

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 6 August 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 6 August 2013

Present

Her Worship the Mayor, Councillor S Dobson
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
Director Community Services – Mrs L Deitz
Director Planning and Environment - Mr J Lawrence
Manager Community Resources and Development - Mr B McCausland
Acting Manager Customer Service – Mr P MacDonald
Manager Development Services - Mr J Baldwin
Manager Education and Care Services – Mrs J Uluibau
Manager Executive Services – Mr N Smolonogov
Manager Property Services – Mr J Milicic
Manager Sustainable City and Environment - Mr A Spooner
Executive Planner - Mrs C Puntillo
Senior Development Planner - Mr S Lee
Corporate Support Coordinator - Mr T Rouen
Executive Assistant - Mrs K Peters

Also in Attendance

Following the conclusion of the City Works Committee meeting the following Councillor attended the remainder of the Planning and Environment Committee meeting.

Councillor Mead

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

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

Pecuniary Interests

Special Disclosure - Councillor Greiss - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Greiss declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Oates - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Oates declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Kolkman - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Kolkman declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Lound - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Lound declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Thompson - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Thompson declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Mead - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Mead declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Special Disclosure - Councillor Matheson - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Matheson declared a Special Disclosure of a Pecuniary Interest and will remain in the Chamber and vote on the matter.

Non Pecuniary – Significant Interests

Nil

Non Pecuniary – Less than Significant Interests

Special Disclosure - Councillor Rowell - Item 2.1 - Draft Campbelltown Local Environmental Plan 2013 - In accordance with Section 451 (4 and 5) of the *Local Government Act 1993*, Councillor Rowell declared a Special Disclosure of a Non Pecuniary - Less than Significant Interest and will remain in the Chamber and vote on the matter.

1. WASTE AND RECYCLING SERVICES

1.1 Free 'Drop Zone' e-waste Collection Points

Reporting Officer

Acting Manager Waste and Recycling Services

Attachments

Nil

Purpose

To advise Council of the availability of free 'Drop Zone' e-waste collection points for residents and small businesses within the Campbelltown Local Government Area.

History

On 5 November 2009, all Australian environment ministers agreed on the introduction of the *National Waste Policy: Less Waste, More Resources* (the policy), which identifies 16 key strategies that set the direction of waste and resource recovery in Australia to 2020.

Strategy one of the policy relates to product stewardship, whereby all stakeholders in the production, supply and use of a product share the responsibility for the environmental impacts of that product during its life cycle, and at the end of its life. E-waste was identified as a priority waste stream, and in 2011 became the first type of waste to be regulated under the *Product Stewardship Act 2011*.

The *Product Stewardship (Televisions and Computers) Regulations 2011* (the Regulations) came into effect on 8 November 2011, and underpin the National Television and Computer Recycling Scheme (the scheme). The scheme provides a co-regulatory approach to managing e-waste, whereby government sets a series of outcomes for the scheme and industry funds and implements the scheme to meet these outcomes.

The objectives of the scheme are to:

- reduce the amount of television and computer waste (particularly hazardous waste materials) for disposal to landfill
 - increase recovery of resources from end-of-life television and computer products in a safe, scientific and environmentally sound manner
 - ensure national coverage
 - ensure fair and equitable industry participation in the scheme.
-

Under the scheme, all liable parties (as defined in the Regulations) are required to become a member of an approved co-regulatory arrangement, which has a responsibility to take all reasonable steps to meet the outcomes of the scheme. The scheme also sets annual recycling targets, which commence at 30 percent of e-waste generated during 2012-2013, and will increase to 80 percent of e-waste generated during 2021-2022.

The scheme requires each co-regulatory arrangement to provide 'reasonable access' (which is defined in the Regulations) to collection services by 31 December 2013. Importantly, collection points operated under the scheme must not charge customers any fees to drop off e-waste that is covered by the scheme.

Report

Council has recently been approached by DHL Supply Chain, which is an approved co-regulatory arrangement under the scheme, to advise of three e-waste collection points that have been established to service the Campbelltown area.

These free collection points are operated by DHL Supply Chain under the 'Drop Zone' banner, and are available to residents and small businesses. The Drop Zone locations are as follows:

- **eCycle IT**
2 Farrow Road, Campbelltown
Phone: 1800 2 RECYCLE (7329253)
Note: Collections are run every second weekend from 7.00am to 3.00pm.
Upcoming collections: 24 and 25 August, 7 and 8 September, 21 and 22 September
- **Glenfield Waste Services**
Cambridge Road, Glenfield
Phone: 9601 8766
Trading hours: Monday to Friday – 6.30am to 4.00pm
Saturday – 6.30am to 12.30pm
Closed public holidays
- **Officeworks Campbelltown**
34 Queen Street, Campbelltown
Phone: 4621 6700
Note: There is a limit of 5 items per customer, and only computers and IT accessories will be accepted. Customers must contact the store in advance to arrange a drop off time
- **SITA Spring Farm**
275 Richardson Road, Spring Farm
Phone: 1300 651 116
Trading hours: Monday to Friday – 6.00am to 4.00pm
Saturday and Sunday – 8.00am to 4.00pm.

As these collection points are provided under the scheme, it is important to note that only e-waste covered by the scheme can be accepted free of charge at these collection points (unless otherwise specified by individual sites).

Items accepted for recycling at Drop Zone locations include:

- televisions, including CRTs, Plasma, LCD and projection televisions
- personal computers and monitors
- laptops, notebooks, palmtops and tablets
- personal computer components, such as hard drives, motherboards, cards, CPUs, DVD and CD drives
- computer peripherals, such as mice, keyboards, joysticks, scanners and web cameras
- printers, included inkjet, dot matrix and laser, as well as multifunction devices.

Items not accepted at Drop Zone locations include:

- mobile phones (however, these can be dropped off at Council's Civic Centre and libraries for recycling under the MobileMuster program)
- game consoles (such as Microsoft Xboxes or Sony Playstations)
- video recorders
- DVD players
- radios and stereos
- power tools
- household appliances, such as microwaves
- set top boxes.

To raise awareness of the availability of this new service within the Campbelltown Local Government Area, Drop Zones will be advertised in the Macarthur Chronicle and Macarthur Advertiser, in Council's Compass newsletter, on Council's website and through an insert in Council's rates mailout.

As the operation of the Drop Zone program is funded by industry through the scheme, the cost to Council to support the program is limited to advertising costs. In this regard, the Drop Zone program will be incorporated into the existing Waste Education advertising schedule, which is funded by the Waste Education budget.

Officer's Recommendation

That the Drop Zone program be advertised in the Macarthur Chronicle and Macarthur Advertiser, in Council's Compass newsletter, on Council's website and through an insert in Council's rates mailout.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

1.2 Feasibility of Offering Additional Chemical CleanOut Events

Reporting Officer

Acting Manager Waste and Recycling Services

Attachments

Nil

Purpose

To outline the feasibility of conducting the annual Chemical CleanOut event more frequently.

History

Council at its meeting on 23 April 2013 requested a report outlining the feasibility of conducting Council's Chemical CleanOut event more frequently.

Report

The Chemical CleanOut is a joint event that is held by the NSW Environment Protection Authority (EPA) and hosted by councils across NSW. The event allows residents to drop off household chemicals (such as paints, oils, pesticides, gas bottles and batteries) free of charge, for safe disposal and recycling.

Each council involved in the program is allocated one event per year, which is primarily funded by the EPA, and the Campbelltown event is usually held over two days in late July.

The Chemical CleanOut event is now in its 10th year, and has continued to grow in popularity. The 2012 event saw 1289 participants drop off more than 49 tonnes of chemicals over two days, which is the highest response rate to date. However, the event has not yet reached its full capacity and would still be capable of accommodating additional participants.

As a joint event, there are costs incurred by both the EPA and Council to undertake the Chemical CleanOut, as both parties have certain responsibilities in relation to the operation of the event. The current structure of the Campbelltown Chemical CleanOut is that the EPA appoints and funds a contractor to collect and process the chemicals dropped off at the event, and Council arranges and funds the Traffic Management Plan required for the site, as well as the promotion of the event.

Quotations were obtained from the contractor that currently operates the Chemical CleanOut events on behalf of the EPA to help establish an approximate cost of running the current event. While the quotations provided were commercial-in-confidence, a generalised estimate of event costs is as follows:

Table 1: Estimate of costs to undertake an EPA sponsored Chemical CleanOut event

| Description | Estimated Cost | Funded by | Comment |
|-----------------------------------|----------------|-----------|---|
| Collection set up | \$11,000 | EPA | Price per day, includes contracted collection staff and transport |
| Processing of chemicals collected | \$30,000 | EPA | Price per day, based on collection of 25 tonnes of chemicals |
| Promotion | \$10,000 | Council | Includes newspaper advertising for event and Traffic Management Plan, printing and insertion of flyers in Rates mailout |
| Traffic management | \$1,500 | Council | Price per day, includes staff to set up and monitor Traffic Management Plan during the event |

Based on these estimates, the current cost to Council to conduct a two day, EPA sponsored Chemical CleanOut is \$13,000. The remaining cost to run this event, which is met by the EPA, equates to approximately \$82,000.

As the EPA only provides one sponsored Chemical CleanOut event to each council per year, any additional events would need to be funded entirely by Council. On this basis, the estimated cost to Council to conduct an additional Chemical CleanOut event would be as follows:

Table 2: Estimate of cost to Council to run an additional Chemical CleanOut event

| Description | One day event | Two day event |
|--|-----------------|-----------------|
| Collection and processing of chemicals | \$41,000 | \$82,000 |
| Promotion | \$10,000 | \$10,000 |
| Traffic management | \$1,500 | \$3,000 |
| Total cost | \$52,500 | \$95,000 |

It is important to note that EPA sponsored Chemical CleanOut events are open to all residents, and there are no restrictions for residents who wish to travel from other areas to use these services. For this reason, Council also promotes the Camden Chemical CleanOut event to Campbelltown residents to provide more frequent access to the service. As the Camden CleanOut is usually held in February each year, this provides Campbelltown residents with approximately six monthly access to the service within the region.

Due to the significant cost that would be incurred by undertaking an additional Chemical CleanOut, and the additional capacity currently available for residents to utilise the existing services, the cost effectiveness of providing a second annual Chemical CleanOut is questionable. Further, there are currently insufficient funds available in Council's budget to cover the provision of an additional Chemical CleanOut event.

Consequently, it is suggested that Council continue to promote the Chemical CleanOut events that are currently operated across the Macarthur region.

Officer's Recommendation

That Council continue to promote the Chemical CleanOut events that operate across the Macarthur Region.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

1.3 Quarterly Statistical Report - Fourth 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 fourth quarter of 2012-2013, which is the period from 1 April to 30 June 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 fourth quarter of 2012-2013, compared with the tonnages collected during the fourth quarters of 2009-2010, 2010-2011 and 2011-2012.

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

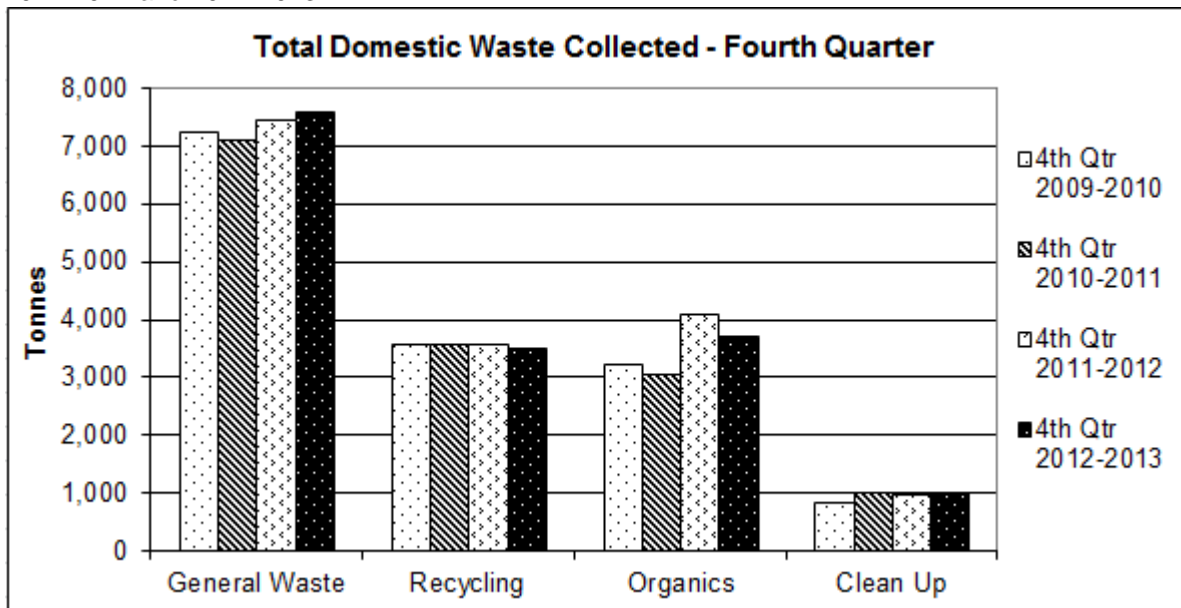


Table 1 below lists the tonnages of each waste type collected during the fourth quarter of 2012-2013, compared with the tonnages collected during the fourth quarters of 2009-2010, 2010-2011 and 2011-2012. It also shows the total tonnage of all domestic waste collected during each of these periods.

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

| Waste Type | 4th Qtr 2009-2010 | 4th Qtr 2010-2011 | 4th Qtr 2011-2012 | 4th Qtr 2012-2013 |
|-----------------------|----------------------|----------------------|----------------------|----------------------|
| General Waste | 7,242 | 7,131 | 7,449 | 7,598 |
| Recycling | 3,597 | 3,575 | 3,594 | 3,499 |
| Organics | 3,237 | 3,075 | 4,097 | 3,721 |
| Clean Up | 863 | 1,004 | 993 | 1,024 |
| Total (tonnes) | 14,939 | 14,785 | 16,133 | 15,842 |

The fourth quarter of 2012-2013 saw an overall decrease in waste tonnages in comparison with the third quarter of 2011-2012. While general waste and kerbside clean up tonnages increased slightly during this period, tonnages for recycling and garden organics experienced a decline during the fourth quarter of 2012-2013.

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 fourth quarter, Council's total diversion rate across all waste streams was 71.3%, which equated to nearly 11,300 tonnes of material diverted from landfill for the period.

Figure 2: Comparison of total diversion rates.

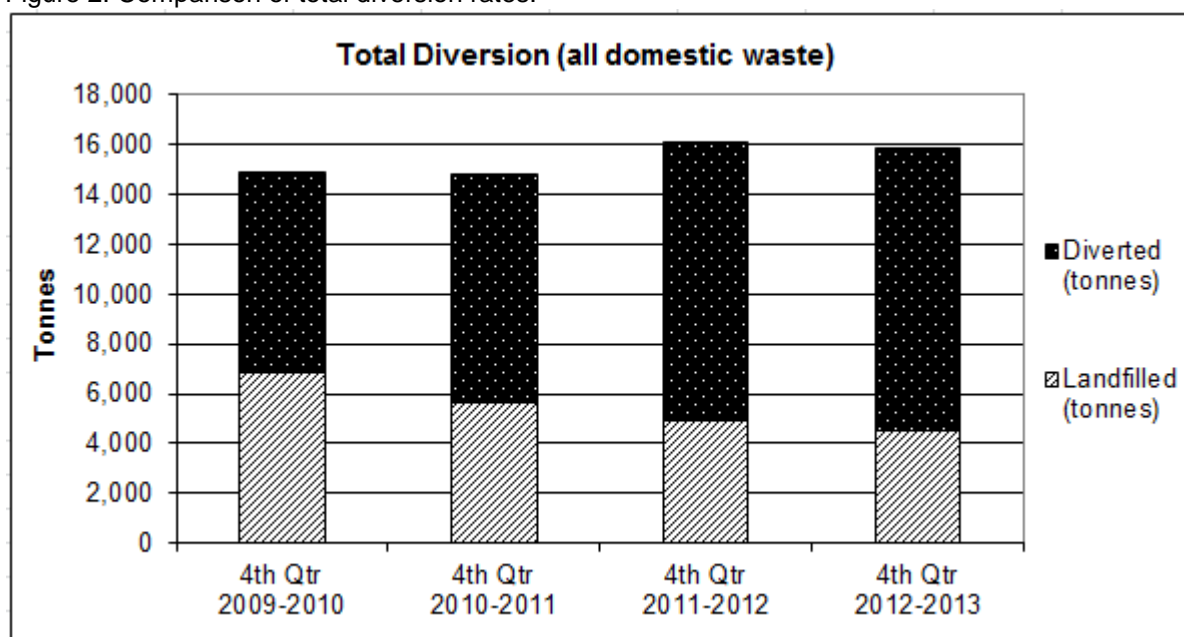
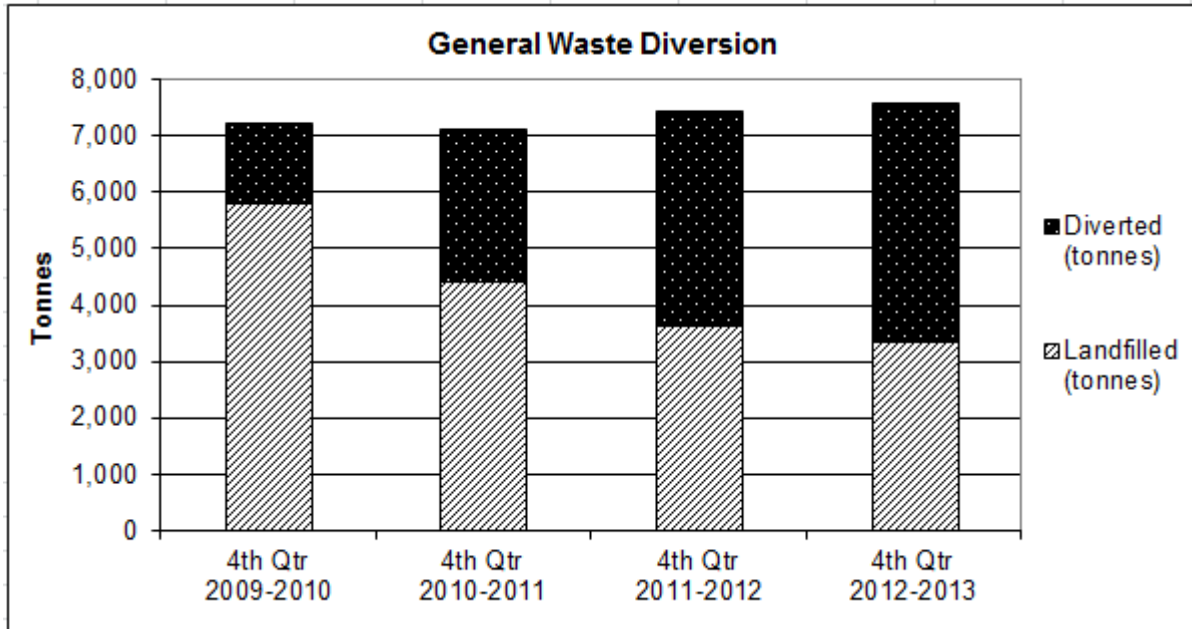


Figure 2 (above) shows the diversion rates for all domestic waste over the past four years.

The average diversion rate for general waste during the fourth quarter of 2012-2013 was 55.6%. The diversion rates for general waste over the past four years are shown in Figure 3 (below).

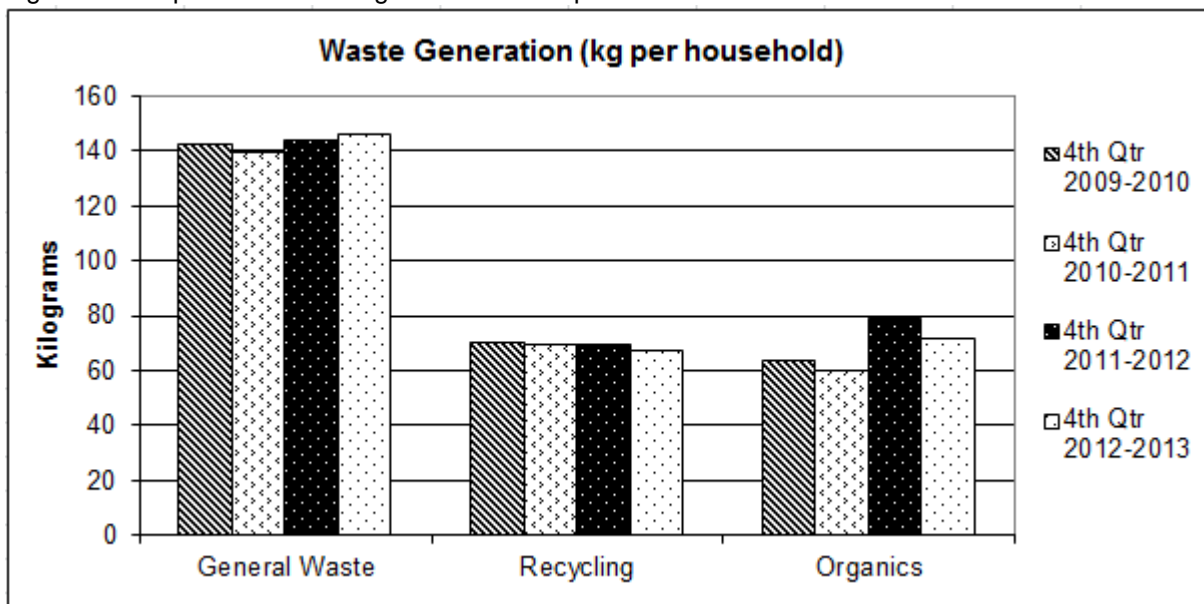
Figure 3: Comparison of diversion rates for general waste.



The average diversion rates for recycling and garden organics during the fourth quarter of 2012-2013 were 97% and 98% respectively. Approximately 3,400 tonnes of recyclables and 3,600 tonnes of garden organics were diverted from landfill during the fourth quarter of 2012-2013.

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

Figure 4: Comparison of waste generation rates per household.



The overall waste generation rate decreased from 294kg per household during the fourth quarter of 2011-2012 to 286kg per household during the same quarter of 2012-2013, which represents a decrease of 8kg of waste per household. The decrease in generation rates was experienced across all waste streams except for general waste, which increased marginally. General waste increased by 1kg to 146kg per household, while recycling dropped 3kg to 67kg per household and garden organics dropped by 8kg to 72kg per household.

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

Table 2: Comparison of customer requests.

| Request Type | 4th Qtr 2009-2010 | 4th Qtr 2010-2011 | 4th Qtr 2011-2012 | 4th Qtr 2012-2013 |
|---------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Damaged Bins | 496 | 506 | 526 | 594 |
| Stolen Bins | 285 | 358 | 449 | 373 |
| Clean Ups | 6,589 | 7,259 | 8,109 | 8,518 |
| Total | 7,370 | 8,123 | 9,084 | 9,485 |

Table 2 illustrates a continued increase in kerbside clean up bookings, with an additional 409 requests received during the fourth quarter of 2012-2013 compared to the fourth quarter of 2011-2012. Of the 8518 requests received for kerbside clean ups during the fourth quarter of 2012-2013, online bookings accounted for 1759 requests, or 21% of this total which is constant with recent trends.

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 fourth quarter of 2012-2013, in comparison with the fourth quarter of 2011-2012. This decrease was experienced in recycling and garden organics tonnages, while general waste and kerbside clean up tonnages experienced a slight increase. 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: (Oates/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Draft Campbelltown Local Environmental Plan 2013

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Previous report to Council on Draft Campbelltown Local Environmental Plan 2013 – 26 March 2013 (distributed under separate cover)
2. Details of consultation with Government Agencies, Adjoining Councils and other groups (distributed under separate cover)*
3. Explanation of particular Provisions in Draft CLEP 2013 (distributed under separate cover)
4. Revised Draft Campbelltown Local Environmental Plan 2013 - written statement and zoning map (distributed under separate cover)

Attachments 2, 3 and 4 are confidential and have been distributed to Councillors under separate cover as their contents relate to the preparation of a Draft Local Environmental Plan for which a section 65 certificate has not yet been issued under the *Environmental Planning and Assessment Act 1979*. A section 65 certificate is required to enable the Draft Plan and its supporting documents to be placed on public exhibition and to allow interested parties to make formal submissions to that exhibition process.

* Councillors seeking further details about the consultation and feedback from government agencies, adjoining councils and other groups are advised to contact the Director Planning and Environment.

Purpose

The purpose of this report is three-fold:

1. to advise Council about:
 - (a) feedback from the NSW Department of Planning and Infrastructure (DPI) regarding Preliminary Draft Campbelltown Local Environmental Plan 2013 (Draft CLEP 2013)
 - (b) the outcomes of further internal consultation about Draft CLEP 2013
 - (c) the outcomes of consultation undertaken with government agencies, adjoining councils and other groups under sections 34A and 62 of the *Environmental Planning and Assessment Act 1979* (EPA Act).
 2. to seek Council's endorsement of Draft CLEP 2013 for submission to the DPI under section 64 of the EPA Act
 3. to provide Council with preliminary information about the proposed communication/engagement strategy and the public exhibition of Draft CLEP 2013.
-

History

All councils in NSW are required to prepare a single new comprehensive Local Environmental Plan (LEP) for their local government areas, based on a standard template (the Standard Instrument or SI LEP). When it is finalised and approved by the Minister for Planning and Infrastructure, Campbelltown's new LEP (currently referred to as Draft CLEP 2013) will replace the existing principal LEPs and Interim Development Orders (IDOs), many of which are becoming out-dated.

The preparation of Draft CLEP 2013 has been a long and complex process, involving the preparation of a number of background studies. It has also required the updating and a 'best fit' synthesis of existing planning controls and the transfer of these controls into a prescribed format.

In late 2012, both the Minister for Planning and Infrastructure and the DPI instructed Council staff that Draft CLEP 2013 would need to be submitted to the department by the end of March 2013. On 26 March 2013, Council considered a report on (Preliminary) Draft CLEP 2013 and made the following recommendations:

- '1. That Council note and endorse Draft CLEP 2013 and its supporting background documents in order to enable:
 - (a) submission of the draft plan to the DPI, as required
 - (b) the concurrent undertaking of further internal consultation and formal consultation with government agencies and adjoining local councils.
2. That Council provide the General Manager and the Director Planning and Environment with the delegated authority to deal with minor anomalies and amendments to Draft CLEP 2013 during the LEP Process and to notify Council of matters that have been dealt with in this manner as soon as practicable thereafter.'

A copy of that report is provided in attachment 1.

At the meeting on 26 March 2013, Councillors disclosed pecuniary interests in relation to the preparation of Draft CLEP 2013, in accordance with the requirements of section 451 of the *Local Government Act 1993*. As advised via a separate memorandum, Councillors need to disclose their interests in relation to Draft CLEP 2013 prior to the commencement of any committee or Council meeting at which a report on the Draft Plan is being considered.

Councillors also received a briefing about Draft CLEP 2013 (as revised) on 30 July 2013, as a prelude to the report provided below.

Report

This report is divided into several sections:

Section 1 provides a brief introduction to Draft CLEP 2013.

Section 2 discusses feedback from the DPI.

Section 3 provides a brief overview of the internal consultation process.

Section 4 discusses consultation with government agencies and adjoining councils.

Section 5 discusses the content and changes that have been made to Draft CLEP 2013 since it was last presented to Council.

Section 6 provides details about the requirements for submitting Draft CLEP 2013 to the DPI to seek permission to undertake public exhibition.

Section 7 discusses the preliminary strategy for internal and community communication/engagement during the public exhibition process.

A short conclusion and recommendations are then provided for Council's consideration.

Section 1 - Introduction

As stated in the report to Council on 26 March 2013, Draft CLEP 2013 is a single draft principal LEP that applies across the whole of the Campbelltown LGA (except for land that has been temporarily deferred from the plan). A copy of Draft CLEP 2013 (as revised) is provided in attachment 4. It combines and updates the provisions contained within the eight principal statutory local planning instruments that currently apply to land within the Campbelltown LGA. These instruments are:

- Campbelltown (Urban Area) Local Environmental Plan 2002
- Campbelltown Local Environmental Plan – District 8 (Central Hills Lands)
- Campbelltown Local Environmental Plan No. 1 – (Wedderburn)
- Campbelltown Local Environmental Plan No. 32 (Wedderburn)
- Campbelltown Local Environmental Plan No. 112 – Macquarie Field House
- Interim Development Order No. 13 – City of Campbelltown
- Interim Development Order No. 15 – City of Campbelltown
- Interim Development Order No. 18 – City of Campbelltown.

Draft CLEP 2013 will also replace the following statutory local planning instruments:

- Campbelltown Local Environmental Plan No. 197 (brothels in industrial areas)
- Campbelltown Local Environmental Plan No. 209 – Exempt Development.

Draft CLEP 2013 primarily focuses on transferring planning provisions from the existing local planning instruments into the new SI LEP format, on a 'best fit' basis. Changes based on new strategic policy directions are limited, as is the inclusion of new planning provisions beyond those provided by the SI LEP format and model clauses. Detailed information about the form and function of the SI LEP and the specific strategic policy directions adopted in Draft CLEP 2013 are provided in the report dated 26 March 2013. Future amendments to CLEP 2013 will incorporate changes based generally on new strategic directions and policy decisions.

Section 2 - Feedback from the Department of Planning and Infrastructure

Preliminary Draft CLEP 2013, and its supporting documentation, were forwarded to the DPI on 28 March 2013. An initial meeting between the DPI and senior Council staff was held on 20 May 2013 where the Draft Plan was discussed. The DPI's South West Sydney, planning operations coordination and legal branches have all provided initial feedback on the Draft Plan and an on-going dialogue has been established between the DPI and relevant Council staff. Specific feedback from the DPI is discussed in section 5 and attachment 3.

In general, the DPI's feedback has focussed on making Preliminary Draft CLEP 2013 more consistent with the SI LEP and the latest model clauses (which were made available to Council at the meeting on 20 May). In addition, there has been minimal feedback in relation to the strategic aims and directions of the draft plan.

Draft CLEP 2013 has been revised, largely in accordance with the comments received from the DPI (and agency feedback discussed later). However, Council staff have not reflected the views of DPI in certain matters where it is believed that particular draft clauses or statements within the Draft Plan should be retained as originally proposed for solid and locally justifiable planning reasons, bearing in mind Council's understood position on a range of matters.

Council staff are continuing to work with the DPI to finalise Draft CLEP 2013 for public exhibition.

Section 3 - Internal consultation

A number of internal meetings and workshops were held in May and June 2013 in order to provide information about Preliminary Draft CLEP 2013 across the organisation, and also to seek feedback in order to allow the Draft Plan to be further refined.

A number of refinements to Draft CLEP 2013 have been made as a result of this consultation process and specific details about these changes are provided in section 5 and attachment 3.

Section 4 - Consultation with Government agencies and adjoining councils

On 9 April 2013, Preliminary Draft CLEP 2013 was forwarded to more than 60 government agencies, adjoining councils and other groups seeking their comment and feedback under sections 34A and 62 of the EPA Act, as considered appropriate. Details about the organisations consulted are provided in attachment 2.

At the time of writing, responses from the following agencies had been received:

Section 34A

- Office of Environment and Heritage
-

Section 62

- Department of Defence (Commonwealth Government) – Defence Support Group
- Department of Primary Industries – Fisheries NSW
- Department of Primary Industries – Office of Water
- Family and Community Services – Community Services
- Finance and Services – Housing and Property Group
- Health – South West Sydney Local Health District
- Heritage Council of NSW
- Office of Environment and Heritage
- Planning and Infrastructure – Office of Strategic Lands
- Roads and Maritime Services
- Rural Fire Service
- Sydney Catchment Authority
- Sydney Water
- Trade and Investment – Resources and Energy
- Transgrid
- Urban Growth NSW (Landcom)
- Wollondilly Shire Council.

The main issues raised to date via the government consultation process include:

- zoning of particular sites owned by government agencies
- concerns about minimum lot sizes for subdivision, maximum height controls and floor space ratio controls (FSRs)
- specific land uses permitted within particular zones
- requests for additional LEP aims and zone objectives
- requests for amendments to the wording of particular clauses
- debate and disagreement about which government agency should be the acquisition authority for land required for future infrastructure and public purposes.

It is disappointing that a large number of government agencies have not responded, however, given the timeframe for this project, progress with the Draft Plan cannot be delayed.

Key issues have been raised by the following government agencies:

NSW Land and Housing Corporation (Assets) (L&HC)

L&HC has expressed concern about the impact of the proposed R2 Low Density Residential zone on the development potential of many of its property assets. While the important role of providing social housing is readily acknowledged, it is not considered appropriate to differentiate between private and public housing development opportunities.

It is further acknowledged that Council's revised approach to the provision of medium density housing in specific areas situated nearby to centres and transport routes will also potentially impact the L&HC's development/redevelopment opportunities. Importantly, however, SEPPs relating to Affordable Rental Housing and Housing for Seniors or People with a Disability will continue to provide development and redevelopment opportunities for the L&HC beyond the proposed provision contained in Draft CLEP 2013.

NSW Urban Growth (UG)

UG has expressed concern that the planning provisions adopted in Draft CLEP 2013 will restrict the opportunity to provide diverse housing types and will in some instances result in land use inconsistencies with recent development. These concerns have generally been addressed by permitting variations in principal development standards by referring to site specific master plans, development control plans, structure plans and concept plan approvals. Also, the zoning provisions proposed for some areas have been amended to reflect the current land uses and building types.

The request for the creation of allotments of 160m² minimum area and FSR of 1:1 is not supported. However, it should be noted that Draft CLEP 2013 has been amended to accommodate multi-unit housing types on allotments of 200m² minimum with a maximum FSR of 0.75:1. As Draft CLEP is a 'best fit' transition into the SI LEP template, many of the issues raised are outside the scope of the Draft CLEP and would be considered as a future amendment based on a specific planning proposal.

Office of Water (OoW)

A range of water resources and related ecosystem matters have been raised by the Office of Water. Both the general and specific nature of many of these matters has been reflected in minor amendments to Draft CLEP 2013, made since Council originally adopted the document earlier in March.

In brief, the aims, objectives and considerations of the Draft Plan have been enhanced by the adoption of the term waterway (as opposed to watercourse), the reference to groundwater resources, and by including references to groundwater dependent ecosystems and natural flow regimes. Additionally, the Woronora River has been added to the list of primary waterways.

Other requests for very detailed water resource related references are considered to be excessively prescriptive in the context of an SI based LEP and therefore Draft CLEP 2013 has not been amended in this regard.

Office of Environment and Heritage (OEH)

The OEH has raised a number of concerns in respect of the biodiversity underpinning Draft CLEP 2013, including the lack of background biodiversity information; consideration of the Cumberland Plain Recovery Plan and the Koala Recovery Plan; use of the E2 Environmental Conservation zone, and an environmentally sensitive lands 'overlay' and protection clause. The increased percentage of development proposed in 'greenfields' urban release areas rather than as 'infill' is also raised as a concern.

Importantly, Draft CLEP 2013 does not lack a biodiversity context. The Local Planning Strategy which informed the Draft Plan had extensive regard to the previously cited documents. In addition, the upcoming finalisation and adoption of a comprehensive Biodiversity Strategy and Koala Plan of Management are also likely to provide background to an initial amendment of the LEP, including environmental sensitivity mapping.

The increased proportion of urban growth proposed in 'greenfield areas' is noted to be consistent with a revised NSW Government housing supply position and this needs to be brought to the attention of the OEH.

Roads and Maritime Services (RMS)

The RMS has not provided a formal submission to date, but has provided mapping data to inform amendments to the zoning and land acquisition layers as they apply to particular land. The RMS has provided details regarding the preferred zoning of land that it owns or in which it has an interest, and about land that it intends to acquire in the future.

The RMS has also clarified that it is not responsible for the Georges River Parkway Road Reservation, or any further acquisitions to facilitate this future road, and that the DPI should be identified as the acquisition authority for any land required for this road as it is the responsible authority. It should be noted that this response is similar to that received from Transport for NSW (TNSW) in their submission to the public exhibition of the planning proposal for the proposed Menangle Park Urban Release Area which advised that while the alignment for a future Spring Farm Link Road has been agreed, TNSW and the RMS would not commit to the future funding of any infrastructure.

It is anticipated that further correspondence between Council staff and representatives from the RMS and the DPI will be required to clarify roles and responsibilities prior to Draft CLEP 2013 being placed on public exhibition.

Section 5 - Overview of Revised Draft CLEP 2013

The Preliminary Draft CLEP 2013 (as considered by Council on 26 March 2013) has been revised and refined in light of comments and feedback received during the consultation processes outlined in the preceding sections of this report.

The following paragraphs provide a brief overview of the revised content (major elements) of Draft CLEP 2013.

Draft CLEP 2013 (as revised) contains the following parts:

- Part 1 – Preliminary
- Part 2 – Permitted or Prohibited Development (Schedule 1)
- Part 3 – Exempt and Complying Development (Schedules 2 and 3)
- Part 4 – Principal Development Standards
- Part 5 – Miscellaneous Provisions (Schedules 4 and 5)
- Part 6 – Urban Release Areas
- Part 7 – Additional Local Provisions
- Schedule 1 – Additional Permitted Uses
- Schedule 2 – Exempt Development
- Schedule 3 – Complying Development
- Schedule 4 – Classification and Reclassification of Public Land
- Schedule 5 – Environmental Heritage
- Dictionary.

A brief summary of the major features and changes to Draft CLEP 2013 is provided below and more comprehensive detail about specific clauses is provided in attachment 3. A copy of Draft CLEP 2013, as revised according to the changes outlined in this report and attachment 3, is provided in attachment 4.

Part 1 - Minor amendments have been made to make the Part consistent with the latest standard model clauses as approved by Parliamentary Counsel's Office, or to make the draft plan more user-friendly. In particular:

- a delayed commencement provision has been added to allow 14 days between the time of publication and the effective date of the Draft Plan
- the aims have been extended to include additional matters
- a new savings clause has been adopted ensuring that development applications lodged prior to the effective date are not affected by the new LEP
- minor changes have been made to other clauses in Part 1 to align them with the latest standard model clauses provided by the DPI.

Part 2 - Amendments have been made which deal with permitted and prohibited development. These amendments primarily relate to the land use zones, the temporary use of land clause, and the land use table. In particular:

- the proposed RUX Future Urban zone has been removed and land at Blairmount will instead be treated as a 'deferred matter'
- the B7 Business Park zone has been removed as the potential Urban Activation Precincts have not as yet been determined
- minor amendments have been made to the Temporary Use of Land clause to improve clarity.

In terms of the land use table:

- objectives have been reviewed and refined
- land uses permitted within each zone have been reviewed to be generally consistent with the SI template
- recent legislative changes have been addressed
- 'earthworks' have been added as a land use permissible with consent in most zones
- some changes have been made to the zoning maps which accompany the table.

Part 3 - Some minor amendments have been made to the provisions for Exempt and Complying Development:

- some additional types of land have been identified as 'environmentally sensitive areas' on which exempt and complying development cannot be carried out
- a height above footpath level has been specified for under awning signs.

Part 4 – Principal development standards, contains the principal controls for development. These controls relate to subdivision lot size (including those for concessional lots), maximum building heights, the floor space ratios for buildings, dual occupancy development, and the erection of dwelling-houses, attached dual occupancies and rural workers dwellings in rural and environmental protection zones. These clauses are based primarily on existing controls contained within a variety of current development control plans (DCPs), master plans, structure plans and concept plan approvals, and have now been consolidated into, or are referenced in the Draft LEP in accordance with the SI LEP. They are accompanied by a range of maps providing a visual and spatial interpretation of the minimum lot sizes, building heights and floor space ratios. Amendments to these draft provisions include the introduction of:

- a minimum lot size of 200m² and a maximum FSR of 0.75:1 for residential lots in areas subject to existing approved site specific master plans, DCPs, or structure plans endorsed by Council
- a maximum building height of 8.5 metres (not 9 metres) in the R2 Low Density Residential Zone (to ensure a two storey height limit)
- a maximum building height of nine metres, and an FSR of 0.75:1 in the proposed R3 – Medium Density zone, with detailed controls to be provided in the Sustainable City DCP to prevent three storey residential development, except where the third level is located within the roof space and forms part of a two level dwelling located above a single storey ground-floor dwelling
- three Narrow Lot Precincts to address existing narrow lots in Ingleburn and Macquarie Fields where a minimum subdivision lot size of 200m², the existing FSR of 0.6:1 for narrow lots, and a maximum building height of nine metres will apply
- a clause allowing dual occupancies in Residential zones to be subdivided
- the R3 Medium Density Residential zone to apply to the land identified for residential use under the University of Western Sydney (UWS) Master Plan.

The proposed clauses relating to dwelling houses, dual occupancies (attached) and rural workers dwellings in Rural and Environmental Protection Zones have also been refined to ensure that the following requirements are made clear:

- only one dwelling house or dual occupancy (attached) is permitted per lawfully created lot or existing holding
- a dual occupancy (attached) must be designed and constructed to appear as a single dwelling house
- subdivision of a dual occupancy (attached) is not permitted
- only one rural workers dwelling is permitted per lawfully created lot or existing holding and it must be associated with a viable existing agricultural use (including possible agricultural industry) carried out on the land
- a rural workers dwelling remains subordinate to any dwelling house or dual occupancy (attached) on the land, and must remain on the same lot or holding as the principal dwelling (ie. it cannot be subdivided)
- a rural workers dwelling is limited to single storey and a maximum floor area of 120m² or 20% of the floor area of the existing dwelling (whichever is the greater).

These requirements are generally consistent with the controls contained in the existing LEPs and IDOs, but have been modernised and enhanced to ensure that these types of developments are properly controlled.

Standard mandatory clause 4.6 - Exceptions to development standards, allows development consent to be granted to development even if it contravenes certain standards within the LEP or another environmental planning instrument. This clause is the equivalent of SEPP 1 and will replace it once the new LEP is in force (for land that is subject to the new LEP). This is a new standard provision that is mandated for inclusion in the Draft LEP.

Part 5 – Miscellaneous provisions, contains a range of standard clauses that cover a wide variety of issues. Clause 5.1 and 5.1A relate to the acquisition of land by government agencies (including Council) for public purposes such as new roads and the provision of infrastructure. A set of maps identifying the land subject to future acquisition has also been prepared as part of Draft CLEP 2013. Many of the government agencies consulted under section 62 had not responded at the time of writing. Some of these agencies have been identified in Draft CLEP 2013 as acquisition authorities. The DPI has previously advised that a Draft LEP cannot identify a government agency as an acquisition authority without the agreement of that agency, and that a Draft LEP cannot be placed on public exhibition if it contains acquisition requirements that have not been agreed. However, at the meeting with the DPI on 20 May, Council staff were advised by department representatives to proceed with Draft CLEP 2013 without feedback from the government agencies who have not responded and to seek a section 65 certificate to proceed to public exhibition.

Clause 5.2 is a standard compulsory clause that relates to the classification and reclassification of public land under the LEP. Any land to be classified or reclassified under the LEP needs to be listed in schedule 4. Draft CLEP 2013 does not classify or reclassify any land at this stage, but establishes the mechanism to enable this to occur via future amendments deemed appropriate by Council.

Clause 5.3 is an optional standard clause that deals with development near zone boundaries and applies only to particular zones. It allows development that is permitted in one zone to be carried out within 50 metres of the boundary of the adjoining zone. It is particularly useful in large development and redevelopment projects and assists in facilitating development on-the-ground. This clause is similar to the existing clause 38 – Development near zone boundaries, in Council's current LEP 2002.

Clause 5.4 – Controls relating to miscellaneous uses, is a compulsory standard clause that controls the size and extent of different land use types, including:

- bed and breakfast accommodation – maximum of three bedrooms
- home businesses – maximum of 30m² floor area
- home industries – maximum of 30m² floor area
- industrial retail outlets – 30% of gross floor area or 400m², whichever is the lesser
- farm stay accommodation – maximum of three bedrooms
- kiosks – maximum of 12m² floor area
- neighbourhood shops – maximum of 100m² (per shop) floor area
- roadside stalls – maximum of 12m² floor area
- secondary dwellings – maximum of 60m² floor area or 25% of the total floor area of the principal dwelling, whichever is the greater.

Council staff have also added a note to the subclause about roadside stalls stating that where permitted, all roadside stalls need to be located on private property and not within the road reserve. It is not certain at this stage whether the DPI will allow this note to remain in Draft CLEP 2013. If the note is not allowable, the location of roadside stalls will need to be controlled via the Sustainable City DCP.

Clause 5.6 – Architectural roof features, is a standard model clause that has been added to Draft CLEP 2013 since it was last presented to Council. The clause permits variations to the maximum building height standards given roof design, but only if the roof features contribute to building design excellence and the overall skyline and do not create additional floor space. This clause has been included to encourage more innovative and attractive building designs and skylines with added visual interest.

Clauses 5.9 and 5.9AA are compulsory standard clauses that deal with the preservation of trees and other vegetation and allow permission to be granted for tree and vegetation removal under certain circumstances. They link to the tree preservation provisions in the Sustainable City DCP and replace the tree preservation clauses in the existing LEPs and IDOs.

Clause 5.10 contains the compulsory standards relating to heritage conservation and replaces the existing clauses in the existing LEPs and IDOs. Council staff added two additional sub-clauses – one relating to development in the vicinity of heritage items and the other relating to development in heritage conservation areas, and these are supported by the Heritage Branch of OEH. These proposed sub-clauses have been reworked into new local clauses on the advice of the DPI.

The heritage schedule (schedule 5) and the heritage maps have also been amended in accordance with feedback from the DPI and the Heritage Branch of the Office of Environment and Heritage. Heritage items located in release areas where development is controlled under SEPPs (such as Edmondson Park and East Leppington) have been removed from the LEP, as the DPI has advised that LEP controls and mapping layers cannot apply to such land. In addition, minor amendments have been made to the Schedule and maps to ensure Draft CLEP 2013 is consistent with the State Heritage Register.

Part 6 – Urban release areas, adopts the model clauses that apply to urban release areas that are not developed under/subject to the provisions of SEPPs. Clause 6.1 outlines the arrangements for designated state public infrastructure, clause 6.2 relates to the provision of public utility infrastructure, clause 6.3 requires development in release areas to be undertaken in accordance with a development control plan, and clause 6.4 explains the relationship between Part 6 and the other parts of an LEP which adopts the abovementioned model clauses.

Part 7 – Additional local provisions, contains a range of proposed local clauses. These proposed clauses are a combination of model clauses, clauses carried over from the existing LEPs and IDOs that apply within the Campbelltown LGA, and new clauses relating to specific matters of concern to Council. The DPI has questioned the need for some of the proposed clauses, but Council staff maintain that most of these clauses are still required. Preliminary Draft CLEP 2013 included the following proposed local clauses, some of which have been modified or removed as discussed below and in more detail in attachment 3:

| No. | Purpose | Status |
|------|--|--|
| 7.1 | Essential services | Minor modifications made |
| 7.2 | Serviced apartments | Retained |
| 7.3 | Development in the B4 Mixed Use Zone | Amended to require only the ground floor to be used for business, office or retail premises |
| 7.4 | Restriction of consent for particular sex services premises | Updated with the latest model clause |
| 7.5 | Bushfire hazard | Removed as covered by other legislation |
| 7.6 | Earthworks | Updated with latest model clause |
| 7.7 | Flood planning | Replaced with the latest model clause, with some local variations so that the clause does not rely on a map layer |
| 7.8 | Riparian land and watercourses | Revised to address riparian land, waterways and ground water systems, and so that the clause does not rely on a map layer |
| 7.9 | Agriculture and animal boarding and training establishments | Retained with minor amendments |
| 7.10 | No build area in Wedderburn | Merged into a new 'Environmentally Constrained Land' clause |
| 7.11 | Preservation of the natural environment | Retained with minor amendments |
| 7.12 | Restrictions on certain uses in Zone E3 | Retained with amendments to reinforce the economic and tourism benefits of cellar door premises and restaurants and cafes within this zone, so long as they relate to an agricultural use of the land on which they stand. The use of roadside stalls is also addressed. |
| 7.13 | Restrictions on development of land zoned E3 and identified as escarpment preservation area (Scenic Hills) | Retained with amendments to improve clarity |
| 7.14 | Development on steep land within the Scenic Hills | Retained with minor amendments |
| 7.15 | Restrictions on development near land zoned SP2 – Public Purposes Corridor | Removed as no longer required by the DPI |
| 7.16 | Restrictions on access to or from roads | Retained |
| 7.17 | Conservation of riparian corridors and remnant vegetation at Glenfield | Merged into a new Environmentally Constrained Land clause |

| | | | |
|------|--|--|---|
| 7.18 | Development of land zoned SP2 – Public Purposes Corridor | | Removed as no longer required by the DPI |
| 7.19 | Development within land zoned RE1 | | Retained as applies to Council owned land |
| 7.20 | Community use of school facilities and sites | | Replaced by provisions in the Infrastructure SEPP |
| 7.21 | Development on closed roads and pathways | | Removed as all roads and pathways will be zoned under the new LEP |
| 7.22 | Development of railway sidings | | Replaced by provisions in the Infrastructure SEPP |
| 7.23 | Development on land that may be affected by salinity | | Retained |
| 7.24 | Development on land at Nurra Reserve, Ambarvale | | Merged into a new Environmentally Constrained Land clause |
| 7.25 | Restrictions on places of public worship | | Replaced by zone objectives |
| 7.26 | Use of bus shelters for advertising | | Retained with amendments |

A new clause relating to design excellence has been added to Part 7 since Draft CLEP 2013 was last presented to Council. The objective of this clause is to improve building design and encourage better urban design outcomes in the R4 high density residential zone, the business zones and the industrial zones. It requires the consent authority to consider certain specified matters, including design, materials, detailing, bulk, massing, modulation, overshadowing and reflectivity, among other matters, when deciding whether or not to grant consent to development. The decision to include this clause was made as a result of further internal consultation. As the proposed new clause is based on clauses that have been included in other recently approved SI LEPs prepared by other councils, it is unlikely that the DPI will object to its inclusion in Draft CLEP 2013 (as revised).

The dictionary contains standard terms and definitions that cannot be altered by Council. A definition of 'small bar' has been added to the dictionary. This has been done to make Draft CLEP 2013 consistent with the Standard Instrument which was updated in July 2013 as a consequence of amendments to the *Liquor Act 2007*.

Section 6 - Submission to enable public exhibition and concurrent progress of related planning matters

Once consultation under sections 34A and 62 of the EPA Act has been completed, Council is required to formally submit Draft LEP 2013 (with any amendments made as a result of the consultation process) to the DPI under section 64 of the Act.

The submission must include:

- an assessment of the consistency of Draft CLEP 2013 with, and a justification of any inconsistency with:
 - relevant environmental planning instruments
 - section 117 directions
 - relevant regional and subregional strategies, and
 - relevant LEP practice notes
- a report on Draft CLEP 2013 and a brief explanation of the intent of additional local provisions
- a statement regarding the public authorities consulted, including a copy of the responses received
- any other necessary supporting documents (such as local environmental studies or strategies) as applicable
- a completed land use matrix indicating Council's intended permitted and prohibited land uses within each zone.

The submission must be accompanied by:

- an electronic copy of Draft CLEP 2013 (written instrument and maps).

The submission is currently being prepared by Council staff and it will be formally submitted to the DPI once Council has resolved to adopt Draft CLEP 2013 as revised. Council staff will then work with the DPI to further refine the draft plan (if required) in preparation for public exhibition/consultation. Council staff will then begin preparing for the public exhibition while awaiting the issue of a section 65 certificate by the Director-General of Planning and Infrastructure. This certificate enables the public exhibition/consultation to proceed.

There are various planning initiatives (planning proposals and concept plan approvals) proceeding concurrently with the preparation of Draft CLEP 2013. The timing of some of these initiatives is uncertain. However, in the event that the planning proposals for Menangle Park and the Glenfield Waste Disposal site are finalised, and if land associated with the Claymore Urban Renewal Area is rezoned under an Order, Council will seek to integrate these changes into Draft CLEP 2013 prior to its public exhibition, subject to approval from the DPI.

Section 7 - Communication/engagement strategy and public exhibition

Given the importance of Draft CLEP 2013 and its potential impacts, it is considered imperative that a wide-ranging and engaging consultation strategy is pursued. Significant staff resources will also be required to support the public exhibition/consultation process in respect of Draft CLEP 2013. While the timeframe for exhibition is not known at this stage and will be dependent on the DPI issuing a section 65 certificate, it is considered appropriate to begin making arrangements for this future stage in the LEP process.

The development of a communication/engagement strategy to explain Draft CLEP 2013 to both internal and external stakeholders is considered an appropriate first step. It is anticipated that, subject to adequate time and resources being available, engagement and communication will take place at the following stages and would be recommended to include the steps detailed below:

Stage 1 – Prior to Commencement of the formal exhibition period

This stage should commence once Council's section 64 submission has been reviewed by the DPI and feedback has been received about the final form and content of the exhibition version of Draft CLEP 2013 (the Exhibition Draft). It should include the following steps:

- briefing to Council's Executive/Manex
- briefing to the internal LEP Working Group
- briefing to Councillors
- information sessions for internal technical staff
- information sessions for customer service staff
- development of standard 'Frequently asked Questions' and associated responses, and prompt sheets for dealing with various LEP related issues.

Stage 2 – Preparations for the formal exhibition period

- Extend the exhibition period beyond the statutory 28 day period to a period of at least 8 weeks
- Prepare a 'Plain English' version of Draft CLEP 2013 which provides a clear and simple explanation of how the draft plan works and what it contains.

Stage 3 – During the formal exhibition period

- Display of exhibition material at the Civic Centre and at each of Council's libraries
- Availability of exhibition material on Council's website
- Conduct a number of community information sessions about the LEP process, the content of Draft CLEP 2013 and how to make a formal submission
- An additional duty planner sourced from Council's Environmental Planning Unit (on a roster basis) to be available to answer enquiries received at the Customer Service Centre and via telephone and email
- The ability for residents, land owners and other stakeholders to meet with a planner (via appointment) to discuss matters in respect of the Draft LEP
- Targeted meetings/information sessions with particular community and interest groups including (but not limited to):
 - Campbelltown Chamber of Commerce
 - Ingleburn Chamber of Commerce
 - the Main Street Committee
 - the Scenic Hills Association.
- A further invitation be extended to government agencies, adjoining councils and other groups to comment on the Draft Plan.

A more detailed briefing and report about the consultation/engagement strategy will be provided to Council prior to commencement of the public exhibition.

Conclusion

This report has provided information on the following matters:

- initial feedback from the DPI on Preliminary Draft CLEP 2013
- internal and government consultation that has been undertaken in regards to Preliminary Draft CLEP 2013
- the changes that have been made to Draft CLEP 2013 as a result of feedback and consultation
- the requirement to formally submit Draft CLEP 2013 (as revised) to the DPI under section 64 of the EPA Act seeking certification (under section 65) to enable public exhibition
- initial ideas about a communication and engagement strategy for disseminating information about Draft CLEP 2013, and for the public exhibition.

It is requested that after considering the information provided at the briefing on 30 July 2013 and in this report and its attachments, that Council endorse Draft CLEP 2013 to enable the next steps in the LEP process to be undertaken.

Officer's Recommendation

1. That Council endorse Draft Campbelltown Local Environmental Plan 2013, generally in accordance with attachment 4, for submission to the Department of Planning and Infrastructure under section 64 of the *Environmental Planning and Assessment Act 1979*, and request that the Director-General issue a certificate under section 65 of the Act to enable the draft plan to be placed on public exhibition.
2. That Council endorse the proposed approach to the communication/engagement strategy and for undertaking public exhibition/consultation in respect of Draft Campbelltown Local Environmental Plan 2013.
3. That public exhibition/consultation take place as soon as practicable after receipt of the section 65 certificate to enable that exhibition, subject to Council considering a further briefing and report about the timing and operational details for the public exhibition.
4. That after the public exhibition/consultation phase has concluded and all submissions have been reviewed, a further report be presented to Council for consideration of any proposed changes to Draft CLEP 2013 as a result of feedback received.

Committee's Recommendation: (Matheson/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 166

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Nil

2.2 Draft Edmondson Park South Voluntary Planning Agreement

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Location Map of Edmondson Park South and Suburb of Bardia (distributed under separate cover)
2. Infrastructure Services Delivery Plan Edmondson Park South - July 2013 (distributed under separate cover)
3. Draft Edmondson Park South Voluntary Planning Agreement (distributed under separate cover)
4. Explanatory Note (distributed under separate cover)

Purpose

To seek Council's endorsement to publically exhibit a Draft Voluntary Planning Agreement (VPA) offered by Landcom (t/a UrbanGrowth NSW) to provide the infrastructure necessary to support the future development of land at Edmondson Park South (Bardia).

History

The area known as Edmondson Park South consists of land that was previously owned by the Commonwealth Department of Defence (being the former Ingleburn Army Camp) and is now owned by Landcom. It falls within the boundaries of both the Campbelltown and the Liverpool Local Government Areas (LGA). The portion located within the Campbelltown LGA, and now known as Bardia, is shown on the location map marked attachment 1.

Campbelltown (Urban Area) Local Environmental Plan 2002 - Amendment No 12 (LEP) was gazetted on Friday 31 March 2006, and provided for the rezoning of that part of the Edmondson Park Urban Release Area which falls within the Campbelltown LGA, for future urban development.

However, on 5 July 2010 the then Minister for Planning agreed to include a proposal for the development of Edmondson Park South for urban purposes, within Schedule 3 of State Environmental Planning Policy (Major Development) 2005 (SEPP), and subsequently the site was rezoned for residential, mixed use and environmental protection on 5 August 2011.

On 18 August 2011 the Planning and Assessment Commission (PAC) approved a concept plan for the proposed development of the whole of Edmondson Park South, including Stage 1 (land within Campbelltown LGA) which proposed the subdivision of approximately 206 residential lots, 15 environmental living lots and the provision of site infrastructure, open space and utilities on land located west of Macdonald Road.

Development approval has subsequently been issued for Stage 1 and Council has approved a number of construction certificate applications for the subdivision of the land and construction of individual dwellings, a number of which have since been occupied. The completed suburb of Bardia (within the Campbelltown Local Government Area) will have approximately 1500 lots and an approximate population of 4500.

The concept plan approval contained a condition which required Landcom to provide local infrastructure contributions in accordance with their Statements of Commitments as outlined in their concept plan application. These Statements of Commitments and a further additional monetary contribution towards the relocation of Bambi Kindergarten have been transferred into the Infrastructure Services Delivery Plan (attachment 2) which forms part of the Edmondson Park South Planning Agreement contained in attachment 3.

Councillors received a briefing on the draft Edmondson Park South VPA by representatives of UrbanGrowth NSW on 2 July 2013.

Report

The benefits of a Voluntary Planning Agreement

The *Environmental Planning and Assessment Act 1979* (the Act) and Regulations (the Regulations) provide Council with a number of options to require developers to provide the necessary local infrastructure (playing fields, parks, open space, roads, drainage and associated facilities) to support new development.

Traditionally, local infrastructure has been provided via contributions plans under either Section 94 or 94A of the Act, where a levy proportional to the total infrastructure contribution is applied to each parcel of land and paid to Council at the time of lodgement of the subdivision development application. When sufficient funds are collected during the life of the subdivision, the necessary local infrastructure is provided. The delivery of local infrastructure via this approach is dependent on the speed at which land is sold and can often lead to a lag in the provision of local facilities. There is also a considerable administrative and financial burden on Council in the management of contributions plans, as well as an inherent financial risk.

A variation on this approach is a works in kind agreement, where the developer agrees to provide the infrastructure at the rate equivalent to the cumulative infrastructure contribution, in lieu of a direct financial contribution to Council. While a works in kind agreement will allow the works to be completed in a more timely fashion, it still requires the development and administration of contribution plans. Further, the Act and Regulations limit the type of infrastructure that can be provided under a contributions plan which provides less flexibility for Council.

In recent years, the concept of VPAs has been introduced into legislation and such agreements are ideal where there is one developer for a specific urban release area as is the case for Edmondson Park South. A VPA is a voluntary agreement between a planning authority and a developer to provide land, a monetary contribution, other material public benefit or combination of these to be used for or applied towards a public purpose.

The benefits of a VPA are that the infrastructure is provided progressively with each individual stage of the land release; there are economies of scale which supports greater provision of infrastructure; administrative and financial costs for Council are reduced; there is flexibility to negotiate for additional infrastructure and there is reduced risk to Council in terms of changes in lot yield, cost and unexpected events. In the case of Edmondson Park South, Council has been able to negotiate for a monetary contribution towards the relocation of Bambi Kindergarten which is something that could not have been achievable under a contributions plan regime.

What is included in the Voluntary Planning Agreement?

As indicated above, the Draft Edmondson Park South VPA is based on the Statements of Commitments made by Landcom in its Concept Plan Application which have been enhanced following negotiations between an internal working group of staff from various sections of Council and Landcom. The Draft VPA has been refined to a point where staff were satisfied with the offer before referring the VPA to Council's solicitor for review and comment. Council's solicitor has identified a number of minor matters that need to be clarified with UrbanGrowth to provide greater certainty over infrastructure outcomes for Council. These issues, while minor, will be resolved with UrbanGrowth prior to the VPA being placed on public exhibition.

The table below provides a summary of the material public benefit the VPA will provide to the community of Bardia, which is based on a specification of works contained in attachment 2 while the approximate location of the facilities to be provided are shown in attachment 1:

| Item | Public purpose | Nature and Extent | Estimated Contribution Value |
|--|-----------------------------------|---|------------------------------|
| 1. Mont St Quentin Oval and Park* | Parks and Open Space | Carrying out of Work as described in the table under the heading '1. Mont St Quentin Oval and Park' in Part A of attachment 2. Dedication of approximately 5.3ha of land on which the work is located. | \$7,700,000 |
| 2. Brigade Park* | Parks and Open Space | Carrying out of work as described in the table under the heading '2. Brigade Park' in Part A of attachment 2. Dedication of approximately 1.19ha of land on which the work is located. | \$2,000,000 |
| 3. Bardia Park* | Parks and Open Space | Carrying out of work as described in the table under the heading '3. Bardia Park' in Part A of attachment 2. Dedication of approximately 0.9ha of land on which the work is located. | \$940,000 |
| 4. Memorial Forest Reserve* | Parks and Open Space and Drainage | Carrying out of work as described in the table under the heading '4. Memorial Forest Reserve' in Part A of the ISDP. Dedication of approximately 3.46ha of land on which the work is located. | \$2,100,000 |
| 5. Ingleburn Park | Parks and Open Space | Carrying out of work as described in the table under the heading '5. Ingleburn Park' in Part A of attachment 2. Dedication of approximately 0.33ha of land on which the work is located. | \$610,000 |

| Item | Public purpose | Nature and Extent | Estimated Contribution Value |
|--|-----------------------------------|--|-------------------------------------|
| 6. Maxwell Creek South Oval | Parks and Open Space | Carrying out of work as described in the table under the heading '6. Maxwell Creek South Oval' in Part A of attachment 2. Dedication of approximately 4.8ha of land on which the work is located | \$5,400,000 |
| 7. Southern Corridor | Parks and Open Space | Carrying out of work as described in the table under the heading '7. Southern Corridor' in Part A of attachment 2. Dedication of approximately 3.5ha of land on which the work is located. | \$2,200,000 |
| 8. Northern Corridor | Parks and Open Space | Carrying out of work as described in the table under the heading '8. Northern Corridor' in Part A of attachment 2. Dedication of approximately 1.95ha of land on which the Work is located. | \$1,780,000 |
| 9. Maxwell Creek South Water Quality Facility | Parks and Open Space and Drainage | Carrying out of work as described in the table under the heading '9. Maxwell Creek South Water Quality Facility' in Part A of attachment 2. Dedication of approximately 8.3ha of land on which the work is located. | \$4,400,000 |
| 10. MacDonald Road | Roads and Traffic Facilities | Carrying out of work as described in the table under the heading '10. Macdonald Road' in Part A of attachment 2. Dedication of land on which the work is located. | \$9,000,000 |
| 11. Zouch Road | Roads and Traffic Facilities | Carrying out of work as described in the table under the heading '11. Zouch Road' in Part A of attachment 2. Dedication of land on which the work is located. | \$600,000 |
| 12. Connecting Road to Ingleburn Gardens | Roads and Traffic Facilities | Carrying out of work as described in the table under the heading '12. Connecting Road to Ingleburn Gardens' in Part A of attachment 2. Dedication of land on which the work is located. | \$100,000 |
| 13. Roads fronting open space | Roads and Traffic Facilities | Carrying out of work as described in the table under the heading '13. Roads fronting open space' in Part A of attachment 2. Dedication of land on which the work is located. | \$1,150,000 |
| 14. Culvert (South) | Roads and Drainage | Carrying out of work as described in the table under the heading '14. Culvert (South)' in Part A of attachment 2. Dedication of land on which the works are located. | \$900,000 |
| | | | |

| Item | Public purpose | Nature and Extent | Estimated Contribution Value |
|--|-----------------------|--|-------------------------------------|
| 15. Culvert (East) | Roads and Drainage | Carrying out of Work as described in the table under the heading '15. Culvert (East)' in Part A of attachment 2. Dedication of land on which the Work is located. | \$900,000 |
| 16. Culvert (West) | Roads and Drainage | Carrying out of Work as described in the table under the heading '16. Culvert (West)' in Part A of attachment 2. Dedication of land on which the work is located. | \$900,000 |
| 17. Child Care Centre | Community facility | Payment of \$500,000.00 in installments of amounts to be agreed in writing between the Parties towards construction of a child care centre described under the heading '1B. Child Care Centre' in Part B of the ISDP | \$500,000 |
| Total estimated contribution value: | | | \$41,180,000 |

*Names for these Parks were approved by Council as part of Stage 1. Other park/reserve names are to be endorsed by Council during subsequent stages.

As detailed in the above table, the Draft Edmondson Park South VPA will provide a total of just over \$41m in material public benefit which will allow the development to be provided in accordance with the approved concept plan. The items to be provided via the VPA will provide the necessary local infrastructure to meet local community expectations and should be supported by Council.

Statutory requirements

The Act and Regulations (the Regulations) specify the legal requirements that must be met in order for a VPA to be developed, executed, implemented and monitored. Council staff and its solicitor are (subject to minor amendments) satisfied with the VPA offer and are of the view that the legal requirements governing the VPA up until this stage have been met. The next stage in the development of the VPA is for Council to endorse the Draft VPA document for public exhibition for a period of not less than 28 days.

The Regulations also require that a planning authority, such as Council, when proposing to enter into a planning agreement must prepare a written statement known as an explanatory note, which must be exhibited at the same time as the proposed VPA. The explanatory note must include a summary of the objectives, nature and effect of the proposed agreement and it must contain an assessment of the merits of the proposed agreement including the impact (positive or negative) on the public. An explanatory note is provided as attachment 4 and will be exhibited concurrently with the planning agreement, thereby satisfying this requirement of the Regulations.

Should Council receive any submissions that do not support the VPA during the exhibition period a further report will be provided for Council's consideration. If that is not the case, it is proposed that the draft VPA be executed by the General Manager on behalf of the Council.

The Act and Regulations also impose further requirements on Council following the execution of the VPA including requirements to:

- provide the Minister with a copy of the agreement within 14 days after the agreement is executed
- include in its annual report particulars of compliance with and the effect of the planning agreement during the year to which the report relates
- keep a planning agreement register.

Arrangements will be put in place to ensure compliance with the above legislative requirements following execution of the VPA.

Conclusion

Landcom obtained concept plan approval from a Planning Assessment Commission for the development that is known as Edmondson Park South, which includes the component located within the Campbelltown LGA known as Bardia.

A condition of this approval required Landcom to provide local infrastructure to the development in accordance with its 'Statement of Commitments' in the Concept Plan Application.

A draft Voluntary Planning Agreement and Infrastructure Services Delivery Plan for the component of Edmondson Park South within the Campbelltown LGA have been developed in consultation with Council staff which equates to a material public benefit in excess of \$41m. Council's solicitor has also reviewed both documents and while minor amendments are required it is considered appropriate to submit both documents to Council for endorsement for the purpose of public exhibition.

The documents as finalised meet all requirements of the concept plan approval and legislation and as such will provide the necessary local infrastructure to enhance the suburb of Bardia.

Officer's Recommendation

1. That Council endorse the draft Edmondson Park South Voluntary Planning Agreement and Explanatory Note for the purpose of public exhibition subject to the matters raised by Council's solicitor being addressed to the satisfaction of the General Manager in accordance with the provisions of the Environmental Planning and Assessment Act and Regulation for a period of 28 days.
 2. That all submissions received during the public exhibition period that do not support the VPA be reported to Council. However, should no non supportive submissions be received then Council's General Manager be authorised to sign the Edmondson Park South Voluntary Planning Agreement on behalf of Council.
-

Committee's Recommendation: (Rowell/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 167

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Nil

2.3 Coal Seam Gas Community Information Forums

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Draft letter to the NSW Premier requesting that the NSW Government consider the key outcomes of the community forums
2. Coal Seam Gas Community Information Forums - Record of questions from the audience and panel discussions (distributed under separate cover)

Purpose

To inform Council of the key outcomes from the coal seam gas community information forums and to seek Council's endorsement of a draft letter to the NSW Premier that refers these outcomes to the NSW Government.

History

At its Ordinary Meeting on 26 February 2013, Council considered a report that (in part) provided details of a series of coal seam gas community information forums held in February 2013. Following consideration of the report, Council resolved to:

'Receive a detailed report on the outcomes of the four coal seam gas community information forums held in February 2013 for consideration for public distribution and referral to the NSW Government.'

This report actions the above resolution of Council and provides comment on the success of the forum sessions in improving the awareness of the Campbelltown community on coal seam gas activities and Council's position on the industry and the associated NSW Government policy framework.

Report

Overview of the community information forums

In response to increasing community and Council concern over coal seam gas activities, Council engaged an independent consultancy, Elton Consulting, in January 2013 to facilitate a series of community information forums for the Campbelltown community on coal seam gas.

During February 2013, a series of two forums were held at two locations, Mount Carmel High School Varroville, and Greg Percival Community Centre, Ingleburn. The two forum sessions were entitled 'The Basics and Local Activity' and 'Health, Social and Environmental Perspectives on Coal Seam Gas'. The forums were attended by approximately 1000 people. The audiences included representatives from a range of community groups and all levels of government including representatives of NSW Government Agencies such as the NSW Environment Protection Authority (EPA).

Each forum commenced with a presentation from selected speakers on specific topics associated with the coal seam gas industry. Following the presentations, the speakers and additional agency and community representatives engaged in a panel discussion directed by questions from the audience. A list of the speakers and panellists at each forum session and their area of expertise is presented in Table 1.

Table 1 List of speakers and panellists and their area of expertise

| Forum session | Speaker/Panellist | Title/Organisation | Area of expertise |
|---|--------------------------|---|--|
| The Basics and Local Activity 13 & 14 February 2013 | Dr Gavin Mudd-Speaker | Monash University Faculty of Engineering | Scientific overview and groundwater concerns |
| | Mike Roy- Speaker | AGL Energy Ltd Head of Gas Operations – AGL Upstream Gas | Environmental and social safeguards |
| | Jeff Lawrence-Speaker | Campbelltown City Council Director of Planning and Environment | Planning issues |
| | Prof Will Rifkin | Centre for Coal Seam Gas University of Queensland | Social issues |
| Health, Social and Environmental Perspectives on Coal Seam Gas 20 & 21 February 2013 | Dr Helen Redmond-Speaker | Doctors for the Environment | Health |
| | Prof Wayne Smith-Speaker | Director of Environmental Health Branch NSW Health | Health/toxicology |
| | Mike Moraza-Speaker | AGL Energy Ltd Group General Manager – AGL Upstream Gas | Safeguards |
| | Pepe Clarke-Speaker | CEO Nature Conservation Council of NSW | Environmental issues |
| | Peter Bloem | NSW Environmental Protection Authority Manager for Illawarra | Environmental monitoring |
| | Jacqui Kirkby | Scenic Hills Association | Community perspective |
| | Paul Jagals | Centre for Coal Seam Gas University of Queensland | Health/environmental health |

Outcomes of the community information forums

A comprehensive record of individual questions from the audience and responses from invited speakers is provided in the report produced by the independent facilitator in attachment 1.

(i) Key issues and concerns raised

The issues raised by the audience at each of the forums were largely similar and consistent with those previously expressed to Council and reported through the media. There was a strong desire for factual information regarding the coal seam gas industry and a significant level of distrust with industry and government over the coal seam gas issue was notable.

The second series of forums was held immediately after the announcement by the NSW Government on Tuesday 19 February 2013 regarding the introduction of coal seam gas exclusion zones within two kilometres of existing and future residential areas. This matter was the subject of a number of questions from the audience at these forum sessions.

The key issues and concerns raised were:

- inadequacy of baseline data and the risks of the project to the local environment
- the capacity for the local community to influence the decision of the government in regard to the Camden Gas Stage 3 Project Application
- lack of and inadequacy of consultation by AGL with the community
- lateral subsurface drilling underneath urban areas and the reasons for the project being located within an urbanised area
- fugitive methane emissions associated with coal seam gas extraction activities
- the type and nature of chemicals being used as drilling additives and any hydraulic fracturing operations. Associated risks of these activities to the local environment and well-being of the local community
- the regulatory environment for coal seam gas extraction activities and its adequacy in protecting the local community from potential impacts associated with the Camden Gas Project.

The questions asked by the audience that best encapsulate many of the views and sentiments expressed by the community were:

"We will always need resources, how we obtain them is what's important. It must not be of detriment to our societies, families and our future. You've talked about your commitment to the consultation process. If by this process the overwhelming response is we don't want it, will you stop it? (Page 4 of attachment 1).

You said that you weren't allowed to access someone's property without compensation; however I would not want horizontal drilling to occur under my property either (Page 3 of attachment 1)."

Approximately 85 per cent of the 62 questions and comments at the forum sessions originated from members of the public, with the remainder originating from community and political representatives.

(ii) Overview of responses from invited speakers and panellists

The majority of questions were directed at AGL representatives, reflecting the nature of the concerns of the community. The overall perspective expressed by the key speakers/panellists at the forums in regard to coal seam gas activities is presented in Table 2.

Table 2 Perspective expressed by key speakers in regard to coal seam gas activities

| Speaker/Panellist | Perspective |
|---|--|
| Mike Moraza/ Mike Roy (AGL Energy Ltd) | Coal seam gas activities are safe for the environment and the community. Community concerns are being addressed |
| Dr Gavin Mudd (Monash University) | Deficiencies exist in baseline data and knowledge of the risks to the environment and the local community |
| Dr Helen Redmond (Doctors for the Environment) | A comprehensive investigation into reported links between coal seam gas and illnesses is required |
| Pepe Clarke (Nature Conservation Council of NSW) | A moratorium on coal seam gas extraction activities is needed until the implications for the environment (particularly groundwater sources) are adequately understood |
| Prof Wayne Smith (NSW Health) | NSW Health hasn't previously been extensively involved in the Camden Gas Project but is working closely with the NSW Government and industry |
| Jeff Lawrence (Campbelltown Council) | Council is not the determining authority for the Stage 3 application, however Council has raised its concerns with Government and taken steps to inform the community at every opportunity |

Further action

Due to the ongoing strong concern of Council and the community over the coal seam gas industry, it is appropriate that the views expressed by the community through the forums be communicated to the NSW Government, as the determining authority for coal seam gas developments. A draft letter to the NSW Premier referring the outcomes of the community forums to the NSW Government has been prepared and is presented in attachment 2. The draft letter requests that the views and concerns of the community be considered by the NSW Government in its deliberations regarding the Camden Gas Project and any coal seam gas developments within or impacting upon the Campbelltown Local Government Area (LGA).

It is further proposed to place a copy of the forum outcomes on Council's website following formal endorsement by Council. An article on the forums is also proposed to be included in the next available edition of Council's eNewsletter.

Conclusion

Council staff are of the view that the forums have been successful in raising community awareness of coal seam gas activities and Council's position on the industry and associated NSW Government policy framework. The forums were also advantageous in providing an opportunity for the community to express their concerns directly to both AGL and NSW Government representatives. The key concerns and issues raised by the community were lack of scientific evidence to support coal seam gas, the capacity of the community to influence decisions, inadequate and ineffective consultation and concern over the location of these activities.

The value of the forums has been affirmed by feedback forwarded to Council from the community expressing their appreciation for holding the forums.

It is recommended that the forum outcomes be forwarded to the NSW Government along with a request to consider the key issues raised in its deliberations on the Camden Gas Project and coal seam gas developments within or impacting on the Campbelltown LGA.

Officer's Recommendation

That Council endorse the draft letter to the NSW Premier, requesting the NSW Government consider the key issues raised at the coal seam gas community information forums in its deliberations on the Camden Gas Project and coal seam gas developments within or impacting on the Campbelltown Local Government Area.

Committee's Recommendation: (Oates/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

ATTACHMENT 1

12 July 2013

The Hon. B. O'Farrell
Premier of NSW
Level 40
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2001

Dear Mr O'Farrell

Coal Seam Gas Community Information Forums

Council recently facilitated a series of coal seam gas community information forums for the Campbelltown community. The forums were designed to inform the local community on coal seam gas processes, planning issues and potential impacts on human health and the environment. The forums were attended by approximately 1000 people, including representatives from community groups and all levels of government.

At its meeting on 13 August 2013 Council considered a report regarding the outcomes of the forums. Following consideration of this report Council resolved to:

Request that the NSW Government consider the key issues raised at the coal seam gas community information forums in its deliberations on the Camden Gas Project and coal seam gas developments within or impacting on the Campbelltown LGA.

The key issues raised across the forum sessions by the local community have been identified as:

- inadequacy of baseline data and the risks of the project to the local environment
 - the capacity for the local community to influence the decision of the government in regard to the Camden Gas Stage 3 Project Application
 - lack of and inadequacy of consultation by AGL with the community
 - lateral subsurface drilling underneath urban areas and the reasons for the project being located within an urbanised area
 - fugitive methane emissions associated with coal seam gas extraction activities
 - the type and nature of chemicals being used as drilling additives and any hydraulic fracturing operations. Associated risks of these activities to the local environment and well-being of the local community
-

- the regulatory environment for coal seam gas extraction activities and its adequacy in protecting the local community from potential impacts associated with the Camden Gas Project.

A copy of Councils report including questions and answers from each of the panel discussions is attached for your information. Council requests that the expressed concerns of the Campbelltown community be considered by the NSW Government particularly in regard to potential implications for existing and new urban release areas (such as Menangle Park and Gilead).

If you would like to discuss matters contained in this correspondence, please contact me on (02) 4645 4659.

Yours sincerely

Paul Tosi
General Manager

DRAFT

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - June 2013

Reporting Officer

Manager Development Services

Attachments

Development Services application statistics for June 2013

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 June 2013 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Thompson/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

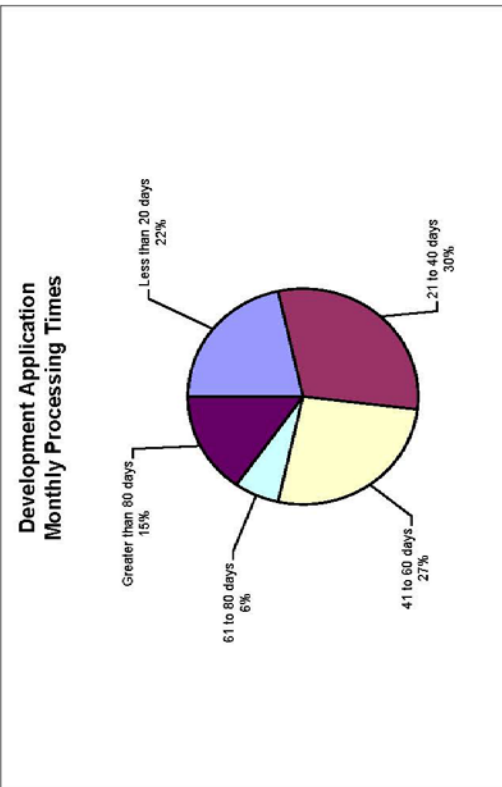
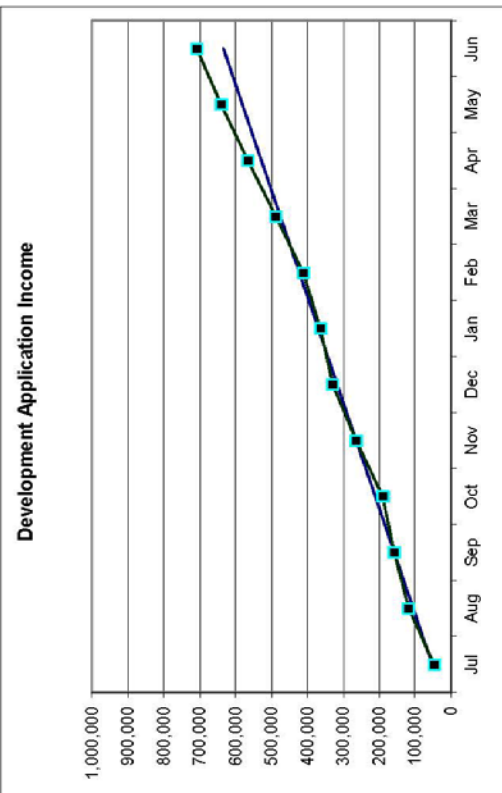
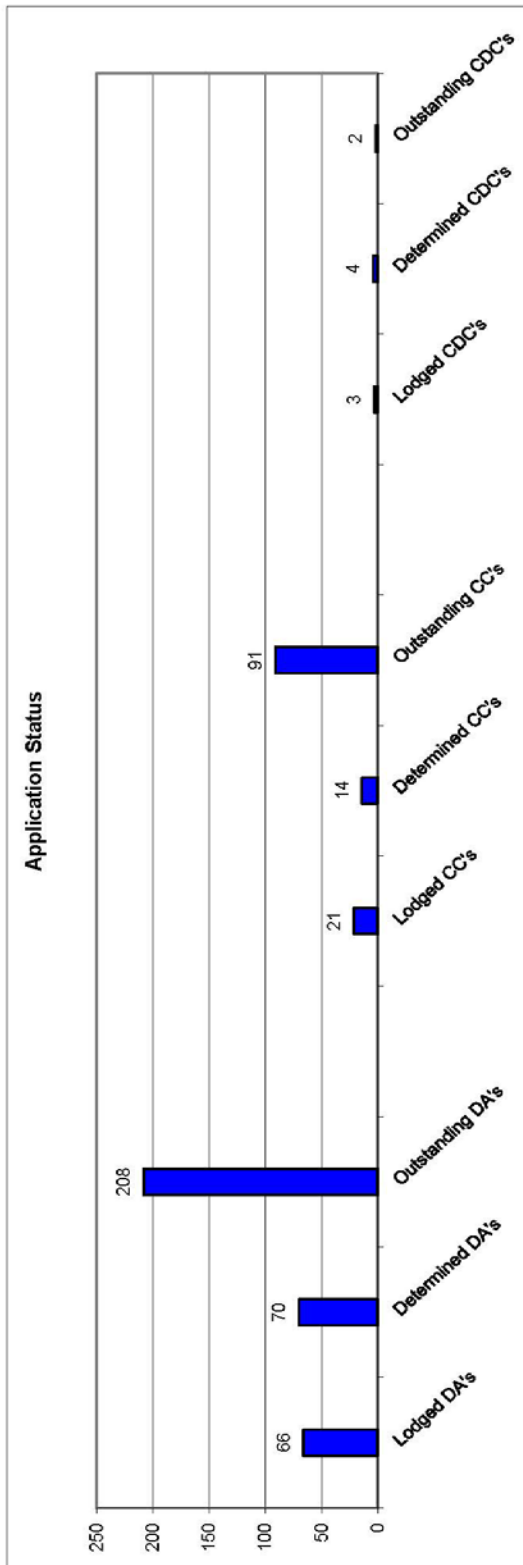
That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

ATTACHMENT 1

**DEVELOPMENT SERVICES SECTION
 MONTH AT A GLANCE – June 2013**



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

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

Reporting Officer

Manager Development Services

Attachments

Nil

Purpose

To advise Council of development applications approved for the period 1 April 2013 to 30 June 2013, that involved a variation of a development standard allowed under the relevant provisions of the State Environmental Planning Policy No. 1 - Development Standards (SEPP 1 applications).

Report

In accordance with the Department of Planning and Infrastructure's (DPI) requirement for all SEPP 1 applications to be reported to Council, it is advised that no SEPP 1 applications were determined for the reporting period.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition of existing structures and construction of a six storey residential apartment building with two levels of 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. Landscaping plan
7. Shadow diagrams
8. External finishes schedule

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* (the Act).

| | |
|-----------------------------|--|
| Property Description | Lots A - C DP 358051, Lot 10 DP 714457, Nos. 48- 52 Warby Street, Campbelltown |
| Application No | 998/2013/DA-RA |
| Applicant | Designcorp Australia P/L |
| Owner | G L and S L Yu and Gilinifinity P/L |
| Provisions | Campbelltown 2025 – Looking Forward State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 |
| Date Received | 10 May 2013 |

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

Introduction

Council granted consent to a development of a similar nature and scale at the subject site in December 2012.

The current application has been lodged by the same applicant and owners, however this application contains some differences in the number and configuration of units. The previous approval provided for the construction of 47 units at the site, whereas the current proposal would allow for 63 units. Despite the change to unit numbers, the size and physical appearance of the building remains largely unchanged.

Having regard to the scale of the changes and the provisions of Section 96 of the Act (which provides for modifications to be made), a new application has been lodged for Council's consideration.

Report

The site

The subject site is located on the north western corner of Warby Street and Moore-Oxley Street. Warby Street is a local road that carries through traffic between Queen Street and Moore-Oxley Street.

The subject site consists of four single allotments with a total area of 2,211.97 square metres. Located on the allotments are three single dwellings with associated outbuildings. The four single allotments are regular in shape and would be consolidated into one parcel.

The surrounding built environment is characterised by a range of dwelling sizes and styles, including single storey dwellings as well as residential apartment buildings. There are dwellings within Warby Street that are also being used for a range of commercial purposes. The site is also located opposite Campbelltown Showground.

The proposal

The proposed development consists of the demolition of three detached dwelling houses and associated outbuildings and the construction of a six storey residential apartment building with two levels of basement car parking and associated landscaping at Nos. 48 – 52 Warby Street, Campbelltown. The residential apartment building would provide a total of 63 units with a mix of one, two and three bedroom dwellings. Vehicular access is provided via Warby Street with one entry/exit driveway.

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

A breakdown of each level is as follows:

| Floor Level | Units | Car parking spaces | Service Areas | Storage Areas |
|--------------------|---|---|---|--|
| Lower Basement | Nil | 50 resident car parking spaces including four disabled spaces | Plant rooms, stormwater pump out infrastructure and two lifts | Bicycle storage area, 12 storage areas for units |
| Upper Basement | Nil | Five visitor car spaces, 30 resident car spaces including two disabled spaces | Two garbage storage/carousels, two lifts and plant rooms | Seven storage areas for units |
| Ground Floor | 1 x 1 bedroom 4 x 2 bedroom 3 x 3 bedroom | Nil | Two foyers, two lifts and two garbage areas with chutes Activities room and common open space area | Storage areas in units |
| First floor | 4 x 1 bedroom 6 x 2 bedroom 1 x 3 bedroom | Nil | Two foyers, two lifts and two garbage areas with chutes | Storage areas in units |
| Second Floor | 4 x 1 bedroom 6 x 2 bedroom 1 x 3 bedroom | Nil | Two foyers, two lifts and two garbage areas with chutes | Storage areas in units |
| Third Floor | 4 x 1 bedroom 6 x 2 bedroom 1 x 3 bedroom | Nil | Two foyers, two lifts and two garbage areas with chutes | Storage areas in units |
| Fourth Floor | 4 x 1 bedroom 6 x 2 bedroom 1 x 3 bedroom | Nil | Two foyers, two lifts and two garbage areas with chutes | Storage areas in units |
| Fifth Floor | 4 x 1 bedroom 6 x 2 bedroom 1 x 3 bedroom | Nil | Two foyers, two lifts and two garbage areas with chutes | Storage areas in units |

The proposed residential apartment building provides a mix of unit types with each apartment being provided with private open space areas through balconies and/or ground level courtyards.

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

Each apartment typically contains bedrooms, bathroom/ensuite, kitchen, built in wardrobes, linen closet and combined living/dining areas as well as an internal laundry. The building consists of two separate wings providing a break in the building fronting Warby Street at the ground level and a break to the rear of the site for all levels above ground level. This allows each wing to have its own foyer and lift area at each level. An indoor activities room is provided to the rear of the site on the ground floor that provides a kitchen and accessible bathroom and opens up to the common open space areas.

Vehicular access to the residential apartment building is provided via a six metre wide combined entry/exit driveway along Warby Street in the north western corner of the site. Access into and out of the basement levels for residents and visitors would be through a secured automatic roller door. Visitors' cars can be parked in five spaces that are located in front of a secure roller door. Other parking is accessed via electronic control key or by "buzzing" a resident to open the door.

The proposed design of the building includes contemporary articulation and façade treatments with a flat roof with plant and lift overruns extending above the flat roof line to add visual interest. The building would be constructed of face brick work with various coloured rendered and painted masonry to break up the scale and massing of the building.

Each wing of the building is to be provided with designated garbage chutes for perishable and recycled waste. These chutes are centrally located on each floor next to the lifts. Waste is deposited into the respective chute which then descends to the garbage rooms on the basement level. A compactor is provided in each garbage room within the basement level that would compact all waste from the garbage chutes. A caretaker would be employed to ensure that the garbage bins are placed at the kerb for collection and to relocate them back to the garbage rooms when emptied.

Landscaping is provided to the perimeter of the building as well as 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 could 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
 - 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.
-

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

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 the relevant 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.

Assessment

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

Section 79C(1)(a) requires Council to consider environmental planning instruments and development control plans that apply to 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 '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.'

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

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

- 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 objective and Council can grant consent to the proposed development 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)
- (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 existing site is situated on the north eastern side of Warby Street where it intersects with Moore Oxley Street. The site exists with a downwards grade from the south to the north of the property. There are three single dwellings located on the subject allotments surrounded by a mix of low to medium density housing. The subject land is within the vicinity of other residential apartment buildings.

The proposal before Council is a response to the desired future density within the area and reflects nearby approvals for the construction of high density residential apartment buildings. The building addresses both street frontages and presents an array of articulation measures to create visual interest and reduce appearance of its size. The proposed building has been designed to address the slight slope of the site and expands on the built form established by existing residential developments.

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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 scale of the proposed development is consistent with the building height and form of development envisaged by Campbelltown Sustainable City DCP (SCDCP). The scale of the development in the form it is proposed is considered appropriate for the site and is commensurate with the existing and desired scale, height and character of its surroundings.

It is not inconsistent with the locality's current and future desired character. The elevations have been articulated by means of various materials, colours and architectural features that help to mitigate any issues of building bulk and scale. The building also presents well to the prominent corner on which it would be located.

All visible elevations from the public domain illustrate an acceptable scaling of the buildings.

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 so as to reduce its overall bulk. The use of balconies facilitates recessed building facades and is clearly identified by a distinctive selection of materials and colours. The building's orientation maximises the site's potential in terms of solar access, cross-ventilation of individual units and its general amenity.

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

The façade of the building has architectural merit and would provide for an interesting visual addition to the precinct.

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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 density achieved by the proposed development is consistent with that provided for by Campbelltown (Sustainable City) DCP and is commensurate with the increased densities that will support the Campbelltown regional comprehensive centre.

The proposal provides well for the private open space and amenity needs 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.

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 of the proposed development, consisting of the selection of appropriate and sustainable materials, passive solar design features and the use of energy efficient appliances.

The proposed building achieves an acceptable level of energy efficiency. Several of the apartments utilise a design enabling cross-ventilation. Passive solar design principles such as sliding doors and louvers would also assist climate control. Energy efficient appliances and water saving devices are to be fitted. The application was accompanied by a BASIX certificate, which demonstrates that the building satisfied the required water and energy usage savings. The waste management plan detailed for the site facilitates the collection and storage of recyclables as per Council's policy.

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.

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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 all common/communal open space and private open space areas at ground floor level. Landscape elements are proposed to enhance the communal area in the development and would create a buffer between the residential units. Extensive deep soil zones have been incorporated into the development in order to encourage a scale of landscaping that will be in keeping with the scale of the building form.

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 subject site is in close proximity to public transport, schools, medical facilities and shopping centres and offers a high level of amenity for future occupants. The design of each unit has responded to the need for good room sizes, efficient planning and adequate solar access. SEPP 65 also requires a minimum floor to ceiling height of 2.7m, which is standard in all apartments. Each unit is proposed to be provided with a private open space area in the form of balconies or ground floor courtyards compliant with Council's DCP and SEPP 65. In addition, the design of the apartments protects the future occupant's ability to carry out private functions in all rooms and private open space areas without compromising views, ventilation and solar access.

Each apartment is proposed to be provided with internal storage areas with additional storage located within the basement levels. All of the apartments are naturally cross-ventilated adding to amenity and liveability.

Principle 8: Safety and security

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

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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 orientation of the proposed building, floor layouts and location of balconies provide natural surveillance of the public areas and pathways. Security and safety would be optimised by the inclusion of private security within the building, for occupants and visitors.

The basement car park is proposed to be serviced directly through a security controlled gate. An intercom system to control security access is to be provided for all residents to gain entry to and from the basement.

Stairwells as well as lifts from the basement levels provide direct access to all units. The units that front Warby Street provide balconies and living areas that offer passive surveillance over the public street. The units that front Moore Oxley bypass have balconies that provide passive surveillance.

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 design and layouts for varying household sizes and would complement and extend the range and diversity of residential accommodation in the area. The development would address 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.

Adaptable units are to be provided in the building and are accessible by lift from the basement. All units within the proposed development would be accessible as per the requirements of the relevant Australian Standards.

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.'

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The design provides a combination of architectural elements, such as varying wall setbacks, feature walls and colours, balconies, roof height variations and contrasting materials which make the building visually interesting and contribute positively to the streetscape.

A detailed design statement, prepared by the architect, has been submitted with the application and further reinforces the building's compatibility with the SEPP's visual amenity and 'liveability' objectives and standards.

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 summary of relevant portions of the Code is contained below:

Primary development controls

| Numeric requirement | Objectives | Comment |
|--|--|---|
| Building height No numeric requirement stipulated – use Council's DCP height standard. Design practice notes provided. | To ensure development responds to the desired scale of the area. To allow daylight access to development and the public domain. | Complies with the requirements of the Sustainable City DCP (SCDCP) ie six storeys. |
| Building depth Generally 18 metres although buildings may be deeper if adequate light and ventilation is supplied to units. | To ensure the bulk of development is compatible with desired future development. To allow for solar access and natural ventilation. To provide for dual aspect apartments. | Greatest apartment depth is 15.5 metres. Apartments are provided with adequate light and ventilation, with various orientations provided throughout the building. |
| Building separation Rises with building height – 12 metres up to four storeys and 18 metres for up to eight storeys. | To provide for deep soil zones and stormwater management To control overshadowing of adjacent properties. To provide visual and acoustic privacy. | Building is 6.0 metres from side boundaries in accordance with Council's SCDCP. The building does not 'step in' above five storeys. Complies with Council's SCDCP setback requirements. Discussed in more detail later in the report. |

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| Numeric requirement | Objectives | Comment |
|---|---|---|
| <p>Side and rear setbacks</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To provide for deep soil planting areas.</p> <p>To minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.</p> <p>To maximise building separation to provide visual and acoustic privacy.</p> | <p>Council's SCDCP requires a 6.0 metre setback to side and rear boundary. The proposal complies.</p> |
| <p>Street setback</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To create a clear transition between public and private space.</p> <p>To allow an outlook and surveillance of the street.</p> <p>To allow for streetscape character.</p> | <p>Council's SCDCP requires 5.5 metre setback. The proposal complies with this requirement.</p> |

Site design

| Numeric requirement | Objectives | Comment |
|--|--|--|
| <p>Deep soil zones</p> <p>No requirement stipulated. Design practice notes provided.</p> | <p>To assist in the management of the water table.</p> <p>To improve the amenity of developments through the retention and/or planting of large and medium size trees.</p> | <p>An assessment against Council's requirements is detailed later in the report.</p> |
| <p>Fences and walls</p> <p>No numeric requirements stipulated. Design practice notes provided.</p> | <p>To define the boundaries between areas having different functions or owners.</p> <p>To provide privacy and security.</p> <p>To contribute positively to the public domain.</p> | <p>The buildings contain several landscaping planter walls along the front, rear and side boundaries. The walls help to distinguish public and private open spaces, detail the building entries and private open space areas.</p> |
| <p>Landscape design</p> <p>No numeric requirements stipulated. Design practice notes provided.</p> | <p>To improve stormwater quality.</p> <p>To improve urban air quality.</p> <p>To add value to residents' quality of life within the development.</p> <p>To improve the solar performance of the development.</p> | <p>A comprehensive landscaping plan has been prepared for the development. The plan maximises areas provided for deep soil planting and would introduce several large trees at the site, which will ultimately assist in improving solar conditions and provide habitat for various fauna.</p> |

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| Numeric requirement | Objectives | Comment |
|---|---|--|
| <p>Orientation</p> <p>No numeric requirements stipulated. Design practice notes provided.</p> | <p>To optimise solar access to residential apartments and adjacent buildings.</p> <p>To improve the thermal efficiency of new buildings.</p> <p>To contribute positively to the desired streetscape.</p> | <p>The building is orientated as best as possible having regard to the existing street pattern. A BASIX certificate has been submitted with the application which demonstrates satisfactory energy and thermal comfort savings have been made. Apartments have been provided with balconies and windows to gain access to natural light.</p> |
| <p>Stormwater management</p> <p>No numeric requirements stipulated. Design practice notes provided.</p> | <p>To minimise the impact of residential flat development and associated infrastructure on the health and amenity of natural waterways.</p> | <p>Stormwater capture and management complies with Council's Sustainable City DCP Vol. 3.</p> |
| <p>Safety</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To ensure that residential flat developments are safe and secure for residents and visitors.</p> <p>To contribute to the safety of the public domain.</p> | <p>Crime Prevention Through Environmental Design (CPTED) principles used throughout the development, including lighting, territorial reinforcement of entry and street areas, safe basement car parking area.</p> |
| <p>Visual privacy</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To provide reasonable levels of visual privacy.</p> <p>To maximise views and outlook from principal rooms and private open space, without compromising visual privacy.</p> | <p>Balconies have been aligned to reduce overlooking.</p> <p>Fixtures to balconies such as louvers are sometimes used to reduce overlooking potential.</p> |
| <p>Building entry</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To create entrances that provide a desirable residential identity for the development.</p> <p>To orient visitors.</p> <p>To contribute positively to the streetscape.</p> | <p>Separate entries provided for vehicles and pedestrians to increase safety.</p> <p>Visitor and entry from street clearly defined and easily accessible.</p> |
| <p>Car parking</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To minimise car dependency for commuting and to promote alternative means of transport.</p> <p>To provide adequate car parking.</p> <p>To integrate the location and design of car parking with the building and its location.</p> | <p>Car parking would be provided in a two level basement, with minimal impact on the street.</p> <p>Car parking provided complies with the Council's SCDCP requirements.</p> |

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Building design

| Numeric requirement | Objectives | Comment |
|---|--|--|
| <p>Apartment layout</p> <p>'Rules of thumb' provided for depth, width and area.</p> | <p>To ensure that the spatial arrangement of apartments is functional and well organised.</p> <p>To ensure that apartment layout provides a high standard of residential amenity.</p> <p>To accommodate a variety of household activities and needs.</p> | <p>Single aspect apartments are generally located on the north facing side of the building to maximise solar penetration of units. Some units face south however, numbers still comply with RFDC and SCDCP minimums. Window location and size maximise solar penetration. Apartments comply with BASIX requirements for energy efficiency and thermal comfort. Apartment sizes exceed 'rule of thumb' requirements. Depth of apartments complies with "rule of thumb".</p> |
| <p>Apartment mix</p> <p>Design practice notes provided.</p> | <p>To provide a diversity of apartment types, which cater for different household requirements now and in the future.</p> <p>To maintain equitable access to new housing by cultural and socio-economic groups.</p> | <p>Building contains a mix of 1, 2 and 3 bedroom units. Complies with Council's SCDCP.</p> |
| <p>Balconies</p> <p>Design practice notes provided.</p> <p>'Rules of thumb' provided.</p> | <p>To provide all apartments with open space.</p> <p>To ensure that balconies are integrated into the overall architectural form and detail of the building.</p> <p>To ensure that balconies are functional.</p> <p>To contribute to the safety and liveliness of the street by allowing for casual overlooking.</p> | <p>Balconies meet minimum depth requirement in the 'rules of thumb'.</p> <p>Balconies are all directly accessible from living areas and/or bedrooms.</p> <p>Balconies would provide casual surveillance of the street.</p> |
| <p>Ceiling heights</p> <p>'Rules of thumb' provided</p> | <p>To increase the sense of space in apartments.</p> <p>To promote the penetration of light into the depths of apartments.</p> <p>To achieve quality interior spaces while considering the external building form requirements.</p> | <p>The building complies with the 'rules of thumb'. A minimum of 2.7 metres would be provided to each unit.</p> |

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| Numeric requirement | Objectives | Comment |
|---|--|--|
| <p>Ground floor apartments</p> <p>No numeric requirements stipulated. Design practice notes provided.</p> | <p>To contribute to the desired streetscape of an area and to create active safe streets.</p> <p>To increase the housing and lifestyle choices available in apartment buildings.</p> | <p>Ground floor units provided with terraces and screened from the street by landscaping. Landscaping would still provide for some views to and from the apartment building at street level. Variations in ground height increase privacy and allow for casual surveillance.</p> |
| <p>Circulation</p> <p>'Rule of thumb' provided. Design practice notes provided.</p> | <p>To create safe and pleasant spaces for the circulation of people and their personal possessions.</p> <p>To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.</p> | <p>The number of units accessed from each corridor complies with the Code's 'rule of thumb' ie less than eight units accessed from each corridor.</p> <p>Corridors are wide and would allow for the movement of furniture.</p> |
| <p>Storage</p> <p>Numeric 'rules of thumb' provided. Design practice notes provided</p> | <p>To provide adequate storage for everyday household items within easy access of the apartment.</p> <p>To provide storage for sporting, leisure, fitness and hobby equipment.</p> | <p>Rules of thumb' in Code are mirrored in Council's SCDCP. The building complies with the requirements.</p> |

Building amenity

| Numeric requirement | Objectives | Comment |
|---|--|---|
| <p>Acoustic privacy</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To ensure a high level of amenity by protecting the privacy of residents.</p> | <p>Potentially busy/noisy areas have been located adjacent to each other within units. Bedrooms kept away from mechanical plant. Party walls between units minimised as much as possible. Acoustic assessment of noise impacts from Moore-Oxley Street undertaken and incorporated into building's design/construction.</p> |

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| Numeric requirement | Objectives | Comment |
|---|---|--|
| <p>Daylight access</p> <p>Design practice notes provided and rules of thumb.</p> | <p>To ensure that daylight access is provided to all habitable rooms.</p> <p>To provide adequate levels of ambient lighting and minimise the need for artificial lighting during the day.</p> <p>To provide residents with an opportunity to adjust the quantity of daylight to suit their needs.</p> | <p>All living areas provided with windows. Awnings provided to some windows at balconies to provide for shading during summer.</p> <p>Compliant number of units are provided with the minimum three hours of direct sunlight throughout the day.</p> |
| <p>Natural ventilation</p> <p>Rules of thumb provided. Design practice notes provided.</p> | <p>To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air.</p> <p>To provide natural ventilation to non-habitable rooms where possible.</p> <p>To reduce energy consumption.</p> | <p>Majority of units provide cross ventilation opportunities. Where no cross ventilation is provided, large balcony openings would ensure adequate airflow into units.</p> |
| <p>Facades</p> <p>Design practice notes provided. No numerical requirements stipulated.</p> | <p>To promote high architectural quality in residential flat buildings.</p> <p>To ensure that new developments have facades which define and enhance the public domain and desired street character.</p> <p>To ensure that building elements are integrated into the façade design.</p> | <p>The building has been provided with an array of architectural treatments to enhance its appearance from the street and surrounding properties. Design elements such as varying colours, projecting fin walls, varying materials and balconies have been provided to break up the building mass, along with the separation of the two towers. The building is also sized in a complementary manner to that of existing multi-storey apartment buildings that would be located within the same street and nearby on Chamberlain Street.</p> |

Building performance

| Numeric requirement | Objectives | Comment |
|--|---|--|
| <p>Energy efficiency</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To reduce the necessity for mechanical heating and cooling.</p> <p>To minimise greenhouse gas emissions.</p> | <p>Passive solar design initiatives incorporated into the building. It meets BASIX requirements for water, energy and thermal comfort requirements, which were not in place at the time the Flat Design Code was prepared.</p> |

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| Numeric requirement | Objectives | Comment |
|---|---|---|
| <p>Waste management</p> <p>No numeric requirement stipulated. Design practice notes provided.</p> | <p>To avoid the generation of waste through design, material selection and building practices.</p> <p>To plan for the types and amount of waste to be generated during demolition and construction.</p> <p>To encourage waste minimisation, including source separation, reuse and recycling.</p> | <p>A waste management plan has been submitted with the application. The plan details that collection and disposal of recyclables will be provided in the building. Separation of general waste and recyclables will also be provided to reduce potential contamination of recycling collection.</p> |
| <p>Water conservation</p> <p>Design practice notes provided. 'Rules of thumb' provided.</p> | <p>To reduce mains consumption of potable water.</p> <p>To reduce the quantity of urban stormwater runoff.</p> | <p>Energy efficient appliances and taps/showerheads to be provided throughout the building. BASIX water reduction targets satisfied.</p> <p>On-site stormwater detention system supplied.</p> |

The building is considered to be compliant with the objectives and controls within the SEPP and its accompanying Design Code.

In conclusion, the proposed development generally satisfies the overall intent of SEPP 65 and guidelines of the RFDC, with no significant exceptions.

2.3 State Environmental Planning Policy (Infrastructure) 2007

Under the requirements of State Environmental Planning Policy (Infrastructure) 2007, Clause 101 applies to the subject proposal, given its proximity to Moore Oxley Street and states the following:

'Development with frontage to classified road'

- (1) The objectives of this clause are:
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
 - (a) where practicable, vehicular access to the land is provided by a road other than the classified road

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- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
- (i) the design of the vehicular access to the land
 - (ii) the emission of smoke or dust from the development
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.'

A Noise Assessment Report was submitted with the application which states that based on the measured noise levels, it will not be necessary to have acoustic treatment carried out other than specific glazing requirements which could be applied as conditions of consent should Council decide to support the proposal.

The proposal is beneath the 75 unit threshold and is not considered to be a 'traffic generating' development for the purposes of the SEPP.

The proposal is therefore considered to be compliant with relevant parts of the policy.

2.4 Campbelltown (Sustainable City) Development Control Plan 2009

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject site. The aims of the SCDCP are:

- 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.
-

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

Part 2 - Requirements applying to all types of development

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

Site analysis – A site analysis plan has been submitted identifying the constraints and opportunities for the development and how the proposed development relates to the site.

Views and vistas - The proposed development appropriately responds to Campbelltown's important views and vistas to and from public places given that the height of the building does not exceed Council's minimum requirements.

Sustainable building design – A BASIX certificate was submitted for the proposed development with all relevant requirements detailed on the plans.

Landscaping – All existing trees on the site are to be removed and replaced with new landscaping. A landscaping plan detailing new landscaping for the site was submitted and is considered to be satisfactory.

Flora and fauna - A flora and fauna assessment was not required to be undertaken as the subject site does not contain any native vegetation and/or habitat for threatened biodiversity.

Erosion and sediment control - An erosion and sediment control plan has been submitted for the proposed development and is considered to be satisfactory.

Cut and fill – The proposal requires excavation of two basement levels which will be constructed in accordance with Council's requirements.

Demolition – The proposed development involves the demolition of three dwellings and outbuildings which will be carried out in accordance with the relevant Australian Standards.

Water cycle management - A Water Cycle Management Plan was submitted as part of the proposed development. Council's Technical Services staff have assessed the proposal and no issues have been raised.

Heritage conservation - The subject site is not located within a zone of archaeological sensitivity nor are there any heritage items located on or within the surrounding locality of the subject site.

Fencing and retaining walls – 1.8 metre high rendered masonry fencing with brick piers is proposed along the site's street boundaries with 1.8 metre high lapped and capped timber fencing provided between each courtyard area at ground level. Retaining walls are to be constructed in accordance with Council's requirements, if and where required.

Security - The proposed development has been designed to minimise opportunities for crime and enhance security.

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

Risk management - The proposed site is not within a bushfire prone area or is subject to mine subsidence. The site is not contaminated according to Council’s records. However the subject land is affected by overland flooding. Council’s Technical Services staff have assessed the proposal and no objections have been raised.

Waste management - A Waste Management Plan for demolition and construction works has been submitted and is considered to be satisfactory. Information regarding ongoing waste management was submitted and is discussed further in this report.

Part 4 – Residential apartment buildings and mixed-use development

Part 4 – Residential Apartment Buildings and Mixed-Use Development of the SDCDP sets out certain development standards for residential and mixed-use development within the City of Campbelltown. As the proposed development is for a residential apartment building, it is considered that an assessment against the development standards contained within the SDCDP is required and is detailed below:

| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|------------------------|---|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Maximum Height | Six storeys | Six storeys | Yes |
| Building Design | <p>Appropriate facades address both frontages</p> <p>Articulation in walls via use of balconies with flat roof elements enhanced with selected skillion overhangs</p> <p>Variation in planes of external walls</p> <p>Variation in roof height</p> <p>Various building materials and colours are proposed</p> <p>Provision of landscaping and architectural details</p> | <p>Appropriate facades to address street frontages</p> <p>Articulation in walls, variety of roof pitch, architectural features</p> <p>Variation in planes of exterior walls</p> <p>Variation in height</p> <p>Articulation through use of colour and building materials</p> <p>Landscaping and architectural detailing at ground level</p> | Yes |
| Site Services | The roof mounted plant and lift overruns would not be visible from street level | Roof mounted plant shall not be visible from public place | Yes |
| Site Area | Site area: 2,211.97sqm | Minimum 2,500sqm | No |

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|--------------------------------------|--|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Site Width | 48.4 metres | Minimum 30 metres | Yes |
| Street Boundary Setback | 5.5 metres | 5.5 metres | Yes |
| Side Setback | 7.0 metres | 6.0 metres | Yes |
| Rear Setback | 6.0 metres | 6.0 metres | Yes |
| Secondary Street Frontage | 5.5 metres | 5.5 metres | Yes |
| Unit Ratio | 22 one bedroom units | Minimum 5% of the total number of dwellings shall be one bedroom or a studio Requires: 2.35 | Yes |
| Adaptable Units | Provides: five | Minimum of 10% of the total number of dwellings shall be adaptable Requires: 4.7 | Yes |
| Dwelling Floor Area | No studio One bed: min 51 sqm Two bed: min 76 sqm Three: 119 sqm No four bedroom dwellings | 40sqm for studio 50sqm for one bedroom 70sqm for two bedroom 95sqm for three bedroom 110sqm for four or more bedroom | Yes |
| Access from Common Lobby Area | Maximum six dwellings from each lift and lobby area | Maximum of eight dwellings shall be accessible from a common lobby area on each level | Yes |

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| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|---------------------------|---|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Lift Access | <p>Two lifts are provided for the building of which both provide access from the second basement level to top most level</p> <p>Each lift is accessed by a maximum of 35 dwellings</p> <p>Direct access and illuminated</p> | <p>All residential apartment buildings shall provide at least one lift for access from the basement to the upper most accessible area</p> <p>A maximum of 50 dwellings shall be accessible from a single common lift</p> <p>Direct access and illuminated</p> | Yes |
| Deep Soil Planting | Provides: 536 sqm | <p>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</p> <p>15% of site area: 331.79sqm</p> | Yes |
| Storage Facilities | Storage compartments are provided in the basement as well as storage within each individual unit | <p>Storage facilities are to be provided for each unit either in the unit and/or within the basement with a capacity of no less than:</p> <p>6.0 cubic metres for a studio</p> <p>8.0 cubic metres for a one bedroom unit</p> <p>10 cubic metres for a two bedroom unit</p> <p>12 cubic metres for a three bedroom unit</p> <p>15 cubic metres for four or more bedroom units.</p> | Yes |
| Car Parking | <p>One per unit; plus</p> <p>One per four units; plus</p> <p>One per 10 for visitors</p> <p>Provided: 85 spaces</p> | <p>One space per unit</p> <p>One space per four units</p> <p>One space per 10 units for visitors</p> <p>Required: 85 spaces</p> | Yes |

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| | | Campbelltown (Sustainable City) Development Control Plan 2009 | |
|--|---|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Solar access | <p>Orientated in a north-south direction</p> <p>The private open space of adjoining properties receive solar access for greater than three hours</p> | <p>Orientated and sited to maximise northern exposure</p> <p>20sqm of the required private open space on adjoining land to receive three hours continuous solar access</p> | Yes |
| Balconies and Ground Level Apartments | <p>All balconies are a minimum of 8.0sqm in area and have minimum depth of 2.0 metres</p> | <p>Courtyards/balconies shall be not less than 8.0sqm in area and have a minimum depth of 2.0 metres</p> | Yes |
| Privacy | <p>Ground level apartments have privacy screens</p> <p>Windows and/or balconies that directly face another unit's balcony or habitable rooms have privacy screens</p> | <p>Ground level apartments shall have privacy screens</p> <p>No window of a habitable room or balcony shall directly face a window or habitable room of another dwelling</p> | Yes |
| Communal Recreation facilities | <p>Activities room is 69.5 sqm</p> <p>Outdoor area is 74.5 sqm</p> <p>Not located within primary street setback</p> | <p>Active room with a minimum of 50sqm per dwellings per 50 dwellings</p> <p>Outdoor dining area with a minimum area of 50sqm per 50 dwellings</p> <p>Not located within primary or secondary street setback</p> | Yes |
| Waste Management | <p>Provision of recycling bins adjacent to garbage chutes on each level.</p> <p>Two compactors in waste rooms in basement level</p> | <p>240L bin per three dwellings</p> <p>1000L bulk bin per 12 dwellings</p> <p>240L recyclable bin per three dwellings</p> | Yes |

The proposal generally complies with the SCDPC with the exception of compliance with the minimum site area standard. This matter is discussed in more detail below.

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Minimum site area

The total site area is 2211.97sqm, being 288.03sqm or 12% less than the required 2500sqm minimum allotment size.

Similar to the previous application approved by Council in December 2012, land exists adjacent the subject site which (although physically could form part of the application) has not been included in the proposal as the owner of the adjacent allotment does not wish to be a part of the proposed development. The applicant has previously attempted to unsuccessfully include the adjoining property into the subject development through negotiations which included financial incentives, however no agreement was reached.

It is noted that that the owners of the adjoining lot would not be isolated as a result of the development and this development proposal does not remove or affect further development potential should they consolidate with lots adjoining them. As such, the adjoining properties would still be afforded development potential subject to approval from Council.

It is the case that in 2010, a report was tabled before the Council requesting a variation of the same standard, but in that case the variation was from 2500sqm to 1600sqm. The Council ultimately approved the variation as (despite the 2500sqm standard) it ultimately formed an opinion that the 2500sqm standard did not necessarily guarantee or result in a superior planning outcome to that of a development proposed on a smaller allotment.

In this regard, it is considered that the variation is satisfactory in the circumstances of this case given that the proposed development complies with all other requirements of Council's SCDCP as well as fulfils the objectives of the LEP. The 12% variation sought is considered to be relatively minor and should be supported given the outcome being of high architectural merit and quality. Furthermore, it is considered that the variation would not have an adverse impact on the amenity of the existing or desired future streetscape and would not isolate the adjoining property in terms of development potential.

It should be noted that Council has recently adopted a new version of its Sustainable City Development Control Plan. The new version was not utilised for this assessment as the application was lodged prior to its formal adoption by Council.

In the new version, the minimum allotment size required for the construction of residential apartment buildings has been reduced to 1200 square metres. The proposal therefore complies with the new control.

Stacked car parking

The development proposes the use of 'stacked car parking' spaces, whereby one car space is directly behind another. Eight spaces in the lower basement would be 'stacked' (representing less than 10% of overall spaces available in the basement). The SCDCP does not encourage the use of stacked parking as in some circumstances, it can create conflict with users of the car parking area. The stacked spaces would be allocated to units that would have two car spaces.

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In this case, the spaces would not be accessible to visitors of the building, only residents. Further, a recommended condition of consent requires that the stacked spaces be clearly marked as being attached to a particular unit in the complex so that they are not inadvertently used by another vehicle (potentially parking a car in). A sign would also be affixed to the driveway entry area to detail that stacked spaces are not to be used by persons other than those associated with the nominated unit.

With this in mind, it is considered unlikely that the 'stacked' spaces would result in an adverse impact on parking arrangements.

3. Planning Assessment

3.1 Impacts on the natural and built environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The principal matters associated with the consideration of these impacts are dealt with in light of the provisions of Campbelltown (Sustainable City) DCP and SEPP 65. It is considered that the impact of the proposed development on the built environment, while being visually different to existing development in the area, is representative of Council's desired future character for the precinct, noting the Sustainable City DCP and Council's Strategic Direction for the Regional Centre.

3.2 Salinity

A soil salinity report would be required due to the underground excavation required to construct the building's footings and basement car parking/storage areas. It is known through excavation at similar properties in the area that groundwater is potentially saline in nature, which may have an impact on the integrity of structural concrete in basement car parking areas. A report and salinity management plan would be required prior to issue of a construction certificate for the development, should consent be granted by Council.

3.3 Demolition safety

Demolition of the existing buildings on the site is permissible with consent, and has been proposed as part of the application. Should Council issue development approval, the consent would be suitably conditioned to ensure that all appropriate public safety and WorkCover requirements are adhered to.

3.4 Building Code of Australia

Council's officers have undertaken an initial review of the proposal. As a result, the building is considered to be satisfactory in its compliance with the Code and meets particular provisions in relation to access for the disabled, sound transmission, fire safety and construction materials. More detailed assessment of the building and its compliance with the Building Code of Australia would be undertaken as part of construction certificate determination, should development consent be granted.

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3.5 Traffic impacts

Specialist traffic consultancy, Traffic Solutions Pty Ltd was engaged by the applicant to prepare a Traffic and Parking Assessment report in support of the proposed development.

The report concluded that the proposed driveway to serve the development is suitably located and would provide good sight distance in both directions along Warby Street. The proposed car parking satisfies the requirements specified by the Roads and Maritime Services and Council's Development Control Plan.

Furthermore, the estimated potential traffic generation increase in vehicle movements would not exceed the RMS capacity volume and would not have a detrimental effect on the surrounding road network.

Council's development engineers pose no objection to the proposal.

A recommended condition of consent requires that a construction traffic management plan be prepared for the building's construction. The plan would identify 'road occupations' required for the loading and unloading of vehicles as well as staging areas for concrete trucks and so on, so as to minimise the impacts on the surrounding locality during the building's construction.

3.6 Waste management

The proposed development was referred to Council's Waste Management Officer for comment. The proposal is considered to be compliant with Council's requirements, except for the travel distance of bins for emptying. As such, a recommended condition of consent requires that the submitted waste management plan be amended to ensure that bins are taken into and out of the building by a building site manager or caretaker.

Another recommended condition of development consent requires the applicant to consult with Council's Local Traffic Committee to establish on-street parking restrictions on bin collection day. This is consistent with the approach that Council has taken for similar developments in the precinct.

Waste collection and storage is otherwise considered to be satisfactory.

3.7 Social and economic impacts

It is anticipated that the development would contribute to the wider choice of housing available in Campbelltown and would provide a tangible social benefit. The scale and density of the development respects the identified desired planning outcome and takes advantage of nearby transport and other support services.

3.8 Site suitability

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

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The principal matters for attention are discussed in considering Campbelltown (Sustainable City) DCP and SEPP 65.

3.9 Safer by design

A matter for consideration is the safety of residents, tenants and visitors to the site. High levels of property maintenance and effective lighting establish a safe and accessible ground floor. The building design and features promote territorial reinforcement of the private space within the complex. Entrapment areas are minimal throughout the development and passive surveillance from dwellings and open spaces is considered to be adequate.

Recommended conditions of consent require that basement car parking security for residents would be provided by the use of security shutters with electronic 'key' activation so that parking areas could only be accessed by residents or authorised visitors. Elevators would also be key controlled so that residents would access only their floor and visitors to the site would require a resident to allow them access. Car park ceilings are to be finished with white paint to increase the effectiveness of lighting and to create the impression of a more 'open' space.

4. Public participation

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

The subject development application was referred to 27 nearby and adjoining owners during the period of 30 May 2013 to 14 June 2013. No submissions were received.

4.1 The public interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the public interest in consenting to a development application.

The public interest is a comprehensive requirement that requires councils to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs, LEPs and DCPs.

Approval of the development is considered to be in the public interest as the proposal has demonstrated compliance with Council's development standards and objectives and is considered to be a suitable development in that location given its proximity to transport and retail opportunities.

The application is considered to have satisfactorily addressed Council's relevant objectives and controls required for development in this area.

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

5. Conclusion

Council has received an application for the demolition of existing dwellings and associated structures and the construction of a six storey residential apartment building with two levels of basement car parking and associated landscaping at Nos. 48 – 52 Warby Street, Campbelltown.

The proposed development generally conforms to the requirements of SEPP 65, LEP 2002 and Council's Sustainable City DCP. It is considered the proposal results in acceptable planning outcomes for the site, given the desired character outcomes contained in the Campbelltown (Sustainable City) Development Control Plan.

The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered favourably. Adequate measures relating to garbage collection and traffic 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 as proposed forms an acceptable balance between the existing surrounding development and land uses and Council's desired likely future character for new development in the locality.

Officer's Recommendation

That development application 998/2013/DA-RA for the demolition of three detached dwelling houses and associated outbuildings and the construction of a six storey residential apartment building with two levels of basement car parking and associated landscaping at Nos. 48 – 52 Warby Street, Campbelltown be approved, subject to the conditions detailed in attachment 1.

Committee's Recommendation: (Kolkman/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil

Note: The Mayor departed the Chamber during discussion on this item and did not return until after the vote had been taken.

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 168

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Brticevic.

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.
-

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4. Notification of Home Building Act 1989 Requirements

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

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

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

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. Fencing

Fencing around the site shall be constructed in accordance with the approved development plans at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

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8. 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.

9. Deliveries during Construction

Where possible, the loading and unloading of all materials and equipment shall be carried out upon the subject site.

If this is not possible due to the construction activities, the creation of a Work Zone may be necessary.

Should this be the case, an application to Council, at least 8 weeks prior to the commencement of works, for the creation of a temporary Work Zone will be necessary.

10. 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.

11. Graffiti Removal

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

12. 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 Volume 3. (as amended).

13. Car Parking Spaces

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

Stacked spaces are to be clearly marked and detailed with the Unit number to which they belong.

An advisory sign shall be fixed to the entry of the basement parking and to each stacked parking space area advising residents/visitors that only vehicles associated with the identified Unit shall utilise those stacked spaces.

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14. Basement Car Parking

The applicant shall ensure that the basement car park complies with the requirements detailed in Section 4.13.8 of the Campbelltown Sustainable City DCP Vol. 3 (as amended).

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

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

15. Prevention of Overland Flow Inundation

To prevent overland flows entering the property upon completion of the development, the applicant shall construct;

- a. A solid wall along the Moore Oxley Bypass boundary which has a minimum top of wall RL of 79.80 (AHD) at the eastern end and a minimum top of wall RL of 80.80 (AHD) at the western end.
- b. Construct the footpath in Warby Street, adjacent to the development, with a standard crossfall of 2.5%, including where there are proposed pedestrian and vehicular entries to the property.

16. Sight Distance

To improve sight distance for motorists exiting the basement car park and reduce the risk of conflict with pedestrians using the footpath, the applicant shall either, construct an open style fence, or splay the courtyard fencing of the unit immediately adjacent to the driveway.

17. Basement Storage Compartments

Storage compartments are to be provided within the basement levels in accordance with Council's (Sustainable City) Development Control Plan.

18. Adaptable Units

Five units shall be adaptable units in accordance with Council's (Sustainable City) Development Control Plan.

19. Acoustic Protection

The building shall be designed and constructed in accordance with the recommendations made in the Noise Assessment Report – Part 6 and the 'Glazing Schedule' (ref. Alan Parks Consulting, Report 05-124).

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20. Mechanical Ventilation

Should the need arise to provide mechanical ventilation or air conditioning for the residences, care should be taken to ensure that the ratings of external walls, ceilings and windows are not compromised. The use of mechanical services equipment can also introduce noise problems, therefore the choice and location of such units is very important.

21. Installation of Acoustic Windows and Doors

The acoustical effectiveness of fitting out a building with acoustic windows, doors and other products will also be dependent on the quality of the installation and associated workmanship. It is important to ensure that products are installed adequately and fully sealed to ensure that air gaps do not occur either within the products or at the perimeter and so reduce the attenuation of the building.

22. Retention of Demolition and Construction Waste Dockets

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

23. Bin Storage Rooms

The garbage storage rooms 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 floors 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 rooms.
- d. Garbage rooms shall be vented to the external air by natural or artificial means.

Sufficient space should be allocated in the bin storage facility to store all bins required such that no bins are stored on public land or in a space visible to the public.

24. Garbage Chutes

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

25. Site Manager

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

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26. Subdivision

This development consent does not give any approvals for subdivision. Should subdivision be required, a separate development application shall be lodged with Council.

27. Shoring and Adequacy of Adjoining Property

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

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

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

28. Rain Water Tank(s)

A rainwater collection tank shall be installed and utilised in accordance with the requirements detailed in Section 2.4.1 of Campbelltown (Sustainable City) Development Control Plan.

29. Construction Certificate

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

3.3 Nos. 48-52 Warby Street, Campbelltown - Demolition Of Existing Structures And Construction Of A Six Storey Residential Apartment Building With Two Levels Of Basement Car Parking And Associated Landscaping

30. On-site Stormwater Detention

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to, and receive Council's written approval for a plan detailing the management and maintenance of the proposed OSD system for the site. The Plan shall also detail the person(s) responsible for the maintenance and provide contact information of those persons to Council.

31. 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.

32. 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 or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

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

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

or telephone 13 20 92.

33. Soil and Water Management Plan

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

34. Construction Traffic Management Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare, and obtain approval from an accredited person, separate Construction Traffic Management Plans (CTMP's) for the demolition, excavation and construction stages of the development.

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The CTMP's shall include details of, but not be limited to;

- a. The staging and timing of construction works
- b. Perimeter fencing and hoarding requirements
- c. Details of temporary vehicular entry points to the site
- d. Provisions for pedestrian traffic and any diversions that are proposed
- e. Hoisting arrangements for cranes, travel towers or lift operations
- f. Numbers of vehicles used during the demolition stage, their proposed routes, turning paths and parking arrangements
- g. Work zone requirements, if required
- h. Traffic control associated with road occupancy and standing plant
- i. Waste collection areas.

In preparing the CTMP's, the applicant shall address all relevant NSW road rules.

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

No CTMP's shall be approved unless it is endorsed by Council in writing. Management of the site may be subject to change at the Council's direction.

35. Stormwater Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

36. Existing Drainage

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details and related calculations for the analysis of the existing drainage system in Warby Street, where it is proposed to discharge stormwater from the proposed development, to determine whether the existing system has sufficient capacity to adequately convey the anticipated increase in flows, due to the proposed development.

37. 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.

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38. 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 upon completion of the development, a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

39. Consolidation of Allotments

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

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

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

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

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

41. 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.

42. 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.

This includes the requirements for:

- sign posting timed 'No Parking' signs along the frontage of the development to Warby Street to restrict vehicle parking during garbage and recycling collection times on a weekly basis. The restrictions shall not allow for vehicle parking along the kerbside along the front property boundary between 12am and 10am on the day of bin collection;

43. Waste Management

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council for its written approval details of the collection and disposal of internal waste generated by the occupants. The Waste Management Plan shall detail the appointment of a caretaker to move and rotate bins throughout the building and through the approved bin compactors. The Plan shall state that the caretaker would remove bins from the kerbside no later than 10am on the day of their collection.

The Plan shall be prepared in consultation with Council's Waste Management Officer and garbage and recyclables collection contractor.

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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.

44. 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.

45. Erection of Construction Sign

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

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

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

46. Toilet on Construction Site

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

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

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47. Construction Vehicle Control

Prior to the commencement of any works on the land, the application 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.

48. 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.

49. 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 the public road system. Single sized aggregate, 40mm or larger and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

50. 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.

51. Demolition Works

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

- a. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council
 - b. The handling or removal of any asbestos product from the building/site must be carried out by a NSW WorkCover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW WorkCover requirements
 - c. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
-

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- d. 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.

52. 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.

53. 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.

54. Demolition of Existing Dwellings

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

55. 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 4.00pm |
| Sunday and public holidays | No Work. |

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56. Erosion and Sediment Control

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

Note: On the spot penalties of up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

57. 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.

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. Termite Control

The building shall be protected from subterranean termites in accordance with Australian Standard 3660.1. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

60. Excess Material

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

61. Public Safety

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

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The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual 'Traffic Control at Work Sites' (as amended) and all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all WorkCover Authority requirements are complied with. Council may at any time and without prior notification make safe any such works that are considered to be unsafe and recover all reasonable costs incurred, from the applicant.

62. Compliance with Council Specification

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Campbelltown (Sustainable City) DCP Volumes 1 & 2 (as amended)
- c. 'Soils and Construction (2004) (Bluebook)
- d. All relevant Australian Standards and State Government publications.

63. Footpath Verge Grading

The footpath verge area adjacent to the existing concrete footpath paving, which adjoins the subject land shall be regraded, topsoiled and turfed in accordance with levels obtained from Council. Regrading may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

64. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site, in Warby Street and Moore Oxley Street. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP 2009 - Vol 3 (as amended).

65. Footpath Crossing and Layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the basement car park, in accordance with Council's Industrial/Commercial Vehicle Crossing Specification and the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete.

Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

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66. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any other civil works directed by Council, to make a smooth junction with existing work.

67. Redundant Laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

68. Unreasonable Noise and Vibration

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

In the event of a noise 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.

69. Proposed Bio-Retention System

The applicant is advised that the ongoing maintenance of the proposed bio-retention system will be the responsibility of the property owner/s and a statement to this effect shall be detailed in the body corporate's management plan.

70. Erection of Stop Signs

The applicant shall create a No Stopping zone in Warby Street, by erecting appropriate signage for a distance of 10 metres on the approach side and 6 metres on the departure side of the proposed driveway for the collection of bins.

71. 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.

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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".

72. Section 73 Certificate

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

73. 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.

74. 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.

75. Works as Executed Plans

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

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

Survey Information

- Finished ground and building floor levels together with building outlines
 - Spot levels every five metres within the site area
 - Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required
-

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- A minimum of fifteen site levels
- If the floor level is uniform throughout, a single level is sufficient
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s
- The surface levels of all other infrastructure.

Format

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

AutoCAD Option

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

Package Type - zip

File Format - AutoCAD 2004 Drawing Format or later

Transmittal Options - Include fonts
Include textures from materials
Include files from data links
Include photometric web files
Bind external references
The drawing is not to be password protected.

MapInfo Option

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

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

76. Restoration of Public Roads

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

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77. 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.

78. Line Marking / Sign Posting Documentation

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

79. Air Handling System

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit documentary evidence demonstrating that the air handling system has been designed by a qualified mechanical engineer in accordance with AS 1668 – Mechanical Ventilation and Air Conditioning Code, Parts 1 and 2.

80. 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.

81. 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.

82. 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.

83. Acoustic Protection

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall obtain written certification that the required acoustic treatments (as specified in Condition 19) have been installed in accordance with the report and manufacturer's recommendations.

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84. 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.

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 any tree upon the subject site unless you have obtained prior written consent from Council to do so. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self-supporting stems that are more than 3.0 metres in length or has a trunk diameter of more than 150mm, measured 1.0 metre above ground, and excludes any tree declared under the *Noxious Weeds Act (NSW)*.

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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

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. Inspections – Civil Works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

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- a. EROSION AND SEDIMENT CONTROL –
 - i) Direction/confirmation of required measures
 - ii) After installation and prior to commencement of earthworks
 - iii) As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS & LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

Advice 9. 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 10. 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 11. 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 the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

Advice 12. HOW Insurance or Owner Builders Permits

Must be submitted to Council prior to the commencement of works. Failure to do so will prevent council from inspecting works.

Advice 13. Asbestos Warning

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

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

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

Advice 14. 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 15. Dial 1100 Before you Dig

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

Advice 16. *Telecommunications Act 1997 (Commonwealth)*

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

END OF CONDITIONS

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

3.4 No. 19 King Street, Campbelltown - Fitout of an existing two-storey commercial building for use as a boarding house

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality plan
3. Site plan
4. Floor plans
5. Elevations

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* (EPA Act).

This development application is required to be reported to Council due to the nature of the proposed development (boarding house).

| | |
|-----------------------------|---|
| Property Description | Lot 14 DP 9197 No. 19 King Street, Campbelltown |
| Application No | 67/2013/DA-MAH |
| Applicant | Mr G Casiglia |
| Owner | Goltz Holdings Pty Ltd |
| Provisions | Campbelltown 2025 Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 |
| Date Received | 17 January 2013 |

Report

This development application proposes the fitout of an existing two-storey commercial building for use as a boarding house.

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

The site contains an existing two storey commercial building. The building has a car parking area at the front of the site that the first floor of the building partially cantilevers. The building has a 3.0 metre setback to the rear boundary of the site. The site has landscaping in front of and behind the commercial building. The site is adjoined to the north by a single storey commercial building, to the south and east by Campbelltown Showground, and to the west by a complex of townhouses.

The application proposes to convert the existing office/commercial floor space into a boarding house containing 22 boarding rooms over two levels, including a room for an on-site resident boarding house manager. Communal kitchen and bathroom facilities and two communal living/dining areas are proposed to be provided. The proposed boarding house would have seven car parking spaces for the use of lodgers and the boarding house manager. Open space is to be provided at ground level in front of the building and behind the building, and on the first floor in the form of existing balconies.

The application was lodged in January 2013, however the information submitted with the application was insufficient, and therefore Council requested additional information from the applicant. In addition, the plans were required to be amended on multiple occasions. As a result, the time that has elapsed between the lodgement of the application and the reporting of the application to Council has been significant.

1. Vision

Campbelltown 2025 - looking forward

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

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

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

The strategic direction relevant to this application is:

- Creating education, employment and entrepreneurial opportunities
- Growing the Regional City.

The application is consistent with the above strategic directions as the proposal would support the creation of employment opportunities and would provide affordable housing opportunities within the Campbelltown Regional City Centre.

2. Planning Provisions

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

2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed boarding house has been assessed against the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This assessment is presented below.

Clause 3 Aims of policy

The aims of this Policy are as follows:

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

Comment: The proposed development is considered to comply with these aims, as the proposal would facilitate the effective delivery of new affordable rental housing and support the Campbelltown Regional City Centre by providing affordable rental housing for workers close to places of work and established facilities and services.

Clause 5 Interpretation – references to equivalent land use zones

- (1) A reference in this Policy to a land use zone that is equivalent to a named land use zone is a reference to a land use zone under an environmental planning instrument that is not made as provided by section 33A (2) of the Act:
 - (a) that the Director-General has determined under clause 1.6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is a land use zone in which equivalent land uses are permitted to those permitted in that named land use zone
-

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

- (b) if no such determination has been made in respect of the particular zone, is a land use zone in which (in the opinion of the relevant authority) equivalent land uses are permitted to those permitted in that named land use zone.
- (2) An assessment made by a relevant authority under subclause (1) (b) applies only in respect of the particular development that is proposed to be carried out and more than one such assessment may be made in respect of the same land use zone.
- (3) In this clause, relevant authority means:
 - (a) the public authority proposing to carry out the development, or on whose behalf the development is proposed to be carried out
 - (b) if the development is to be carried out by or on behalf of a person other than a public authority, the consent authority.

Comment: The subject site is zoned 10(a) - Regional Comprehensive Centre Zone. In the present case, no declaration has been made by the Director-General concerning the equivalence of this zone with any of the zones listed in the Standard Instrument (from which the zones listed above are taken). Accordingly, the applicability of the division of the SEPP to the subject land is reliant upon Council's opinion as to whether equivalent land uses are permitted in the 10(a) - Regional Comprehensive Centre Zone, to one of the zones listed above.

Whilst the 10(a) – Regional Comprehensive Centre Zone has not been approved by Council as being equivalent to the B4 Mixed Use zone for the purpose of the application of the Exempt and Complying SEPP, the land uses permissible under the B4 Mixed Use zone in the Standard Instrument are all permissible under the 10(a) - Regional Comprehensive Centre Zone. Importantly, boarding houses are permissible in both zones. In this regard, it is considered that the 10(a) - Regional Comprehensive Centre Zone is equivalent to the B4 Mixed Use zone. It should also be noted that under the preliminary draft comprehensive Local Environmental Plan, the subject site is to be zoned B4 Mixed Use.

Clause 26 Land to which division applies (division of SEPP relating to boarding houses)

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential
 - (b) Zone R2 Low Density Residential
 - (c) Zone R3 Medium Density Residential
 - (d) Zone R4 High Density Residential
 - (e) Zone B1 Neighbourhood Centre
 - (f) Zone B2 Local Centre
 - (g) Zone B4 Mixed Use.
-

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

Comment: Under clause 5 of the SEPP, a land use zone in an environmental planning instrument (that is not made pursuant to the Standard Instrument provisions) can be declared equivalent to one of the zones listed in the Standard Instrument in two ways:

- The Director-General of the Department of Planning and Infrastructure determines the zones to be equivalent
- If no such declaration has been made, in Council's opinion, equivalent land uses are permitted in the zone to those permitted in the zone listed in the Standard Instrument.

The subject site is zoned 10(a) - Regional Comprehensive Centre Zone. In the present case, no declaration has been made by the Director-General concerning the equivalence of this zone with any of the zones listed in the Standard Instrument (from which the zones listed above are taken). Accordingly, the applicability of the division of the SEPP to the subject land is reliant on Council's opinion as to whether equivalent land uses are permitted in the 10(a) - Regional Comprehensive Centre Zone to one of the zones listed above.

The land uses permissible under the B4 Mixed Use zone in the Standard Instrument are all permissible under the 10(a) - Regional Comprehensive Centre Zone. Importantly, boarding houses are permissible in both zones. In this regard and for the purposes of this application, it is considered that the 10(a) - Regional Comprehensive Centre Zone is equivalent to the B4 Mixed Use zone, and that therefore, the division of the SEPP relating to boarding houses applies to the subject land.

Clause 27 Development to which division applies

- (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.
- (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.
- (3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.

This application proposes the construction of a boarding house. Therefore, this section of the SEPP applies to the subject development application.

Clause 28 Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

The establishment of the proposed boarding house in the 10(a) - Regional Comprehensive Centre Zone is permissible with consent and Council may grant consent to the application should it deem appropriate to do so.

Clause 29 Standards that cannot be used to refuse consent

Clause 29 of the SEPP outlines a range of development standards which, if the proposed development complies with, means that Council cannot refuse the application. An assessment of the proposal against these standards is outlined below.

- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:
 - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land
 - (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land
 - (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land
 - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less
 - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.

Comment: There is no floor space ratio that applies to the subject site. Therefore the application is not inconsistent with this subclause.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
 - (a) building height
if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land

Comment: No environmental planning instrument applying to the land imposes a maximum building height. Therefore the application is not inconsistent with this subclause.

- (b) landscaped area
if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located

Comment: The site contains sufficient landscaping in the front setback area of the site, which is compatible with the landscaping treatments of surrounding premises in the street.

- (c) solar access
where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter
-

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

Comment: The proposed first floor communal living room would receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.

- (d) private open space
if at least the following private open space areas are provided (other than the front setback area):
 - (i) one area of at least 20 square metres with a minimum dimension of 3.0 metres is provided for the use of the lodgers

Comment: Two areas of at least 20 square metres with a minimum dimension of 3.0 metres will be provided for the use of the lodgers, one of which would be underneath the cantilevered part of the first floor of the building, and one behind the building.

- (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8.0 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation

Comment: An open space area of greater than 8m² with a width of 3.0 metres is to be provided adjacent to the proposed ground floor manager's room.

- (e) parking
 - (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room
 - (iii) in the case of any development—not more than one parking space is provided for each person employed in connection with the development and who is resident on site

Comment: The subject site is located within an accessible area as defined by the SEPP, and therefore requires at least 0.2 parking spaces per boarding room. The proposed boarding house has 21 rooms, and therefore requires 4.2 parking spaces, which is rounded up to five parking spaces. The boarding house would require one extra parking space, as a boarding house manager would be resident on site, meaning a total of six car parking spaces would be required. The boarding house is proposed to have seven car parking spaces, including one accessible car parking space, and therefore complies with this subclause. However, as outlined in the 'Waste Management' assessment later in this report, it is proposed to make use of the 'technically surplus' parking space to improve on-site waste management outcomes.

- (f) accommodation size
if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:
 - (i) 12 square metres in the case of a boarding room intended to be used by a single lodger
 - (ii) 16 square metres in any other case.
-

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

Comment: All of the proposed boarding rooms have a gross floor area of at least 12m², and none of the rooms have a gross floor area greater than 16m². Therefore, all of the rooms may only be used by a single lodger, and a condition of consent enforcing this is shown in the recommended conditions of consent in attachment 1.

- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room

Comment: There would be no private kitchen or bathroom facilities in any of the proposed boarding rooms.

Clause 30 Standards for boarding houses

- (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:
- (a) if a boarding house has five or more boarding rooms, at least one communal living room will be provided

Comment: Two communal living rooms will be provided; one on each floor of the building.

- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres

Comment: No proposed boarding rooms would be greater than 25m².

- (c) no boarding room will be occupied by more than two adult lodgers

Comment: The size of the proposed boarding rooms prevents them from being occupied by more than one lodger.

- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger

Comment: Shared bathroom and kitchen facilities are to be provided on both floors of the building.

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager

Comment: A boarding room is proposed to be provided for a boarding house manager. A condition of consent requiring the boarding house to employ a resident boarding house manager has been included in the recommended conditions of consent in Attachment 1.

- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use
-

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

Comment: Environmental Planning Instruments applying to the land do not prohibit the use of the ground floor of the building for residential purposes.

- (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.

Comment: The proposed boarding house, which has 21 boarding rooms, is required to provide parking for five bicycles and five motorcycles. Parking for five bicycles has been provided, but parking for only four motorcycles has been provided. A condition of consent will be imposed requiring that a fifth motorcycle parking space be provided, in a configuration that does not conflict with on-site vehicular manoeuvring.

Clause 30A Character of local area

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

Comment: The design of the building will not change substantially under the proposal, as the boarding house seeks to utilise an existing commercial building, making only minor changes to its physical appearance. Therefore, the building will remain compatible with the character of the local area.

Clause 52 No subdivision of boarding houses

A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house

Comment: Subdivision of the proposed boarding house is not proposed by the application.

2.2 Campbelltown (Urban Area) Local Environmental Plan 2002

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

A boarding house is defined as a house let in lodgings or a hostel, but does not include a motel. The proposed boarding house is considered to be hostel-style accommodation and is therefore a boarding house.

The proposal is consistent with the following zone objectives:

- (b) to encourage employment and economic growth
- (c) 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.

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

2.3 Campbelltown (Sustainable City) Development Control Plan 2009

The Campbelltown (Sustainable City) Development Control Plan 2009 contains no standards relating specifically to boarding houses. However, the general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Part 2 - Requirements Applying to All Types of Development

Sustainable building design – A BASIX Certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, the proposal involves the construction of new roof windows for solar access.

Landscaping – The existing landscaping that was installed in association with the construction of the commercial building on the site is satisfactory and does not require embellishment.

Waste Management – The site has an existing waste storage area, however it is visible from the street and therefore unsightly. A new location for the storage of bins is required, which will be screened and not visible from the street. Council’s Waste Management Officer has advised that the proposed boarding house would require the use of 14 garbage bins however, the current design of the facility would not be able to accommodate the storage of 14 bins. The storage of 14 garbage bins would require an area greater than that shown on the site plan. Accordingly, as the currently proposed configuration of the premises has one surplus car parking space (above the number of spaces required by the Affordable Rental Housing SEPP), it is considered appropriate that one of these car parking spaces be deleted from the proposal and used as a waste storage area. A condition of consent requiring this to be undertaken has been included in the recommended conditions of consent in attachment 1.

Part 5 – Commercial Development

The application has been assessed against the relevant parts of Part 5 of Campbelltown Sustainable City DCP 2009 (SCDCP).

| Standard | Required | Proposed | Compliance |
|----------------|--|--|------------|
| Parking | Parking to comply with AS2890.1, 2 and 6 | Car parking complies with AS2890.1, 2 and 6 | Yes |
| | All vehicles shall enter and leave the site in a forward direction | All vehicles are able to enter and leave the site in a forward direction | Yes |
| | No stacked car parking spaces | No stacked car parking is proposed | Yes |

As can be seen, the application is fully compliant with the relevant provisions of Campbelltown (Sustainable City) Development Control Plan 2009.

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

3. Public Participation

The application was publicly exhibited and notified to nearby and adjoining residents. Council has received two objections, raising the following issues:

Issue - Noise generated by the boarding house (especially noise from four existing air-conditioning units) would disturb the occupants of adjoining residential properties (townhouses).

Comment - Noise associated with the occupants of the proposed boarding house is unlikely to be so significant as to cause disturbance. However, the existing air-conditioning units have the potential to cause amenity issues for adjoining residential properties, given their location behind the existing building (close to the adjoining residential properties), the fact that there are multiple air-conditioning units, and the likely need for the air-conditioning units to be operational during the evening/night periods, whereas currently the units would only be in operation during office hours.

Accordingly, in order to mitigate this issue, it is considered necessary for an acoustic report to be prepared in respect of the air-conditioning units, which recommends treatment to the units in order to comply with the relevant legislation in terms of acoustic amenity. A condition of consent requiring this to be done has been included in the recommended conditions of consent in attachment 1.

Issue - Sensor lights at the rear of the existing commercial building cause disturbance to the occupants of adjoining residential properties.

Comment - The existing building has commercial-type lighting that faces directly into the adjoining residential properties. To mitigate any possible disturbance from light spill, it is considered necessary for these lights to be removed and for new lights to be installed within the rear setback area of the building that are below the level of the boundary fence line and are not sensor-activated. A condition of consent requiring this to be done has been included in the recommended conditions of consent in attachment 1.

Issue - Overlooking of adjoining residential properties by residents of the boarding house would occur. This has not been an issue with the building being used for commercial purposes, however a boarding house would intensify the use of the building and cause privacy issues.

Comment - The southwest-facing windows of the existing commercial building are approximately 7.0 metres from the windows of two existing townhouses in the adjoining complex. With the change in the use of the building to a boarding house, the use of the building would be intensified and overlooking opportunities would increase, from windows on both levels of the building.

In order to mitigate potential privacy issues, modification and treatment to the building's windows are required. With regard to the first floor windows, the sill heights of all windows are to be raised to 1.7 metres. In addition, all bathroom windows are to be have frosted glass. With regard to the ground floor windows, external downward-facing fixed louvered screens are to be installed on all of the southwest facing boarding room windows, and all bathroom windows are to have frosted glass. A condition of consent requiring this work to be undertaken has been included in the recommended conditions of consent in attachment 1.

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

Issue - The boarding house would be occupied by teenagers, and the crime rate of the area would increase. The residents of the boarding house may be exposed to or contribute to violence and property damage.

Comment - The application does not specify (nor is it required to specify) the intended occupants/tenants of the boarding house. No evidence was supplied by the objector to support the claim that the residents of the boarding house would be exposed to or contribute to violence, property damage or other anti-social behaviour.

The application was referred to the Campbelltown Local Area Command of the NSW Police, who advised that no concerns were identified in their review of the application. Further, the Police advised that a review of existing boarding houses in the Campbelltown Local Area Command identified that there had been no significant crime issues reported.

Issue - The boarding house would reduce the value of surrounding properties.

Comment - No evidence has been submitted to support this claim.

Issue - The type of tenant should be specified, and Council should monitor the premises to ensure residents are protected.

Comment - The application does not specify (nor is it required to specify) the intended occupants/tenants of the boarding house.

Under the *Boarding House Act 2012* and Regulation 2013, Council is required to conduct an "initial compliance investigation" of a boarding house within 12 months of its registration being recorded on the state Boarding Houses Register. The purpose of the investigation is to check for compliance with planning, building and fire safety requirements, and shared accommodation standards. Councils are encouraged to develop their own policies and program for boarding house inspections, however on-going monitoring of boarding houses is not required. Council's compliance officers will however respond to any complaints received concerning matters that are within Council's jurisdiction to respond to.

4. Conclusion

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

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Campbelltown (Urban Area) Local Environmental Plan 2002. In addition, it is considered that all submissions received by Council in response to the public notification of the development application have been addressed or will be addressed by conditions of development consent. It is considered that the proposed development would impact positively on the Campbelltown Regional City Centre through the provision of affordable housing in a highly accessible and well serviced location, and accordingly the application is recommended for approval.

Officer's Recommendation

That development application 67/2013/DA-MAH for the fitout of an existing two-storey commercial building for use as a boarding house at No. 19 King Street, Campbelltown be approved, subject to the conditions detailed in attachment 1.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 169

That the Officer's Recommendation be adopted.

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

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

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. Amended Plans

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

- The following amendments shall be made to the southwest-facing windows of the building:
 - First floor: The sill height of all windows is to be raised to a minimum of 1.7 metres above floor level. In addition, frosted glass is to be used for all bathroom windows.
 - Ground floor: Fixed downward-facing louvered screens are to be fitted externally on all boarding room windows. In addition, frosted glass is to be used for all bathroom windows.
 - An additional motorcycle parking space shall be provided on the site, parallel to the site's south-eastern boundary, in a configuration that complies with AS2890.1 and 2.
 - The configuration of the accessible car parking space shall be shown correctly as per AS2890.6.
 - The car parking space numbered '6' on the approved plan shall be deleted. A waste storage room shall be provided in this location, in accordance with condition 7 of this 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.

4. 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.

5. 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
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

6. Landscaping

Landscaping on the site shall be maintained in accordance with the approved plans. The landscaping shall be maintained in a neat and tidy manner.

7. Garbage Room

The garbage storage room required by condition 2 shall:

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

8. 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.

9. Vehicular access to and egress from the site

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

10. Advertising signs – separate DA required

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

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

Seven car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 6 (as amended).

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. 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

17. Number of lodgers per room

No boarding room shall be occupied by more than one adult lodger.

18. Sleeping accommodation

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it.

19. Resident boarding house manager

A boarding house manager shall be employed and shall reside at the boarding house.

20. Acts and Regulations

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

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

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.

21. 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.

22. 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.

23. Building upgrade

Pursuant to Clause 94 of the Environmental Planning & Assessment Regulation 2000, the existing building/s shall be brought into conformity with the Building Code of Australia (BCA).

In this regard, details demonstrating compliance shall be submitted to Council or an accredited certifier prior to the issue of a construction certificate.

24. Acoustic report - air-conditioning units

Prior to the issue of a Construction Certificate, an acoustic report prepared by a qualified acoustic engineer shall be obtained in respect of the existing air-conditioning units at the rear of the property. The report shall assess whether the air-conditioning units comply with all applicable legislation, guidelines and standards, and shall if necessary, recommend any treatments or mitigation measures required in order to achieve compliance in this regard. All such treatments/mitigation measures shall be shown on the Construction Certificate plans.

25. 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.

26. Erection of construction sign

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

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

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

27. 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.
-

3.4 No. 19 King Street, Campbelltown - Fitout Of An Existing Two-Storey Commercial Building For Use As A Boarding House

28. 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.

29. 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.

30. Fencing

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

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.

31. 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. |

32. 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.

33. 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.

34. Public safety

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

35. 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.

36. 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".

37. 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.

38. 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.

39. 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.

40. External finishes

Prior to the issue of an occupation certificate, all cracks in the building's render shall be repaired. All of the building walls (including the front fence) shall be repainted.

41. External lighting

The existing lighting at the rear of the premises shall be removed. Any replacement lighting shall be located below the level of the top of the boundary fence, shall not incorporate motion-sensors, and shall not spill light into adjoining properties.

42. 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.

Advice 2. Provision of equitable access

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

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

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

Advice 3. 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 4. Covenants

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

Advice 5. Asbestos warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

END OF CONDITIONS

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

3.5 No.30-36 Warby Street, Campbelltown - Demolition of existing dwellings and construction of a residential flat building, 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. Landscaping Plan
7. Shadow Plan
8. Perspective Plan

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* (EPA Act).

| | |
|-----------------------------|--|
| Property Description | Lot 2 DP 1051451, Lots 19 – 21 DP 7496, Nos. 30-36 Warby Street, Campbelltown |
| Application No | 2544/2012/DA-RA |
| Applicant | ZTA (Zoabi Tawadros Pty Ltd) |
| Owner | School Holdings Pty Ltd |
| 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 |
| Other Provisions | Campbelltown 2025 – Looking Forward |
| Date Received | 20 December 2012 |

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

History

The subject development application was deferred on 8 April 2013 seeking additional information from the applicant and amendments to various aspects of the proposal. These matters included:

- Design/architecture
- Height of the proposal
- Issues concerning the submitted Statement of Environmental Effects
- The ongoing management of waste
- Parking and traffic matters.

In response, additional plans and documentation were submitted to Council on 21 June 2013 which forms the basis of this report.

Report

The site

The subject allotments are located on the eastern side of Warby Street, directly opposite Campbelltown Showground. The allotments have a combined frontage of 79.2 metres to Warby Street and a combined site area of 3548 square metres. Located on the allotments are four dwellings with associated outbuildings that are to be demolished as part of the proposed development. The four single allotments are regular in shape and would be consolidated into one parcel.

The surrounding built environment is characterised by a range of dwelling sizes and styles, including single storey dwellings as well as residential apartment buildings. There are dwellings within Warby Street that are also being used for a range of commercial purposes. Adjoining the site to the rear is a residential apartment building six storeys in height.

The proposal

The proposed development consists of the demolition of four detached dwelling houses and associated outbuildings and the construction of a six storey residential apartment building, basement car parking and associated landscaping at Nos. 30 – 36 Warby Street, Campbelltown. The residential apartment building would provide a total of 101 units with a mix of one, two and three bedroom units. Vehicular access is provided via Warby Street with one entry/exit driveway to an onsite parking area consisting of 147 parking spaces.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

A breakdown of each level is as follows:

| Floor Level | Units | Car parking spaces | Service Areas | Storage Areas |
|--------------------|---|---|---|----------------------------|
| Lower Basement | Nil | 69 car parking spaces including one car wash bay and six disabled spaces | Three lift areas | 75 storage areas for units |
| Middle Basement | Nil | 62 car parking spaces including one car wash bay and six disabled spaces 20 bicycle spaces | Three lift areas and three garbage rooms | 62 storage areas for units |
| Lower Ground Floor | 1 x 1 bedroom 5 x 2 bedroom 2 x 3 bedroom units | 16 visitor spaces including four disabled spaces | Two lobby areas for the units plus additional lobby area in car park area Loading area and three plant rooms Two recreational rooms and two common open space areas | Storage areas in units |
| Ground Floor | 2 x 1 bedroom 9 x 2 bedroom 4 x 3 bedroom units | Nil | Three lift areas Garbage room for recycling bins Three garbage chutes adjacent to lifts | Storage areas in units |
| First floor | 2 x 1 bedroom 9 x 2 bedroom 4 x 3 bedroom units | Nil | Three lift areas Two garbage rooms for recycling bins Three garbage chutes adjacent to lifts | Storage areas in units |

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

| Floor Level | Units | Car parking spaces | Service Areas | Storage Areas |
|--------------|---|--------------------|---|------------------------|
| Second Floor | 3 x 1 bedroom 9 x 2 bedroom 4 x 3 bedroom units | Nil | Three lift areas Garbage room for recycling bins Three garbage chutes adjacent to lifts | Storage areas in units |
| Third Floor | 2 x 1 bedroom 9 x 2 bedroom 4 x 3 bedroom units | Nil | Three lift areas Garbage room for recycling bins Three garbage chutes adjacent to lifts | Storage areas in units |
| Fourth Floor | 3 x 1 bedroom 9 x 2 bedroom 4 x 3 bedroom units | Nil | Three lift areas Garbage room for recycling bins Three garbage chutes adjacent to lifts | Storage areas in units |
| Fifth Floor | 3 x 1 bedroom 9 x 2 bedroom 4 x 3 bedroom units | Nil | Two foyers, two lifts and two garbage areas with chutes | Storage areas in units |

The proposed residential apartment building provides a mix of unit types including one, two and three bedroom apartments with each apartment being provided with private open space areas through balconies and/or ground level courtyards as private open space. In total, 101 apartments are provided with 10 of these apartments being adaptable apartments. The development provides 147 car parking spaces over two and a half basement levels.

Each apartment has been provided with a storage area within the basement levels as well as storage within the units. Each apartment typically contains bedrooms, bathroom/ensuite, kitchen, built in wardrobes, linen closet and combined living/dining areas as well as an internal laundry.

The building is predominantly a six storey building, in which less than half of the western portion of the building could be regarded as having seven storeys. This is due to the fall of the land and the opportunity to conceal a significant amount of the ground floor area at the western end of the development complex. Vehicular access to the building is contained at one entrance/exit point via warby Street with two main entry areas being provided directly via the street level.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

The proposed design of the building includes contemporary articulation and façade treatments with a flat roof with sections of the vertical elements extending above the roof line to provide articulation and visual interest. The building would be constructed of different types of face brick work, with timber panel cladding to main entrances and sandstone cladding to the lower ground planters and courtyard areas. Painted rendering would also be utilised to emphasise certain vertical components on the external facades. Vertical landscaping is also proposed along the front façade and the south-eastern side elevation.

Each level of the building has been provided with garbage chutes adjacent to each of the three lifts with a separate garbage room for recycling bins. These chutes lead to the three separate garbage rooms located on the middle basement level. A compactor is provided in each garbage room within the basement level that would compact all waste from the garbage chutes. A caretaker would be employed to ensure that the garbage bins are placed at the kerb for collection and to relocate them back to the garbage rooms when emptied.

Landscaping is provided to the perimeter of the building as well as 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. Vertical landscaping is provided along the street elevation of the building as well as the south eastern side elevation.

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
- 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.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

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 the relevant 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 '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.'

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

- 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 objective and Council can grant consent to the proposed development should it deem appropriate to do so.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

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) 3 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)
- (b) 4 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 New South Wales:
 - 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
 - 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.
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3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

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 existing site is situated on the north eastern side of Warby Street and currently contains four dwellings and associate structures. The subject allotments directly adjoin a six storey residential apartment building to the rear, as well as being within the vicinity of other residential apartment buildings.

The proposed design of the residential apartment building is considered to integrate well with the emerging character of multi dwelling developments within the immediate vicinity. The proposed building has been designed to 'respect' to the slope of the land and expands upon the built form established by existing residential developments. The building facades will have a positive impact on all streetscapes as a result of the colours/materials proposed and the general articulation incorporated throughout the architectural design.

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.'

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

The scale of the development in the form it is proposed is considered appropriate for the site and is considered to be commensurate with the existing and desired scale, height and character of its surroundings. It is not considered inconsistent with the locality's current and future desired character. The elevations have been articulated by means of various materials, colours and architectural features that help to mitigate any issues of building bulk and scale.

All visible elevations from the public domain illustrate an acceptable scaling of the buildings.

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 so as to reduce its overall bulk. The use of balconies and vertical landscaping facilitates recessed building facades and are clearly identified by a distinctive selection of materials and colours. The building's orientation maximises the site's potential in terms of solar access, cross-ventilation of individual units and its general amenity.

The mixture of one, two, and three bedroom apartments as well as the orientation of the living areas to maximise solar access would provide good amenity for future occupants. Occupants of and visitors to the building have been provided with clearly defined entries and pathways from the street with direct access also available via 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 density achieved by the proposed development is not inconsistent with that desired under the Campbelltown (Sustainable City) DCP and will help support the densities envisaged under the Campbelltown regional comprehensive centre plan.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

The height of the proposed building is not inconsistent with the height of the existing residential apartment building located to the rear of the subject site. Although a part of the proposed building is shown as seven storeys, the seven storey element is placed low on the subject site and does not protrude above the building height of the adjacent building. In terms of overall height, the proposed building holds a similar roof height to that of the six storey building at the rear and does not necessarily present (in terms of height) as a seven storey building.

The proposal provides well for the private open space and amenity needs 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 upon 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 of the proposed development, consisting of the selection of appropriate and sustainable materials, passive solar design features and the use of energy efficient appliances.

A BASIX certificate has been submitted with the development application detailing that all units feature good solar access to balconies and living rooms and meet the required targets. The development would incorporate energy efficient and water efficient devices appropriate to the specification of the building and which is detailed in the BASIX Certificate.

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.

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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 all common/communal open space and private open space areas at ground floor level. Landscape elements are proposed to enhance the communal area in the development and would create a buffer between the residential units. Extensive deep soil zones have been incorporated into the development in order to encourage a scale of landscaping that will be in keeping with the scale of the building form.

Most of the front side and rear perimeters are fully landscaped with planter boxes provided on balconies of apartments where required. Vertical landscaping is also proposed on certain sections of the front façade as well as the south-eastern side elevation with plantings attached to steel web framing. This is an innovative element to be incorporated into residential apartment building design.

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 subject site is in close proximity to public transport, schools, medical facilities and shopping centres and offers a high level of amenity for future occupants. The design of each unit has responded to the need for good room sizes, efficient planning and adequate solar access. Each unit is proposed to be provided with a private open space area in the form of balconies or ground floor courtyards compliant with Council's DCP and SEPP 65. In addition, the design of the apartments protects the future occupant's ability to carry out private activities in all rooms and private open space areas without compromising views, ventilation and solar access.

Each apartment is proposed to be provided with internal storage areas with additional storage located within the basement levels. All of the apartments are naturally cross-ventilated adding to amenity.

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.'

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The orientation of the proposed building, floor layouts and location of balconies provide natural surveillance of the public areas and pathways. Security and safety would be optimised by the inclusion of private security within the building, for occupants and visitors.

The basement car spaces for the residential occupants of the building is separate from the visitor car parking spaces. The lower ground floor plan demonstrates that all visitor car parking spaces are provided on this level with a security shutter prohibiting access to the car parking spaces provided on the middle and lower basement levels which are provided solely for the residential occupants.

Stairwells as well as lifts from the basement levels provide direct access to all levels. The units that front Warby St provide balconies and living areas that offer passive surveillance over the public street.

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 design and layouts for varying household sizes and would complement and extend the range and diversity of residential accommodation in the area. The development would address 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.

Adaptable units are to be provided in the building and are accessible by lift from the basement. All units within the proposed development would be accessible as per the requirements of the relevant Australian Standards.

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 buildings are modulated with specific contextual references to the form and scale of the desired future streetscape. The proposed development incorporates a mix of building elements, textures, colours and landscaping to enhance the buildings' character, thereby contributing to a high quality design. External balconies and vertical gardens have been integrated into the façades of the building to break up the building form and offer relief and articulation within each façade. The predominantly flat roof form minimises the bulk and scale of the development, with the slight protrusions above the roof providing visual interest without compromising the bulk and massing of the building.

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Residential flat design code

The Residential Flat Design Code (RFDC) is an additional resource to help guide the design of residential flat buildings across New South Wales. 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 objectives has been carried out and is detailed below.

| | Objectives | Proposal |
|-------------------------------|---|---|
| Building Envelopes | Building envelopes set an appropriate scale for future development in terms of height, depth, separation, setbacks and floor space in relation to the street layout and lot size. | The proposed building complies with the primary controls being depth, separation, street setbacks and floor space. There is a minor variation to the height which is discussed further in this report. |
| 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 is part seven storey and part six storeys with the seven storey portion not complying with the height standard as required by the SCDCP. This is discussed further in this report. |
| 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 building depth exceeds the 10-18 metre requirement however it has been demonstrated that appropriate solar access and ventilation is achieved. |
| Street Setbacks | Should achieve a transition between public and private space. | Provision of private courtyard areas as well as communal areas within the street frontage, which are clearly defined spaces. |
| Side and Rear Setbacks | Minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties. | The proposal complies with the side and rear setbacks as required in the SCDCP. |
| 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. | The SCDCP does not have a standard for floor space ratio, however all other components have been complied with and objectives satisfied. |
| 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 available for deep soil planting. |

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| | Objectives | Proposal |
|--------------------------------------|---|--|
| Fences and Walls | To define the boundaries and provide security and privacy. | Fencing around courtyard areas along the street elevations is screened by planter boxes with hedge planting. The side and rear fencing would be 1.8 metre high colourbond fencing. |
| 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 landscaping for screening and privacy, enhanced energy and solar efficiency and aesthetics. |
| Open Space | Passive and recreational open space with landscaping is to be provided (ground level units to have 25sqm private open space). Communal open space provided (25% - 30% of the site area). | Passive and recreational space is to be provided for each unit as well as landscaped areas. Ground floor units have 25sqm private open space. 25% communal open space has been provided. |
| Orientation | To optimise solar access, support landscape and to protect the amenity of existing development. 70% of units to receive solar access for three hours. | Greater than 70% of units receive solar access for at least three hours. |
| Planting on Structures | Enhance quality and amenity of rooftops, internal courtyards and podiums and encourage landscaping in urban areas. | The proposal provides landscaping for individual units where required. |
| Safety | To ensure safety for residents and visitors and contribute to the safety of the public domain. | The proposal reinforces distinction between public and private areas. The design and layout of the building provides natural surveillance of the public domain and common open space area. |
| Visual Privacy | Provide reasonable levels of visual privacy and maximise outlook and views. | The proposal minimises direct overlooking of private open space areas by means of appropriate setbacks and screening structures. |
| Building Entry | Create entrances that provide desirable identity, to orient the visitor and to contribute positively to the streetscape. | Residents and visitors would be provided with a clearly defined entry and pathway to the building. Separate entry is provided for vehicles. |
| Parking and Pedestrian Access | To promote access to the street and public domain, to minimise dependency on cars and provide adequate car parking facilities. | Car parking is provided via a driveway to basement levels. Separate pedestrian access from the public street is provided to the building. |

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| | Objectives | Proposal |
|----------------------------|--|--|
| Apartment Layout | Ensure spatial arrangements are functional, high standards of amenity are achieved and accommodate a variety of household activities. | 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. |
| 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 on-site 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 RFDC. |
| 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 for some flexibility in what type of apartment uses future occupants may desire. |
| 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 the CBD, shopping centres and medical facilities within Campbelltown. No retail and commercial uses are proposed within the development. SCDCP shows the subject allotments within a residential apartment building area only not a mixed use building area. |
| Storage | Provide adequate storage for each individual apartment. | Satisfactory storage areas are provided within each apartment as well as in the basement levels. |
| 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. | Greater than 70% of apartments receive the required minimum amount of sunlight. |
| Natural Ventilation | Ensure apartments are designed to provide direct access to fresh air and reduce energy consumption by minimising the use of mechanical ventilation. 60% of units should be naturally cross ventilated. | Greater than 60% of 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 each other balcony act as awnings over the proposed entry and the only signage proposed is the street address number. |

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| | Objectives | Proposal |
|--------------------------|---|--|
| 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 provides modulated facades with a flat roof that incorporates articulation. Balconies add to the architectural quality and visual interest of the building. |
| 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 flat, low profile roof which contributes to breaking down the mass and bulk of the building. This flat skyline is offset by selective skillion overhangs. |
| Energy Efficiency | Reduce the need for mechanical ventilation and promote renewable energy initiatives. | The proposal is designed to incorporate energy efficiency measures. |

In conclusion, the proposed development generally satisfies the overall intent of SEPP 65 and the RFDC.

2.3 Campbelltown (Sustainable City) Development Control Plan 2009

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject site. The aims of the SCDCP are:

- 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.

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Part 2 - Requirements applying to all types of development

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

Site analysis – A site analysis plan has been submitted identifying the constraints and opportunities for the development and how the proposed development relates to the site.

Views and vistas - The proposed development appropriately responds to Campbelltown's important views and vistas to and from public domain areas.

Sustainable building design – A BASIX certificate was submitted for the proposed development with all relevant requirements detailed on the plans.

Landscaping – All existing trees on the site are to be removed and replaced with new landscaping. A landscaping plan detailing new landscaping for the site was submitted and is considered to be satisfactory.

Flora and fauna - A flora and fauna assessment was not required to be undertaken as the subject site does not contain any native vegetation and/or habitat for threatened biodiversity.

Erosion and sediment control - An erosion and sediment control plan has been submitted for the proposed development and is considered to be satisfactory.

Cut and fill – The proposal requires excavation of two and a half basement levels which will be constructed in accordance with Council's requirements.

Demolition – The proposed development involves the demolition of three dwellings and outbuildings which will be carried out in accordance with the relevant Australian Standards.

Water cycle management - A Water Cycle Management Plan was submitted as part of the proposed development. Council's Technical Services staff have assessed the proposal and no issues have been raised.

Heritage conservation - The subject site is not located within a zone of archaeological sensitivity nor are there any heritage items located on or within the surrounding locality of the subject site.

Fencing and retaining walls – Planter boxes with hedge planting will screen any required fencing around the courtyard areas fronting Warby Street. A 1.8 metre high colourbond fence is proposed for the site's rear and side boundaries. Retaining walls are to be constructed in accordance with Council's requirements, if and where required.

Security - The proposed development has been designed to minimise opportunities for crime and enhance security.

Risk management - The proposed site is not within a bushfire prone area nor is subject to mine subsidence. The site is not contaminated according to Council's records. However the subject land is affected by overland flooding. Council's Technical Services staff have assessed the proposal and no issues have been raised.

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Waste management - A Waste Management Plan for demolition and construction works has been submitted and is considered to be satisfactory. Information regarding ongoing waste management was submitted and is discussed further in this report.

Part 4 – Residential apartment buildings and mixed-use development

Part 4 – Residential Apartment Buildings and Mixed-Use Development of the SCDCP sets out certain development standards for residential and mixed-use development within the City of Campbelltown. As the proposed development is for a residential apartment building, it is considered that an assessment against the development standards contained within the SCDCP is required and is detailed below:

| | | Campbelltown (Sustainable City) Development Control Plan | |
|------------------------|--|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Maximum Height | Part six storeys, part seven storeys | Six Storeys | No |
| Building Design | <p>Appropriate façade to address frontage</p> <p>Articulation in walls via use of balconies, blade walls and architectural design elements over balconies</p> <p>Variation in planes of external walls</p> <p>Variation roof height</p> <p>Various building materials and colours are proposed</p> <p>Provision of landscaping and architectural details</p> | <p>Appropriate facades to address street frontages</p> <p>Articulation in walls, variety of roof pitch, architectural features</p> <p>Variation in planes of exterior walls</p> <p>Variation in height</p> <p>Articulation through use of colour and building materials</p> <p>Landscaping and architectural detailing at ground level</p> | Yes |
| Site Services | The roof mounted plant and lift overruns would not be visible from street level | Roof mounted plant shall not be visible from public place | Yes |

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| | | Campbelltown (Sustainable City) Development Control Plan | |
|--------------------------------------|--|--|--|
| Control | Proposed | Requirement | Complies |
| Site Area | Site area: 3,441.24sqm | Minimum 2,500sqm | Yes Also complies with the recently adopted SCDCP 2012 (1,200sqm minimum) |
| Site Width | 79.2 metres | Minimum 30 metres | Yes |
| Street Boundary Setback | 5.5 metres | 5.5 metres | Yes |
| Side Setback | 6.0 metres | 6.0 metres | Yes |
| Rear Setback | 6.0 metres | 6.0 metres | Yes |
| Unit Ratio | 16 x 1 bedroom units | Minimum 5% of the total number of dwellings shall be one bedroom or a studio Requires: 5.05 | Yes |
| Adaptable Units | 12 adaptable units | Minimum of 10% of the total number of dwellings shall be adaptable Requires: 10.1 | Yes |
| Dwelling Floor Area | No studio One bed: > 50sqm Two bed: >70sqm Three: >95sqm No four bedroom dwellings | 40sqm for studio 50sqm for one bedroom 70sqm for two bedroom 95sqm for three bedroom 110sqm for four or more bedroom | Yes |
| Access from Common Lobby Area | 16 dwellings with three lift and lobby areas | Maximum of eight dwellings shall be accessible from a common lobby area on each level | Yes |

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| | | Campbelltown (Sustainable City) Development Control Plan | |
|---------------------------|--|--|-----------------|
| Control | Proposed | Requirement | Complies |
| Lift Access | <p>Three lifts are provided for the building of which all provide access from the lower basement level to the top most level</p> <p>Three lifts provide access to a maximum of 16 dwellings on each level</p> <p>Direct access and illuminated</p> | <p>All residential apartment buildings shall provide at least one lift for access from the basement to the upper most accessible area</p> <p>A maximum of 50 dwellings shall be accessible from a single common lift</p> <p>Direct access and illuminated</p> | Yes |
| Deep Soil Planting | Provides:602sqm | <p>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</p> <p>15% of site area: 532.2sqm</p> | Yes |
| Storage Facilities | <p>137 storage compartments are provided in the basement as well as storage within each individual unit</p> | <p>Storage facilities are to be provided for each unit either in the unit and/or within the basement with a capacity of no less than:</p> <p>6 cubic metres for a studio;</p> <p>8 cubic metres for a one bedroom unit;</p> <p>10 cubic metres for a two bedroom unit;</p> <p>12 cubic metres for a three bedroom unit; and</p> <p>15 cubic metres for four or more bedroom units.</p> | Yes |

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| | | Campbelltown (Sustainable City) Development Control Plan | |
|--|---|---|-----------------|
| Control | Proposed | Requirement | Complies |
| Car Parking | One per unit; plus One per four units; plus One per 10 for visitors; plus 10 additional spaces Provided: 147 spaces | One space per unit; plus One space per four units; plus One space per ten units for visitors Required: 137 spaces | Yes |
| Solar access | Orientated and sited to maximise northern exposure Two of the seven dwellings on adjoining properties would receive two hours of solar access. All others would receive three hours. | Orientated and sited to maximise northern exposure 20sqm of the required private open space on adjoining land to receive three hours continuous solar access | No |
| Balconies and Ground Level Apartments | All balconies are a minimum of 8.0sqm in area and have minimum depth of 2.0 metres | Courtyards/balconies shall be not less than 8sqm in area and have a minimum depth of 2.0 metres | Yes |
| Privacy | Ground level apartments have privacy screens No windows and/or balconies directly face another unit's balcony or habitable rooms within 9.0 metres | Ground level apartments shall have privacy screens No window of a habitable room or balcony shall directly face a window or habitable room of another dwelling within 9.0 metres | Yes |
| Communal Recreation facilities | Recreational room is 101sqm Bbq/outdoor area is 129sqm Not located within primary street setback | Recreation room with a minimum of 50sqm per 50 dwellings Requires: 150sqm Bbq/outdoor dining area with a minimum area of 50sqm per 50 dwellings Requires: 150sqm Not located within primary or secondary street setback | No |

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| | | Campbelltown (Sustainable City) Development Control Plan | |
|-------------------------|---|---|-----------------|
| Control | Proposed | Requirement | Complies |
| Waste Management | Provision of garbage bins adjacent to garbage chutes on each level. Two compactors in waste rooms on basement levels | 240L bin per three dwellings; 1,000L bulk bin per 12 dwellings; 240L recyclable bin per three dwellings | Yes |

The proposal generally complies with the SCDCP with the exception of compliance with the height, solar access and communal recreation facilities. These matters are discussed in more detail below.

Height

The building consists of seven storeys at its north western end reducing to six storeys towards the south eastern corner of the building. Due to the slope of the land, the roof height does not change across the building whether it is over the seven storey component or the six storey component.

The shape of the land allows for the concealment of a significant amount of the lower ground level at the eastern portion of the building. This has also enabled the inclusion of a basement level for visitor car parking at this end of the development.

The western end of the development provides for residential units to ground level providing opportunities for passive surveillance at the street level, whilst also adding to the variation and interest in built form when looking from the street. The design and siting of the building has resulted in two main entry areas being provided via street level, whilst minimising the need to excavate deeper in order to provide additional basement car parking.

Although part of the building is proposed to be seven storeys, the overall height of the proposed building is not considered to be significantly out of proportion with that of the scale of the existing residential apartment building located to the rear of the subject site, and the maximum allowable height of any future multi-storey development constructed in close proximity to the subject site. Although a part of the proposed building is shown as seven storeys, the seven storey element is placed low on the subject site and is not considered to 'obviously' read (in terms of height) as a seven storey building.

Further to this, and as with all building types, it is possible for the roof to be finished in a pitched form which (when considering the resultant ridge line) would exceed the proposed roof level by a relatively significant margin. This in itself would result in a built form that appeared more bulky and significantly higher than the surrounding multi-storey buildings.

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However, the proposed design has instead incorporated various architectural elements (including glazed skylights) that in conjunction with the general linear form of the building help reduce the bulk, scale and overall height appearance of the building. This aspect alone is considered to have resulted in a superior architectural outcome than that of a pitched roof. The additional elements proposed for the roof top (although nearing the maximum allowable roof height considered appropriate for the area), will not be obvious nor viewable from the street as those elements are to be receded back into a more central location of the roof area.

Although these roof top elements will not be viewable (given their receded location) from the immediate surroundings, these elements may be viewable from a distance. However, given their interesting design lines and form, it is unlikely that when viewed from a distance these additional elements would detract from the architectural form of the building or that of the skyline beyond.

In the circumstances of this case, it is believed that a variation to the number of storeys as proposed could be supported in that it is considered that the result of such a variation is unlikely to detract from the desired future built form and character of the street and is not considered to result in a significant adverse impact on the amenity of the local neighbourhood.

Overshadowing

The proposed development would result in overshadowing of some parts of adjoining properties, and due to this aspect, the development does not fully comply with Council's SCDCP requirements.

Adjoining the south eastern side of the subject site is a multi-dwelling development containing seven single storey dwellings/units. Three of the dwellings share the side boundary with the proposed development with two of these dwellings having their rear yard directly adjoining the side boundary. As a result of overshadowing, the first two dwellings would only receive a minimum of two hours of continuous solar access in the morning period at the winter solstice, whereas Council's SCDCP requires that adjoining private open space areas are to receive a minimum of three hours of continuous solar access at the winter solstice.

Whilst it is acknowledged that for two of the multi-dwelling units on the adjoining property, there would be some overshadowing impacts during some part of the year, it is considered that a variation could be supported when regard is given to the future desired built character of this locality, the future development expected on the adjoining multi-dwelling allotment, and the age of the multi-dwelling development which is in the order of 20-30yrs. Given its age, it could be argued that the site is ready for renewal in line with Council's desire for the urban renewal of the city centre.

With this in mind, it may be considered more prudent to allow the reduction in solar access to two hours so as to not reduce the provision of additional new and modern housing to residents of Campbelltown, and to ensure that the quality and design of the development is not impacted in a way that results in a poor outcome.

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Although there would be some impact on solar access for the adjacent dwellings, it is difficult not to give weight to the fact that the deficiency in solar access by a maximum of one hour would only be experienced for a short period each year, during and either side of the winter solstice. As for most of the year, the private open spaces of the two dwellings should receive in the order of or exceed three hours of continuous solar access throughout the day.

Further to this, it is noted for the sake of comparison, that where a 2.5 – 3 storey building was constructed in the same location as that of the proposed six storey building, the same overshadowing impact on the private open spaces of the two adjoining residential dwellings would result (see Shadow Diagrams at Attachment 7). Similarly, for a six storey building not to have any overshadowing impact on the private open spaces of the two dwellings, the six storey element would need to be constructed solely on lot 2 (No. 30 Warby Street), with the building reducing in height as it moved from west to east, from six storeys in height to a maximum height of two storeys at lot 21 (No. 36 Warby Street).

Following on from the above and having regard to the identified reduction in solar access to the adjoining properties, it is considered not unreasonable to give significant weight to the overarching benefit that the provision of a range of new housing types a development such as that proposed brings to a community such as Campbelltown. Further to this, it should be acknowledged as part of any consideration of the above that although the proposed development will cause a reduction in the availability of solar access within the private open spaces of the two adjoining dwellings, solar access will not be eliminated in its entirety. It also must be noted that only for the period surrounding and during the winter solstice will solar access to the respective private open spaces be reduced to a level of approximately two or more hours per day instead of the required three hours of continuous solar access per day.

Communal recreation areas

The proposed development provides separate recreational rooms with two outdoor/bbq recreational areas. Council's SCDCP requires a recreation room with a minimum area of 50sqm per 50 dwellings with a bbq/outdoor area with a minimum area of 50sqm per 50 dwellings or part thereof. Given the proposal provides 101 units, 150 square metres of recreation room and bbq/outdoor area is required as the additional one unit proposed becomes part thereof and as such requires the addition 50sqm to make the total 150sqm

The proposed development provides 101sqm for two separate recreation rooms and 129sqm of bbq/outdoor area over two separate areas. It is considered that in the circumstances of this case it is unreasonable to expect that one addition unit would require 50sqm of recreation room and outdoor/bbq area and therefore it is considered that the proposed areas would be sufficient enough for the occupants of the building to be afforded with appropriate recreational and outdoor areas.

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3. Planning assessment

3.1 Waste management

The proposed development was referred to Council's Waste Management Officer for comment where no major issues were raised. Several conditions of consent were recommended to manage the waste management process and to ensure compliance with Council's waste management requirements.

3.2 Traffic and parking assessment

Specialist traffic consultancy, Hemanote Consultants was engaged by the applicant to prepare a Traffic and Parking Impact Assessment report in support of the proposed development.

The report concluded that the estimated traffic generation from the proposed development is considered to be of low impact and would not adversely affect the existing flows in Warby Street and the surrounding local road network. In addition, there would be no adverse impact on the current operational performance of the intersections of Warby and Queen Streets and Warby and Moore-Oxley Bypass.

Furthermore, the report also concluded that sufficient on-site car parking has been provided and is in accordance with the relevant Australian Standards.

Council's traffic engineers pose no objection to the proposal.

3.3 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 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 8 January 2013 until 1 February 2013. During this time, Council received four submissions objecting to the proposed development. The submissions raised the following concerns:

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a. Adverse privacy concerns

Concern was raised that the proposed development would have an adverse impact on the privacy enjoyed by the multi dwelling development located adjacent to the site.

The proposed development does not provide any balconies along the side elevation of the building which would reduce the adverse privacy impacts on the private open space areas of the adjoining multi dwelling developments. The majority of the windows present on this side elevation are bedroom windows and bathroom windows. Bedrooms are considered to be low habitable rooms given that they are predominately used at night for sleeping, therefore minimising the adverse privacy and overlooking impacts. In relation to the bathroom windows, these windows are normally obscure glazed windows meaning that there are no potential overlooking issues. A condition of consent can reinforce that all bathroom windows on this elevation be of obscure glazing. As such, a condition has been included within the draft conditions of consent at Attachment 1.

b. Overdevelopment of the site

Concern was raised that the proposed development is an overdevelopment of the site given the height and scale of the building.

The proposed building is a part six, part seven storey building in responding to the slope of the land. The overall height of the building is consistent with the existing residential apartment building to the rear which is six storeys in height. The seven storey portion of the proposed building does not protrude above the finished height of the adjacent multi-storey building as well as being consistent with the height of other six storey buildings approved within the surrounding locality.

The facades of the building provide varied vertical elements including the use of vertical gardens to break up the mass of the building and provide articulation in the facades to provide visual interest when viewed from public areas.

The proposed development generally complies with the SCDCP's requirements in terms of architectural design as well as the requirements of SEPP65 relating to the design of the building.

The building/boundary setbacks of the proposed development are entirely consistent with the requirements of the SCDCP and are not inconsistent with the design quality principals identified under SEPP 65. The building does, however, reduce the amount of solar access achieved at the winter solstice to two hours for two dwellings adjacent to the proposed development. Notwithstanding this, as noted previously, a 2.5 - 3 storey building constructed in the same location would have the same overshadowing impact on the private open spaces of the adjoining premises.

It is noted that the subject allotments are within a land use zone of which the desire of the Council is to facilitate the type of development subject of this report. In this regard, the subject development type is considered to be consistent with the desired future character of the local area.

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c. Increase in traffic

Concern was raised that the proposed development would increase the traffic in the area given the number of units proposed.

Although there will be an increase in the movement of vehicles and pedestrians caused by the development, the proposed development is unlikely to increase traffic to a level that would adversely affect traffic flows along Warby Street and the surrounding local road network. It is considered that Warby Street is of a size that has the environmental capacity to cater for the slight increase in traffic movements caused by the subject development, and as such, it is unlikely that the development would result in a significant impact on the surrounding road users.

d. Adverse overshadowing impact

Concern was raised over the potential overshadowing of the proposal on the private open space areas of adjoining residential dwellings.

Whilst it is acknowledged that there would be some overshadowing impacts, for some part of the year for two of the multi-dwelling units on the property adjoining the south eastern side of the subject site, it is considered that a variation could be supported when regard is given to the future desired built character of this locality, and that of the future development expected on the adjoining allotment. Although (as a result of the proposed development) two of the adjacent allotments will not receive 3hrs of continuous sunlight in their respective private open space areas at the winter solstice, the allotments will receive a minimum of 2hrs of continuous sunlight to the respective private open space areas at the winter solstice.

As noted previously, a 2.5 - 3 storey building constructed in the same location on the site subject of this application would have the same overshadowing impact within the private open spaces of the adjoining residential properties as that of a six storey building.

It is also noted that other than for lot 2 (No. 30 Warby Street), a six storey building constructed on any part of the land subject of this application would have a similar overshadowing impact on the adjoining residential dwellings.

In this regard it would appear that other than for not constructing higher than two storeys, there will always be an overshadowing impact on the open space area of the two adjacent dwellings.

e. Devaluation of properties

Concern was raised that the proposed residential apartment buildings would result in a devaluation of the residential dwellings surrounding the site.

There is no evidence to suggest that the proposed development would devalue adjoining residential dwellings.

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f. Adverse noise impact

Concern was raised in regards to associate noise impacts as a result of the proposed pool and outdoor open space areas.

It should be noted that no pool has or is proposed as part of the residential apartment building. There is an outdoor communal open space area and bbq area provided adjacent to the adjoining location of the objectors however it is considered that noise generated by the use of these areas would be no greater than noise associated with any residential development using their backyards for bbq/recreational events. It is highly unlikely that every occupant of the building would be in this area at any one time given that the proposed development provides two separate recreation rooms and outdoor areas as opposed to just providing one area.

5. Conclusion

Council has received an application for the demolition of existing dwellings and construction of a residential flat building, basement car parking and associated landscaping Nos. 30 – 36 Warby Street, Campbelltown.

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

The building provides design features across all facades to promote visual interest and provides a high standard of architectural merit. Adequate measures relating to garbage collection are proposed in order to ensure that the development does not significantly and detrimentally impact on traffic safety and convenience within the neighbourhood.

Submissions were received regarding the development's potential impact on the immediate vicinity. As a result, amended information was submitted to Council and is considered that the development as now proposed, forms an acceptable balance between the existing surrounding development and land uses and Council's desired likely future character for new development in the locality.

Officer's Recommendation

That development application 2544/2012/DA-RA for the demolition of existing dwellings and construction of a residential flat building, basement car parking and associated landscaping at Nos. 30-36 Warby Street, Campbelltown be approved, subject to the conditions detailed in attachment 1.

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Committee Note: Ms Collings, Ms Anderson and Mr McIvor addressed the Committee objecting to this development application.

Mr Firth addressed the Committee on behalf of the applicant.

Committee's Recommendation: (Thompson/Oates)

That development application 2544/2012/DA-RA for the demolition of existing dwellings and construction of a residential flat building, basement car parking and associated landscaping at Nos. 30-36 Warby Street, Campbelltown be rejected as the application does not fully comply with Council's DCP.

LOST

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

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

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

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

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

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 170

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Brticevic, Dobson, 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 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.
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4. Notification of *Home Building Act 1989* requirements

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

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

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

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 and basement carpark layout

The driveway width, gradients, basement carpark layout and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

11. Basement car park

The applicant shall ensure that the basement car park complies with the requirements detailed in Section 4.13.8 of the Campbelltown (Sustainable City) DCP Vol. 2 (as amended).

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. Flood level controls

The subject site is located within an area that has been identified as being at risk of affectation during a 100 year ARI flood. To prevent overland flows entering the property, the applicant shall ensure that the footpath area and footpath crossings have a 2.5% crossfall towards the top of kerb.

14. 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 Volume 2 (as amended).

15. Car parking spaces

One hundred and forty seven (147) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

16. 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.

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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
- 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.

18. 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.

19. 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

20. Sight distance

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

21. Evacuation routes

Evacuation routes from the basement car park shall be provided, other than the access ramp, to ensure that safe evacuation is possible during extreme storm events in excess of the 100-year event.

22. Work zone

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

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

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The applicant is advised that if a work zone is warranted, an application is to be made to Council's Traffic Unit at least 8 weeks prior to the commencement of works. The application shall detail why a work zone is required and include a suitable 'Traffic/Pedestrian Management/Control Plan'.

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

23. Refuse collection

To facilitate the efficient collection of refuse, the applicant shall provide on street parking restrictions along the kerb, in the vicinity of where the garbage bins are to be placed. The extent and times of the parking restrictions shall be determined after consultation with Council's Waste Management section.

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a suitable plan, detailing these parking restrictions and any other proposed line marking/sign posting, to Council's Local Traffic Committee for approval.

24. Retention of construction and demolition waste docket

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

25. Additional bins

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

26. Garbage chutes

A household garbage waste chute is to be provided on each level that is accessible to all occupants. Waste/chute rooms on each level must accommodate at least two 240 litre recycling bins or additional rooms for recycling bins must be provided within closer proximity to the waste/chute rooms.

27. Caretaker responsibility

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

28. 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.

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29. Bathroom windows

All bathroom windows including ensuites on the south-eastern elevation shall be of obscure glazing.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

30. Utility servicing provisions

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

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

31. 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
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

32. 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.

33. Construction traffic management plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an appropriately qualified traffic consultant, separate Construction Traffic Management Plans (CTMP's) for the demolition, excavation and construction stages of the development.

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The CTMP's shall include, but not be limited to, the following details;

- a) The staging and timing of the construction works
- b) Perimeter fencing and hoarding requirements
- c) Locations of temporary vehicular entry points to the site
- d) Provisions for pedestrian traffic and any diversions that are proposed
- e) Hoisting arrangements for cranes, travel towers or lift operations
- f) The number and type of vehicles to be used during the demolition stage, their proposed routes, turning paths and parking arrangements
- g) Work zone requirements, if proposed
- h) Traffic control associated with road occupancy and standing plant
- i) Waste collection areas.

In preparing the CTMP's, the applicant shall address all relevant NSW road rules and consideration shall be given to public notification (including residents).

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

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

34. Stormwater management plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. The floor level of all habitable rooms 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 - Volume 2 (as amended).

35. Existing drainage

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details and related calculations for the analysis of the existing drainage system in Warby Street, where it is proposed to discharge stormwater from the proposed development, to determine whether the existing system has sufficient capacity to adequately convey the anticipated increase in flows.

A copy of the results of any computer modelling used in this assessment shall be forwarded to Council, together with a drainage report, for approval.

36. Water quality

The applicant shall address the water quality aspects of the proposed development and shall ensure that measures undertaken comply with Section 4.15 of the Campbelltown (Sustainable City) DCP Vol. 2 (as amended).

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37. On site detention facility

The applicant shall note in the Strata Management documentation that the ongoing maintenance of the on-site detention facility is the responsibility of the Strata Corporation.

In this regard, an Operation and Maintenance Manual for the detention facility shall be submitted to Council for approval, prior to Council or an accredited certifier issuing a construction certificate.

38. 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.

39. 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.

40. 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.

41. Consolidation of allotments

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

42. Section 94A developer contribution - community facilities and services

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

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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
- 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.

43. Design for access and mobility

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

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44. Nuisance flooding – basement car park

The basement car park shall be provided with a minor stormwater system to cater for nuisance flows from the rainfall on the entry ramp and water from cars entering the basement. A higher capacity system such as an automatically activated electric pump with an appropriate safety backup system is also to be provided to remove any overland flows from larger storm events.

45. 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.

46. 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.

47. Erection of construction sign

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

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

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

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48. Toilet on construction site

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

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

49. 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.

50. 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 the public road system. Single sized aggregate, 40mm or larger and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

51. Public property

Prior to the commencement of any works on the subject site, the applicant shall advise Council of any damage to property which is controlled by Council and 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.

52. Demolition works

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials
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3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

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

53. 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.

54. 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.

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55. 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 4.00pm |
| Sunday and public holidays | No Work. |

56. Erosion and sediment control

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

Note: On the spot penalties of up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

57. 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.

58. 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.

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59. 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.

60. 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.

61. 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.

62. Public safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, a minimum of 1.2 metres wide and separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the RTA manual "Traffic Control at Work Sites" (as amended) and 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 are considered to be unsafe and recover all reasonable costs incurred, from the applicant.

63. Compliance with Council specification

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Campbelltown (Sustainable City) DCP Volumes 1 & 2 (as amended)
- c. 'Soils and Construction (2004) (Bluebook)
- d. All relevant Australian Standards and State Government publications.

64. Footpath

The footpath on each side of the existing concrete path paving, and adjoining the subject site, shall be graded at a crossfall of 2.5% towards the kerb, topsoiled and turfed. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

65. Footpath kerb and gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Warby Street. 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 – Vols. 1 and 2.

66. Medium density footpath crossing and layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to and exit from proposed development. Construction shall be in accordance with Council's Medium Density Vehicle Crossing Specification and the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete.

Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority requirements.

67. Street Trees

The applicant shall reinstate four trees within the footpath area in Warby Street and adjacent to the proposed development.

The preferred species at this location are

- a. *Tristaniopsis luscious*,
- b. *Backhousia myrtisolia*
- c. *Tristaniopsis laurina* or
- d. *Elaeocarpus reticulatus*

Any other species proposed to be planted within the public area will need to be approved by Council, prior to planting. The pot size of the plants shall be a minimum of 75 litres.

The location of the trees shall be determined after consultation with Council and shall take into consideration service utilities, street furniture, sight distance and street signage constraints.

A root control box, 500mm deep and 800mm x 800mm square, at the base, shall be provided for each tree.

The trees shall be maintained until established, or for a minimum period of six months.

68. Associated works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any other civil works directed by Council, to make a smooth junction with existing work.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

69. Redundant laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

70. 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".

71. 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.

72. Structural engineering certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

73. 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.

74. Works as executed plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council, one A1 size copy of a fully marked up and certified set of work as executed plans, and a copy in PDF format, which have been prepared in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

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

Survey Information

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

Format

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

AutoCAD option

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

| | | |
|---------------------|---|--|
| Package Type | - | zip |
| File Format | - | AutoCAD 2004 Drawing Format or later |
| Transmittal Options | - | Include fonts Include textures from materials Include files from data links Include photometric web files Bind external references The drawing is not to be password protected. |

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

MapInfo option

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

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

75. Restoration of public roads

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

76. 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.

77. 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.

78. 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.

79. 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.

80. Council fees and charges

Prior to the principal certifying authority issuing an occupation certificate the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 requirements

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

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

Advice 2. Tree preservation order

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

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

Advice 3. Provision of equitable access

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

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

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

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. 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. Inspections – civil works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
 - i) Direction/confirmation of required measures.
 - ii) After installation and prior to commencement of earthworks.
 - iii) As necessary until completion of work.
 - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
 - c. VEHICLE CROSSINGS & LAYBACKS – Prior to pouring concrete.
 - d. FINAL INSPECTION – All outstanding work.
-

3.5 No.30-36 Warby Street, Campbelltown - Demolition Of Existing Dwellings And Construction Of A Residential Flat Building, Basement Car Parking And Associated Landscaping

Advice 9. 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 10. 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 11. 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 the Campbelltown (Sustainable City) DCP Volume 2 (as amended).

Advice 12. 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 WorkCover Asbestos and Demolition Team on 8260 5885.

Advice 13. 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 14. 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 15. 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 16. Telecommunications Act 1997 (Commonwealth)

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

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

END OF CONDITIONS

3.6 No. 3 Bradbury Avenue, Bradbury - Construction of a boarding house

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality plan
3. Site plan
4. Lower ground floor plan
5. Ground floor plan
6. First floor plan
7. Elevations
8. Landscape plan

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* (EPA Act).

This development application is required to be reported to Council due to the nature of the proposed development (boarding house) and the receipt of submissions from the occupants of five properties in response to the public exhibition and notification of the proposed development.

| | |
|-----------------------------|--|
| Property Description | Lot 328 DP 32084 No. 3 Bradbury Avenue, Bradbury |
| Application No | 480/2013/DA-MAH |
| Applicant | Betron Enterprises Pty Ltd |
| Owner | Betron Enterprises Pty Ltd |
| Provisions | Campbelltown 2025 – Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 |
| Date Received | 12 March 2013 |

Report

A development application was lodged with Council on 12 March 2013 for the construction of a boarding house at No. 3 Bradbury Avenue, Bradbury. The site is located on the corner of Moore-Oxley Bypass and Bradbury Avenue, and is currently vacant. It has an area of 584.6m² and is irregular in shape. It is adjoined to the east by a two-storey five-unit strata development, to the south by a single dwelling, and to the north and west by Bradbury Avenue and Moore Oxley Bypass.

The proposed boarding house would contain seven boarding rooms over three different levels, with communal kitchen, bathroom, laundry and lounge facilities provided. The proposed boarding house would have two car parking spaces (including one accessible parking space) and motorcycle parking in front of the building, and bicycle parking behind the building. The vehicular entrance to the property would be from Bradbury Avenue. Pedestrian entrance to the boarding house would be from both Bradbury Avenue and Moore-Oxley Bypass.

1. Vision

Campbelltown 2025 - looking forward

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

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

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

The strategic direction relevant to this application is:

- Creating education, employment and entrepreneurial opportunities
- Development and land use that matches environmental capacity and capability.

The application is consistent with the above strategic directions as the proposal would support the creation of employment opportunities as part of the construction of the development, and its built form would be sympathetic to the characteristics of the site and surrounding development.

2. Planning Provisions

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

2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposed boarding house has been assessed against the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This assessment is presented below:

Clause 26 - Land to which Division applies (division of SEPP relating to boarding houses)

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:

- (a) Zone R1 General Residential
- (b) Zone R2 Low Density Residential
- (c) Zone R3 Medium Density Residential
- (d) Zone R4 High Density Residential
- (e) Zone B1 Neighbourhood Centre
- (f) Zone B2 Local Centre
- (g) Zone B4 Mixed Use

The subject site is located within the 2(b) - Residential B Zone, which has been approved by Council as being equivalent to the R3 Medium Density Residential zone for the purpose of the application of the Exempt and Complying SEPP. Accordingly, the zones can be regarded as equivalent for the purposes of the applicability of this division of the Affordable Rental Housing SEPP to the subject land. The R3 Medium Density Residential zone is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies. Therefore, this section of the SEPP applies to the subject land.

Clause 27 - Development to which Division applies

- (1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses
- (2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area
- (3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.

This application proposes the construction of a boarding house. Therefore, this section of the SEPP applies to the subject development application.

Clause 28 - Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

The proposed construction of a boarding house in the 2(b) - Residential B Zone is permissible with consent given the “equivalent zone” provisions set out above.

Clause 29 - Standards that cannot be used to refuse consent

Clause 29 of the SEPP outlines a range of development standards, which, if the proposed development complies with, means that Council cannot refuse the application. An assessment of the proposal against these standards is outlined below:

- (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:
 - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land

Comment

The maximum floor space ratio for a dwelling house (which is permissible on the land) is 0.55:1. Therefore the maximum floor space ratio applicable to the development is 0.55:1. The proposed development has a floor space ratio of 0.55:1 and is therefore compliant with this subclause.

- (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land

Comment

This subclause is not applicable, as residential accommodation is permitted on the land.

- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land:
 - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less
 - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.
-

Comment

The land is within a zone (2(b) - Residential B) in which residential flat buildings are not permitted, and therefore no floor space ratio bonus is applicable.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

- (a) building height

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,

Comment

There is no maximum building height specified under any environmental planning instrument applying to the land (Notwithstanding that Council's Sustainable City DCP 2009 sets a maximum 2 storey height limit, the SCDCP is not classified as an environmental planning instrument).

- (b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,

Comment

Landscaping is proposed facing both of the site's street frontages as well as the site's prominent corner that faces the intersection of Moore-Oxley Bypass and Bradbury Avenue. The landscaping proposed is consistent with the amount of landscaping on adjoining and surrounding sites in the immediate locality.

- (c) solar access

where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter,

Comment

The proposed communal living room would receive more than three hours direct sunlight between 9.00am and 3.00pm in mid-winter.

- (d) private open space

if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3.0 metres is provided for the use of the lodgers
(ii) if accommodation is provided on site for a boarding house manager - one area of at least 8.0 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,
-

Comment

An area of private open space of greater than 20 square metres and with a width of 3.0 metres is proposed adjacent to the side entry of the building. The proposed boarding house would also contain an area in the rear yard of the facility that can be used for open space purposes.

Based on the capacity of the proposed boarding house, accommodation is not required to be provided for a boarding house manager, and no manager is provided for by the application. Therefore, subclause (ii) is not applicable.

(e) parking

if:

- (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room
- (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room
- (iii) in the case of any development—not more than 1.0 parking space is provided for each person employed in connection with the development and who is resident on site.

Comment

The subject site is located within an accessible area as defined by the SEPP, and therefore requires at least 0.2 parking spaces per boarding room. The proposed boarding house has seven rooms, and therefore requires 1.4 parking spaces, which is rounded up to two parking spaces. The proposed boarding house would have two car parking spaces, including one accessible car parking space, and therefore complies with this subclause.

(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger
- (ii) 16 square metres in any other case.

Comment

All of the proposed boarding rooms are at least 16m² in size and are able to accommodate two people.

- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.

Comment

The proposed boarding house has private kitchen and bathroom facilities in each boarding room.

- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

Comment

The proposal complies with all of the standards contained in subclauses (1) and (2).

Clause 30 - Standards for boarding houses

- (1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:
- (a) if a boarding house has five or more boarding rooms, at least one communal living room will be provided

Comment

The proposed boarding house has seven boarding rooms, and proposes to provide two communal living rooms.

- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres

Comment

None of the proposed boarding rooms have a gross floor area (excluding private kitchens or bathrooms) of more than 25m².

- (c) no boarding room will be occupied by more than two adult lodgers

Comment

A condition of consent will be imposed requiring compliance with this sub-clause.

- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger

Comment

A private bathroom and kitchen facilities are to be provided within each boarding room. In addition, communal kitchen facilities are to be provided.

- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager
-

Comment

Each proposed boarding room will have the capacity to accommodate two people. Therefore, based on the proposed seven rooms, the boarding house will have the capacity to accommodate 14 people. Accordingly, a boarding room for a boarding house manager is not required to be provided.

- (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use

Comment

The proposed boarding house is not on land zoned primarily for commercial purposes.

- (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.

Comment

Two bicycle spaces and two motorcycle spaces are required. Two motorcycle spaces and at least two bicycle spaces will be provided.

Clause 30A - Character of local area

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

The original design of the boarding house was considered to be incompatible with the prevailing low-density suburban character of the immediate locality surrounding the site, and accordingly, the applicant was advised that the proposed boarding house had to be substantially redesigned in order to achieve a design that was compatible with the character of the local area. An amended design was submitted, which is considered to comply with the requirements of this clause. The proposed boarding house has the appearance of a single dwelling and is no larger than a dwelling house that could be constructed on the site.

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

- Building height – The proposed boarding house is a two-storey building with a small three-storey component. The boarding house would have the appearance of a two-storey building throughout, due to the slope of the site and the fact that much of the lower level of the building would be below natural ground level. The maximum height of the building above natural ground level would be 8.3 metres, which is less than the maximum building height for single dwellings (9.5 metres). The height of the proposed boarding house is not inconsistent with that of surrounding buildings, and is considered to be satisfactory.
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- Building bulk and scale/site coverage – The size of the building as measured by its floor space ratio is compliant with the provisions of the Affordable Housing SEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land. In this case, the maximum floor space ratio is 0.55:1, being the maximum floor space ratio that a single dwelling would be able to achieve. The proposed building contains several indentations and vertical/horizontal offsets, which reduce the perceived bulk of the building.

Under the Campbelltown (Sustainable City) Development Control Plan 2009, there is no site coverage ratio for residential buildings, however were a single dwelling proposed on the site, no development standard would prevent it from having a site coverage ratio as per that of the proposed boarding house. The proposed site coverage ratio is similar to that of existing dwellings on the opposite side of Bradbury Avenue.

In this regard, the bulk, scale and site coverage of the proposed boarding house is considered to be compatible with the existing and future character of the local area.

- Setbacks – The setbacks of the proposed boarding house are entirely consistent with those specified by the Campbelltown (Sustainable City) Development Control Plan 2009 for single dwellings, and entirely consistent with (or greater than) those of adjoining and surrounding dwellings. In this regard, the proposed boarding house has a front setback of 6.5 metres, a secondary setback of 3.0 metres, a side setback of 0.9 metres and a rear setback of 5.0 metres, which allows adequate spatial relief between the proposed boarding house and adjoining buildings, adequate spatial relief between the proposed boarding house and the streets, and adequate landscaping within the setback areas.
 - Architectural style/materials – The proposed boarding house has the appearance of a single dwelling house, and would be visually compatible with the surrounding residential development. The proposed boarding house has a pitched tiled roof, which is compatible with those of surrounding buildings, and would have rendered brown walls. An architectural outcome similar to that proposed under this application would not be unexpected were a dwelling house to be constructed on the site. In this regard, the architectural style of the proposed boarding house is considered to be compatible with the existing and future character of the local area.
 - Landscaping/Fencing – The proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed to be provided within the front, side and rear setback areas of the boarding house, and addressing the corner of the site facing the intersection of Moore-Oxley Bypass and Bradbury Avenue. This is considered to be consistent with the landscaping provided by other sites in the vicinity of the site.
-

With regard to fencing, the application proposes the construction of a boundary fence along the Moore-Oxley Bypass boundary of the site. The fence would be constructed of painted modular panels with 300mm aluminium slats above them. A gate would allow pedestrian access to and from the footpath fronting Moore-Oxley Bypass. The height above ground level of the majority of the fence would be 2.2 to 2.3 metres, which is reasonably consistent with the Campbelltown (Sustainable City) Development Control Plan 2009's maximum of 2.1 metres and allows for some extra height owing to the site's location and the need for acoustic protection in this regard. In order to reduce the potential for the fence in this location to be the subject of graffiti attacks, it is considered necessary to require the applicant to set the fence back 1 metre from the Moore-Oxley Bypass boundary of the site and provide landscaping within the setback area. A condition requiring this to be undertaken has been included in the recommended conditions of consent in attachment 1.

Due to the topography of the site and the need to create a level, accessible private open space area, two of the proposed fence panels would have a height above ground level of 3.2 to 3.4 metres. However the visual impact of their height would be mitigated by the setting back of these panels from the boundary, which would create visual relief between the existing retaining wall and the boundary fence. It is noted that the development on the opposite side of Bradbury Avenue has a fence height of approximately 3.0 metres above the footpath due to its topography and the presence of an existing retaining wall facing Moore-Oxley Bypass. In this regard, the proposed fencing is considered to be compatible with the character of the local area.

2.2 State Environmental Planning Policy (Infrastructure) 2007

Clause 102 of the Infrastructure SEPP relates to the impact of road noise or vibration on development. The clause applies to residential development that is on land in or adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of Roads and Maritime Services) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

A review of the RMS traffic data map has shown that Moore-Oxley Bypass adjacent to the subject site does not have an annual average daily traffic volume of more than 40,000 vehicles, however the map identifies that its annual average daily traffic volume is between 20,000 and 40,000, and that on this basis, an acoustic assessment was recommended.

An acoustic report prepared by a qualified acoustic engineer has been submitted with the application. The report provides measurements of background noise levels, and specifies the required weighted sound reduction index of the external components of the building that are required in order for the building to achieve the sound pressure levels required under the legislation. A condition will be imposed on the development consent requiring the design of the building to incorporate design elements necessary to achieve the nominated sound reduction properties, prior to the issue of a Construction Certificate.

2.3 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) - Residential B Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a boarding house and is permissible with Council's development consent within the zone.

The proposal is consistent with several zone objectives, particularly:

- (a) to make general provision for land to be used for housing and associated purposes
- (b) to permit the development of a range of housing types
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities
- (d) to allow development which:
 - (i) is compatible with residential use
 - (ii) is capable of visual integration with the surrounding buildings
 - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone
 - (iv) does not place demands on services beyond the level reasonably required for residential use.

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

2.4 Campbelltown (Sustainable City) Development Control Plan 2009

The application has been assessed under the provisions of the now repealed Campbelltown (Sustainable City) Development Control Plan 2009, as the application was lodged before the Campbelltown (Sustainable City) Development Control Plan 2012 came into effect. The provisions within the 2012 Plan that apply to the application are not substantially different from equivalent provisions within the 2009 Plan.

It should be noted that neither the 2009 nor 2012 DCPs contain specific provisions relating to boarding houses, however the general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Views and vistas – The proposal avoids the blocking of views and vistas, and the appearance of the development from the major thoroughfare of Moore-Oxley Bypass is considered to be satisfactory.

Sustainable building design – A BASIX Certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, the proposed development includes a 5,000 litre rainwater tank, and proposes an accessible roof space for the purpose of installing solar panels and a solar hot water system.

Landscaping – The proposed landscaping is satisfactory and has been selected from the Campbelltown Native Gardening Guide. Landscaping is proposed to be provided within the front, side and rear setbacks of the dwelling, and addressing the corner of the site facing the intersection of Moore-Oxley Bypass and Bradbury Avenue. This is considered to be consistent with the landscaping provided by other sites in the vicinity of the site.

Flora and fauna – The subject site has no significant existing vegetation.

Waste management – A Waste Management Plan has been submitted with the application. The proposed waste management for existing materials at the site is satisfactory. Regarding the on-going waste management for the boarding house, Council's Waste and Recycling Section advised that the proposed configuration of the waste bin storage area is satisfactory, and collection of the bins from the kerbside area will be able to be undertaken.

Stormwater – The application proposes to drain to Moore-Oxley Bypass, and accordingly, was referred to NSW Roads and Maritime Services for concurrence. Conditional concurrence from the RMS was received. The application was also referred to Council's Development Engineer, and conditions of consent have been provided.

Cut, fill and floor levels – There is no limit on the amount of cut proposed for a boarding house, as the Campbelltown (Sustainable City) Development Control Plan 2009's numerical cut/fill controls only apply to dwellings. The maximum amount of cut proposed is 1.2 metres, which is necessary to construct the lower level of the building. A dilapidation report will need to be prepared, prior to the issue of a Construction Certificate, to ensure that adequate ameliorative measures will be implemented to protect the integrity of any surrounding structures.

Fencing and retaining walls – The application proposes the construction of a boundary fence along the Moore-Oxley Bypass boundary of the site. The fence would be constructed of painted modular panels with 300mm aluminium slats above them. A gate would allow pedestrian access to and from the footpath fronting Moore-Oxley Bypass. The height above ground level of the majority of the fence would be 2.2 to 2.3 metres, which is reasonably consistent with the Campbelltown (Sustainable City) Development Control Plan 2009's maximum of 2.1 metres and allows for some extra height owing to the site's location and the need for acoustic protection in this regard. In order to reduce the potential for the fence in this location to be the subject of graffiti attacks, it is considered necessary to require the applicant to set the fence back 1 metre from the Moore-Oxley Bypass boundary of the site and provide landscaping within the setback area. A condition requiring this to be undertaken has been included in the recommended conditions of consent in attachment 1.

Due to the topography of the site and the need to create a level, accessible private open space area, two of the proposed fence panels would have a height above ground level of 3.2 to 3.4 metres. However the visual impact of their height would be mitigated by the setting back of these panels from the boundary, which would create visual belief between the existing retaining wall and the boundary fence. It is noted that the development on the opposite side of Bradbury Avenue has a fence height of approximately 3.0 metres above the footpath due to its topography and the presence of an existing retaining wall facing Moore-Oxley Bypass. In this regard, the proposed fencing is considered to be compatible with the character of the local area. Walls retaining cut would be 0.9 metres from the side boundary, exceeding the Campbelltown (Sustainable City) Development Control Plan 2009's minimum of 0.45 metres.

3. Planning Assessment

Although the provisions of Part 3 of the Campbelltown (Sustainable City) Development Control Plan 2009 apply to most forms of residential development, they do not apply to boarding houses. These standards include those relating to visual privacy, solar access, etc. These matters are discussed below with respect to the proposal:

- Privacy – The proposed boarding rooms would not have overlooking opportunities in respect of adjoining dwellings. There are no windows that directly face the adjoining residential units to the south-east, and the windows and balconies that face the dwelling adjoining the site to the south-west would be adequately screened through the use of high window sill heights and privacy screening.
 - Solar access – The majority of the proposed boarding rooms as well as the proposed common room will receive direct solar access to their living areas. In addition, the proposed boarding house would only result in minimal overshadowing of adjoining properties, and the dwellings on these properties would still receive adequate solar access to their living areas and private open space areas.
 - Stormwater from the proposed boarding house would drain to Moore-Oxley Bypass, which is a road controlled by the NSW Roads and Maritime Services (RMS). Accordingly, the application was referred to the RMS for concurrence. The applicant obtained separate written approval from the RMS for the proposed drainage design, and the RMS provided Council with this correspondence. The RMS provided Council with conditions to be imposed on the development consent, which have been incorporated into the recommended conditions of development consent in attachment 1.
 - The application was referred to Council's Traffic and Roads Design section, and conditions of consent were provided, which have been incorporated into the recommended conditions of development consent in attachment 1.
 - Under Australian Standard AS2890.1:2004, the proposed driveway to the site is required to be located 6 metres from the kerb tangent point at the intersection of Moore-Oxley Bypass and Bradbury Avenue. The proposed driveway would be 6 metres from the tangent point at the intersection and therefore complies with this provision.
 - The width of the proposed driveway is 6 metres, which allows for two-way access in the event that one vehicle is entering the site while another is leaving. In addition, the applicant has provided vehicular turning path diagrams indicating that cars will be able to manoeuvre satisfactorily on the site so as to leave the site in a forward direction. These factors will assist in the reduction of vehicular conflict at the subject site, which is directly adjacent to a signalised intersection.
 - The application was referred to Council's Building Certification Unit, who advised that a Construction Certificate could be issued for the proposed development.
 - A Section 94A levy cannot be imposed on the proposed development, as it is for the sole purpose of affordable housing.
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4. Public Participation

The application was publicly exhibited, and was notified to nearby and adjoining residents on two occasions (one for the original proposal and one for the amended proposal). Council has received objections from the occupants of five properties, raising the following issues:

Issue - The lack of car parking proposed by the development will result in residents of the boarding house parking on the surrounding streets, which will cause traffic problems due to the site being located in a constrained parking environment.

Comment - Under the State Environmental Planning Policy (Affordable Rental Housing) 2009, a boarding house that is located in an 'accessible area' (which the subject site is located within) is only required to provide 0.2 parking spaces per boarding room. The SEPP states that a consent authority must not refuse to grant consent on the basis of car parking if the proposed development complies with this standard. The rationale of this standard is that there would be low car ownership rates among boarding house tenants, and this is also reflected in the requirement for a boarding house to provide parking for motorcycles and bicycles. The lower parking rate for accessible areas reflects the availability of public transport options in these areas.

The proposed boarding house has seven rooms, and therefore requires 1.4 parking spaces, which is rounded up to two parking spaces. The proposed boarding house would have two car parking spaces, including one accessible car parking space, and therefore complies with the car parking provisions of the SEPP, meaning that Council is unable to refuse the application on the basis of car parking.

Council's Traffic Section has advised that parking restrictions should be implemented in Bradbury Avenue. This would prevent the parking of cars directly in front of the site. The applicant will be required to prepare a plan in this regard for the approval of Council's Traffic Committee.

Issue - The design of the building is poor. There is no relief in the northern elevation from Moore Oxley Bypass.

Comment - This objection was made in response to the notification of the original design of the development. This objection was considered to be accurate, and Council required the applicant to re-design the proposed development to achieve a design that is sympathetic to the streetscape and consistent with the character of the local area. The amended proposal was re-notified to surrounding properties, and no submissions objecting to the amended building design were received.

Issue - The proposed development has a lack of private and communal open space, which compromises the liveability and amenity of the development.

Comment - An area of private open space that is compliant with the provisions of the Affordable Housing SEPP is proposed adjacent to the side entry of the building. The proposed boarding house would also contain an area in the rear yard of the facility that can be used for open space purposes. It is considered that the proposed open space is satisfactory. If the provision of open space complies with the minimum specified under the Affordable Housing SEPP, Council is unable to refuse the application on the basis of open space.

Issue - The building covers a large proportion of the site, which is inconsistent with the residential zoning and context of the site. This site coverage also leads to minimal setbacks to adjoining properties, and limited provision of open space.

Comment - The site coverage of the proposed building is considered to be reasonable, as if a single dwelling were to be proposed on the site, no development standard would prevent it from having a site coverage ratio as per that of the proposed boarding house. The proposed site coverage ratio is similar to that of existing dwellings on the opposite side of Bradbury Avenue.

The setbacks of the proposed boarding house are entirely consistent with those specified by the Campbelltown (Sustainable City) Development Control Plan 2009 for single dwellings, and entirely consistent with (or greater than) those of adjoining and surrounding dwellings. In this regard, the proposed boarding house has a front setback of 6.5 metres, a secondary setback of 3.0 metres, a side setback of 0.9 metres and a rear setback of 5.0 metres, which allows adequate spatial relief between the proposed boarding house and adjoining buildings, adequate spatial relief between the proposed boarding house and the streets, and adequate landscaping within the setback areas.

As discussed above, it is considered that the proposed open space is satisfactory, and if the provision of open space complies with the minimum specified under the Affordable Housing SEPP, Council is unable to refuse the application on the basis of open space.

5. Conclusion

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

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Campbelltown (Urban Area) Local Environmental Plan 2002. While the residential development provisions of Campbelltown (Sustainable City) Development Control Plan 2009 do not strictly apply to the proposed development, it is largely consistent with the development standards for dwellings specified therein. It is considered that the proposed development is compatible with the character of the local area, and accordingly the application is recommended for approval.

Officer's Recommendation

That development application 480/2013/DA-MAH for the construction of a boarding house at No 3 Bradbury Avenue, Bradbury be approved, subject to the conditions detailed in attachment 1.

Committee Note: Mr Beech and Mr Jones addressed the Committee in objection to this development application.

Mr Robinson the owner addressed the Committee in support of the development.

Committee's Recommendation: (Kolkman/Oates)

That the Officer's Recommendation be adopted.

CARRIED

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

Voting against the Committee's Recommendation: Nil

Council Meeting 13 August 2013 (Oates/Kolkman)

That item 12.1 from the Report of the Director Planning and Environment - Draft Conditions of Consent - No. 3 Bradbury Avenue, Bradbury - Construction of a boarding house be brought forward and dealt with in conjunction with this item.

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Amendment: (Oates/Kolkman)

That development application 480/2013/DA-MAH for the construction of a boarding house at No 3 Bradbury Avenue, Bradbury be approved, subject to the conditions detailed in attachment 1 with the deletion of clause 28 - Payment for installation of parking restrictions and Clause 2 being amended to read as detailed below:

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the Council, for approval, prior to the PCA issuing the Construction Certificate:

- A 1.8m high masonry style modular wall/fence is to be constructed along the Moore-Oxley Bypass side of the property. The fence is to be constructed along the boundary for a distance of 12 metres when measured from the rear boundary and setback into the property by 600mm for the remainder of the fence construction, with the fence not extending beyond the front building line of the development. The 600mm setback area shall be planted with suitable screening plants of a species and type that have a mature height and density that adequately screens the proposed fence for the full length of the setback area. The applicant shall landscape the setback area to Council's satisfaction prior to the issuing of any Occupation Certificate.
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Council Minute Resolution Number 172

That the above amendment be adopted.

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

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

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. Amended plans

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

- The modular wall fence shall be setback 1 metre from the Moore-Oxley Bypass boundary of the site. The setback area shall be landscaped with shrubs and plants selected from the Campbelltown Native Gardening Guide that are of a sufficient mature height to screen the wall.

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.

4. Roads and Maritime Services (RMS) requirements

The land is subject to an easement for batter in favour of the RMS. The following RMS conditions are to be complied with at all times:

- a. All buildings and structures are to be clear of the Moore-Oxley Bypass road reserve (unlimited in height or depth).
 - b. Access to the RMS easement on the site shall not be denied.
 - c. The integrity of the RMS easement on the site shall not be compromised by any of the construction works.
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- d. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Moore-Oxley Bypass.
- e. Stormwater drainage is to comply with the requirements detailed in the RMS correspondence to Mr Ron Robinson, dated 28 June 2013 (Ref: DR657).

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

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

7. 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.

8. 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.

9. 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.

10. Fencing

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

11. Switchboards/utilities

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.

12. Driveway and car park layout

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

The driveway is to be constructed of concrete with a nonslip finish.

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.

13. Vehicular access to and egress from the site

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

14. 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.

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 Volume 2 (as amended)*.

16. Car parking spaces

Three car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 6 (as amended).

17. Maximum number of lodgers per room

No boarding room shall be occupied by more than two adult lodgers.

18. Sleeping accommodation

The occupier of the premises must not allow any room or cubicle in the premises to be used for the purposes of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it.

19. Acts and Regulations

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

Public Health Act 2010

Public Health Regulation 2012

Boarding Houses Act 2012

Local Government Act 1993

Local Government (General) Regulation 2005

Protection of the Environment (Noise Control) Regulation 2008

20. 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.

21. Shoring and adequacy of adjoining property

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

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

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

22. Rain water tank(s)

Rain water tank/s 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.

23. Construction certificate

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

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

The accessible roof space area shall not be used for the purposes of recreation, leisure or any purpose other than in association with the installation, operation and maintenance of solar electric panels and solar hot water systems, which shall not be visible above the height of the parapet wall surrounding the accessible roof space area.

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.

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. Acoustic requirements

Prior to the issue of a Construction Certificate, all of the recommendations in the Acoustic Report prepared by Pollution Control Consultancy and Design dated July 2013 shall be incorporated into the Construction Certificate plans. Certification from a qualified acoustic consultant shall be submitted to the Principal Certifying Authority, indicating that the building design as shown on the Construction Certificate plans will achieve the sound reduction requirements outlined in the report. Should these requirements necessitate amendments to the design of the configuration or finishes of the building, approval from Council shall be obtained.

28. Payment for installation of parking restrictions

The applicant shall pay a fee of \$990 to Council for the installation of parking restrictions and provision of line marking in Bradbury Avenue required as a result of the development.

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. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a suitable plan and obtain approval from Council's Local Traffic Committee for the works. The plan shall show the following signage/line marking:

- 'No Stopping (R)' signs for the Bradbury Avenue frontage of the property.
- 'No Parking' signs from the site to the intersection of Bradbury Avenue and Bocking Avenue.
- Yellow edge line marking in Bradbury Avenue between Moore-Oxley Bypass and Bocking Avenue.

31. Stormwater management plan

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations, relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 300mm above the adjacent finished site levels and stormwater shall be conveyed from the site to Moore-Oxley Bypass in accordance with the RMS approval. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 2 (as amended)* and the requirements of RMS.

32. 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.

33. Work on public land

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

34. 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.

35. 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.

36. Erection of construction sign

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

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

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

37. Toilet on construction site

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

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

38. 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.

39. 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 in Bradbury Avenue, to minimise ground disturbance and prevent the transportation of soil onto the surrounding road network. Single sized aggregate, 40mm or larger and placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

40. Public property

Prior to the commencement of any works on the subject site, the applicant shall advise Council/RMS of any damage to property which is controlled by the respective authority and 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.

41. 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.

42. Fencing

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

43. Construction traffic management plan

Prior to construction works commencing, the developer shall prepare a Construction Traffic Management Plan, which includes the following items:

- a. Any requirements for Works Zones for delivering goods
- b. Any footpath and road closures, with attached copies of Traffic Control Plans, if required
- c. Construction vehicles should be accommodated within the development site.
- d. Any requirement to position a crane on the footpath and road should be outlined.

The applicant is to note that, if a Work Zone is required, an application should be made to Council at least 8 weeks prior to the commencement of construction.

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.

44. 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 4.00pm |
| Sunday and public holidays | No Work. |

45. Erosion and sediment control

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

Note: On the spot penalties of up to \$1500 will be issued for any non-compliance with this requirement without any further notification or warning.

46. Work zones

All loading, unloading and other activities undertaken during construction shall be accommodated wholly within 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 detailing the proposal for the work zone.

The application for the work zone is required to be made at least 8 weeks 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.

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. Excavation and backfilling

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

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

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

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

49. Fill compaction requirements

Any filling carried out on the site shall be compacted to a minimum dry density of 98% Standard Compaction. Density testing, which is to be certified by a qualified geotechnical engineer, shall be undertaken for every 300mm rise in vertical height, with test locations being selected randomly across the site. At least 1 test shall be taken for every 500m² of the filled area (minimum 1 test per 300mm layer).

50. Imported 'waste-derived' fill material

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

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

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

51. 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.

52. 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.

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

54. Compliance with relevant specifications

All design and construction work shall be in accordance with:

- a. Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Campbelltown (Sustainable City) DCP Volumes 1 & 2 (as amended)
- c. 'Soils and Construction (2004)' (Bluebook)
- d. All relevant Australian Standards and State Government publications.

55. Footpath

The footpath adjoining the subject land, where not concreted, shall be regraded, topsoiled and turfed in accordance with levels obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

56. Footpath kerb and gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Bradbury Avenue and Moore-Oxley Bypass.

All works within Bradbury Avenue shall be constructed 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 Volumes 1 and 2*.

Any works undertaken within Moore-Oxley Bypass shall be inspected by, and completed to the satisfaction of, the Roads & Maritime Services.

57. Medium density footpath crossing and layback

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance 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 prior to pouring the concrete.

Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority requirements.

58. Associated works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any other civil works directed by Council/RMS, to make a smooth junction with existing work.

59. Redundant laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the design requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

60. 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".

61. 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.

62. 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.

63. Restriction on the use of land

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. Access Denied
- b. Acoustic Measures.

The applicant shall liaise with Council regarding the required wording.

The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown.

The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

64. Works as executed plan

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which has been prepared in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

65. Restoration of public roads

Prior to the principal certifying authority issuing an occupation certificate any restoration of the public road pavement, required as a result of the development, shall be carried out by the respective authority which has control over that road.

All costs shall be paid by the applicant.

66. 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.

67. Council fees and charges

Prior to the principal certifying authority issuing an occupation certificate the applicant shall ensure that all applicable Council/RMS fees and charges associated with the development have been paid in full.

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.
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- 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 any tree upon the subject site unless you have obtained prior written consent from Council to do so. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

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

Advice 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. Retaining walls

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

Advice 6. 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 7. Inspections – civil works

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
 - i) Direction/confirmation of required measures.
 - ii) After installation and prior to commencement of earthworks.
 - iii) As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS & LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

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 or RMS prior to the principal certifying authority releasing the Occupation Certificate.

Advice 9. Salinity

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

Advice 10. Asbestos warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by 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 WorkCover Asbestos and Demolition Team on 8260 5885.

Advice 11. Rain water tank

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

Advice 12. Dial before you dig

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

Advice 13. Telecommunications Act 1997 (Commonwealth)

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

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

END OF CONDITIONS

3.7 Airds Bradbury Renewal Project - Proposed Voluntary Planning Agreement

Reporting Officer

Manager Development Services

Attachments

1. Letter of Offer from NSW Land and Housing Corporation to Council to enter into a Voluntary Planning Agreement for the Airds Bradbury Renewal Project
2. Schedule 3 extract from draft VPA identifying development contribution items, timing and value
3. Summary Table and extracts from Infrastructure Services Delivery Plan setting out descriptions of works and estimated works values
4. Letter from Department of Planning and Infrastructure to Council advising of request for modification to Concept Plan Approval
5. Schedule of works proposed to be delivered by a Works In Kind Agreement for Stage 1 (a and b)

Purpose

To provide information to Council regarding the scope, timing and value of works to be provided as development contributions from the Airds Bradbury Renewal Project in order to proceed to the necessary public notification of the draft Voluntary Planning Agreement.

To advise Council that UrbanGrowth NSW (UrbanGrowth) has formally requested the Department of Planning and Infrastructure to modify the Airds Bradbury Renewal Project Concept Plan Approval in order to provide greater certainty regarding the nature and timing of development contributions and to amend the timing of the execution of the Voluntary Planning Agreement.

To inform Council of the need to grant owners consent to a development application for Stage 1 (subdivision) of the Airds Bradbury Renewal Project, given that part of the land subject of the application is currently in Council's ownership.

History

The Airds Bradbury Renewal Project has been moving through the development assessment process for a number of years. Council gave its final endorsement to the project in July 2012 and the Minister for Planning and Infrastructure subsequently issued approval to the Concept Plan in August 2012. A Development Application for the Stage 1 subdivision has been lodged and will be determined by the Sydney West Joint Regional Planning Panel in due course.

As well as new housing, the project involves the significant redevelopment of existing infrastructure including roads, drainage, open space, playing fields, recreation facilities and options for community facilities. Securing the appropriate development contributions for infrastructure has always been a key issue for Council and significant negotiations have been ongoing both before and since the Project's approval. To cover the issue of contributions, the Concept Plan Approval contains the following condition:

'Prior to any subsequent subdivision applications being determined, a Voluntary Planning Agreement (VPA) for payment of local infrastructure contributions, with the details of the contributions and the nature of any land dedications or works in kind, is to be negotiated and executed with Council. Each subsequent subdivision application must be consistent with the VPA and identify any relevant contributions or works in kind required to be delivered for that stage.'

Council has received a formal letter of offer from the proponent (NSW Land and Housing Corporation) (Attachment 1) seeking Council to enter into a Voluntary Planning Agreement (VPA) for the Airds Bradbury Renewal Project. This report assesses the draft VPA.

The request for modification to the Concept Plan Approval relates directly to the above condition. It is understood that the intent of the proposed modification is not to alter the scope or value of works associated with the development, rather it could be described as a procedural change that would secure appropriate contributions across the life of the development while allowing the first stages of development to proceed in a timely fashion. It is important to note however, that the proponent has not submitted any alternative wording for a replacement condition. The final wording will be decided by the Department of Planning and Infrastructure.

Report

As stated, there are three purposes of this report, which are related, but will be discussed separately.

PART ONE: PROPOSED DEVELOPMENT CONTRIBUTIONS FROM AIRDS BRADBURY RENEWAL PROJECT

Councillors received a briefing by the Director Planning and Environment on 31 July 2013 concerning a proposed Voluntary Planning Agreement (VPA) for the Airds Bradbury Renewal Project.

Discussions and negotiations between Council, the NSW Land and Housing Corporation and UrbanGrowth have been ongoing over a number of years to determine what development contributions are required in relation to the Airds Bradbury Renewal Project.

The final draft documentation now received from UrbanGrowth provides detail on the nature and scale of the contributions to be provided and the proposed timing of works.

All relevant Departments within Council have been part of discussions and have opportunity to comment upon the draft VPA and associated Infrastructure Services Delivery Plan.

Council's legal advisors have also reviewed the documents from a legal drafting perspective.

However, as this report will identify, there are some issues that remain unresolved and that are currently not to the satisfaction of Council.

The total estimated value of contributions for infrastructure for the Renewal Project is \$18,544,017, noting that it is proposed that works within Stages 1 and 2 are intended to be secured through a Works in Kind Agreement (WIKA) and Stages 3 - 9 through the VPA. One of the advantages of securing development contributions through a VPA as distinct from a traditional Section 94 (S94) Plan, is that whereas a S94 Plan represents a legally proportional contribution to infrastructure or facilities, the cost of material public benefits are sometimes allocated 100% through the VPA. The obvious example of this is new and improved road intersections which would be provided under the VPA. With a traditional Section 94 Plan, only a proportion of the costs of these works would have been able to be collected and Council would have thence been committed to funding the balance of the cost of the proposed works.

The draft VPA provides for contributions to cover the following broad items of infrastructure as part of the Airs Bradbury Renewal Project:

1. Road works, cycleways, bus stops and intersection upgrades – Contribution Value \$5,330,446
2. Water Cycle and Water Quality management – Contribution Value \$5,197,693
3. Open space, recreation facilities and landscape works - Contribution Value \$6,972,571
4. Riparian and bushland regeneration - Contribution Value \$1,043,308
5. Community facilities – either new or refurbished (see below). Contribution Value varies dependent upon which option Council chooses.

Key components within those items include:

- Georges River Rd/Riverside Drive intersection – construction of a single lane roundabout (Stage 1)
 - Georges River Rd/Bellinger Rd intersection – give way intersection with additional approach from Deans Road (Stage 1)
 - St Johns Rd/Campbellfield Extension – construction of single lane roundabout (Stage 3)
 - Georges River Rd/Junction Rd (Peppin Rd extension) – construction of single lane roundabout (Stage 5)
 - Upgrade of existing wetland/pond area west of (behind) the Riverside Inn (Stage 3)
 - New playing fields at the new proposed Kevin Wheatley VC Reserve including amenities and car parking (Stage 3)
 - Upgraded Riley Park including new amenities and car parking (Stage 9)
-

- Upgraded Baden Powell Reserve as per Council's resolution of 3 July 2012 (Stage 9)
- Community facilities Option 1 involves the retention of Airs Youth Centre, Airs Neighbourhood Centre – Campbelltown Child and Family Centre, and Amarina Child Care Centre (including the dedication of this land to Council). This option also includes up to \$100,000 cash contribution to Council towards improvements to these facilities
- Community facilities Option 2 involves demolition of the above facilities (with the exception of the Youth Centre) and the construction of a new community facilities centre (integrated community, child and family services) on a minimum 1450 sqm allotment located within the newly proposed town centre precinct. The building would include 710 sqm of Gross Floor Area and would have 20 car parking spaces
- Bushland regeneration, in particular Smiths Creek (Stage1) and Kevin Wheatley VC Reserve (Stage 3)
- Georges River Rd entry wall commemorating Kevin Wheatley VC (Stage 1).

The full list of proposed infrastructure works is set out in Schedule 3 of the draft VPA document (Attachment 2). This list is summarised in the ISDP Planning Agreement Summary Table (Attachment 3).

Important issues to note

While the draft VPA is supported in principle, there remain some outstanding issues, which need to be addressed (by means of amendment to the draft VPA) to Council's satisfaction before proceeding any further. Following comments made by various Divisions within Council and receiving feedback from UrbanGrowth, the following shortcomings in the current draft VPA are important for Council to note.

Community facilities – Council would have two options available. Option 1 is to retain the existing community facilities (Airs Youth Centre, Airs Neighbourhood Centre-Campbelltown Child and Family Centre, and the Amarina Child Care Centre as well as receive a \$100,000 cash contribution to carry out upgrade works on these facilities. This option would include the dedication of the land occupied by Amarina, which is currently in the ownership of NSW Land and Housing Corporation, to Council.

Option 2 is the construction of a new Community Facilities Centre within the Town Centre, integrating community, family and child care services. This facility would be sited on its own allotment of at least 1450sqm, would provide approximately 710sqm of gross floor area and have access to 20 onsite car parking spaces. The value of this facility is put by UrbanGrowth at approximately \$1.8M. The existing community facilities would be demolished (except for the youth centre) and that land developed for new housing.

Under the terms of the draft VPA a final decision on which option Council wishes to pursue is required prior to 30 June 2014 so that planning for Stage 3 of the Renewal Project and beyond can proceed appropriately.

Three issues are of concern regarding the provisions included within the draft VPA relating to Community Facilities – Option 2. Firstly, it is currently the intention of UrbanGrowth (the proponent) to manage any new community facility for the life of the project, with occupation being by a service provider(s) chosen by the developer. This could potentially mean up to 15 years before Council could assume management responsibilities. This is not acceptable. It is possible, as has been shown at Minto, that alternative service providers either wanting a presence in the area or required by NSW Land and Housing, can operate out of one or more of the many existing cottages within Airs that could be retained for that purpose. This would allow Council to immediately be provided with access to the new building. Secondly, any new centre must have exclusive use of on-site car parking via a legally enforceable mechanism. The intent of the VPA as proposed by UrbanGrowth is to have a shared arrangement with the adjoining town centre. This is not acceptable. Thirdly, as the most significant investment in new building work, it is imperative that more detailed specifications for the proposed new community services building are provided to ensure that the allocated funds in the VPA are sufficient to provide the building proposed, in order to meet local community requirements. No details other than the estimated gross floor area of this critically important building have been provided.

Playing field upgrades – There are two key areas proposed to be upgraded/developed under the draft VPA. The existing Riley Park playing fields will be upgraded with new drainage and irrigation as well as the introduction of a new synthetic cricket wicket located between the two fields. Future upgrading of lighting by Council will be facilitated through the placement of necessary conduits that provide capacity for a 100 lux rating. A new amenities building and car parking area will also be provided.

The existing Kevin Wheatley VC Reserve is proposed to be relocated. Two new fields will be constructed with drainage and irrigation. They will be flood lit to 50 lux with capacity for upgrade to 100 lux. A new amenities building will be built and car parking provided.

The draft VPA must be amended on two points. Firstly, the amenities building for the relocated Kevin Wheatley VC Reserve is proposed at 205sqm gross floor area with 110sqm awning, while at Riley Park the amenities building is proposed at 165sqm gross floor area plus 90sqm awning. Council staff believe that both facilities, with two playing fields at both sites, should have the same amenities building, being the larger (205sqm) building and awning.

Secondly, on site car parking at the proposed new Kevin Wheatley VC Reserve is limited to 60 spaces with a further 20 spaces claimed as being available as on-street parking. A total of 80 off street spaces should be provided at Kevin Wheatley VC Reserve, as is the case at Riley Park. UrbanGrowth claim that there would be overflow parking available for Kevin Wheatley VC Reserve from the adjacent retail centre, however, this is not substantiated by any analysis. It is more likely that the retail centre parking will be at a premium as the renewal project proceeds, and the new shopping centre increases its trade.

Open space embellishments – The draft VPA provides for the pond area in the vicinity of the proposed new Kevin Wheatley VC Reserve to have a major embellishment including the installation of pathways, seating and viewing areas to enhance passive recreation opportunities. There will be BBQ/picnic areas as well as school age and toddler play areas. This area is intended to become a focal point for the community, being adjacent to the new town centre precinct. Riley Park will also receive improved passive recreation facilities including BBQ/picnic and toddlers play area.

The upgrade of the pond area is supported and is important to the Renewal Project, but as Council will become the asset owner, it is important that it be assured of the structural integrity of the pond walls through appropriate engineering certification. UrbanGrowth has indicated that such detail is generally not part of a VPA. However, if additional work is required to make good the pond wall, it could affect the funds available in the short term for open space embellishment or in the long term, have financial implications to Council as the asset owner. It is a matter that must be addressed to Council's satisfaction now.

Native vegetation management – Council will be taking on responsibility for various remnant bushland areas that are classified Endangered Ecological Communities (EECs), as part of the Urban Renewal Project. These areas have been recognised as part of the statutorily required Biodiversity Off-Set Strategy which has been endorsed by the Office of Environment and Heritage. As such, Council will be inheriting responsibility for the management of these areas to a higher standard than would ordinarily be the case for areas of general open space or bushland where EECs are not present. The establishment/early maintenance provisions for these areas as set out in the draft VPA have not recognised this fact and have only provided for a standard two year maintenance period. For these areas of EEC, this period needs to be a minimum of 7 years or additional funding needs to be provided to Council to ensure the ongoing sustainability of these areas and so that it can meet its obligations.

Land Contribution

The draft VPA notes the contribution by of Council owned open space zoned land (currently in Council's ownership) to the Renewal Project at 18.3 hectares and also notes the quantum of open space zoned land to come back into Council's ownership as part of the Project at 19.7 hectares.

For Council's information, the value of the open space land (18.3 hectares) that Council would contribute to the project is estimated by a registered valuer (agreed by UrbanGrowth and Council's Property Manager) to be \$12.7M. The same valuer has estimated the value of the open space land that Council would receive back into its ownership as part of the Renewal Project (19.7 hectares) at \$11.5M.

The figures above do not take account of any land occupied for roads, drainage and other purposes.

It should be noted that the matter of the formal transfer of any Council property to the NSW Land and Housing Corporation as part of the Airds Bradbury Renewal Project, will be the subject of a future report to Council.

Public Notification/Exhibition of a Voluntary Planning Agreement

Clause 25D of the Environmental Planning and Assessment Regulations sets out public notification/exhibition requirements for VPAs. If Council proposes to enter into a VPA, then it is required to issue a public notice in relation to that proposed agreement, with such notice being for a minimum of 28 days. It is important therefore that Council resolve to enter into a Voluntary Planning Agreement with the NSW Land and Housing Corporation so that the required public notification process can commence. The VPA cannot be executed unless this is done.

Council would have an opportunity to consider any submissions received arising from the public notification/exhibition prior to execution of the finalised VPA.

Legal Matters

Council's solicitors have reviewed documentation associated with the draft Voluntary Planning Agreement. A relatively small number of but technically important matters have been raised that need to be addressed to Council's satisfaction prior to any public notification/exhibition of the draft Voluntary Planning Agreement documentation. These technical matters include provisions relating to:

- security for Council to protect against a breach of the agreement
- staging of development and finalisation of required works/contributions
- deferral of works
- registration of the VPA on land title.

These issues are technical in nature and require amendment to the draft VPA which can be dealt with by the General Manager.

Summary

Council staff have reviewed the draft Voluntary Planning Agreement for the Airds Bradbury Renewal Project, proposed by UrbanGrowth and the NSW Land and Housing Corporation and consider that the documentation is suitable for the purposes of providing the required public notification/exhibition, subject to amendments (considered satisfactory by Council) to take account of the shortcomings raised above in relation to:

- community Facilities Option 2
- amenities at the Riley Park Playing Fields
- off-street parking to service the relocated Kevin Wheatley VC Playing Fields
- establishment and early maintenance of biodiversity offset areas
- engineering certification of the pond facility.

PART TWO: MODIFICATION TO CONDITION RELATING TO DEVELOPMENT CONTRIBUTIONS

On 17 May 2013, UrbanGrowth wrote to the Department of Planning and Infrastructure to request an amendment to the Airds Bradbury Renewal Project Concept Plan condition relating to Development Contributions. The Department of Planning and Infrastructure is responsible for determining the request. By letter dated 28 June 2013 (Attachment 4), the Department advised Council of the request and asked that any submission be provided to it by 12 July 2013. The Department was formally advised by letter dated 11 July that the matter would not be presented to Council until its meeting on 13 August 2013 and that the proponent does not object to that timeframe.

UrbanGrowth has made the following request of the Department of Planning and Infrastructure as part of its modification application:

“We are seeking an amendment to the Airs Bradbury Renewal Concept Plan condition relating to Development Contributions (Schedule 4, Item 4). There is uncertainty regarding the development contributions based on the current wording of the condition and as NSW Land and Housing Corporation has recently made an offer to Council regarding the Planning Agreement, we seek to rectify the situation by providing greater certainty by lodging a modification to the Concept Plan so that it takes into account the following:

- On 9 May 2013, NSW Land and Housing Corporation submitted a revised letter of offer to enter into a VPA (Planning Agreement and Infrastructure Services Delivery Plan was attached to the offer) with Campbelltown Council. The items of works to be delivered in the VPA are generally consistent with the Concept Plan Approval and what has been previously negotiated with Council. It also provides details in regards to the items of works to be provided, responsibilities and timing
- The timeframe for execution of the VPA to be deferred to Stage 3 DA approval (Stage 3 incorporates significant project items including Community Facilities and Kevin Wheatley Reserve). This will allow for the project to proceed whilst still ensuring the VPA is executed prior to Stage 3 when critical infrastructure works are required. The deferment of execution will not impede the delivery of any of the works as the development applications will still demonstrate consistency with the Concept Plan and the related letter of offer
- Stages 1&2 VPA items of works are to be undertaken as part of the works associated with each development application. This is apparent as the Stage 1 works form part of the development application with Council and can be secured via a Works in Kind Agreement.”

In order to determine if a modification can be supported, it is firstly important for Council to acknowledge the objective behind the condition (a copy of the relevant condition is provided in the History section of this report). Its aim is to ensure that appropriate development contributions for infrastructure are secured through a legally binding mechanism. i.e. Voluntary Planning Agreement.

Voluntary Planning Agreements are an important component of the development contributions regime set out in the *Environmental Planning and Assessment Act* which includes section 94 and section 94A plans. VPAs are particularly useful when dealing with large scale developments within well-defined localities, such as the Airs Bradbury Renewal Project and can provide for greater certainty and minimised risk for Council and the community over the funding and delivery of infrastructure.

Council staff understand from discussions with representatives of UrbanGrowth, that the proponent's commitment to development contributions is not in question. Subsequent to the Concept Plan Approval, the NSW Land and Housing Corporation submitted to Council a formal Letter of Offer to enter into a Voluntary Planning Agreement which has been discussed earlier in this report. A Development Application has also been lodged for the Stage 1 subdivision, with Stage 2 to follow shortly (There are intended to be 12 stages of subdivision overall).

The proponent contends that there is some uncertainty about the wording of the current condition and that it is appropriate that the formal letter of offer to Council to enter into a VPA be taken into account. It is also indicated that there is some potential to give rise to a delay in the timely consideration and construction of the early stages of development given the requirement by the condition that no approval for any subdivision can be released until such time as a VPA has been executed. This is understood to be the primary motivation behind the request to modify rather than any attempt to avoid obligations.

Firstly, because they are 'voluntary' agreements, there may be some question over whether or not it is appropriate to have a condition of consent that makes it mandatory to enter into an agreement.

On the other hand, Council staff point out that this condition was included in the Concept Plan Approval by the Minister's delegate, and places an obligation on the proponent (a government authority) and facilitates the Council's capacity to negotiate and execute a VPA to secure the provision of local infrastructure in Airs Bradbury. This assurance to Council afforded by the Concept Plan Approval, must not be fettered in any way.

It is recommended that Council respond to the Department of Planning and Infrastructure and advise that no amendment to the condition should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airs Bradbury Renewal Project that would be in the best interests of the community.

Secondly, Council staff also understand from discussions with representatives of UrbanGrowth that the aim of the modification being sought is to retain a VPA for the majority of the Renewal Project (Stage 3 onwards) but to secure the development contributions associated with Stages 1 and 2 through the assessment of the relevant Development Applications and Works in Kind Agreements (WIKAs). This is because it will take some time to finalise the negotiation and execution of a Voluntary Planning Agreement with Council for the Airs Bradbury Precinct, and UrbanGrowth wish to seek approval of Stages 1 and 2 of the Renewal Project as soon as possible to facilitate the early commencement of on-ground works.

Such WIKAs would simply extract items from the schedule of works relevant for those stages from the proposed VPA. WIKAs are also a commonly used method of setting out and securing agreed works arising from a development (or Stage of development). In this sense, the modification to the existing condition of consent can be considered as a procedural change. That is, the same outcomes are achieved through a different mechanism. The benefit to the proponent is that it removes any potential delay in receiving consent for the early stages of the development.

The Stage 1 subdivision DA will be determined by the Sydney West Joint Regional Planning Panel. A condition of consent can be included that secures the range of work described in the WIKA to be provided as part of the Stage 1 works. The same process can be utilised for the Stage 2 subdivision, before Stages 3 and onwards are subject to the proposed Voluntary Planning Agreement. Council staff would recommend to Council that this request for a modification to the Concept Plan Approval is not unreasonable and should be supported to facilitate the commencement of the Airs Bradbury Renewal Project as soon as possible.

A copy of the Schedule of works proposed to be delivered by a Works In Kind Agreement for Stage 1 (a and b) of the Airs Bradbury Urban Renewal Project is shown as Attachment 5.

It is recommended that the Department of Planning and Infrastructure be advised that Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place a Works In Kind Agreement with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.

PART THREE: OWNERS CONSENT FOR STAGE 1 SUBDIVISION

The Development Application for the Stage 1 subdivision (as part of the Airs Bradbury Renewal Project) involves land owned by both the NSW Land and Housing Corporation and Campbelltown City Council. Council's land is made up of small pockets of open space fronting Georges River Road and land adjacent to Smiths Creek. As an owner of land the subject of a Development Application, Council needs to provide owner's authorisation prior to the application being determined.

Throughout the Minto Renewal project, when Council owned land is involved, the DA has been submitted with a request that Council authorise it. In all cases, Council has provided owner's authorisation. The Airs Bradbury Stage 1 application has been lodged with the standard request for Council to endorse it.

The Stage 1 subdivision is consistent with the Concept Plan Approval and there appears no reason why Council's authorisation for the Development Application should not be granted to allow the matter to proceed to a determination by the Joint Regional Planning Panel. If Council provides owner's authorisation, it is not a statement on the merits of the application. It simply allows the assessment process to continue, and facilitate the early commencement of the Renewal Project.

From a technical perspective, Council's agreement to grant owner's consent to the development application, should be made conditional upon a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land.

Councillors are advised that a Directors Report is scheduled to be presented to the Council meeting on 20 August 2013 that discusses the Stage 1 Development Application.

Conclusion

In relation to the draft VPA, public notice is required before Council can proceed with execution of the Voluntary Planning Agreement. Although the draft VPA is generally supported in principle, there remain some outstanding issues where the information available to Council is either insufficient or unacceptable to enable public notice to be given. Prior to moving to public notification, UrbanGrowth should be requested to amend the draft VPA and associated documentation to address Council's outstanding concerns. Only then should the required public notification/exhibition proceed.

As the consent authority of the Airds Bradbury Renewal Project, the Department of Planning and Infrastructure is responsible for determining an application to modify any conditions of consent. UrbanGrowth has made such an application in respect to the condition included in the Concept Plan Approval dealing with development contributions, and Council has been requested to submit any comments it may have to the Department of Planning and Infrastructure.

It is believed that Council should respond to the Department of Planning and Infrastructure and advise that no amendment to the condition should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airds Bradbury Renewal Project, in the best interests of the community. Further, it is suggested that Council indicate to the Department that it raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.

Officer's Recommendation

1. That Council make a submission to the Department of Planning and Infrastructure regarding Urban Growth's modification application no. MP10-0186 MOD 1 advising that:
 - a. no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airds Bradbury Renewal Project, in the best interests of the community.
 - b. Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.
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3.7 Airs Bradbury Renewal Project - Proposed Voluntary Planning Agreement

2. That Council formally acknowledge the letter of offer from the NSW Land and Housing Corporation dated 9 May 2013 and confirm its commitment to enter into a Voluntary Planning Agreement for the delivery of public amenity and infrastructure services associated with the Airs Bradbury Renewal Project.
 3. That Council request UrbanGrowth NSW to make amendments to the draft Voluntary Planning Agreement as submitted and associated documentation so that:
 - a. Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation.
 - b. Any newly constructed Community Facilities Centre has exclusive access to at least 20 on site car parking spaces, secured through an appropriate legal mechanism.
 - c. More detailed specifications for the proposed Community Facilities Centre (Option 2) are provided to satisfy Council that the facility can accommodate local community requirements.
 - d. The proposed amenities buildings at both the proposed new Kevin Wheatley VC Reserve and Riley Park are a minimum of 205sqm GFA plus 110sqm awning.
 - e. A minimum 80 off-street spaces are provided at the proposed new Kevin Wheatley VC Reserve playing fields.
 - f. The minimum establishment/early maintenance period for bushland regeneration areas containing EECs is increased from two years to seven years or alternatively additional funds are made available to Council after the initial two year period, sufficient to enable Council to meet its higher establishment and early maintenance obligations for the management of EECs.
 - g. Structural engineering certification, attesting to the integrity of the walls of the pond at Kevin Wheatley VC Reserve, is provided and referred to in the Voluntary Planning Agreement.
 4. That upon receipt of the requested amendments (Item nos. 3a to 3g inclusive) to Council's satisfaction, the draft Airs Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan be placed on public notification/exhibition with such public notification/exhibition to be carried out in accordance with the *Environmental Planning and Assessment Act* and Regulations, as soon as possible.
 5. That the General Manager be delegated authority to execute the Agreement with NSW Land and Housing Corporation following public notification/exhibition and subject to any variations arising from community submissions or ongoing negotiations with NSW Land and Housing Corporation and UrbanGrowth NSW, deemed appropriate by the General Manager.
 6. That the General Manager be delegated authority to provide owner's authorisation to the Airs Bradbury Renewal Project Stage 1 subdivision Development Application subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land.
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Committee Note: Ms Hierzer and Ms Michell addressed the Committee in opposition to the proposed loss of Baden Powell Reserve.

Ms Rignold addressed the Committee in support of the proposed Airs/Bradbury Voluntary Planning Agreement.

Committee's Recommendation: (Dobson/Thompson)

1. That Council make a submission to the Department of Planning and Infrastructure regarding Urban Growth's modification application no. MP10-0186 MOD 1 advising that:
 - a. no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airs Bradbury Renewal Project, in the best interests of the community.
 - b. Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.
2. That Council formally acknowledge the letter of offer from the NSW Land and Housing Corporation dated 9 May 2013 and confirm its commitment to enter into a Voluntary Planning Agreement endorsed by Council for the delivery of public amenity and infrastructure services associated with the Airs Bradbury Renewal Project.
3. That the Mayor and General Manager urgently arrange a meeting with the Premier of NSW and the Minister for Planning to discuss the overall redevelopment plans and issues for Airs as outlined in the report and Council's request that additional consideration be given to the retention of the whole of Baden Powell Reserve, the retention of the whole of Kevin Wheatley VC Reserve, the retention of the existing bush land and Smith's Creek environmental area as well as the Amarina Child Care Centre.
4. That the General Manager be Delegated Authority to provide owner's authorisation to the Airs Bradbury Renewal project Stage 1 Subdivision Development Application, subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council the proponent is required to be the owner of that land.

CARRIED

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

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

Council Meeting 13 August 2013

Having declared an interest in regard to Item 3.7, Councillors Hawker and Lake left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

LOST

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

Voting against the Committee's Recommendation were Councillors: Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound and Oates.

Motion: (Kolkman/Chanthivong)

1. That Council make a submission to the Department of Planning and Infrastructure regarding Urban Growth's modification application no. MP10-0186 MOD 1 advising that:
 - a. no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airds Bradbury Renewal Project, in the best interests of the community.
 - b. Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.
 2. That Council formally acknowledge the letter of offer from the NSW Land and Housing Corporation dated 9 May 2013 and confirm its commitment to enter into a Voluntary Planning Agreement for the delivery of public amenity and infrastructure services associated with the Airds Bradbury Renewal Project.
 3. That Council request UrbanGrowth NSW to make amendments to the draft Voluntary Planning Agreement as submitted and associated documentation so that:
 - a. Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation.
 - b. Any newly constructed Community Facilities Centre has exclusive access to at least 20 on site car parking spaces, secured through an appropriate legal mechanism.
 - c. More detailed specifications for the proposed Community Facilities Centre (Option 2) are provided to satisfy Council that the facility can accommodate local community requirements.
 - d. The proposed amenities buildings at both the proposed new Kevin Wheatley VC Reserve and Riley Park are a minimum of 205sqm GFA plus 110sqm awning.
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3.7 Airds Bradbury Renewal Project - Proposed Voluntary Planning Agreement

- e. A minimum 80 off-street spaces are provided at the proposed new Kevin Wheatley VC Reserve playing fields.
 - f. The minimum establishment/early maintenance period for bushland regeneration areas containing EECs is increased from two years to seven years or alternatively additional funds are made available to Council after the initial two year period, sufficient to enable Council to meet its higher establishment and early maintenance obligations for the management of EECs.
 - g. Structural engineering certification, attesting to the integrity of the walls of the pond at Kevin Wheatley VC Reserve, is provided and referred to in the Voluntary Planning Agreement.
4. That upon receipt of the requested amendments (Item nos. 3a to 3g inclusive) to Council's satisfaction, the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan be placed on public notification/exhibition with such public notification/exhibition to be carried out in accordance with the *Environmental Planning and Assessment Act 1979* and Regulations, as soon as possible.
 5. That the General Manager be delegated authority to execute the Agreement with NSW Land and Housing Corporation following public notification/exhibition and subject to any variations arising from community submissions or ongoing negotiations with NSW Land and Housing Corporation and UrbanGrowth NSW, deemed appropriate by the General Manager.
 6. That the General Manager be delegated authority to provide owner's authorisation to the Airds Bradbury Renewal Project Stage 1 subdivision Development Application subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land.
 7. That in negotiating the finer details of the Voluntary Planning Agreement Council officers explore the notion of retaining Baden Powell Reserve.

Amendment: (Mead/Thompson)

1. That Council make a submission to the Department of Planning and Infrastructure regarding Urban Growth's modification application no. MP10-0186 MOD 1 advising that:
 - a. no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Airds Bradbury Renewal Project, in the best interests of the community.
 - b. Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works In Kind Agreements with Council to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, in accordance with the draft Voluntary Planning Agreement as amended and endorsed by Council.
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3.7 Airds Bradbury Renewal Project - Proposed Voluntary Planning Agreement

2. That Council formally acknowledge the letter of offer from the NSW Land and Housing Corporation dated 9 May 2013 and confirm its commitment to enter into a Voluntary Planning Agreement for the delivery of public amenity and infrastructure services associated with the Airds Bradbury Renewal Project.
 3. That Council request UrbanGrowth NSW to make amendments to the draft Voluntary Planning Agreement as submitted and associated documentation so that:
 - a. Council is the responsible management authority for any newly constructed Community Facilities Centre, from the commencement of its operation.
 - b. Any newly constructed Community Facilities Centre has exclusive access to at least 20 on site car parking spaces, secured through an appropriate legal mechanism.
 - c. More detailed specifications for the proposed Community Facilities Centre (Option 2) are provided to satisfy Council that the facility can accommodate local community requirements.
 - d. The proposed amenities buildings at both the proposed new Kevin Wheatley VC Reserve and Riley Park are a minimum of 205sqm GFA plus 110sqm awning.
 - e. A minimum 80 off-street spaces are provided at the proposed new Kevin Wheatley VC Reserve playing fields.
 - f. The minimum establishment/early maintenance period for bushland regeneration areas containing EECs is increased from two years to seven years or alternatively additional funds are made available to Council after the initial two year period, sufficient to enable Council to meet its higher establishment and early maintenance obligations for the management of EECs.
 - g. Structural engineering certification, attesting to the integrity of the walls of the pond at Kevin Wheatley VC Reserve, is provided and referred to in the Voluntary Planning Agreement.
 4. That upon receipt of the requested amendments (Item nos. 3a to 3g inclusive) to Council's satisfaction, the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan be placed on public notification/exhibition with such public notification/exhibition to be carried out in accordance with the *Environmental Planning and Assessment Act 1979* and Regulations, as soon as possible.
 5. That the General Manager be delegated authority to execute the Agreement with NSW Land and Housing Corporation following public notification/exhibition and subject to any variations arising from community submissions or ongoing negotiations with NSW Land and Housing Corporation and UrbanGrowth NSW, deemed appropriate by the General Manager.
 6. That the General Manager be delegated authority to provide owner's authorisation to the Airds Bradbury Renewal Project Stage 1 subdivision Development Application subject to a requirement that prior to the issue of the construction certificate for any access or works applicable to land currently owned by Council, the proponent is required to be the owner of that land.
 7. That in negotiating the finer details of the Voluntary Planning Agreement Council officers explore the notion of retaining Baden Powell Reserve.
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8. That the Mayor and General Manager urgently arrange a meeting with the Premier of NSW and the Minister for Planning to discuss the overall redevelopment plans and issues for Airs.

LOST

Voting for the above amendment were Councillors: Dobson, Greiss, Matheson, Mead, Rowell and Thompson.

Voting against the above amendment were Councillors: Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound and Oates.

WON and became the Motion.

The Motion on being Put was **CARRIED**.

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

Voting against the Council Resolution were Councillors: Dobson, Rowell and Thompson.

Council Minute Resolution Number 173

That the **Motion**, **Moved** Councillor Kolkman **Seconded** Councillor Chanthivong be adopted.

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 2013-2014 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.

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| 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 26/07/2013) | 1 |
| Total completed Class 1 DA appeal matters (as at 26/07/2013) | 0 |
| Costs from 1 July 2013 for Class 1 DA appeal matters: | \$8,857.12 |

1 (a) 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: | \$5,603,01 |
| Status: | Ongoing – listed for hearing on 19 August 2013. |
| Progress: | <p>Matter was before the Court for further conciliation conference on 12 June 2013 where by consent the parties agreed to a schedule of works that once satisfactorily completed would enable the building certificate to be issued.</p> <p>On 13 June 2013 the applicant advised the Court that, after reflection, he had no confidence in the conciliation outcome and sought to have the matter brought back before the Court to enable the matter to be listed for hearing.</p> <p>On 17 June 2013 Council notified the Court that there appeared to be little utility in continuing the conciliation process and agreed that the matter should proceed to hearing.</p> <p>On 18 June the Court terminated the conciliation process and listed the matter for directions hearing on 21 June 2013.</p> <p>On 21 June 2013 the Court gave directions in respect of filing and service of amended contentions and expert evidence, and listed the matter for hearing on 19 August 2013.</p> |

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| 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 26/07/2013) | 0 |
| Total completed Class 1 Order/Notice appeal matters (as at 26/07/2013) | 0 |
| Costs from 1 July 2013 for Class 1 Order/Notices appeal matters: | \$0.00 |

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 26/07/2013) | 1 |
| Total completed Class 4 matters (as at 26/07/2013) | 0 |
| Costs from 1 July 2013 for Class 4 matters | \$6,810.22 |

| | |
|---------------------------|--|
| 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: | \$32,427.98 |
| Status: | Ongoing – Listed for further directions hearing on 23 August 2013. |
| Progress: | On 28 June 2013, the Court, by consent of the parties, gave directions in respect of a revised timetable for filing and service by the respondents of their points of defence to Council's fresh affidavits, and adjourned the proceedings to 23 August 2013 for further directions hearing. |

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 26/07/2013) | 0 |
| Total completed Class 5 matters (as at 26/07/2013) | 0 |
| Costs from 1 July 2013 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 26/07/2013) | 0 |
| Total completed Class 6 matters (as at 26/07/2013) | 0 |
| Costs from 1 July 2013 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 26/07/2013) | 0 |
| Total completed Appeal matters (as at 26/07/2013) | 0 |
| Costs from 1 July 2013 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 26/07/2013) | 7 |
| Total completed Local Court Matters (as at 26/07/2013) | 0 |
| Costs from 1 July 2013 for Local Court Matters | \$0.00 |

File No: LP09/13 – Penalty Notice Court Election
Offence: Disobey no parking sign.
Act: *Road Rules 2008*

Costs to date: \$0.00

Status: Completed

Progress: The matter was before the Court for hearing on 23 July 2013, the defendant, Phillipa Ann Lyon maintained her not guilty plea. After hearing the evidence and submissions the Magistrate found the offence proved and imposed a fine of \$100.

File No: LP12/13 – Penalty Notice Court Election
Offence: Own dog that rushes at, attacks, bites, harasses or chases person and animal – not dangerous dog.
Act: *Companion Animals Act 1998*
Costs to date: \$0.00
Status: Ongoing – listed for hearing on 5 August 2013.
Progress: The matter was before the Court for first mention on 28 May 2013, where the defendant entered a not guilty plea. The proceedings have been listed for defended hearing on 5 August 2013.

File No: LP13/13 – Penalty Notice Court Election
Offence: Owner not prevent dog escaping – not dangerous dog.
Act: *Companion Animals Act 1998*
Costs to date: \$0.00
Status: Ongoing – listed for hearing on 5 August 2013.
Progress: The matter was before the Court for first mention on 28 May 2013, where the defendant entered a not guilty plea. The proceedings have been listed for defended hearing on 5 August 2013.

File No: LP14/13 – Penalty Notice Court Election
Offence: Own dog uncontrolled in a public place – not dangerous dog.
Act: *Companion Animals Act 1998*
Costs to date: \$0.00
Status: New matter – listed for first mention on 3 September 2013.
Progress: Listed for first mention on 3 September 2013.

File No: LP15/13 – Penalty Notice Court Election
Offence: Stop on path/strip in built-up area.
Act: *Road Rules 2008*
Costs to date: \$0.00
Status: Ongoing – listed for hearing on 7 August 2013.
Progress: The matter was before the Court for mention on 9 July 2013 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 7 August 2013 for hearing.

| | |
|-----------------------|--|
| File No: | LP16/13 – Penalty Notice Court Election |
| Offence: | Stop in bus zone. |
| Act: | <i>Road Rules 2008</i> |
| Costs to date: | \$0.00 |
| Status: | New matter – listed for first mention on 30 July 2013. |
| Progress: | Listed for first mention on 30 July 2013. |

8. Matters referred to Council's solicitor for advice

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

Total Advice Matters (as at 26/07/2013)
Costs from 1 July 2013 for advice matters

1
\$1,965.60

| 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 | \$8,857.12 | \$0.00 |
| Class 1 Land and Environment Court - appeals against Orders or Notices issued by Council | \$0.00 | \$0.00 |
| Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions | \$6,810.22 | \$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 | \$0.00 | \$0.00 |
| Matters referred to Council's solicitor for legal advice | \$1965.60 | \$0.00 |
| Miscellaneous costs not shown elsewhere in this table | \$0.00 | \$0.00 |
| Costs Sub-Total | \$17,632.94 | \$0.00 |
| Overall Net Costs Total (GST exclusive) | \$17,632.94 | |

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lound/Thompson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

4.2 Companion Animals Rescue Fee

Reporting Officer

Acting Manager Compliance Services

Attachments

Submission by 'Doggie Rescue' to waive the Companion Animal Rescue Fee

Purpose

To report on an objection to the \$11 fee (including GST) for the rescue of companion animals from Council's Animal Care Facility.

History

Council at its meeting on 13 December 2011 considered a report regarding the operation of Council's Animal Care Facility (ACF) and resolved in part that Council implement the recommended actions relating to the operation of the Animal Care Facility, as contained in that report.

One of the recommended actions contained in the report was that Council work with animal rescue organisations approved by the Division of Local Government and subject to a written agreement between Council and respective rescue organisations.

Council has to date received 26 applications from rescue organisations. Nineteen organisations have been approved to work with Council, three applications have been refused based on referee feedback from other councils, and four applications are currently under consideration.

Council's Planning and Environment Committee considered a report on the proposed introduction of a fee (\$11 including GST) for the rescue of a companion animal on 9 October 2012. This fee was proposed as rescue groups objected to being charged the regular sale price of an animal, in the absence of a specific fee for animal rescue, and also to recover Council's cost of micro-chipping which was incurred prior to release of an animal to them. The proposal to charge an animal rescue fee for recovery of micro-chipping costs was consistent with the practice of Hawkesbury Shire Council, which also charges a small fee for recovery of their direct micro-chipping costs.

The Planning and Environment Committee recommended the \$11 animal rescue fee proposal be advertised for a minimum 28 days in accordance with the requirements of the *Local Government Act 1993*. This recommendation was adopted by Council at its Ordinary Meeting on 16 October 2012 and the fee proposal was advertised accordingly.

In an effort to avoid discouraging the continued participation of approved rescue groups in the interim, no fee was applied for animal rescue until a suitable rescue fee was formally adopted by Council.

In the absence of any comment or objection in relation to the exhibition of the proposed rescue fee, Council adopted a recommendation at its Ordinary Meeting on 26 February 2013 that a Companion animal rescue fee of \$11 (including GST) be introduced.

Report

Approved rescue groups, despite the imposition of the rescue fee, continue to actively assist Council with the responsible rehoming of impounded companion animals. A total of 72 dogs have been rescued from Council's ACF since July 2012, 20 of which have been rescued since imposition of the rescue fee in March 2013. Forty - two dogs have been rescued by 'Doggie Rescue' up until the rescue fee was introduced.

Irrespective of the above however, Council has received written representation from 'Doggie Rescue' (attachment 1) advising the animal rescue fee acts as a disincentive to rescue groups and objecting to the fee on the basis that Council receives advantage, through savings on euthanasia expenses (from groups who rescue companion animals from Council's ACF), in addition to the community benefit from lower animal euthanasia rates.

Council currently imposes a fee of \$11 (including GST) for each animal rescued by approved rescue groups. In the event an animal is euthanased, due to its inability to be rescued, sold or claimed, Council pays the contracted vet service a fee of up to \$10 per animal (for animals euthanased at the ACF) or up to \$25 per animal (for animals euthanased at the vet clinic) depending on the size of the animal.

It is advised that having given due consideration to the representation made by 'Doggie Rescue', it is concluded there is merit in supporting the request put forward to abolish the animal rescue fee in light of the positive benefit Council receives from the active participation of rescue groups such as Doggie Rescue, and to encourage their continued commitment to rescuing animals from Council's ACF.

It is considered the financial impact in abolishing the fee will be inconsequential given the community benefit and savings derived from lower euthanasia costs. Therefore, it is recommended that the Companion Animal Rescue Fee be abolished.

Officer's Recommendation

1. That the companion animal rescue fee of \$11 (including GST) be abolished.
2. That Council write to all approved rescue groups advising that the rescue fee has been abolished and that no fee will apply to the rescue of animals from our Animal Care Facility.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Officer's Recommendation be adopted.

Council Minute Resolution Number 165

That the Officer's Recommendation be adopted.

ATTACHMENT 1



ACN 098 918 471, ABN 49 098 918 471



Registered Office and Postal Address: 8 Chiltern Rd, Ingleside, NSW 2101
Phone: 02 9486 3133 **Fax:** 02 94863136 or 02 9997 4421 **Mob:** 0429 044 484
Email: Monika@doggierescue.com
Adoption Centre: 2 McCowan Rd (Cnr Bloodwood Rd), Ingleside, 2101. **Open:** 10am-5pm Tues to Sun

11 July 2013

Mr Paul Curley

Acting Manager Compliance Services
Campbelltown City Council
PO BOX 57
Campbelltown NSW 2560

Dear Mr Curley

We save you the euthanasia cost of the dogs if you waive your "Companion Animal Rescue Fee"

DoggieRescue.com takes dogs from council pounds all over Sydney that are scheduled for destruction. We do not choose dogs but rather we are a service to help those dogs that have no other option but to be down at council pounds.

We are willing to take ONLY THOSE DOGS FROM YOUR POUND THAT HAVE NO OPTION BUT TO BE DESTROYED and SAVE YOUR COUNCIL THE COST OF EUTHANASIA which is in excess of your Companion Animal Rescue Fee.

Council would benefit from this arrangement not only financially but also the community would see that less are being put down and more dogs are going to rescue.

We have an organized and willing team who want to help, but your Council needs to be committed to wanting to reduce the kill rate.

Over a 6 month period, BEFORE your council introduced the Companion Animal Rescue Fee DoggieRescue saved some 40 dogs from your pound that would otherwise be destroyed. Since the introduction of your fee we no longer visit.

Your council pound statistics (first 6 months of 12/13) show that 32% of dogs who enter your pound DIE there and only 23 dogs were given to rescue of more than 1,000 dogs impounded (about 2%) THAT WAS BEFORE THE FEE WAS INTRODUCED.

DoggieRescue is an established charity with Clause 16D of Companion Animals Regulation 2008. It has been in operation since 2001 saving dogs from many council pounds. Indeed we rescue some 350 dogs annually from many council pounds throughout Sydney.

Whilst there are more dogs being killed in NSW than rescue groups are able to save, your recent impost is forcing rescue groups such as ours to concentrate our work with other councils.

DoggieRescue hopes that you see the economic sense of removing this fee and encouraging more rescue groups to help.

I would be pleased to discuss this matter further with you at your convenience.



Monika Biernacki

CEO

DoggieRescue.com

5. GENERAL BUSINESS

5.1 Suburb Signage

Councillor Oates noted that a number of years ago Council were erecting suburb signage across the city which also detailed the background of the suburb name.

Councillor Oates requested that a report be presented regarding the location/condition of the current signage and investigating the potential of extending the program to other suburbs that were not included in the initial program.

Committee's Recommendation: (Oates/Kolkman)

That a report be presented regarding the location/condition of the current suburb signage and investigating the potential of extending the program to other suburbs that were not included in the initial program.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 165

That the Committee's Recommendation be adopted.

5.2 Picket Fencing - Wood Park, Ingleburn

Councillor Thompson noted that the picket fencing, surrounding the oval at Wood Park, Ingleburn is in poor condition and requires ongoing maintenance at great cost.

Councillor Thompson requested that a report be presented investigating the feasibility of replacing the existing timber picket fencing at Wood Park with metal picket fencing.

Committee's Recommendation: (Thompson/Rowell)

That a report be presented investigating the feasibility of replacing the existing timber picket fencing at Wood Park with metal picket fencing.

CARRIED

Council Meeting 13 August 2013 (Greiss/Thompson)

That the Committee's Recommendation be adopted.

Council Minute Resolution Number 165

That the Committee's Recommendation be adopted.

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 9.48pm.

G Greiss
CHAIRPERSON
