

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 14 May 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 14 May 2013

Present

- Councillor G Greiss (Chairperson)
- Councillor R Kolkman
- Councillor D Lound
- Councillor A Matheson
- Councillor M Oates
- Councillor T Rowell
- Councillor R Thompson
- General Manager - Mr P Tosi
- Acting Director Planning and Environment - Mr J Baldwin
- Manager Education and Care Services - Mrs J Uluibau
- Acting Manager Information Management and Technology - Mrs H Brown
- Manager Sustainable City and Environment - Mr A Spooner
- Legal and Policy Officer - Mr M Donachie
- Corporate Support Coordinator - Mr T Rouen
- Executive Assistant - Mrs D Taylor

Apology Nil

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

1.1 Quarterly Statistical Report - Third Quarter 2012-2013

Reporting Officer

Acting 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 third quarter of 2012-2013, which is the period from 1 January to 30 March 2013.

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 third quarter of 2012-2013, compared with the tonnages collected during the third quarters of 2009-2010, 2010-2011, 2011-2012 and 2011-2012.

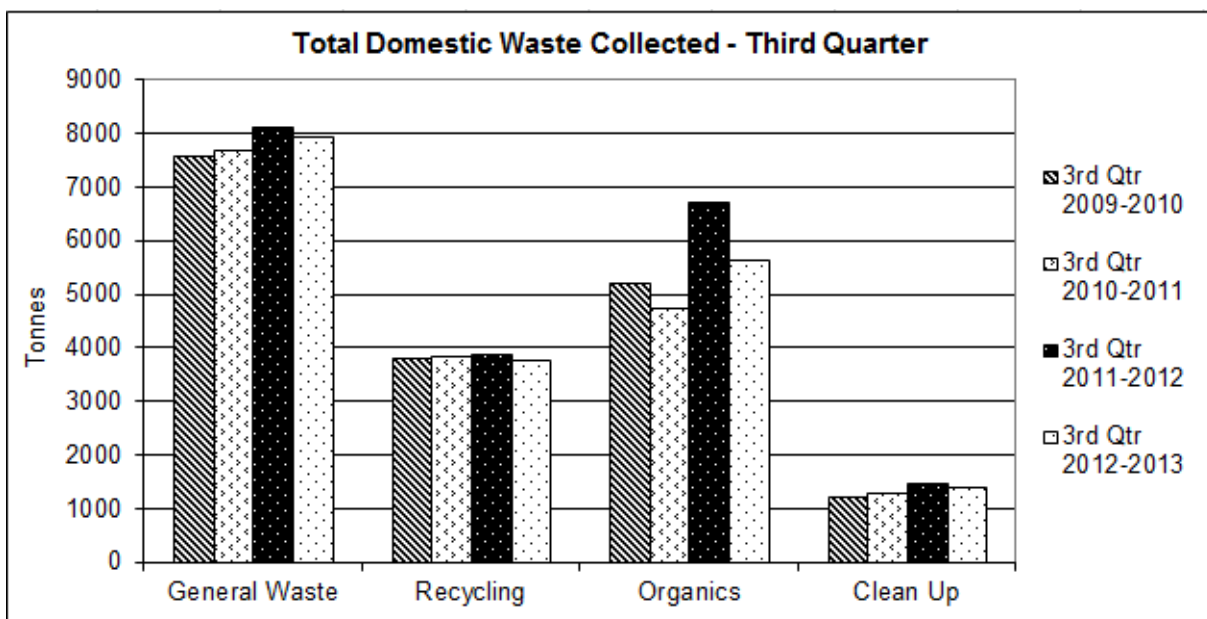


Figure 1: Comparison of tonnages collected during the third quarters of 2009-2010, 2010-2011, 2011-2012 and 2012-2013.

Table 1 below lists the tonnages of each waste type collected during the third quarter of 2012-2013, compared with the tonnages collected during the third 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	3rd Qtr 2009-2010	3rd Qtr 2010-2011	3rd Qtr 2011-2012	3rd Qtr 2012-2013
General Waste	7,585	7,676	8,105	7,937
Recycling	3,807	3,852	3,879	3,754
Organics	5,218	4,744	6,727	5,637
Clean Up	1,210	1,292	1,453	1,387
Total	17,820	17,564	20,164	18,715

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

The third quarter of 2012-2013 saw a decrease in the tonnage of waste generated across all waste streams, in comparison with the third quarter of 2011-2012. The most significant drop in tonnages during the third quarter of 2012-2013 was experienced in the garden organics stream, with remaining streams experiencing only a slight decrease in tonnages during this period.

The NSW Government, under the Waste Avoidance and Resource Recovery Strategy 2007, has set a target for NSW councils to divert 66% of total municipal waste from landfill by 2014. At the end of the third quarter, Council's total diversion rate across all waste streams was 67.5%, which equated to more than 12,600 tonnes of material diverted from landfill for the period.

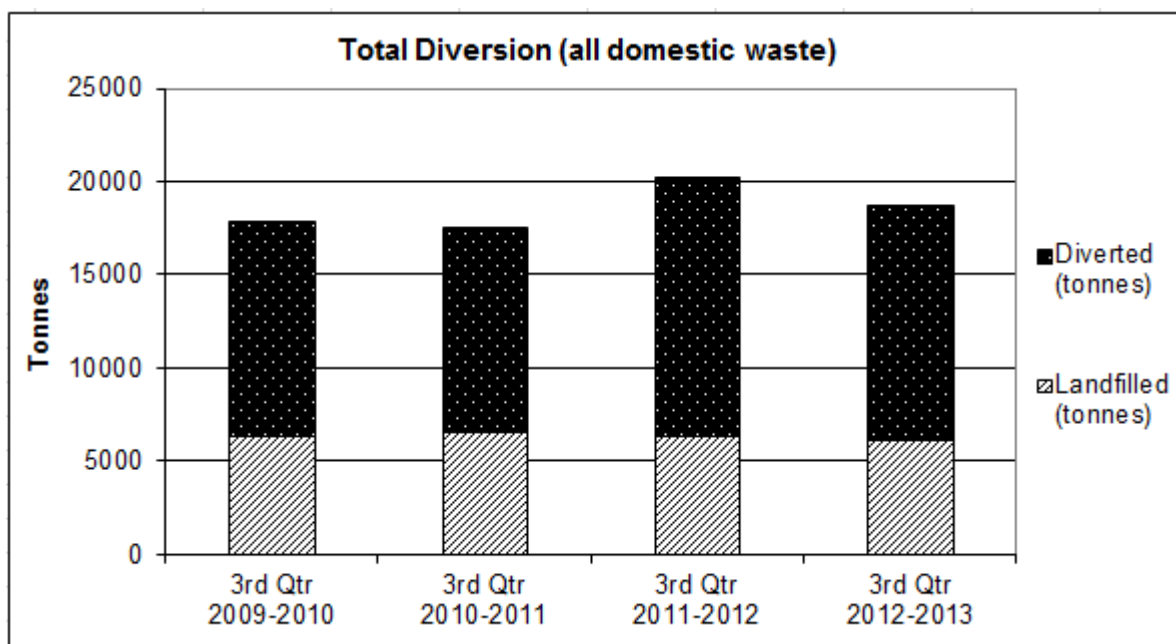


Figure 2: Comparison of total diversion rates.

Figure 2 (above) shows the diversion rates for all domestic waste over the past four years.

The average diversion rate for general waste during the third quarter of 2012-2013 was 45.7%. The diversion rates for general waste over the past four years are shown in Figure 3 (below).

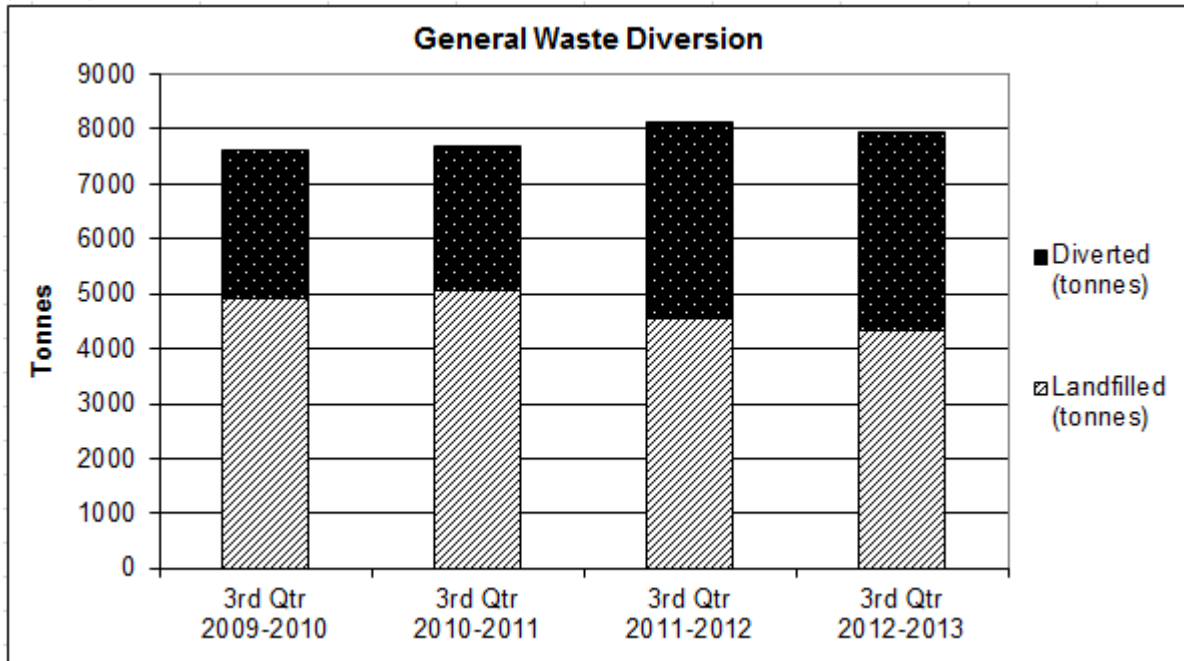


Figure 3: Comparison of diversion rates for general waste.

The average diversion rates for recycling and garden organics during the third quarter of 2012-2013 were 92% and 98% respectively. Approximately 3,460 tonnes of recyclables and 5,530 tonnes of garden organics were diverted from landfill during the third quarter of 2012-2013.

Figure 4 (below) shows the amount of kerbside waste and recycling generated per household for the third quarter of 2012-2013, in comparison with the third quarters of the previous three financial years.

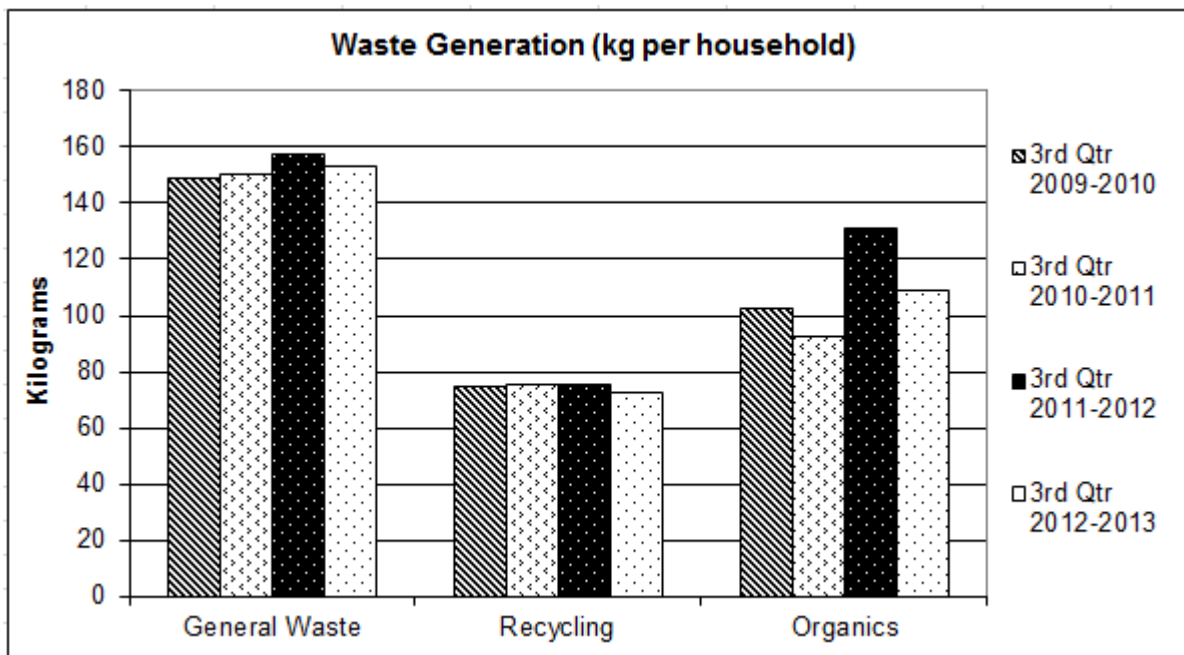


Figure 4: Comparison of waste generation rates per household.

The overall waste generation rate decreased from 364kg per household during the third quarter of 2011-2012 to 335kg per household during the same quarter of 2012-2013, which represents a decrease of 29kg of waste per household. This decrease was experienced across all waste streams, with general waste dropping 5kg to 153kg per household, recycling dropping 2kg to 73kg per household and garden organics dropping by 22kg to 109kg per household.

Table 2 (below) shows the number of customer service requests received by request type for the third quarter of 2012-2013, in comparison to the third quarters of the previous three financial years.

Request Type	3rd Qtr 2009-2010	3rd Qtr 2010-2011	3rd Qtr 2011-2012	3rd Qtr 2012-2013
Damaged Bins	651	761	769	858
Illegally Dumped Rubbish	668	596	725	836
Stolen Bins	394	412	523	467
Clean Ups	8,463	9,418	10,794	11,046
Total	10,176	11,187	12,811	13,207

Table 2: Comparison of customer requests.

Table 2 illustrates a continued increase in kerbside clean up bookings, with an additional 252 requests received during the third quarter of 2012-2013 compared to the third quarter of 2011-2012. Of the 11,046 requests received for kerbside clean ups during the third quarter of 2012-2013, online bookings accounted for 2,428 requests, or 22% 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. This ongoing promotion is an initiative to help reduce incidents of illegally dumped waste. The ongoing increase in bookings may also be the result of improved accessibility to the service and greater convenience provided to residents following the introduction of the 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 decreased during the third quarter of 2012-2013, in comparison with the third quarter of 2011-2012. This decrease was experienced across all waste streams, with the most significant drop occurring in garden organics tonnages. 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: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Standard Instrument Local Environmental Plan - Gun Shops

Reporting Officer

Manager Sustainable City and Environment

Attachments

Nil

Purpose

To provide Council with further information pursuant to its resolution of 26 February 2013 as follows:

That a report be presented to Council outlining necessary changes to be made to the Consolidated LEP and any other appropriate planning instruments that will prohibit future gun shops from being allowed to operate in the Campbelltown Local Government Area.

History

A review of Council's records indicate that there has been one Development Application relating to a gun shop lodged for Council's determination within the Campbelltown Local Government Area in the past 15 years. At its meeting on 3 July 2012, Council considered Development Application 426/2012/DA-U for the fitout and use of premises at 13 Watsford Road, Campbelltown for "*the bulky goods retailing of guns, ammunition and associated products*".

Council's assessment of Development Application 426/2012/DA-U concluded that the proposed use of the site for a gun shop would fall within the definition of "*bulky goods retailing*" under the provisions of *Campbelltown (Urban Area) Local Environmental Plan 2002*, and was permissible with Council's consent. After consideration of all relevant matters, Council approved the proposal subject to appropriate conditions. It is noted that the *Firearms Act 1996* also regulates the operation of such premises, imposing stringent requirements on the storage, licensing and sales of firearms.

The permissibility of gun shops under Council's Planning Instruments has been re-examined by Council staff during preparation of the recently endorsed Draft Campbelltown Local Environmental Plan 2013 (CLEP), which will consolidate all existing planning instruments for the Campbelltown Local Government Area. This report addresses the Council resolution of 26 February 2013 to consider the prohibition of future gun shops in the context of this Draft Plan.

Report

A report on the CLEP was considered by Council at its meeting on 26 March 2013, where Council resolved to endorse the submission of the draft plan to the NSW Department of Planning and Infrastructure (DPI). As outlined in that report, the format of CLEP complies with the form and content of the Standard Instrument LEP (SI LEP) as legally mandated by *The Standard Instrument (Local Environmental Plans) Order 2006*.

The possibility of whether gun shops may be prohibited under CLEP depends on how this particular type of development is defined by the SI LEP. In this respect, the SI LEP provides a Dictionary of Terms which defines the development types that are identified under the respective land use tables as being permissible or prohibited in each zone. Council is legally required to include the Dictionary of Terms within the CLEP, and is not permitted to alter or add definitions. Only development types included within the dictionary can be included in the land use tables, which ultimately determine whether a development type is permissible or prohibited in any particular zone.

Having regard to the resolution of Council to seek a prohibition on gun shops under the CLEP, it is noted that there is no 'unique' definition for this particular type of land use, provided by the SI LEP. This matter was raised by Council with the DPI during the preparation of the CLEP. Advice was sought from the DPI as to whether a more restrictive definition could be utilised for premises that sell guns and ammunition. The direction provided by the DPI confirmed that gun shops would fall within the broader definition of 'retail premises', and that no alternative definition would be available/permitted.

Council therefore has no legal means to separately define or control this specific land use under the CLEP. In accordance with the advice provided by the DPI, gun shops fall under the general definition of 'retail premises', defined under the SI LEP as follows:

retail premises - means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- a) bulky goods premises
- b) cellar door premises
- c) food and drink premises
- d) garden centres
- e) hardware and building supplies
- f) kiosks
- g) landscaping material supplies
- h) markets
- i) plant nurseries
- j) roadside stalls
- k) rural supplies
- l) shops
- m) timber yards
- n) vehicle sales or hire premises

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

The SI LEP mandates 'retail premises' as being permissible with consent in the following proposed zones (as intended to be included in Council's consolidated draft Campbelltown CLEP 2013):

- Zone B2 Local Centre (Minto, Glenquarie, Eagle Vale and Leumeah)
- Zone B3 Commercial Core (Macarthur Square)
- Zone B4 Mixed Use (Campbelltown and Ingleburn)
- B5 Business Development (Blaxland Road).

The CLEP as considered by Council on 25 March 2013, adopts the permissibility provisions for retail premises in the above zones as prescribed by the SI LEP. These zones are considered both reasonable and suitable for a range of commercial uses, including potentially, gun shops, given their strategic location and general separation from residential areas. In this respect, it is noted that all other zones within CLEP prohibit 'retail premises'.

Given that Council has only had one application for a gun shop lodged and determined in the past 15 years, and that this premises has been operating albeit from November 2012, without objection or compliance issues (both police and Council), there would not appear to be any cause to seek tighter planning controls at the present time. Notwithstanding, the opportunity does exist for Council to make special representation to the DPI requesting that gun shops be separately defined and controlled/prohibited under CLEP.

Conclusion

Council staff have investigated the possibility of making changes to the Campbelltown CLEP to prohibit future gun shops from operating in the Campbelltown Local Government Area, in accordance with the Council resolution of 26 February 2013.

The SI LEP, however, includes standard definitions and a mandatory structure that Council has been compelled to follow in the compilation of Draft CLEP 2013. Further, the DPI has confirmed that gun shops are not to be separately defined, and are included in the broader generic definition of 'retail premises'.

In this respect, Council has been compelled to permit future gun shops (as 'retail premises') within certain business zones under CLEP. Although, it is noted that CLEP would effectively prohibit gun shops in all other zones.

Should Council require a total prohibition on gun shops under CLEP, then the opportunity exists for Council to make special representation to the DPI to enact the necessary changes to separately define and prohibit this particular land use. However, it would appear unlikely that the DPI would permit this cause of action given their initial feedback to Council on this matter.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Amendment (Chanthivong/Brticevic)

1. That within Council's response to the NSW Government's White Paper on Planning, it be requested that Local Government Authorities be provided with power to prohibit the operation of guns shops.
2. That Council submit a motion for inclusion on the 2013 Local Government NSW Conference agenda as detailed below:
 - i. That Local Government NSW be provided with the power to prohibit the operation of guns shops.

Council Resolution Minute Number 89

That the above amendment be adopted.

2.2 AGL's Proposed Fugitive Methane Emission Monitoring Program And Expanded Groundwater Monitoring Program For The Camden Gas Project

2.2 AGL's Proposed Fugitive Methane Emission Monitoring Program and Expanded Groundwater Monitoring Program for the Camden Gas Project

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Map showing current and proposed groundwater monitoring sites (distributed under separate cover)
2. Map showing proposed Methane Monitoring Sites in the Campbelltown LGA (distributed under separate cover)
3. Map showing all proposed Methane Monitoring Sites (distributed under separate cover)

Purpose

1. To inform Council of the proposed fugitive methane emissions and expanded groundwater monitoring program for the Camden Gas Project.
2. To seek endorsement of a recommended Council response to these programs.

History

Council, at its meeting on 18 December 2012, considered a report on the publicly exhibited amended Camden Gas Stage 3 Application. This report outlined (among other matters) a number of deficiencies in the proposed Groundwater Monitoring Plan which was reviewed by Council's independent consultant, being the Water Research Laboratory (the WRL Report). The officer's report to Council also referred to a study intended to be undertaken by AGL into best practice technology that would monitor the level of fugitive greenhouse gas emissions potentially attributable to coal seam gas extraction activities. In this regard, Council resolved at this meeting (in part):

That Council write to the applicant requesting that the intended study into best practices for fugitive emissions occur across Stages 1 and 2 of the Camden Gas Project Area.

That Council request the NSW Government establish an inquiry into fugitive methane emissions associated with the coal seam gas industry by a suitable independent scientific body.

2.2 AGL's Proposed Fugitive Methane Emission Monitoring Program And Expanded Groundwater Monitoring Program For The Camden Gas Project

A Planning and Environment Division Councillor weekly memo item (dated 12 March 2013) advised of a fugitive methane emission program and expanded groundwater monitoring plan that were contained in a media release (dated 1 March 2013) issued by AGL. This memo item advised of the intent by AGL to consult with councils and the community in relation to the details of both programs.

Council, at its meeting on 23 April 2013, considered a report regarding proposed amendments to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries (the SEPP Amendment) regarding the establishment of coal seam gas exclusion zones within two kilometres of existing and future residential areas. This report advised that the SEPP Amendment, if implemented, would prevent coal seam gas activity within the entire Stage 3 Project Area. The report also outlined potential implications in regard to Stage 2 of the Camden Gas Project which were requested to be clarified by the NSW Department of Planning and Infrastructure, in Council's submission.

Report

Council staff attended a workshop organised by AGL Upstream Investment (AGL) on the proposed fugitive methane emissions monitoring program (emissions program) and groundwater monitoring program (groundwater program) held on Thursday 4 April 2013. Representatives from Camden and Wollondilly Councils, the Environment Protection Authority (EPA), and community groups such as the Scenic Hills Association were also in attendance. Presentations on both programs provided at the workshop, which are summarised in the following discussion, can be obtained from Council's Manager Sustainable City and Environment.

This report provides an overview of both proposed programs.

1. The Expanded Groundwater Monitoring Program

a) Overview of the current groundwater monitoring program

The current groundwater program is comprised of a number of wells located within Stages 1 and 2 of the Camden Gas Project that are operated by AGL and relevant Government Agencies such as the Office of Water (NoW). The program also comprises sites located at Denham Court and Currans Hill (in the Camden LGA) which fall within the Stage 3 Project Area that was established during 2012, as part of the amendment of that Application. The location of current and proposed groundwater monitoring sites within Stages 2 and 3 of the Camden Gas Project is shown in Map 1 (Attachment 1).

Despite the significant implications of the SEPP amendment to Stage 3, Council should note the application remains suspended in accordance with AGL's announcement (dated 8 March 2013) and has not (at the time of finalisation of this report) been withdrawn or determined.

2.2 AGL's Proposed Fugitive Methane Emission Monitoring Program And Expanded Groundwater Monitoring Program For The Camden Gas Project

b) The expanded groundwater monitoring program

The AGL hydrogeologist advised it was the intent of AGL to expand the program to include an additional monitoring site at the Mt Taurus gas well, Menangle Park that has been the subject of a number of recent Council submissions and representations to the applicable NSW Government agencies. The hydrogeologist also advised that detailed comment was not being sought on the expanded program on the grounds that the sites had been selected for accessibility and scientific reasons.

The expanded program is proposed to incorporate four bores that would be installed at the Mt Taurus site at a range of depths up to 300 metres below ground level. The suite of parameters to be tested as well as the frequency of sampling (from biennially to quarterly) at each of the sites is also proposed to be increased as part of the expanded program. It should be noted that the installation of bores to monitor deeper aquifers within the vicinity of the methane resource (approximately 700 metres), are not proposed at this stage.

The hydrogeologist further advised at the workshop that two sites (located within the suspended Stage 3 Project Area) had been retained in the expanded program to allow for a better understanding of groundwater behaviour in a wider lateral context. Officers consider this explanation to be consistent with a recommendation of the WRL report that the location of the monitoring program be structured to obtain an understanding of the groundwater environment in a lateral context. However, staff also consider it appropriate that AGL be advised that any groundwater monitoring at these sites should strictly only be carried out for this stated purpose of obtaining data that would assist in monitoring the performance of wells within the Stage 2 Project Area.

AGL will be required to obtain approval for the additional monitoring site and the additional bores at the existing sites, from the NoW prior to the commencement of drilling. While the program was developed in association with the NoW, it is uncertain whether such approval has been obtained.

c) Comment

The proposed expanded program has been reviewed by Council staff specifically in terms of its adequacy in assessing the risks presented to existing, as well as future, residential areas (such as Menangle Park) by Stage 2 of the Camden Gas Project as approved. This stage (as approved) is comprised of comprised of 24 drilled and 8 wells that are yet to be drilled within the Campbelltown LGA. The review of available information identified that the expanded monitoring program will not adequately provide for:

- a comprehensive understanding of the groundwater environment and aquifer behaviour based on inconsistencies with the recommendations of the WRL report such as the absence of monitoring of deep aquifers within the vicinity of the methane gas resource
 - a comprehensive and adequate assessment of risks presented to existing as well as future residential areas (such as Menangle Park) by Stage 2 of the Camden Gas Project as approved.
-

2.2 AGL's Proposed Fugitive Methane Emission Monitoring Program And Expanded Groundwater Monitoring Program For The Camden Gas Project

Council's recent submission on the Mining SEPP Amendment concerning coal seam gas, requested that the proposed exclusion zones apply to the eight yet to be drilled wells in the State 2 Project Area, which would have the effect of preventing any production at these sites. In the event of the NSW Government agreeing to this request, the continuation and expansion of the monitoring program is still considered appropriate to allow for the performance of those wells currently operating in the Stage 2 Project Area such as the Mt Taurus gas field (near Menangle Park) to be assessed.

It is considered appropriate that the NSW chief scientist in consultation with the EPA, as the regulatory authority, undertake an independent assessment of the proposed expanded groundwater monitoring program to assess its ability to evaluate potential environmental and human health impacts associated with Stage 2 of the Camden Gas Project, as approved.

2. The Fugitive Emissions Monitoring Program

a) Overview of the proposed program

A representative of Pacific Environment Limited (who were engaged by AGL to develop and implement this program), advised that weekly monitoring of methane emissions would be carried out at 17 selected sites (shown in Attachment 2) over a three month period commencing in May 2013. The representative advised that the equipment to be used was based on latest technology that arose from the desk top investigation initially reported to Council's meeting on 18 December 2012. The representative further advised that this equipment would allow for the identification of the source of detected methane (such as landfills or coal seams).

The representative advised that these sites (which are all located within the Stage 2 Camden Gas Project Area), had been selected on the basis of their proximity to operational or approved wells yet to be drilled, and sensitive sites such as existing and future residential areas. In this regard, Map 3 (Attachment 3) shows the location of proposed monitoring sites within the Campbelltown LGA. The AGL Group General Manager (Mike Moraza) advised the workshop that a detailed analysis beyond the application of these broad criteria had not been carried out in determining the selected monitoring sites.

b) Comment

The methane emissions monitoring program by AGL is viewed as a positive step towards addressing issues previously raised by Council, as well as recent academic research regarding this matter. However, given statements made by AGL's Group Manager at the workshop, it is suggested by staff that the underlying intent of the monitoring program may be to refute viewpoints raised in submissions on the Camden Gas Project regarding this matter, rather than carrying out a detailed scientific investigation. In this regard, staff have some concern that the program will not adequately assess the short and long-term risks associated with fugitive methane emissions to existing and future residential areas within the Campbelltown LGA.

It should be noted that the scientific understanding of fugitive methane emissions associated with coal seam gas extraction is not well developed. The methodology for assessing and understanding the impacts of fugitive methane emissions continues to evolve. Several research projects are currently being commissioned including an assessment of fugitive emissions from coal seam gas being undertaken by CSIRO across NSW and QLD.

2.2 AGL's Proposed Fugitive Methane Emission Monitoring Program And Expanded Groundwater Monitoring Program For The Camden Gas Project

While noting the statement by AGL's Group General Manager that the CSIRO would be consulted during the implementation of the monitoring program, staff consider that the program itself is not sufficiently based on 'best practice principles' that have been developed during previous research.

It is therefore considered appropriate to request the NSW EPA, as the regulatory authority, to undertake an independent assessment of the program to assess its ability to evaluate potential environmental and human health impacts.

3. Suggested Council response to both monitoring programs

It is suggested that Council acknowledge both the fugitive methane emissions program and expansion of the groundwater monitoring program. However, a number of deficiencies have been identified in both programs that would prevent an adequate assessment of potential environmental risks, as well risks to existing and future residential areas associated with Stage 2 of the Camden Gas Project.

Consequently, it is suggested that Council provide only in-principle support and request that the adequacy of the scientific base for both programs be reviewed by the chief scientist. It is further suggested that a copy of this report and correspondence to AGL be sent to the NSW EPA in its capacity as regulatory authority. This suggested action is consistent with Council's resolution at its meeting on 18 December 2012 requesting the NSW Government establish an independent inquiry into fugitive emissions associated with the coal seam gas industry.

In addition, it is suggested that Council recognise the retention of two monitoring sites located within the Stage 3 Project Area as only being appropriate in relation to Stage 2 of the Camden Gas Project, despite the significant implications of the Mining SEPP Amendment to the progression of the application for Stage 3. However, it is also suggested that Council strongly express its viewpoint to AGL that any monitoring carried out at these sites be strictly limited to assist in assessing the performance of wells within the Stage 2 Project Area.

Officer's Recommendation

- 1 That Council write to AGL:
 - a. advising Council supports in principle the expansion of the groundwater monitoring and initiation of the fugitive methane emission monitoring program
 - b. requests that that the adequacy of the scientific base for both programs be reviewed by the chief scientist and the NSW Environment Protection Authority
 - c. requests that any monitoring carried out at the two sites, located within the Stage 3 Project Area, be strictly limited to assist in assessing the performance of wells within the Stage 2 Project Area.
 2. That a copy of this report and Council's correspondence to AGL be sent to the NSW Environment Protection Authority.
-

Committee's Recommendation: (Lound/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

2.3 Draft Metropolitan Strategy for Sydney to 2031

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Draft Metropolitan Strategy for Sydney to 2031 (distributed under separate cover)
2. Current Metropolitan Strategy 2036 Spatial Plan (distributed under separate cover)
3. Draft submission by Campbelltown City Council on the Draft Metropolitan Strategy for Sydney to 2031

Purpose

1. To inform Council of the release of the State Government's Draft Metropolitan Strategy for Sydney to 2031.
2. To seek Council's endorsement of a submission concerning the Draft Metropolitan Strategy for Sydney to 2031, to the NSW Department of Planning and Infrastructure.

History

The Draft Metropolitan Strategy for Sydney to 2031 (Draft Strategy) has been released by the State Government and is on public exhibition until 31 May 2013. The intention of the Draft Strategy is to provide a new policy base for the State Government to manage the long term planning decisions that will impact the urban form and structure of the Sydney metropolitan area.

The Draft Strategy is proposed to replace the Metropolitan Plan for Sydney 2036 (Metro 2036), which was released by the previous State Government in 2010.

The exhibition period of the Draft Strategy overlaps with the proposed reforms to the NSW Planning System being put forward by the State Government. The proposed planning reforms will likely strengthen the role and influence of the Metropolitan Strategy on development and land use outcomes for the Sydney region. A separate report on this matter, following the recent release of the White Paper on 17 April 2013, is being prepared for Council's consideration prior to the closing date for submissions on 28 June 2013.

The Draft Strategy is proposed to operate in conjunction with the NSW Long Term Transport Plan, which was considered by Council at its meeting on 16 April 2013. At this meeting, Council endorsed a submission to the State Government raising a number of issues, generally relating to the lack of Government investment in key transport infrastructure to serve the planned population and employment growth areas in south west Sydney. Given the importance of effective transport planning to facilitate sustainable urban growth for south west Sydney, the concerns that have been expressed by Council with respect to the NSW Long Term Transport Plan also remain largely relevant to the assessment of the Draft Metropolitan Strategy.

Report

The Draft Metropolitan Strategy for Sydney to 2031 (Draft Strategy) has been released by the State Government and is on public exhibition to 31 May 2013. The Draft Strategy follows the release of the NSW Government's State Business Plan, NSW 2021, and is intended to be implemented in conjunction with the NSW Long Term Transport Plan and the State Infrastructure Strategy. The Draft Strategy is proposed to replace the current Metropolitan Plan for Sydney (Metro 2036), which was introduced by the former State Government in late 2010.

The Draft Strategy states that by 2031, Sydney's population will grow by 1.3 million to 5.6 million, with Greater Western Sydney being home to more than half of this population. An additional 545,000 dwellings and 625,000 jobs are expected to be required to support this growth. Compared with Metro 2036, the Draft Strategy increases housing and employment targets by approximately 2 per cent and by 19 per cent respectively (calculated on a per annum basis).

The core vision of the Draft Strategy is for "a strong global city, a liveable local city" and the sustainable growth of Sydney to 2031 and beyond, to be achieved through a focus on five key outcomes:

- balanced growth
- a liveable city
- productivity and prosperity
- healthy and resilient environment
- accessibility and connectivity.

In addition to the key outcomes, the Draft Strategy also lists the following guiding principles:

- strengthen Sydney as Australia's pre-eminent city
- promote and facilitate growth throughout Sydney in a balanced way that reflects community and business feedback and environmental and market considerations
- integrate infrastructure, transport and land use
- provide housing choice while substantially increasing supply to capitalise on existing and planned infrastructure and provide market-led solutions
- sustain a whole-of-government management approach to get things done
- deliver balanced growth through a new planning framework (Subregional Delivery Plans).

While these 'outcomes' and 'guiding principles' for the development of the Sydney region are supported in principle, the provisions of the Draft Strategy to deliver these objectives appear unbalanced with respect to areas targeted for population growth and areas targeted for job creation and infrastructure provision.

The 'vision' or spatial layout plan provided under the Draft Strategy provides the best illustration of the planned infrastructure and growth areas for the metropolitan area (page 5 of Attachment 1). For comparative purposes, a copy of the equivalent spatial layout plan under the current Metro 2036 is also provided (Attachment 2). There are strong similarities between the two spatial plans, with the main changes summarised as:

- expansion of the global economic corridor arc to Castle Hill and the Norwest Business Park
- introduction of new 'city shapers', shown as the Anzac Parade Corridor, Parramatta Road Corridor, and North West Rail Link Corridor
- new specialised employment precincts at Kogarah, Rydalmere, and Marsden Park in the North West.

There are minimal changes shown on the spatial map for south west Sydney, comprising of the delineation of the possible expansion area for the Western Sydney Employment Area, and potential transit (bus) routes shown connecting with Leppington Railway Station.

Subregional boundaries have been altered under the Draft Strategy (Page 81 of Attachment 1), with the 10 subregions under the current Metro 2036 Plan consolidated into six subregions (Attachment 3). It is noted that the proposed Subregional Delivery Plans mooted under the current White Paper may bear some relationship to this altered structure. Specifically, the changes to the subregions include:

- moving Bankstown and Fairfield LGAs into the south west subregion
- amalgamation of the former Inner North, Inner West, East and Sydney City subregions to form a single Central subregion
- amalgamation of the former North and North East subregions to form a single North subregion
- extension of the former West Central subregion to include Blacktown and The Hills LGAs.

The Draft Strategy identifies a "Global Economic Corridor" between the Eastern Suburbs and Parramatta/Castle Hill, with this area being a focus of redevelopment, infrastructure provision and business investment/job creation. Within this arc, there are eight 'specialised precincts' identified for particular attention under the Draft Strategy. There are no equivalent economic corridors or precincts identified within the Campbelltown LGA or Macarthur Area.

The Draft Strategy places a heavy reliance on the State Government promoting nine 'city shapers' to promote the stated outcomes. These comprise areas of Sydney that 'have been identified because of their scale and opportunities they present for change and investment in Sydney. They will shape our city functions and are critical to Sydney's growth'.

The selected 'city shapers' are outlined as follows:

1. **Global Sydney** – which includes the Sydney CBD and North Sydney and is expected to grow by more than 114,000 jobs
2. **Sydney Harbour** – a lifestyle and economic asset that will be transformed through the development of Barangaroo and the Bays Precincts
3. **Global Economic Corridor** – which extends from the national gateways of Port Botany and Sydney Airport through to Global Sydney, and north to St Leonards, Chatswood and Macquarie Park and is expected to grow by 213,000 jobs
4. **Parramatta** – Sydney's second CBD and the 'premier regional city' serving Western Sydney, with 21,000 jobs expected in the Parramatta CBD by 2031, as well as growth in the nearby areas of Westmead and Rydalmere
5. **Parramatta Road corridor** – which will feature improved shops, services and public spaces, and link key destinations within the corridor such as Sydney Olympic Park and Burwood
6. **Anzac Parade corridor** – which connects the University of NSW and Prince of Wales Hospital to Malabar and La Perouse and will provide additional housing and jobs focused around centres along Anzac Parade, including the Anzac Parade South and Randwick Urban Activation Precincts
7. **North West Rail Link corridor** – new housing and job opportunities will be focused around each of the eight new train stations
8. **Western Sydney Employment Area** – an area of around 10,000 hectares between the M4 and the M7 will be investigated for its potential to support jobs growth in manufacturing and new technology; and
9. **Sydney's Metropolitan Rural Area** – employment opportunities will be increased in agriculture and resource lands to help provide fresh food for people living in Sydney.

For each 'city shaper', the strategy has identified "metropolitan priorities", which identify the State Government's commitment to the transformation of these places during the life of the Draft Strategy. This includes public investment designed to revitalise existing urban areas under the State Government's Urban Activation Precinct program. In this respect, it is considered to be a clear advantage to be identified as a 'city shaper' under the Strategy, for the purposes of securing future Government commitments on investment funding and infrastructure provision.

Despite the key role of the south west Growth Centre (including the south west Rail Link) for urban growth, the Draft Strategy does not recognise it as a city shaper. As such, there is a lack of detail and commitment under the Draft Strategy with respect to Government investment and infrastructure projects for south west Sydney when compared to other parts of the metropolitan area. Without this commitment to the proper infrastructure provision for the targeted growth areas of the south west region, it is likely that the relative inequities and disadvantage that are already experienced by residents in the Macarthur area, including Campbelltown, will not be significantly altered.

For the purposes of Council's submission to the State Government on the Draft Strategy, a summary of specific issues and concerns are provided under the respective headings below.

Planning imbalance

The Draft Strategy is considered to be imbalanced with respect to concentrating business investment/job creation and infrastructure provisions within the more central and established urban areas of Sydney, while setting key housing and employment growth targets in western Sydney and not in the least the Macarthur Area.

Seven of the nine 'city shapers' are focused on more established areas within the City, and there is no recognition of the South West Growth Centre that will provide a major housing growth precinct for the Sydney Metropolitan area for many years to come. For example, light rail infrastructure is planned for the highly serviced areas of eastern Sydney, however, there is no definite commitment to railway infrastructure for the South West Growth Centre beyond Leppington.

Given the important role of south west Sydney as a main population growth precinct for the entire metropolitan area, it is difficult to understand how south west Sydney and in particular the south west Growth Centre, could not be recognised as a 'city shaper' under the Draft Strategy, with the related commitment to infrastructure and precinct upgrade commitments. As such, it would appear that the South West Growth Centre, and the role of Campbelltown in serving that urban growth area, is not properly considered nor planned for under the Draft Strategy.

Furthermore, it is noted that 15 'specialised precincts' have been identified for the promotion of growth and investment opportunities in places that 'play an economic and employment role of metropolitan significance in Sydney, sometimes associated with a hospital or university or an important business park or office cluster'. No specialised precincts are identified for south west Sydney, despite Campbelltown/Macarthur clearly satisfying the eligibility criteria under the Draft Strategy for specialised precincts; being the 'colocation' of UWS (recently established medical school, Campbelltown Public Hospital, two railway stations and access to the M5, as well as strong retail facilities).

Proposed boundaries of southwest subregion

The relevance of the six Local Government Areas grouped within the revised south west Sydney Subregion needs to be re-examined. The proposed boundaries of the south west subregion, which has been amended to include Bankstown and Fairfield, does not reflect the stronger links and interdependence of Campbelltown with the Southern Highlands and Wollongong.

It is suggested that Campbelltown has stronger economic ties with the regional communities of the Southern Highlands and to a lesser extent Wollongong, than with Bankstown and Fairfield. This includes direct road and rail network connections, workforce participation, and freight movements from Port Kembla. In many ways, Campbelltown serves as a gateway to the Sydney Metropolitan area for these outer areas, which is overlooked in the Draft Strategy.

Given the role of Campbelltown as a metropolitan link with these outer areas, the Metro Strategy should consider the promotion of Campbelltown's regional status and strategic relationship with these areas more so than with Bankstown or Fairfield.

Regional status of Campbelltown/Macarthur

Accordingly, the Draft Strategy undervalues the urban status of Campbelltown/Macarthur as the dominant urban precinct of the south west region, which should be redressed under the Draft Strategy.

Campbelltown/Macarthur should be considered as a regional city given its existing and potential opportunities to provide regionally significant medical, retail, and education services. Its dominant service role and metropolitan transport connections for the surrounding region are undeniable. The City is strategically placed to serve the key urban growth areas planned for the south west, and provides an important metropolitan link to the peripheral urban areas of the Southern Highlands and Wollongong.

Campbelltown/Macarthur satisfies the relevant criteria under the Draft Strategy for regional city status, and in certain instances exceeds the criteria compared to other major metropolitan centres. For example, Campbelltown/Macarthur has the highest jobs growth target of any major centre in the Draft Strategy, comprising a minimum jobs growth target of 10,000 jobs. This figure exceeds the nominated targets for the regional cities of Liverpool (9000) and Penrith (8000).

While Campbelltown is clearly identified as a 'major centre' under the Draft Strategy, there is little recognition of the potential of Campbelltown/Macarthur to continue to naturally emerge as a regional city in its own right. This is in contrast to Metro 2036 which identified Campbelltown (and Blacktown) as having the greatest potential to achieve this regional status.

There is also an opportunity for the existing 'town centre' status for Ingleburn to be more closely examined especially in the event of any uplift in the status of Campbelltown/Macarthur as a regional city centre.

Ingleburn, being the second largest CBD area in the Campbelltown LGA, has the potential to grow and develop into a more strategic centre in the longer term.

Lack of detail and certainty for south west Sydney

The Draft Strategy generally restricts the detail of Government investment and infrastructure commitments to those projects within the 'Global Economic Arc', and other nominated specialised precincts.

While there are clear targets for housing delivery and employment growth for south west Sydney, there are no clear commitments to match the strategic funding and delivery of infrastructure and investment to sustainably achieve these targets. This information is deferred pending the preparation of future plans and policies to deliver the intended outcomes. This includes the preparation of:

- Subregional Delivery Plans
- Growth Infrastructure Plans
- Economic Development Plans
- Land Release Policy
- Structure Plan for the Western Sydney Employment Area
- Industry Action Plans
- Design Guidelines for key centres, housing, open space
- Metropolitan Greenspace Program
- Strategic Review of Metropolitan Rural Area.

Consequently, there is little and an unacceptable level of uncertainty as to whether there will be a serious commitment by the State Government to provide the necessary infrastructure and investment to achieve sustainable urban growth in SW Sydney, and in particular, the Macarthur region.

Importantly, the Draft Strategy needs to provide a stronger commitment to economic drivers so as to ensure that the market actually achieves the forecast housing and employment targets. In this respect, the Draft Strategy should include clear infrastructure and investment commitments by the State Government, similar to that outlined for the 'Global Economic Arc', so as to improve certainty and confidence in the urban growth outcomes for South Western Sydney being sustainably achieved.

Centres hierarchy

The strategy should take into consideration that the planned hierarchy of metropolitan centres to serve the South West Growth area, may be compromised by market driven outcomes.

If the Draft Strategy does not provide clear rationale to steer private sector investment into centres in accordance with the strategic hierarchy, then the provision of subregional services by the planned major centres may be compromised through market uncertainty.

The Draft Strategy should provide a very clear rationale to manage the status of town centres so as to create greater certainty for private sector investment to grow the planned hierarchy of major centres and sustain confidence over the future provision of infrastructure to serve this planned hierarchy.

In the overall planning context relating to the hierarchy of centres, Council considers that there is good reason to review the status of Ingleburn Town Centre given the strategic location of the centre and significant capacity for growth. Taking into account the major public investment proposed for Ingleburn Railway Station and carparking Council considers that Ingleburn has potential to achieve major centre status.

White Paper implications

Under the current planning system, the Metro 2036 is only given statutory recognition by a 'S117 Ministerial Direction' which requires 'planning proposals to implement the vision, transport and land use strategy, policies, outcomes and actions of the Metropolitan Plan for Sydney 2036'. In this respect, the role of the current Metropolitan Plan is generally limited to the preparation of new planning proposals and policies, and does not prevail over current statutory planning controls.

However as the proposed NSW Planning reforms eventuate, the new Draft Strategy will have a more significant role in influencing development outcomes for Sydney. Under the proposed reforms, the Draft Strategy would have formal recognition as a Metropolitan Growth Plan and would potentially allow for 'conforming development' to be approved in certain instances. In this respect, the role of the Draft Strategy would extend beyond policy control into the realms of development assessment and approval.

Consequently, it is considered that there may be some risk that the strengthened role of the Draft Strategy under the proposed planning reforms may provide for development outcomes which may not adequately consider local planning circumstances.

Transport infrastructure

Compared with Metro 2036, there are considered to be minimal amendments made to the Draft Strategy that would improve sustainable growth outcomes for the significant planned expansion of SW Sydney. Furthermore, the reliance on the NSW Long Term Transport Master Plan to address transport planning outcomes does nothing to appease the range of concerns previously raised with the NSW Government by Council on this matter.

The Draft Strategy makes very little mention of proposed strategic road or transport infrastructure to service Campbelltown or the Macarthur. This includes:

- Spring Farm Arterial
- Badgally Road
- Campbelltown Bus/Rail Interchange
- Cambridge Ave link to M5
- Denham Court Road upgrade.

No mention is made of a second Sydney Airport in any specific respect.

Council should note however that the Draft Strategy does recognise the government's intention to protect the Georges River Parkway Corridor.

The NSW Government's commitment to the timely provision of transport infrastructure to serve the planned population growth for the South West Region is considered critical to ensure a sustainable land use outcome. This includes continued access for residents to housing and services, in addition to encouraging investment and the creation of locally accessible employment opportunities. Without this commitment, residents of the Campbelltown/Macarthur region will be at risk of suffering further social and economic inequity with excessive travel times and associated reduction in lifestyle quality. This is a different outcome likely to be experienced in some other parts of Sydney, particularly areas located closer to the Sydney CBD, should the Draft Metro Strategy be adopted in its current (exhibited) form.

Metropolitan rural areas

The inclusion and acknowledgement of the Metropolitan Rural Areas in the Draft Strategy is commended in terms of ensuring a strategic balance is provided between the urban growth and rural areas. However, it is considered that the Draft Strategy should provide more specific and measurable targets to ensure the proper management and conservation of these rural areas is achieved. This may include targets such as environmental or land holding criteria.

In this respect, concerns are raised that the Draft Strategy may not sufficiently curtail ad-hoc and market driven development of the nominated rural areas, for urban growth. This includes the possible ad-hoc facilitation of owner nominated sites for advancement of urban subdivisions in existing non-urban areas ahead of strategically planned infrastructure provision. Further detail will become available on this issue following the preparation of the Government's proposed new urban land release policy.

As such, it is considered that the Draft Strategy should provide greater certainty in properly balancing the potential for land use conflict occurring from new urban development in existing rural areas. This would include for example, impacts on biodiversity, water catchment management, agricultural sustainability and resource acquisition.

M9 route

It is understood that the alignment of the M9 corridor for the Outer Sydney Orbital is very preliminary. However, as a Strategic Plan for future growth within the metropolitan area, it is considered that this corridor should be identified and reserved as early as possible to ensure local planning decisions do not compromise the alignment. This would include a greater level of detail on the intended north and south connections.

Additionally, consideration should be given to the land use implications of providing a vital piece of road infrastructure through rural areas, particularly given the likelihood of urban growth being encouraged along this corridor. For this reason, consideration should be given to the M9 being aligned to better integrate with and potentially service the population and employment growth areas of western Sydney.

Conclusion

The Draft Metropolitan Strategy for Sydney to 2031 has been released by the State Government for public comment. The Draft Strategy is proposed to replace the current Metropolitan Strategy which was released by the previous State Government in 2010.

The main concern with the Draft Strategy is the apparent inequity between the key housing and employment growth targets for western Sydney, and the focus on infrastructure and investment commitments towards the 'Global Economic Arc' and other more established urban areas of Sydney.

Given the important role of south west Sydney as a main population growth precinct for the entire metropolitan area, it is a major disappointment that the strategy understates and undervalues the opportunities that exist in Campbelltown/Macarthur to function as a regional city for the south west region.

The Draft Strategy provides little strategic action or commitment to redress the lack of infrastructure and relative social disadvantage within south west Sydney, and strong concerns are held over the certainty that the significant urban growth areas targeted for the region will be insufficiently serviced.

The significance of any targeted approach to specific forms of employment generation in the Macarthur area, to help the regional work force build greater resistance to economic sensitivities associated with manufacturing and retailing, can also not be understated. The draft strategy does little to give Council adequate certainty that future urban (housing) development in the Macarthur, including Campbelltown, will not lead to an increasing jobs deficit. This is not acceptable.

Accordingly, it is considered that the Draft Metropolitan Strategy represents a missed opportunity to appropriately recognise the Macarthur region as a well structured and organised subregion in its own right, with the Campbelltown/Macarthur Regional City Centre as the primary focus for transport, business development and job generation.

Officer's Recommendation

That Council endorse the submission shown as Attachment 3 to this report to NSW Department of Planning and Infrastructure outlining the issues and concerns recognised by Council in being important to the government's finalisation of the Draft Metropolitan Strategy for Sydney to 2031.

Committee Note: Councillor Kolkman raised a number of points that he felt would enhance the submission. The committee members generally agreed to Councillor Kolkman's suggestions and Councillor Kolkman indicated that he would forward a copy of his suggestions to the Director Planning and Environment.

The General Manager indicated that he and the Director Planning and Environment would review Councillor Kolkman's suggestions and present a revised submission to the full Council meeting to be held 21 May 2013.

Committee's Recommendation: (Kolkman/Rowell)

That a revised submission be presented to the full Council meeting to be held 21 May 2013.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Committee's Recommendation be adopted.

Amendment (Greiss/Hawker)

That the amended draft submission by Campbelltown City Council on the Draft Metropolitan Strategy for Sydney to 2031 be adopted subject to the inclusion of the information detailed below :

- i. That Council include in the appropriate section of the amended submission a statement offering the Department of Planning and the NSW Government our assurance that Council is committed to growing the city of Campbelltown to a regional city centre.
- ii. That where appropriate in the amended submission Council reiterates to the NSW Government that we would like local planning powers to return to local government.

Council Resolution Minute Number 89

That the above amendment be adopted.

2.4 Naming of Reserves - Bardia Stage 1

Reporting Officer

Manager Sustainable City and Environment

Attachments

Plan showing the location of reserves in Stage 1 of the residential development at Bardia

Purpose

To advise Council of the outcome of the public exhibition of the proposed names for the parks and reserves in Bardia Stage 1, and to seek Council's approval to submit an application to the Geographical Names Board of NSW (GNB) to have the names Mont St Quentin Oval, Brigade Park, Bardia Park and Memorial Forest Reserve assigned as the geographical names for these parks and reserves.

History

Council, at its meeting on 20 November 2012, Planning and Environment Committee Item 2.9 - Edmondson Park South – Draft Place Framework, Public Art Strategy & Reserve Names for Bardia Stage 1, resolved (in part):

3. That Council endorse the names Mont St Quentin Oval, Brigade Park, Bardia Park and Memorial Forest Reserve for the proposed parks and reserves in Stage 1 of the Edmondson Park South Project in the suburb of Bardia.
4. That these naming proposal(s) be advertised in local newspapers and placed on exhibition for a period of 28 days to allow the community to comment on the proposed reserve names.
5. That a further report be provided to Council on the outcome of the public exhibition of these proposed reserve names.

Report

In accordance with Council's resolution, the proposal to name the reserves in Bardia Stage 1 was exhibited at Council's Civic Centre, the HJ Daley Library, the Greg Percival Library Ingleburn and on Council's website from 25 February 2013 to 2 April 2013. Notice of this naming proposal was published in the Campbelltown Macarthur Chronicle on 26 February 2013 and in the Campbelltown Macarthur Advertiser on 27 February 2013.

In addition, Council also wrote to the Ingleburn RSL Sub Branch, the City of Liverpool RSL Sub Branch and the National Servicemen's Association of Australia (NSW Branch) informing them of this naming proposal.

Submissions on the naming proposal were required to be received by 2 April 2013, and no submissions were received.

It is therefore recommended that Council complete the next step in the naming of these reserves and submit an application to the GNB requesting that it assigns these reserve names as geographical names under the provisions of the *Geographical Names Act, 1966*.

Officer's Recommendation

That Council submit an application to the Geographical Names Board of NSW to have the names Mont St Quentin Oval, Brigade Park, Bardia Park and Memorial Forest Reserve assigned as the geographical names for the parks and reserves within Bardia Stage 1.

Committee's Recommendation: (Oates/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

2.5 Naming of a Reserve within the 'Vista' development, Glenfield

Reporting Officer

Manager Sustainable City and Environment

Attachments

Locality Plan

Purpose

To seek Council's approval to amend the previously endorsed proposed name of Yandel'ora Reserve to Yandel'ora Park, a reserve within the 'Vista' community development at Atlantic Boulevard, Glenfield before it is placed on public exhibition.

History

Council at its meeting on 18 December 2012, Planning and Environment Committee Item 2.5 – Naming of a reserve within the 'Vista' development, Glenfield, resolved:

1. That Council endorse the name Yandel'ora Reserve for the reserve within the 'Vista' community development at Atlantic Boulevard, Glenfield for public exhibition for a period of 28 days following the transfer of Lot 2 DP1149933 into Council ownership.
2. That Council write to the Tharawal Local Aboriginal Land Council seeking endorsement of Yandel'ora Reserve as the proposed name of the reserve.
3. That a further report be provided to Council on the outcome of the public exhibition of this proposed reserve name.

The transfer of this reserve (Lot 2 DP1149933) to Council was subsequently completed on 26 February 2013.

Report

As a result of a separate enquiry before this naming proposal was placed on public exhibition, correspondence was received from the Geographical Names Board of NSW (GNB) indicating that, although not stated as a consideration in its guidelines for the determination of placenames, the Board would be reluctant to approve the same placename for geographical features located in adjoining local government areas (LGAs). Although the existing Yandel'ora Reserve at Mount Annan and the proposed Yandel'ora Reserve at Glenfield are located more than 16kms apart, the GNB stated that having the same name for two reserves in adjoining LGAs had the potential to cause confusion for emergency services. Given the multicultural nature of the community in which this reserve is located, 'yandel'ora' (meaning 'may there be peace between people' in the local Aboriginal dialect) is considered by Council officers and the executive committee of the Vista community scheme to be the most suitable of the names suggested for this reserve by the Tharawal Local Aboriginal Land Council.

Council's policy on parks and reserves names states that the suffix of 'park' or 'reserve' is to be determined based on whichever is the more euphonious (pleasant-sounding) with the selected name. Council staff are of the view that both suffixes are equally agreeable. However, considering this area of open space is to be maintained more in the nature of a park as opposed to an area of bushland, the use of the suffix 'park' is considered more appropriate.

Staff at the GNB have indicated that a change of suffix from reserve to park might be sufficient for the Board to approve this proposed name. It is therefore recommended that the proposed name for this reserve be amended from Yandel'ora Reserve to Yandel'ora Park and that the amended proposed name for this reserve be publicly exhibited by Council for 28 days to allow for community comment.

If no objections are received during this period, it is also recommended that Council complete the next step in the naming process by forwarding an application to the GNB to have Yandel'ora Park assigned as the geographical name for this reserve. Should any objections be received during the exhibition period, a further report will be presented to the next available Council meeting.

Officer's Recommendation

1. That Council endorse the name Yandel'ora Park for the reserve within the 'Vista' community development at Atlantic Boulevard, Glenfield for public exhibition for a period of 28 days.
2. That Council write to the Tharawal Local Aboriginal Land Council seeking endorsement of Yandel'ora Park as the proposed name of the reserve.
3. That, should no objections to this naming proposal be received during the public exhibition period, Council submit an application to the Geographical Names Board of NSW to have the name 'Yandel'ora Park' assigned as the geographical name for this reserve.

Committee's Recommendation: (Thompson/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - March 2013

Reporting Officer

Manager Development Services

Attachments

Development services application statistics for March 2013 (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 March 2013 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

3.2 Installing Security Screens To Prevent Children Falling From Windows In High Rise Strata Buildings

3.2 Installing Security Screens to Prevent Children Falling from Windows in High Rise Strata Buildings

Reporting Officer

Manager Development Services

Attachments

Nil

Purpose

To advise Council of a recent proposal by the NSW Government, to amend legislation to require the installation of safety devices on all windows in multi storey apartment buildings that could present a safety risk to young children.

Background

At the Planning and Environment Committee meeting held on 19 March 2013, Councillors referred to the NSW Government's recent announcement that it will amend legislation to require owner's corporations to install safety devices on existing residential buildings (first floor and above), and requested a report detailing whether it would be suitable to install security screening as a safety device.

Report

The NSW Government is concerned by the number of fatalities and serious injuries caused as a result of young children falling from windows in multi storey apartment buildings. To help prevent the incidence of falls, the NSW Government has decided to amend the *Strata Schemes Management Act 1996*, to require owner's corporations to install safety devices on all windows in strata buildings that could present a safety risk to young children. The amendment will allow for a five year implementation period.

A further amendment will be made to the Act to allow individual owners to install window safety devices, regardless of the by-laws of a scheme. The *Residential Tenancies Regulation 2010* will also be amended to include window safety devices in the prescribed condition report for rental properties.

The Building Code of Australia (BCA) can be used as a guide to identify windows that could present a safety risk to young children. Under new BCA standards commencing on 1 May 2013 for new building works, openable bedroom windows that are more than two metres above the external ground level (measured from the internal floor level below the window sill), must be fitted with a fixed or lockable device so that the window can be locked with an opening of 125mm or less, or a screen of sufficient strength to prevent falls.

3.2 Installing Security Screens To Prevent Children Falling From Windows In High Rise Strata Buildings

There is no Australian Standard for window safety devices, but there are a wide variety of devices available on the market that can be fitted to windows. These include some types of reinforced screens but not basic fly screens.

From 1 May 2013 for all new developments, screens fitted to the openable parts of windows requiring a safety device will need to be of sufficient strength to resist an outward horizontal action of 250N (approximately 25kg) and be sized so as not to allow the passage of a 125mm sphere.

It is considered likely that these requirements will be applicable to windows requiring safety devices under the proposed amendment to the *Strata Schemes Management Act 1996* and *Residential Tenancies Regulation 2010*.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

3.3 No. 54 Santana Road, Campbelltown - Construction of a five storey residential apartment building containing 27 units, basement car parking and associated landscaping

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent
2. Locality Plan
3. Site Plan
4. Floor Plans
5. Elevation Plans
6. Perspectives
7. Landscaping Plans
8. Shadow Plans

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 608 DP 1141214 No. 54 Santana Road, Campbelltown
Application No	45/2013/DA-RA
Applicant	KYS Properties Pty Ltd
Owner	Landcom
Provisions	State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Campbelltown Development Control Plan No.104 – The Link Site
Other Provisions	Campbelltown 2025 – Looking Forward
Date Received	15 January 2013

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

History

In December 2001, Council resolved to adopt a Master Plan and Development Control Plan for the development of the land between the Campbelltown Catholic Club and Macarthur Square, known as the Campbelltown Link Area (Park Central). Development Control Plan No. 104, which accompanies the Master Plan, also applies to the site and came into force on 9 January 2002.

On 21 May 2002, development consent G137/2001 was granted for subdivision creating nine allotments, the construction of three new roads and the construction of a new regional park, subject to conditions. The development proposed the subdivision of the site into nine lots (including Campbelltown Hospital). Two of the allotments (Lots 5 and 6) were for the development of a regional park, Lot 1 a hospital site, Lot 8 a retirement village, Lot 9 business uses and Lot 7 commercial activities. Lots 2, 3 and 4 were to be developed for future residential purposes.

Report

The Site

The subject site is located at the south western end of Santana Road and comprises of a rectangular shaped allotment with a site area of 1298 square metres. The subject site has a frontage of 43.31 metres to Santana Road and also fronts Therry Road and Gilchrist Drive. There is no access to the subject site from Therry Road or Gilchrist Drive. Santana Road is a cul-de-sac road, with the subject allotment being one of the last allotments to be developed in the Park Central masterplan area.

The subject land is relatively flat and devoid of trees. An existing timber fence is located along the rear and side boundaries, with established planting existing on the road reserves along Therry Road and Gilchrist Drive.

The immediate (surrounding) built environment is characterised by a range of dwelling sizes and styles including single storey dwellings, as well as two storey dwellings and studios located above garages. Council recently approved a residential apartment building development directly opposite the site, consisting of four separate residential apartment buildings, part four storey part five storey in height.

It is also noted that the Park Central estate area contains commercial developments, a private hospital and several residential apartment buildings.

The Proposal

The proposed development consists of the following:

- construction of a four storey plus penthouse residential apartment building comprising of 27 units
-

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

- a basement level containing 27 car parking spaces for residents (including four disabled spaces), six visitor car parking spaces (including one disabled and one car wash space), a bike storage area and garbage room
- pedestrian and vehicle access via Santana Road
- deep soil landscaping along the rear and side boundaries and planter boxes to the front elevation.

A breakdown of the residential apartment building is as follows:

Floor level	Units	Car parking spaces	Service areas	Storage areas
Basement	Nil	33 car parking spaces including four disabled spaces, six visitor spaces (including one disabled space) and six bicycle spaces	Garbage room, rainwater tank, plant room, caretaker toilet, and one lift	No storage
Ground floor	3 x 2 bedroom units 3 x 3 bedroom units (one is adaptable)	Nil	One foyer One lift	Storage areas in units
First floor	2 x 2 bedroom units 4 x 3 bedroom units (one is adaptable)	Nil	One foyer One lift	Storage areas in units
Second floor	2 x 2 bedroom units 4 x 3 bedroom units (one is adaptable)	Nil	One foyer One lift	Storage areas in units
Third floor	2 x 2 bedroom units 4 x 3 bedroom units	Nil	One foyer One lift	Storage areas in units

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

Floor level	Units	Car parking spaces	Service areas	Storage areas
Penthouse floor	1 x 2 bedroom unit 2 x 3 bedroom units	Nil	One lift One foyer	Storage areas in units

The proposed residential apartment building provides a highly articulated building form and incorporates a variety of materials and tones to all elevations. The height, bulk and scale of the proposed building are appropriate for the site and are compatible with other residential apartment buildings within the Park Central precinct. The proposed building offers high levels of internal amenity given the mix of two and three bedroom units, as well as most of the units having multiple aspects which provides sufficient access to sun, natural light and ventilation. The single aspect units incorporate full length openable windows/doors allowing for sufficient ventilation and natural light. The units have been designed to maximise direct views to the north of the site and views of the rest of the estate area to the east.

The building has been designed with three distinct elements. A central core would be primarily solid with small glazed inserts and would feature horizontal louvres along the front and a pitched roof. The southern corner of the building would incorporate full length balconies with glazed balustrades and feature a dark vertical band with small glazed inserts. The northern corner of the building would incorporate a ground floor brick feature with landscaping in front and balconies to the upper levels with rendered balustrading and a dark vertical band. The front brick colonnade/wall at the eastern corner is designed to create an alignment of height and scale with the adjoining dwelling.

A waste management plan was submitted with the development application and illustrates relevant details for waste storage and collection. A garbage room is located within the basement level at a convenient location for occupants. Occupants of the units would be required to transport their waste from their units to the bins located within the garbage room. The bins would then be taken out to the kerb in Santana Road for collection by the caretaker of the building and has been conditioned accordingly.

Landscaping is provided to the perimeter of the buildings, on the street frontages and side and rear boundaries through the use of trees, shrubs and groundcovers, as well as providing planter boxes where required.

Strata subdivision has not been requested at this stage and as such would be the subject of a separate development application to Council.

1. Vision

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

- responds to what Council understands people want the City of Campbelltown to look, feel and function like

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- 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
- creating education, employment and entrepreneurial opportunities.

The application is consistent with the above strategic directions as the proposal would provide a housing product that would enable the city to grow by providing housing opportunities, as well as providing employment opportunities within the construction industry.

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

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

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

2. Planning Provisions

2.1 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject land is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). The proposed development is defined as a 'residential flat building' and is permissible with Council's development consent. A residential flat building is defined as:

“A building containing two or more dwellings which achieve access from shared foyers, halls or stairways.”

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The objective of the 10(a) Regional Comprehensive Centre, of relevance to the proposed development is:

- a) 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.

It is a requirement of the CLEP 2002, that development must be consistent with at least one of the objectives in order that Council can grant development consent. The development would provide a variety of higher density housing in a location that is accessible to public transport, employment, retail, commercial and service facilities. Accordingly, it is considered that the development is consistent with the relevant zone objectives and Council can approve the application should it deem appropriate to do so.

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) was gazetted on 26 July 2002 and applies to the construction of new residential flat buildings as well as substantial redevelopment of existing residential flat buildings. A residential flat building is defined under the provisions of SEPP 65 as:

“A building that comprises or includes:

- (a) three or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) four or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”

The aims and objectives of improving the design quality of residential flat development under the provisions of SEPP 65 are as follows:

- a) to ensure that it contributes to the sustainable development of NSW:
 - i. by providing sustainable housing in social and environmental terms
 - ii. by being a long-term asset to its neighbourhood
 - iii. by achieving the urban planning policies for its regional and local contexts
 - b) to achieve better built form and aesthetics of buildings and of streetscapes and the public spaces they define
-

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- c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities
- d) to maximise amenity, safety and security for the benefit of its occupants and the wider community
- e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.

Clause 30(2) of SEPP 65 requires a consent authority, in determining a development application for a new residential flat building, to take into consideration:

- a) the advice of a Design Review Panel constituted under Part 3 of the Policy
- b) the design quality of the development when evaluated in accordance with the design quality principles (Part 2 of the Policy)
- c) the publication 'Residential Flat Design Code'.

As Council has not established a Design Review Panel for the purpose of this application, Council is required to consider only the design quality principles and the Residential Flat Design Code. The design quality principles provide a guide to achieving good design for residential flat buildings and have been assessed against the proposed development.

Principle 1: Context

"Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area."

The site is relatively level, though is situated at the top of a significant hill, being among the highest land within Park Central. The building would be visible from various vantage points in the locality and therefore needs to respond to both an immediate and distant context.

The scale of an apartment building within a residential context is important in integrating the building with other development within the estate. As the building rises from the street, there is a distinct progression in the form of the building from a podium colonnade that relates directly to the scale of the adjacent detached dwellings, through a mid-rise of balconies cantilevered from a solid core, to a simple roof form floating above the rest of the building. The building transitions its relationship in several contexts and is in keeping with the principles of the Park Central Guidelines.

Vehicular access is provided via a combined entry/exit driveway from Santana Road.

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Principle 2: Scale

“Good design provides an appropriate scale in terms of the bulk and height that suits the scale and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.”

The Link Site Development Control Plan defines a building height of 2-4 storeys for the subject land, envisaging an envelope defined by a 27 degree roof pitch. The proposed building fits within this envelope, achieving an additional penthouse level (replacing the pitched roof form) within such an envelope and establishing an appropriate building silhouette as an urban marker in Campbelltown. The scale of the development in the form it is proposed is considered appropriate for the site and is considered to be commensurate in scale, height and character of its surroundings. It is not considered inconsistent with the locality’s current character.

All visible elevations from the public domain illustrate an acceptable scaling of the building relative to their immediate surrounds and positioning.

As discussed further below, the building exceeds the number of storeys allowed by The Link Site Development Control Plan. The architectural design of the building and the setback of the fifth ‘penthouse’ level reduces the scale of the building such that when viewed from the street, the building appears as a four storey development.

Principle 3: Built form

“Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

The building’s mass has been modulated and articulated to reduce the overall bulk and expresses an individual character with the chosen external materials ‘underlining’ the building’s function. The building’s orientation maximises the site’s potential in terms of solar access, cross-ventilation to individual units and its general overall amenity.

The building footprint is derived directly from an efficient use of the rectangular shape of the site, with the units being located so as to maximise the benefit of external wall surfaces that contribute to good amenity for each habitable room.

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The building sits generally within the required setback requirements, with very minor variations due to the modulation of the facades. The site addresses open space on three boundaries and has only one adjoining neighbour to the north east. Separation and privacy screening of various kinds are deployed towards this neighbouring site with the building generally facing away.

The mixture of two and three bedroom apartments, as well as the orientation of the living areas to maximise solar access, provides good amenity for future occupants. The future occupants of the building have been provided with clearly defined entries and pathways from the street with direct access also available from the basement car parks.

Principle 4: Density

“Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of unit or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.”

The proposal complies with the Council’s requirements in terms of site coverage (being 65%) which has facilitated desired private open space and building amenity for future occupants. This demonstrates that the intent of the proposal is to provide apartments with good living amenity and interaction between the individual apartments’ private open space and living areas.

Given the number of apartments proposed, the development would not significantly impact on the availability of infrastructure, public transport, community facilities and environmental quality and would satisfy the general amenity of future occupants of the apartments.

Principle 5: Resource, energy and water efficiency

“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.”

Sustainability is integral to the design consisting of the selection of appropriate and sustainable materials, passive solar design principles and use of energy efficient appliances.

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The building has been designed with passive environmental principles embedded in planning and solar control, but will also incorporate energy saving measures such as energy efficient hot water systems, water saving devices, including garden areas, basement light sensors and timers. A Basix certificate has been submitted with the development application with the required energy, thermal comforts and water targets being satisfied.

The floor areas are not excessive, reducing demands for resources in the construction phase and overall longer term living costs.

Principle 6: Landscape

“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, microclimate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long-term management.”

The proposal provides landscaped areas to provide screening, visual softening and improved energy efficiency and solar access. Deep soil planting is provided on the site, as well as planting boxes being provided to the balconies of the units, including the upper penthouse level.

Principle 7: Amenity

“Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.”

The proposed development achieves a full three hours of solar access to 70% of the residential apartments, which meets the recommendations of the Residential Flat Design Code. All apartments will receive direct access to fresh air with the majority of apartments enjoying multiple orientations. Apartments with single orientation have generous windows and ventilation opportunities.

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Each primary balcony complies with the minimum dimension and area, with them all being functional and usable. The provision of stacked sliding doors leading from living rooms to balconies ensures an extension of indoor living areas. Units provide direct casual surveillance of communal open spaces and adjoining streets. Ground floor units enjoy direct access to larger private open space areas.

Principle 8: Safety and security

“Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.”

The proposed development reinforces the distinction between public and private areas by utilising landscaping, terraces and variation in levels, clearly marked entry points and fencing. Passageways to lift areas in the basements and between apartments are to be well lit as are the stairways and lifts themselves. Unsecured concealed areas have been minimised and will also be well lit. All common areas and pathways will be illuminated.

Principle 9: Social dimensions

“Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.”

The proposed development provides for a mix of apartment designs and layouts for varying household sizes, providing a number of options to suit various occupants, and would complement and extend the range and diversity of residential accommodation in the area. The selection of units would make the building attractive to a broad cross section of the community. The development would meet the needs of the community in terms of lifestyle, choice and given the close proximity to the Campbelltown CBD, would enable easy access to major transport nodes, commercial and business uses, as well as shopping facilities.

Three adaptable units are to be provided in the building and are accessible by lift from the basement.

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Principle 10: Aesthetics

“Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.”

The façades of the building are modulated with specific contextual references to the form and scale of the adjoining buildings. The proposed development incorporates a mix of building elements, textures and colours to reflect the building’s character, thereby contributing to a high quality design. The colours selected would assist to delineate the various horizontal and vertical forms, as well as reduce the overall perceived scale of the building.

The façades of the building respond to the orientation and usage of the rooms within, providing liveable indoor and outdoor spaces, therefore encouraging future occupants to utilise the threshold between semi private and public domains. Articulation is achieved with balconies, sunshades and ‘plug on’ type devices, giving the building a ‘human’ scale and allowing identification of individual units from the outside.

The building adopts a central ‘floating’ pitched roof form of simple geometry and domestic scale that is setback from the main building perimeter, creating a silhouette within the broader context of the locality. Areas of flat roof combine to create fine edges when viewed from the street and to assist in the massing and scale relative to other buildings in the precinct and streetscape.

Residential Flat Design Code

The Residential Flat Design Code (RFDC) is an additional resource to help guide the design of residential flat buildings across NSW. It sets out a number of guidelines that provide benchmarks for residential apartment buildings. The RFDC supports the design quality principles set out under SEPP 65 and as such, operates in conjunction with SEPP 65 to achieve the objective of providing high quality residential apartment buildings. An assessment of the proposed residential apartment building against the RFDC has been carried out and is detailed below.

	Objectives	Proposal
Building Envelopes	Building envelopes set appropriate scale of future development in terms of height, depth, separation, setbacks and floor space in relation to the street layout and lot size.	The proposed building sets an appropriate scale in terms of height, depth, separation, street setbacks and floor space in relation to the layout and size of the lot.
Height	Height of residential flat buildings should be based on scale and character of the local area and should allow reasonable daylight access.	The proposed development generally satisfies the height standard with exception of the penthouse level (which is discussed further in this report).

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	Objectives	Proposal
Building Depth	Ensures that the bulk of the development is in scale with the existing or desired future character as well as to provide sufficient natural sunlight and ventilation (10-18 metres depth otherwise must demonstrate that appropriate solar access and natural ventilation).	The proposal has a building depth of 18 – 20 metres, however provides appropriate solar access and natural ventilation.
Street Setbacks	Should achieve a transition between public and private space.	Building articulation provides a transition between public and private space. The penthouse level is recessed back from the lower levels.
Side and Rear Setbacks	Minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties.	The proposal generally complies with the side and rear setbacks in parts which are discussed further in this report. The side setback variations are due to modulations in the façade to provide a transition from neighbouring development and to provide greater aesthetic value when viewed from neighbouring properties.
Floor Space Ratio	Ensures the development is in keeping with the optimum capacity of the site and to allow modulation of the walls and habitable balconies.	DCP 104 does not have a standard for floor space ratio, however all other components have been complied with and objectives satisfied. The building envelope is considered appropriate.
Deep Soil Zones	Assist with the management of the water table, water quality and improve the amenity of the development.	The proposal provides a suitable area for deep soil planting.
Fences and Walls	To define the boundaries and provide security and privacy.	The side and rear boundaries have an existing lapped and capped timber fence. Fencing along the street elevation consists of brick piers with a metal type picket fence as well as hedging. This requirement is satisfied.
Landscape Design	To enhance privacy, provide a habitat for native indigenous plants, improve stormwater quality, improve microclimate and solar performance, improve air quality and contribute to biodiversity.	The landscape plan submitted with the development application provides for landscaping for shade, screening and privacy, enhanced energy and solar efficiency and aesthetics.

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	Objectives	Proposal
Open Space	<p>Passive and recreational open space with landscaping is to be provided (ground level units to have 25sqm private open space).</p> <p>Communal open space provided (25% - 30% of the site area).</p>	<p>Passive and recreational space for each unit as well as landscaped areas. Ground floor units have 25sqm private open space.</p> <p>In accordance with DCP 104 no communal open space has been provided as it is not required, however there are large amounts of public open space surrounding the subject site</p>
Orientation	<p>To optimise solar access, support landscape and to protect the amenity of existing development. 70% of units to receive solar access for three hours.</p>	<p>All apartments have been orientated to achieve ventilation and natural sunlight. 70% of units receive solar access for three hours.</p>
Planting on Structures	<p>Enhance quality and amenity of rooftops, internal courtyards and podiums and encourage landscaping in urban areas.</p>	<p>The proposal provides landscaping for individual units where required.</p>
Safety	<p>To ensure safety for residents and visitors and contribute to the safety of the public domain.</p>	<p>The proposal reinforces distinction between public and private areas by utilising landscaping, terraces and variation in levels. The design and layout of the buildings provide natural surveillance of the public domain. Controlled access into pedestrian foyers prevents unauthorised access to residential floors.</p>
Visual Privacy	<p>Provide reasonable levels of visual privacy and maximise outlook and views.</p>	<p>The proposal minimises direct overlooking of private open space areas by means of the location of balconies not overlooking adjoining properties as well as through appropriate setback treatment.</p>
Building Entry	<p>Create entrances that provide desirable identity, to orient the visitor and to contribute positively to the streetscape.</p>	<p>Residents would be provided with a clearly defined entry and pathway to the building. Separate entry is provided for vehicles.</p>
Parking and Pedestrian Access	<p>To promote access to the street and public domain, to minimise dependency on cars and provide adequate car parking facilities.</p>	<p>Car parking is provided via a combined driveway to the basement level. Separate Pedestrian access from the public street is provided to the building.</p>
Apartment Layout	<p>Ensure spatial arrangements are functional, high standards of amenity are achieved and accommodate a variety of household activities.</p>	<p>Apartment depths and spatial layouts achieve a high degree of amenity and functionality. All apartments meet the minimum floor area as recommended by the RFDC.</p>

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	Objectives	Proposal
Balconies	To provide apartments with private open space, ensure balconies are functional and contribute to safety of the street.	Each balcony complies with the minimum area and depth requirements. Each apartment provides surveillance to the street and/or open space areas.
Ceiling Heights	Increase sense of space, promote penetration of light into apartments and to allow flexibility of use.	The ceiling heights proposed comply with the requirements of the Residential Flat Design Code.
Flexibility	To encourage housing designs that meet a range of needs, accommodate whole or partial changes of use and encourage adaptive re-use.	The design of the apartments provides the ability to be flexible for changes of use as required. The mix allows flexibility in what type of apartment future occupants may require.
Mixed-use	Support the integration of appropriate retail and commercial uses with residential and encourage active street frontages.	The proposal is located within close proximity to CBD, Marsden Park and commercial precincts within Park Central. No retail and commercial uses are proposed within the development.
Storage	Provide adequate storage for each individual apartment.	Storage areas are provided within each apartment.
Acoustic Privacy	Ensure a high level of amenity.	The proposal separates quiet rooms from adjacent noisy rooms.
Daylight Access	Ensure daylight access is provided and provide residents with the ability to change the quantity of daylight to suit their needs.	70% of apartments receive the required amount of sunlight, satisfying the requirements of SEPP 65.
Natural Ventilation	Ensure apartments are designed to provide direct access to fresh air and reduce energy consumption by minimising the use of mechanical ventilation.	All apartments receive direct access to fresh air and direct ventilation. The development complies with the requirement for natural cross ventilation.
Awnings and Signage	To provide shelter and desirable signage.	Balconies above act as awnings over entry and the only signage proposed is the address number.
Facades	Promote high architectural quality, ensure facades define and enhance the public domain and building elements are implemented into the overall building form.	The design of the proposal responds to the orientation and usage of rooms within. Articulation is achieved with balconies, sun shades and add-on elements. Architectural quality is high.
Roof Design	Provide quality roof designs, integrate the roof into the design of the building and increase the longevity of the building through weather protection.	The roof design is a floating pitched form roof creating a silhouette within the broader skyscape.

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	Objectives	Proposal
Energy Efficiency	Reduce the need for mechanical ventilation and promote renewable energy initiatives.	The proposal is designed to incorporate energy efficiency measures and natural ventilation.

In conclusion, the proposed development satisfies the overall intent of SEPP 65 and the RFDC subject to some minor variations which are discussed in further detail later in this report.

2.3 Campbelltown (Sustainable City) Development Control Plan 2009

Campbelltown (Sustainable City) Development Control Plan (SCDCP) does not apply to the site as there is a site specific development control plan for Park Central, however it is considered relevant to assess the proposed development against the aims of the SCDCP as follows:

- ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan
- ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development
- facilitate innovative development of high quality design and construction in the City of Campbelltown
- ensure that new development maintains or enhances the character and quality of the natural and built environment
- ensure that new development takes place on land that is capable of supporting development
- encourage the creation of safe, secure and liveable environments
- ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions
- provide for a variety of housing choices within the City of Campbelltown.

It is considered that the development is generally consistent with several of the relevant aims of the SCDCP.

2.4 Development Control Plan No.104 - Campbelltown Link Site

Development Control Plan No.104 - Campbelltown Link Site (DCP 104) came into force on 9 January 2002 and applies to the whole of the Link Site. The objectives of the DCP are:

- a. to allow for a variety of land uses and building types including open space, residential, mixed uses, commercial and aged persons housing within appropriate identified precincts

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- b. to ensure a minimum neighbourhood dwelling density of 30 dwellings per hectare of total residential precincts is achieved through the provision of a mixture of dwelling types and building configurations
- c. to ensure building design demonstrates architectural merit and comprises high quality materials and finishes
- d. to create a place that serves and inspires present generations without compromising future generations through the utilisation of ecologically sustainable design practices
- e. to provide opportunities to a range of transport nodes
- f. to provide for increased housing densities in close proximity to transport nodes and civic precincts, in accordance with State Government Policies and Council's Housing Strategy
- g. to capitalise on the Link Site's location and distinctive features to create a high quality urban environment which offers a range of housing, employment and recreational opportunities.

The proposed development complies with a number of the objectives of DCP 104.

The subject site falls within the "Hilltop Drive" precinct, which is intended to create an urban feature on the hilltop. The objectives of these precincts relevant to the proposal are:

- to create a design feature at the top of the hill that will provide an interesting skyline silhouette which relates to the surrounding development
- to encourage a closed and more formal building pattern which frames views out from the site
- to provide a variety of housing types including medium density housing to meet the changing demand for housing in the Campbelltown area and the requirements of Council's Residential Strategy.

The proposed development is consistent with these precinct objectives, as the proposed building creates a design feature at the top of the hill. The proposed building will provide views across the Park Central area, as well as surrounding areas.

In conclusion, it is considered that the proposed development would not compromise the overall objectives for the Link Site, and would provide a development that would have a positive impact on the overall streetscape.

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Design Guidelines

Specific controls in relation to design and massing and setbacks have been provided for proposed developments within this precinct by DCP104. The proposed development has been assessed against these criteria and the outcomes are detailed below:

	Design Guideline	Assessment	Complies
Allotment Size	Minimum 800 square metres	1,298 square metres	Yes
Max. Height	Apartments: 2 – 4-storeys	Four storeys plus penthouse	No
Site Frontage	Minimum 20 metres	43.31 metres	Yes
Site Coverage	Site coverage maximum of 65%	56%	Yes
Design & Massing	<p>Uniform design along each street frontage though each side of the street is not to imitate each other.</p> <p>Roof design shall be modelled to encourage a distinct silhouette and a visually interesting skyline.</p> <p>Buildings to complement the road alignment and landscaping should frame views to the north-east.</p> <p>Lots shall be evenly spaced where the same building type is used.</p>	<p>Uniform design along street frontage. Each face of the building fronting the street does not imitate the other.</p> <p>Roof design creates a distinct silhouette although it is setback to the perimeter of the building and creates a visually interesting skyline.</p> <p>Building complements the road alignment and landscaping frames views to the north-east as well as around the scar tree on Lot 609.</p> <p>Lots and buildings are evenly spaced.</p>	Yes
Private Open Space	Balconies are to have a total area of 8.0 square metres and shall not be less than 2.0 metres in width	All balconies have a minimum area of 8.0 square metres with minimum 2.0 metres depth.	Yes
Car Parking	<p>One space per apartment plus one per five apartments for visitor.</p> <p>Total required: 32.4 spaces</p>	<p>27 spaces plus six visitor spaces</p> <p>Total: 33 spaces</p>	Yes

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	Design Guideline	Assessment	Complies
Setbacks	Front setback – 4.0 metres plus 2.0 metre	Minimum front setback is 2.0 metres in one area. The remainder of the building has a 4.0 metre setback. Balconies do not comply with 2.0 metre projection	No
	Side setback - minimum 5.0 metres	Side setbacks: 5.0 metres with minor encroachments	No
	Rear setback - minimum of 6.0 metres	Rear Setback: 6.0 metres	Yes

The proposed development generally complies with the Design Guidelines except as detailed below:

Height

The proposed building is four storeys plus a recessed penthouse level. The variation to the height limit is considered to be satisfactory given that the penthouse level is recessed from Santana Road, which results in the building presenting as a four storey apartment building when viewed from the surrounding road network. It should be noted that the penthouse level would fit within the roof area of a four storey building with 27 degree pitch roof rising from its perimeter. Given that the subject site is positioned on the highest part of Park Central, the penthouse level would only be visible in distant oblique views from lower levels of the locality, however it would be positioned against the greater bulk of the surrounding development. In addition, the penthouse level would not have an adverse impact on overlooking or shadowing, nor would it affect acoustic or visual privacy of the adjoining development. In addition, the narrow dimensioned ‘floating’ pitched roof provides for a superior architectural and skyline outcome compared to that which would result from strict compliance with the four storey limit incorporating a full pitched roof rising from the building perimeter. As such, it is considered that in the circumstances of this case, that the variation to the height limit be supported.

Front and Side Setbacks

The front setback of the building is predominantly 4.0 metres with some projections within 2.0 metres of the front boundary. However there is a variation to this, with the balconies provided on the ground floor and first floor located on the eastern corner of the building which are set back 1.0 metre from the boundary. This variation is considered to be relatively minor given that the balconies provide a high standard of architectural merit, and adds visual interest to the facades of the building that the balconies are attached to. In addition, the balconies would not have any adverse overshadowing or privacy impacts on the adjoining property.

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The side setback is generally compliant, except for the first, second and third floor balconies located on the south-western side. A minor compliance on the north-eastern side is due to the articulation of the building. The balconies closest to the south-western boundary overlook into public open space and do not have any adverse overshadowing or privacy impacts. These balconies also provide for added visual interest through their varying articulations against the main façade. The non-compliance on the north-eastern side is due to the 'designed' articulation of the building. No balconies have been provided on this side and as such, the minor non-compliance assists in the presentation of the building as viewed by occupants of the adjoining property.

3. Planning Assessment

3.1 Crime Prevention Through Environmental Design

The design of the building and the layout of the development contributes to the overall safety and vitality of the adjacent spaces, by enforcing natural surveillance and reducing opportunities for crime. The design orientates the balconies and windows of individual units towards the street and adjoining public open space areas to provide opportunities for casual surveillance of the public domain.

The width and alignment of pathways enable clear sight lines to required destinations. Communal focal points are located in areas with a high level of natural surveillance.

Lighting is proposed to be installed in accordance with the relevant Australian Standards to ensure that all entries, foyer areas and pathways are illuminated to an acceptable level. Landscaping has also been designed so as to not create any hiding niches and/or entrapment areas.

4. Public Participation

The subject development application was referred to adjoining residents during the period of 19 February 2013 until 5 March 2013. During this time, Council received one submission objecting to the proposed development. The submission raised the following concerns:

4.1 Traffic Impacts

Concern was raised that the proposed development would increase the traffic in the area.

The proposed development is likely to increase traffic within the immediate vicinity, however, it is considered that this increase in traffic would be relatively low. The proposal is located within a cul-de-sac and not a through road, which would limit the traffic to residents of the apartment building and their occasional visitors. There would be no through traffic in this area, nor would there be any external traffic trying to access the commercial/ business areas within Park Central via this location. It is considered that the surrounding road network has the environmental capacity to accept the additional traffic without causing a significant impact on the surrounding amenity or network efficiency.

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4.2 Overshadowing and Privacy Impacts

Concern was raised that the proposed development would have adverse overshadowing and privacy impacts.

The subject site has only one adjoining residential neighbour, with the other boundaries of the site being surrounded by public open space areas. Given the orientation of the subject site and the shadow diagrams submitted as part of the application, there would be no overshadowing of the adjoining property's private open space area at any time between the hours of 9am and 3pm. Most of the shadow from the building would be cast on the public open space area to the northwest, as well as onto Santana Road. Therefore it is considered that there would be no adverse overshadowing impacts on the adjoining residential dwelling.

The building has been designed to face away from the adjoining residential dwelling to minimise any overlooking impacts. The front portion of the north-eastern elevation is more than 9.0 metres from the windows and balcony of the neighbouring property and would not be likely to give rise to any significant visual privacy impacts. The proposal has incorporated obscure glazing, as well as louvered screens to the habitable room windows along the north-eastern elevation to help reduce potential overlooking. As such, it is considered that the proposed development would have no significant adverse overlooking impacts on the adjoining residential dwelling.

5. Conclusion

Council has received an application for the construction of a five storey (above ground level) residential apartment building containing 27 units, basement car parking and associated landscaping at Lot 608 DP 1141214, No. 54 Santana Road, Campbelltown.

The proposed development generally conforms to the requirements of SEPP 65, LEP 2002, the aims of Council's Sustainable City DCP and The Link Site DCP. It is considered the proposal results in acceptable planning outcomes for the site.

The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered as a favourable outcome for the land. Adequate measures relating to waste management are proposed in order to ensure that the development does not significantly and detrimentally impact on traffic safety and convenience within the neighbourhood.

It is considered that the development proposed forms a reasonable balance between the existing surrounding development and land uses and Council's desired likely future character and development density for that part of the Park Central precinct.

Officer's Recommendation

That development application 45/2013/DA-RA for the construction of a five storey residential apartment building containing 27 units, basement car parking and associate landscaping at No. 54 Santana Road, Campbelltown be approved, subject to the conditions detailed in Attachment 1.

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Councillor Oates.

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 90

That the Officer's Recommendation be adopted.

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

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

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall 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.

2. Building Code of Australia

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

3. Contract of Insurance (residential building work)

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

This clause does not apply:

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

4. Notification of Home Building Act 1989 Requirements

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

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

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

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

5. Landscaping

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

6. External Finishes

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

7. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
 - b. 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.
-

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8. Fencing

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

9. Switchboards/Utilities

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

10. 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).

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

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

11. 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.

12. 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.

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. Car Parking Spaces

33 car parking spaces, including five disabled 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).

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15. Rubbish/Recycling Bin Storage

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

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

16. Shoring and Adequacy of Adjoining Property

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

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

17. 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.

18. Construction Certificate

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

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

19. Retention of Construction and Demolition Waste Dockets

All construction and demolition waste docketts shall be retained on-site to confirm which facility received the material for recycling and/or disposal.

20. Waste Collection Points

The waste collection points shall provide enough room for the bins to be presented side-by-side at least 0.5 metres apart with an overhead clearance of four metres.

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21. Additional Bins

An additional two spare 240 litre general household bins and two spare 240 litre recycling bins are to be provided to accommodate an additional waste and recyclables generated by the residents.

22. Caretaker Responsibility

The caretaker of building is responsible for the administration of all waste and recycling on the premises.

23. No Stopping Zones

'No Stopping Zones' signage shall be applied to waste collection areas stating that the areas highlighted for waste collection are a 'No Stopping Zone' between the hours of collection (6am to 10am).

24. Strata Subdivision

This development consent does not approve any strata subdivision for the development. Should strata subdivision be required, a separate development application is required to be submitted to Council.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

25. 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.

26. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

27. 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.

28. 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.

29. 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 drainage system under Council's control. All proposals shall comply with the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

30. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

31. Work on Public Land

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

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32. 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.

33. 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.

34. Controlled Activity Approval

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the NSW Office of Water has been provided to Council, or a letter from NSW Office of Water stating that a Controlled Activity Approval is not required for the development, has been provided to Council.

35. Telecommunications Infrastructure

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

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.

36. Erosion and Sediment Control

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

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37. Erection of Construction Sign

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

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

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

38. 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.

39. 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.

40. 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.

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41. 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.

42. 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.

43. 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.

44. 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.

45. Construction Work Hours

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

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

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46. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and 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.

47. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

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

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

48. 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.

49. 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.

50. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

51. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual "Traffic Control at Work Sites" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all Work Cover Authority requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

52. 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); and
- d. Relevant Australian standards and State Government publications.

53. 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.

54. 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.

55. 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.

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56. 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".

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

Prior to Council or an accredited certifier issuing an Occupation Certificate, the applicant shall obtain notice from the Council that the applicant's Section 94A obligations 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 have been satisfied.

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
-

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

- 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.

58. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Coordinator.

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

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

59. 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.

60. 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.

61. 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.

62. Retaining

Prior to the principal certifying authority issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved retaining wall.

63. 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.

64. 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.

65. 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. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

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.

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.

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

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. Retaining Walls

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

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.

Advice 10. 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 11. 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 12. Rain Water Tank

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

Advice 13. Bonds and Bank Guarantees

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

Advice 14. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 15. Telecommunications Act 1997 (Commonwealth)

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

3.3 No. 54 Santana Road, Campbelltown - Construction Of A Five Storey Residential Apartment Building Containing 27 Units, Basement Car Parking And Associated Landscaping

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

END OF CONDITIONS

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

3.4 No. 3 Carlisle Street, Ingleburn - Demolition of an existing dwelling and ancillary structures and the construction of a residential apartment building containing 22 units with sub-floor level car park and roof terrace area

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality plan
3. Site plan
4. Basement floor plan
5. Landscape plan
6. Elevations
7. Perspectives

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 100, DP 562008 – No. 3 Carlisle Street, Ingleburn
Application No	1080/2011/DA-RA
Applicant	PRD Architects
Owner	Mohammed Rahman
Provisions	<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> <p>Campbelltown City Council Section 94A Development Contributions Plan</p>

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

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

Campbelltown 2025 Looking Forward

Date Received

17 June 2011

Report

Development Consent is sought for the demolition of an existing dwelling and ancillary structures, and the construction of a residential flat building, containing 22 units, with sub-floor level car park and roof terrace area.

The subject site consists of a single irregular shaped allotment, with frontage to Carlisle and Flint Streets.

The site is located adjacent to the Ingleburn Town Centre. Development in the immediate surrounds of the site consists predominately 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 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

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

Subsequently, it is considered that the proposal is acceptable in this regard.

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 consideration be given to a number design quality principles.

The application is accompanied by a Design Verification Statement authored by Peter Rasa, Registered Architect of PRD Architects. 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 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

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.

Thereby the proposal satisfies the provisions of Clause 29 of LEP 2002 and Council is able to approve the application should it deem it 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).

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 201m ² and 1,000m ² .	A 5,000L underground rain water tank.	Yes

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 demolition plan has been provided. The plan is considered to be satisfactory.	Yes
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany all residential apartment building applications.	A detailed Waste Management Plan has been provided and is considered to be satisfactory.	Yes

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
4.3.2 (a)	Building form and character	Maximum four storey building height.	<p>The proposed development has an overall height of five storeys (a sub-floor level car park, three levels of residential units and a roof terrace).</p> <p>It is noted that the sub-floor car park projects up to approximately 2m above the existing ground level, and that the roof terrace includes a bathroom and a pergola, thereby both areas technically constitute storeys.</p>	<p>No</p> <p>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 satisfying the 'basement' provisions of this Plan.</p> <p>The applicant has identified that the projection of the car park responds to the flooding/hydraulic constraints of the site, and that the 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 result in additional view loss or overlooking, while additional overshadowing will be proportionally minor.</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.</p> <p>While the roof terrace area is setback a minimum of 2.5m from the perimeter of the building, thereby not providing any additional view loss, overlooking or overshadowing, however increasing the provision of amenities for future occupants.</p> <p>Given these matters it is recommended that the proposed variation be supported in this instance.</p>

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 main 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 planes of exterior walls in depth and / or direction.	The proposed development includes off-set walls that are varied in proportion.	Yes
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 component 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 on the ground floor level.	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 on the ground floor level.	Yes

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 site.	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 maximizes opportunities 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 of highly reflective or gloss materials or colours shall be minimised.	The external finishes provide for contrast between the various sections of the development.	Yes
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	The site is to be developed as a residential apartment building.	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 service providers.

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 overrun is integrated into the building design.	Yes Furthermore, a condition has been included within the recommendation requiring that any roof-mounted air conditioning, vents / ducts or the like, are not to 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.		No However, a condition has been included within the recommendation requiring all lighting being in accordance with the requirements of Australian Standard 4282.
4.3.3 (f)	Site Services	An on-going waste management plan shall be prepared by a suitably qualified person and submitted with the development application.	A detailed waste management plan has been provided and is considered satisfactory.	Yes

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 .	2,104m ²	<p style="text-align: center;">No</p> <p>The applicant has provided the following justification of the non-compliance:</p> <ul style="list-style-type: none"> - that the design maintains a reasonable level of privacy. - that sufficient open space, landscaping, access and parking is provided. - that the development of a site with a slightly smaller site area, will have little visual consequence to the streetscape amenity. <p>These reasons are acknowledged, and this coupled with the development pattern of the locality and that the owner of the adjoining site (No. 1 Carlisle Street) has indicated that they are not interested in selling, it is considered that the proposal is suitable in this regard. Accordingly it is recommended that the proposed variation be supported in this instance.</p>
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.	33.5m	<p style="text-align: center;">Yes</p>

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 north – north west of the site (No.1 Carlisle Street) is less than 2,500m ² and is surrounded to its other side by Flint Street.	<p style="text-align: center;">Yes</p> <p>A detailed concept type plan has been provided, demonstrating how the adjoining site could potentially be developed satisfactorily.</p> <p>Furthermore, the applicant has made a reasonable attempt to acquire the adjoining allotment, however the owner has indicated that they are not interested in selling.</p>
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.	<p>Setbacks of 5m to Carlisle Street and 19.7m to Flint Street are provided.</p> <p>It is noted that the wall of the building is setback 5.5m from Carlisle Street.</p>	<p style="text-align: center;">No</p> <p>The variation is specifically in relation to street facing balconies on the second and third levels, that project forward of the main building.</p> <p>It is considered that this element provides additional articulation and given the relative open style of this element it is considered that such does not provide excessive additional bulk to the overall development and it is recommended that the proposed variation be supported in this instance.</p>

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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.	Setbacks of 5.5m are provided to the rear boundary and both side boundaries.	No The variation is predominantly in relation balconies on the second and third levels, that project forward of the main building. It is considered that this element provides additional articulation and given the relative open style of this element it is considered that such does not provide excessive additional bulk to the overall development or additional privacy impacts and it is recommended that the proposed variation be supported in this instance.
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.	The proposed 22 unit development includes three, one bedroom apartments (14% of the total 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.	The proposed 22 unit development includes two adaptable apartments (9% of the total apartments)	No However a condition has been included within the recommendation, requiring the provision of an additional adaptable apartment, to bring the proposal into compliance.
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

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 eight 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.	The lift accesses each level.	Yes
4.4.3 (f)	General requirements for residential apartment buildings	A maximum of 50 dwellings shall be accessible from a single common lift.	The proposed development incorporates 22 units.	Yes
4.4.3 (g)	General requirements for residential apartment buildings	Access to lifts shall be direct and well illuminated.	The 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 30% of the total site area is available for deep soil planting.	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 personal use of the occupants of each dwelling. Such storage facility shall have a storage capacity of no less than 8m ³ in case of a one bedroom apartment, 10m ³ in case of a two bedroom apartment and 12m ³ in case of a three bedroom apartment.	Each apartment is provided with a storage facility that satisfies the relevant capacity requirements.	Yes
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.

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

Section	Control	Requirement	Proposed	Compliance
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 has minimum dimensions of 2.5 x 5.5m in.	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 technically 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	Each dwelling shall be provided with a minimum of one car parking space, and: <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 every 10 dwellings (or part thereof). Equating to 31 spaces	The proposed layout includes 31 car parking spaces.	Yes
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 five bike storage spaces.	The proposed layout includes six bike storage spaces.	Yes

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Section	Control	Requirement	Proposed	Compliance
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.	The courtyards and balconies utilise 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 separated from common areas.	Yes
4.4.7 (b)	Privacy	No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9m of the proposed window or balcony.	Window and balconies don't directly face other windows, balconies or private courtyards.	Yes
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 57m ² recreation room.	Yes

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Section	Control	Requirement	Proposed	Compliance
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 courtyard type areas (48m ² and 200m ² in area) that could be used for such purposes.	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 setbacks of the building.	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 eight bins.	The application indicates that 20 bins can be housed within the bin storage pavilion (10 garbage bins and 10 recycling bins).	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 eight bins.	The application indicates that 20 bins can be housed within the bin storage pavilion (10 garbage bins and 10 recycling bins).	Yes
4.4.9.3	Bin Storage Room			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 north – north west of the site (No. 1 Carlisle Street) is less than 2500m² (the minimum site area requirement for Residential Apartment Buildings) and is surrounded to its other side by Flint Street). As such, this allotment would become isolated by the proposed development.

In respect to the isolation of a site, there have been a number of Land and Environment Court appeals which have considered such an issue and as a result a Planning Principle has been established in the Land and Environment Court. This Planning Principle was established as a consequence of the Land and Environment Court matter of “Grech verses Auburn Council”.

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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.”

Attempts have been made for some time attempting to purchase the adjoining site (No. 1 Carlisle Street).

“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 qualified registered valuer) of the adjoining site and an offer was made to the respective owner on the basis of that valuation. The owner of the adjoining has failed to respond.

“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 has been provided to Council of 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 has been provided demonstrating how the isolated site could be developed.

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.

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3.3 Natural Environment

The proposal involves the removal of approximately 27 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 not unreasonable, given the nature of the locality and that the planning provisions provide for four storey buildings.

3.5 Privacy

Side and rear facing balconies are to be provided with 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 on 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.

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 imposition of certain conditions, which have been included within the recommendation.

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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 proposal 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 future character for the locality, and is considered acceptable in this regard.

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

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

- **That the proposal adversely impacts on trees**

As previously outlined, the application has been accompanied by an Arboriculture Assessment report, in relation to the proposed tree removal. To offset the tree removal substantial landscaping works are proposed, including various indigenous trees and shrubs. Furthermore, the Arboriculture Assessment report outlines that subject to the implementation of Asset Protection Zones during construction, that the proposal would be unlikely to impact upon other trees on or adjacent to the site.

- **That the proposal will adversely impact on the privacy of adjacent premises**

As previously outlined, side and rear facing balconies are serviced by privacy type louvres and it is considered that the proposal would not present unreasonable privacy impacts on surrounding properties, having regard to the nature of the locality.

- **That the proposal is located too close to adjoining premises**

As previously outlined, setbacks of 5.5m are provided to the rear boundary and both side boundaries, and that the proposal would not present unreasonable privacy impacts upon surrounding properties.

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, 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 the existing and future likely character of the locality.

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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.

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. 1080/2011/DA-RA, for the demolition of an existing dwelling and ancillary structures and the construction of a residential apartment building containing 22 units with sub-floor level car park and roof terrace area, at No. 3 Carlisle Street Ingleburn, be approved subject to the conditions within Attachment No. 1.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

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

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

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 91

That the Officer's Recommendation be adopted.

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

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

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall be completed in accordance with the approved plans prepared by PRD 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.

Drawing No. (Job No. 10-039)	Date Received by Council
DA02 (Revision: E)	31 May 2012
DA03 (Revision: G)	18 April 2013
DA04 (Revision: G)	18 April 2013
DA05 (Revision: G)	18 April 2013
DA06 (Revision: F)	18 April 2013
DA07 (Revision: F)	31 May 2012
DA08 (Revision: G)	18 April 2013
DA09 (Revision: G)	18 April 2013
DA10 (Revision: G)	18 April 2013
DA11 (Revision: G)	18 April 2013
DA14 (Revision: G)	18 April 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.

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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. Contract of Insurance (residential building work)

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

This clause does not apply:

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

6. Notification of Home Building Act 1989 Requirements

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

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

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

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7. External Finishes

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

8. Landscaping

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan prepared by Ochre Landscape Architects, submitted to Council on 7 June 2012, 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.

9. 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*.

10. 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.

11. Driveway

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

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

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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. 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.

14. Flood Level Controls

This subject site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The fill and floor level controls, which affect the site shall be in accordance with the design requirements of the with the Campbelltown (Sustainable City) DCP 2009 – Volume 2.

15. 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.

16. Car Parking Spaces

31 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.

17. Shoring and Adequacy of Adjoining Property

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

- a. Protect and support the adjoining premises from possible damage from the excavation, and
- b. Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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18. Rain Water Tank

A rain water tank is to 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.

19. Basement

- a. The basement shall be provided with electronic access control.
- b. The ceiling of sub-floor level car parking is to be finished in white paint, as to increase the effectiveness of lighting.

20. Waste Management

- a. Garbage and recycling bins shall only be stored in accordance with the approved plans, not within vehicle parking, vehicle manoeuvring areas or landscaped areas.
- b. The bins storage area is to be finished and maintained, in accordance with the requirements of Section 4.4.9.3 (a) of the Campbelltown (Sustainable City) DCP 2009.
- c. A site manager shall be employed to manage all on-site waste management activities.

21. Basement car park

The applicant shall ensure that the basement car park complies with all the requirements as set out in Section 4.13.8 of Campbelltown (Sustainable City) DCP 2009 – Volume 2

22. 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.

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. 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.

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24. 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 provided. 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.

25. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

26. 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.

27. Demolition Works

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.

28. 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.

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29. 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.

30. Construction Traffic Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare a Construction Traffic Management Plan and receive the written approval of the Director Planning and Environment, Campbelltown City Council. The Construction Traffic Management Plan shall contain the following details 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 may be referred to Council's Local Traffic Committee for consideration.

31. Traffic Control Plan

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 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 Traffic Control Plan 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.

32. 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.

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33. 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.

34. Inundation by Flood Waters

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2 and obtain approval from Council's Manager Technical Services, as it is considered that the subject development is at risk of inundation by floodwaters due to overland flow affecting the property. The plans shall include details of:

- a. The calculated 100 year flows at this location and the extent of any inundation affecting the development;
- b. Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c. Measures proposed to ensure compliance and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

In addition to the above:

- i. Site fill levels shall be at or above the calculated 100 year ARI level and habitable floor levels shall be in accordance with the freeboard requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 2.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for Construction of Subdivision Road and Drainage Works' (as amended), AS3789 'guidelines for Earthworks for Commercial and Residential Development (as amended), and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

35. Dilapidation Reports

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.

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Address:

- 1 Carlisle Street, Ingleburn;
- 7 Carlisle Street, Ingleburn; and
- 3 Flint Street, Ingleburn

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.

36. 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's development engineering section 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.

37. 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.

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

38. 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.

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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.

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.

40. 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.

41. Erection of Construction Sign

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

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

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

42. 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:

3.4 No. 3 Carlisle Street, Ingleburn - Demolition Of An Existing Dwelling And Ancillary Structures And The Construction Of A Residential Apartment Building Containing 22 Units With Sub-Floor Level Car Park And Roof Terrace Area

- 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. Demolition Works

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
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- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

48. Hoarding / Fence

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

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

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

49. Fencing

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

50. Sydney Water

Prior to the commencement of any works on the land, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

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51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

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56. 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.

57. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

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

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

58. 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.

59. Certification of Location of Walls during Construction

Prior to the positioning of walls (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 dimensions.

60. Certification of Location of Building upon Completion

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

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61. Certification of Levels of Building During Construction

Prior to the placement of any concrete of the 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.

62. 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.

63. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual "Traffic Control at Work Sites" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all Work Cover Authority requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

64. 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); and
- d. Relevant Australian standards and State Government publications.

65. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

66. 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.

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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.

67. 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.

68. 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.

69. 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".

70. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Coordinator.

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

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

71. 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.

72. 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.

73. 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.

74. 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.

75. 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 the line marking / sign posting approved by the Traffic Committee for the development, if applicable. The plans shall show all works undertaken and the date of installation.

76. 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:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System.
 2. DXF and/or MID/MIF file format(s), and
 3. Datum to be AHD (Australian Height Datum)
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77. 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.

78. Clothes Dryers

Prior to the issue of an Occupation Certificate, clothes dryers are to be installed within each unit.

79. 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.

80. Council Fees and Charges

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

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

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

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
 - 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.
-

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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.

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.

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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.

Advice 10. 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 11. 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.

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Advice 12. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 13. Telecommunications Act 1997 (Commonwealth)

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

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

END OF CONDITIONS

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
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Total ongoing Class 1 DA appeal matters (as at 30/04/2013)	3
Total completed Class 1 DA appeal matters (as at 30/04/2013)	2
Costs from 1 July 2012 for Class 1 DA appeal matters:	\$52,725.30

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: \$47,017.90

Status: Completed – Appeal dismissed. Awaiting final costs invoice.

Progress: Commissioner delivered judgement in Council's favour dismissing the Applicant's appeal.

1 (b) Frank ASSAD

Issue: Appeal against Council's refusal of Development Application No. 124/2012/DA-C for variation to conditions of use, and alterations and additions to an existing brothel.

Property: Lot 2 DP 519337 No. 15 Blaxland Road, Campbelltown

Property Owner: Mr. Zhi Hua Yan and Ms. Cui Li Wang

Council File: No. 124/2012/DA-C

Court Application: Filed on 8 February 2013 - File No. 10084/2013

Applicant: Frank Assad

Costs Estimate: \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$0.00

Status: Ongoing – Listed for hearing on 17 and 18 June 2013.

Progress: Matter was before the Court for conciliation conference on 9 April 2013 where satisfactory resolution was not reached. Matter now listed for hearing on 17 and 18 June 2013.

1 (c) Ray JARDINE

Issue: Appeal against Council's deemed refusal of Building Certificate Application No. 772/2012/BC-UW seeking to regularise unauthorised building works (two mezzanine floors and addition of access doors) which have impacted on the structural aspects and fire safety provisions of the building.

Property: Lot 26 DP 28853 No. 2 Somerset Street, Minto

Property Owner: Mr. Ray Jardine and Mrs. Precilla Eva Jardine

Council File: No. 772/2012/BC-UW

Court Application: Filed on 21 February 2013 - File No. 10120/2019

Applicant: Ray Jardine

Costs Estimate: \$11,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$0.00

Status: Ongoing – Listed for further conciliation conference on 12 June 2013.

Progress: Matter was before the Court for first mention on 15 March 2013 where directions were made that the parties enter into an onsite Court assisted conciliation conference on 23 April 2013. The conference was adjourned to 12 June 2013 to allow the applicant time to provide Council with plans showing the building as built and for Council's officers to conduct a further inspection.

1 (d) Ray JARDINE

Issue: Appeal against Council's deemed refusal of Development Application No. 763/2008/DA-IB seeking modification (alterations to the existing building including the addition of a takeaway shop) to existing consent No's. 763/2008/DA-I and 763/2008/DA-IA for demolition of a dwelling, conversion of existing industrial building as place of public worship and associated car parking; and modification to front of building (replace window with entrance doorway).

Property: Lot 26 DP 28853 No. 2 Somerset Street, Minto

Property Owner: Mr. Ray Jardine and Mrs. Precilla Eva Jardine

Council File: No. 763/2008/DA-IA

Court Application: Filed on 21 February 2013 - File No. 10120/2013

Applicant:	Ray Jardine
Costs Estimate:	\$11,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$0.00
Status:	Ongoing – Listed for further conciliation conference on 12 June 2013
Progress:	Matter was before the Court for first mention on 15 March 2013 where directions were made that the parties enter into an onsite Court assisted conciliation conference on 23 April 2013. The conference was adjourned to 12 June 2013 to allow the applicant an opportunity to seek legal advice concerning his options with respect to withdrawing the appeal and lodging a development application for the proposed modification and take-away shop.

2. Land and Environment Court Class 1 Matters – Appeals Against Council's issued Orders / Notices
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Total ongoing Class 1 Order/Notice appeal matters (as at 30/04/2013)	0
Total completed Class 1 Order/Notice appeal matters (as at 30/04/2013)	1
Costs from 1 July 2012 for Class 1 Order/Notices appeal matters:	\$145.60

2 (a) John Frank GALLUZZO

Issue: Appeal against Council's Order 15 given under the *Environmental Planning and Assessment Act 1979* requiring compliance with conditions 19 and 48 of development consent 610/2004/DA-C (construction of a Type 'B' intersection at the intersection with Campbelltown Road and Blomfield Road, Denham Court) relating to the childcare centre development at No. 1 Blomfield Road, Denham Court.

Property: Pt Lot 1 DP 602622 No. 1 Blomfield Road, Denham Court

Property Owner: John Frank Galluzzo

Council File: No. 610/2004/DA-C

Court Application: Filed on 6 February 2013 - File No. 10080/2013

Applicant: John Frank Galluzzo

Costs Estimate: \$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$145.60

Status: Completed – Appeal discontinued by applicant. Awaiting final costs invoice.

Progress: The applicant discontinued the appeal as it became evident that the application had been filed outside the maximum period provided under the *Environmental Planning and Assessment Act 1979*.

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

Total ongoing Class 4 matters before the Court (as at 30/04/2013)	1
Total completed Class 4 matters (as at 30/04/2013)	0
Costs from 1 July 2012 for Class 4 matters	\$30,708.46

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: \$26,564.17

Status: Ongoing – Listed for second directions hearing on 5 July 2013.

Progress: On 12 April 2013 the Court made orders, inter alia relating to the service of affidavits and points of defence by the parties and listed the proceedings for second directions hearing on 5 July 2013.

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 30/04/2013)	0
Total completed Class 5 matters (as at 30/04/2013)	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 30/04/2013)	0
Total completed Class 6 matters (as at 30/04/2013)	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 30/04/2013)	0
Total completed Appeal matters (as at 30/04/2013)	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 30/04/2013)	4
Total completed Local Court Matters (as at 30/04/2013)	20
Costs from 1 July 2012 for Local Court Matters	\$3,616.00

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>
Final Costs:	\$0.00
Status:	Completed

Progress: On 13 March 2013, the presiding Magistrate made an order that the hearing listed for 8 April 2013 be vacated and that Council's application to vacate the hearing on grounds that the Council sought to withdraw and have dismissed the Court Attendance Notice issued to the defendant be granted.

Council's application was necessitated as a review of the file in this matter (following representation by the defendant), revealed that the strict terms of the condition of consent relating to the alleged charge applied to the private certifier only and could not confidently be extended to the defendant even though it was readily evident that the defendant had caused construction works to commence without notification being made to Council within the required time.

File No: LP04/13 – Penalty Notice Court Election
Offence: Fail to Comply with Pollution Prevention Notice - corporation.
Act: *Protection of the Environment Operations Act 1997*
Final Costs: \$0.00

Status: Completed

Progress: Matter was before the Court on 30 April 2013 where the defendant entered a guilty plea with explanation. Following consideration of the evidence and submissions the Magistrate found the offence proved and ordered the offence be dismissed without penalty under section 10(1)(a) of the Crimes (Sentencing Procedure) Act 1999 and that the defendant pay \$83 Court Costs.

File No: LP05/13 & LP06/13 – Charge Matters
Offence: Not comply with nuisance dog notice.
Act: *Companion Animals Act 1998*
Final Costs: \$0.00

Status: Completed

Progress: The matter was before the Court on 30 April 2013, where the defendant, Tanya Harmer made no appearance. The magistrate granted Council's application to hear the matter in the defendant's absence and after considering the evidence and submissions, found the offences proved and convicted the defendant imposing a \$300 fine and \$83 for each offence and an order with section 23(3) of the Companion Animals Act disqualifying the defendant from owning any dog for a period of five years.

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 30/04/2013)
Costs from 1 July 2012 for advice matters

8
\$15,531.41

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	\$52,725.30	\$0.00
Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council	\$145.60	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$30,708.46	\$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	\$15,531.41	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$102,726.77	\$940.00
Overall Net Costs Total (GST exclusive)	\$101,786.77	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 21 May 2013 (Greiss/Lake)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 89

That the Officer's Recommendation be adopted.

5. GENERAL BUSINESS

Nil.

Confidentiality Motion: (Lound/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 8.21pm.

G Greiss
CHAIRPERSON
