Wastewater Management Systems	44	46			90
Total	195	413			608
Notices/Orders Issued					
<i>Food Act 2003</i>	16	1			17
<i>Local Government Act 1993</i>	64	72			136
<i>Swimming Pool Act 1992</i>	28	31			59
<i>Protection of Environment Operations Act 1979</i>	7	10			17
<i>Environmental Planning and Assessment Act</i>	32	40			72
<i>Companion Animals Act 1998</i>	6	0			6
Total	153	154			307
Customer Requests					
Abandoned Motor Vehicles	69	71			140
Animals (other)	23	22			45
Barking Dogs	122	95			217
Dog Attacks	18	18			36
Dog Straying	44	54			98
Food/Health (regulated)	19	20			39
Footpath Obstruction	6	17			23
Health (other)	60	77			137
Heavy Vehicle Parking	38	29			67
Illegal Constructions/Development	62	73			135
Misuse of Council Park	4	7			11
Overgrown Land	26	38			64
Parking (General)	86	80			166
Pollution	79	70			149
Rubbish Dumping/Litter	34	61			95
Shopping Trolley	14	12			26
Signs	3	3			6
Swimming Pool Fence	14	27			41
Trail Bikes	13	12			25
Tree Removal/Dangerous	9	7			16
Total	743	793			1536
Applications					
Building Certificates	13	16			29
Approval to Operate Effluent Disposal System Section 68 (<i>Local Government Act 1993</i>)	2	10			12
Event Approvals Section 68 (<i>Local Government Act 1993</i>)	4	6			10
Total	19	32			51

Activity	2012-2013 Quarter Results				YTD
	1	2	3	4	
Impounding					
Abandoned Vehicles	8	5			13
Shopping Trolleys	43	0			43
Dogs (Incoming)					
Impounded	417	354			771
Surrendered	119	134			253
Dogs (Outgoing)					
Released to Owner	254	197			451
Sold	134	94			228
Released to rescue organisation		23			23
Euthanased – Surrendered by Owner	63	78			141
Euthanased – Restricted Dog	2	1			3
Euthanased – Health/temperament	54	69			123
Euthanased – Unable to re-home	38	26			64
Total	545	488			1033
Cats (Incoming)					
Impounded	152	163			315
Surrendered	39	82			121
Cats (Outgoing)					
Released to Owner	8	11			19
Sold	18	25			43
Released to rescue organisation		2			2
Euthanased – Surrendered by Owner	6	19			25
Euthanased – Health/temperament	100	138			238
Euthanased – Unable to re-home	153	40			193
Total	285	235			520
Penalty Notices					
Companion Animals	115	206			321
Environmental – includes litter and waste dumping	22	26			48
General – includes Public Health and Food Safety	13	22			35
Land Use	7	1			8
Parking (car parks)	400	398			798
Parking (on street)	227	305			532
Total	784	958			1742
Compliance Programs					
Illegal Parking in School Zones					
Patrols	14	25			39

Activity	2012-2013				YTD
	Quarter Results				
Warnings	0	1			1
Penalty Notices	18	19			37
Illegal Signs					
Complaints – Council property	2	3			5
Complaints – Private property	0	0			0
Letters sent	7	0			7
Cautions issued	0	0			0
Fines issued	0	0			0
Removed (posters from poles)	302	40			342
Illegal Trail Bike Riding					
Join Patrols	0	0			0
Bikes Seized	0	0			0
Penalty Notices (Police)	0	0			0
Penalty Notices (Council)	0	0			0
Charges	0	0			0
Juvenile Cautions	0	0			0
Litter from Vehicles					
Patrols	0	1			1
Penalty Notices	0	8			8
Shopping Trolleys					
Patrols	3	0			3
Trolley's Tagged	64	0			64
Trolleys Impounded	43	3			46
Contractor Notified	43	0			43
Truck Parking					
Patrols	2	0			2
Penalty Notices	12	0			12

4.3 Boarding Houses Act 2012

Reporting Officer

Acting Manager Compliance Services

Attachments

Nil

Purpose

To inform Council of new responsibilities under the *Boarding Houses Act 2012*.

History

The Boarding Houses Bill 2012 was passed by the NSW Parliament on 23 October 2012 and became an Act on 29 October 2012.

The Act is the result of a consultation process conducted during July and August 2012. The consultation process was preceded and informed by an extensive examination of issues relating to the boarding house industry as well as previous consultations with key stakeholders on a number of proposed reforms. Over 126 submissions and comments were received from peak bodies, service providers and stakeholders, the majority of which demonstrated strong support for the reforms.

Report

The *Boarding House Act 2012* represents the NSW Government's response to long-standing concerns about the condition and operation of boarding houses and associated risks to the health, safety and well-being of residents. The Act introduces a number of key reforms, including:

- Compulsory registration and inspection of registrable boarding houses
- Enhanced occupancy rights for residents
- Enhanced powers of entry for authorised service providers and advocates
- Increased penalties for existing offences
- New offences relating to registration
- Screening of licensees and staff of 'assisted boarding houses' for criminal records.

The Act divides boarding houses into two categories – "general boarding houses" and "assisted boarding houses". A "general boarding house" is a boarding house accommodating five or more residents for fee or reward, which does not fall within a list of exclusions in the Act, such as hotels and motels, backpacker's hostels and aged care homes. General boarding houses will be required to comply with registration, accommodation standards, inspections and the occupancy principles.

An "assisted boarding house" is a boarding house which accommodates two or more "persons with additional needs".

A "person with additional needs" is a person who is frail aged, has a mental illness and or an intellectual, psychiatric, sensory or physical disability and needs support or supervision with daily tasks and personal care, such as showering, preparing meals, or managing medication.

All "registrable boarding houses" (both "general" and "assisted") will be required to register with NSW Fair Trading for a one-off fee of \$100. Boarding house proprietors will be required to provide basic identification information as well as information about the number of residents, beds and bedrooms and other profiling information. Proprietors will be required to update the Register annually. Certain registrable information will be made available to the public. It will be an offence not to register and to provide false and misleading information for the Register.

Implementation of the Act

The Act is being implemented in stages:

1. Development and commencement of the Register (by 1 January 2013)
2. Registration of existing registrable boarding houses (from 1 January 2013) within 6 months, or within 28 days in the case of a new proprietor or boarding house
3. Mandatory initial inspection of registered boarding houses for compliance with relevant standards.

The provisions relating to the register are due to commence on 1 January 2013. The remainder of the Act will not commence until regulations have been finalised, which is expected to be during the Budget Session of Parliament 2013. The regulations will be subject to a Regulatory Impact Statement and public consultation.

The Act introduces a scheme of occupancy rights for boarding house residents, under which a boarding house resident will be entitled to be provided with accommodation in compliance with certain occupancy principles. The occupancy principles, which can be found in Schedule 1 of the Act, provide for a range of entitlements such as the right to live in premises which are reasonably clean and in a reasonable state of repair and to be given written receipts for payment of any money to the proprietor.

If there is a dispute about the occupancy principles which cannot be resolved, either party can apply to the Consumer, Trade and Tenancy Tribunal to resolve the dispute. The Tribunal will be able to make a range of orders, including compensation.

The Role of Councils under the Act

- Councils must inspect "general boarding houses" and "assisted boarding houses", registered by proprietors on the Register of Boarding Houses administered by NSW Fair Trading, for compliance with relevant standards relating to planning, building and fire safety.
-

- Councils must also inspect "general boarding houses" for compliance with standards relating to places of shared accommodation in the Local Government (General) Regulation 2005. Ageing, Disability and Home Care, NSW Department of Family and Community Services (ADHC) is responsible for inspecting "assisted boarding houses" for compliance with accommodation and service standards specific to "assisted boarding houses".
- Initial compliance inspections must be carried out within 12 months of registration or re-registration (unless the boarding house has been inspected in the preceding 12 months) and within 12 months of a change of proprietor.
- Councils will be able to charge an inspection fee for conducting initial compliance inspections. A fee (currently \$110) is included in Council's adopted fees and charges for inspection of boarding houses and is consistent with other compliance regulated premise inspection fees and therefore the \$110 fee is intended to be retained for inspections conducted under the provisions of the *Boarding Houses Act 2012*.
- Councils may issue penalty notices for new offences relating to the registration of boarding houses.

Conclusion

The inspection program will have minimal impact on, and will be accommodated within, existing Council resources. Enquires indicate there are three "general boarding houses" and no "assisted boarding houses" within the Campbelltown Local Government Area.

Council will be required to consult the community regarding the proposed implementation of an inspection program that is consistent with the requirements of the *Boarding Houses Act 2012* and incorporates an inspection fee of \$110 per inspection. It is proposed to do this by public notice that may be placed in local newspapers and on Council's web site.

Officer's Recommendation

1. That a public notice be prepared advising of the introduction of an inspection program that is consistent with the requirements of the *Boarding Houses Act 2012* as outlined in the body of the report which incorporates an inspection fee of \$110 per inspection and that this notice be placed on public exhibition for a minimum of 28 days.
2. That at the conclusion of the public exhibition period, a further report be presented to Council consider the adoption of the inspection program, (including the associated inspection fee) and that duly considers any comments received.

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

4.4 Companion Animal Rescue Fee

Reporting Officer

Acting Manager Compliance Services

Attachments

Copy of Companion Animals Rescue Fee Report to Planning and Environment Committee of 9 October 2012.

Purpose

To report on the proposed introduction of a fee for the rescue of companion animals from Council's Animal Care Facility.

History

Council at its meeting on 13 December 2011 considered a report regarding the operation of Council's Animal Care Facility (ACF) and resolved in part that Council implement the recommended actions relating to the operation of the Animal Care Facility, as contained in that report.

One of the recommended actions contained in the report was that Council work with animal rescue organisations approved by the Division of Local Government and subject to a written agreement between Council and respective rescue organisations.

In response to Council's resolution and in recognition of the benefit that rescue organisations can provide to Council in assisting in the responsible rehoming of companion animals, Council subsequently wrote to all organisations that had received a clause 16(d) exemption from NSW Division of Local Government, inviting interested organisations to apply to Council to work with it as an animal rescue organisation.

Council has to date received 17 applications from rescue organisations. Eleven organisations have been approved. Four applications have been refused, based on referee feedback from other Councils. The remaining two applications are currently under consideration. The approved groups continue to assist Council with the responsible rehoming of impounded companion animals.

Council's Planning and Environment Committee considered a report (Attachment 1) on the proposed introduction of a fee for the rescue of a companion animal on 9 October 2012. The Planning and Environment Committee's recommendation to advertise the fee proposal was considered by Council at its Ordinary Meeting on 16 October 2012 and it resolved:

1. That the proposal to adopt a companion animal rescue fee of \$11 (including GST) be advertised in accordance with the requirements of the *Local Government Act 1993* for a minimum period of 28 days.
2. That a further report be presented to Council to consider adopting the companion animal rescue fee, as referred to in item one above, and any comments received at the conclusion of the 28 day advertising period.

Report

Subsequent to Council's resolution on 16 October 2012, the fee proposal (\$11 inclusive of GST) was advertised for a minimum period of 28 days in accordance with the requirements of the Local Government Act. No submissions have been received regarding the fee proposal.

In the absence of any comment or objection in relation to the proposed rescue fee and in order that Council implement a suitable fee to assist in the recovery of its direct microchipping costs, it is recommended that a companion animal rescue fee of \$11 (including GST) be introduced.

Officer's Recommendation

That the proposal to adopt a companion animal rescue fee of \$11 (including GST) be introduced.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 26 February 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 9

That the Officer's Recommendation be adopted.

ATTACHMENT 1



Planning and Environment Committee Meeting 9/10/12

TITLE Companion Animal Rescue Fee

Reporting Officer

Acting Manager Compliance Services

Attachments

Nil

Purpose

To report on the proposed introduction of a fee for the rescue of a companion animal from Council's Animal Care Facility.

History

Council at its meeting on 13 December 2011 considered a report regarding the operation of Council's Animal Care Facility (ACF) and resolved in part that Council implement the recommended actions relating to the operation of the Animal Care Facility, as contained in the report.

One of the recommended actions contained in the report was that Council work with animal rescue organisations approved by the Division of Local Government and subject to a written agreement between Council and respective rescue organisations.

In response to Council's resolution and in recognition of the benefit that rescue organisations can provide to Council in assisting in the responsible rehoming of companion animals, Council subsequently wrote to all organisations that had received a clause 16(d) exemption from NSW Division of Local Government, inviting interested organisations to apply to Council to work with it as an animal rescue organisation.

Council has currently received 16 applications from rescue organisations. Ten organisations have been approved and a further two have been invited to enter into an agreement with Council. One application has been refused, based on referee feedback from other Councils. The remaining three applications are currently under consideration.

Report

Animal Rescue Groups can actively assist Council in the responsible rehoming of companion animals. The *Companion Animals Act* allows for approved groups to collect unclaimed or unsold companion animals from Council Pounds as an alternate means of finding an animal a suitable home and thereby avoiding the need to euthanase the animal. The intent is that rescue groups can either house or adopt out rescued animals on a temporary basis until a permanent home can be found.

Animal rescue organisations approved by the Division of Local Government are granted exemption from the registration requirements for the companion animals they rescue and take into temporary care, while seeking to rehome them, for a period up to 12 months.

At the time of writing this report, five dogs have been rescued since July 2012 by rescue organisations. A number of other dogs of interest to these groups have been sold, avoiding the need for group rescue. In the absence of a set fee for rescue of companion animals, Council initially charged the normal purchase price for an animal (currently \$84-70 for a dog and \$130 - \$160 for a cat, depending upon whether it is a male or female).

Feedback from rescue group representatives has indicated some objection as the animal purchase fee is much higher than what other Councils charge for release of rescued animals, such as Blacktown and Hawkesbury, which charge either no fee or a token fee to recover direct microchipping costs. As a result, contact has been made with both Blacktown and Hawkesbury Councils which confirmed that Blacktown does not charge a fee and absorbs the microchipping cost, whereas Hawkesbury charges a token fee of \$7 to recover the direct cost of a microchip implant, which is required prior to an animal being released to a rescue group. These arrangements have been put in place recognising that the animal would otherwise be euthanased at further cost to the respective Council.

In addition, to facilitate convenient rescue arrangements these Councils also do not require the animals to be desexed before being released into rescue groups' temporary care. However, in lieu, they require that this occurs prior to the animal being rehomed.

In view of this information it is considered that Campbelltown City Council adopt a similar approach. Council's forthcoming standard rescue group agreement requires that rescued animals be desexed, vaccinated and registered prior to being rehomed. It is intended that Council would monitor compliance with the rescue group agreement conditions, as part of an effort to ensure all rescue groups comply with the agreement requirements.

In order that Council implement a suitable fee to recover its direct microchipping costs, it is recommended that a companion animal rescue fee of \$11 (including GST) be introduced.

Officer's Recommendation

1. That the proposal to adopt a companion animal rescue fee of \$11 (including GST) be advertised in accordance with the requirements of the *Local Government Act* 1993 for a minimum period of 28 days.
2. That a further report be presented to Council to consider adopting the companion animal rescue fee, as referred to in item one above, and any comments received at the conclusion of the 28 day advertising period.

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Kolkman/Thompson)

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

CARRIED

18. CONFIDENTIAL ITEMS

18.1 Confidential Report Directors of Companies

Reason for Confidentiality

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

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

There being no further business the meeting closed at 8.52pm.

G Greiss
CHAIRPERSON
