

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 7 October 2014.

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 7 October 2014

Present Councillor G Greiss (Chairperson)
Councillor R Kolkman
Councillor D Lound
Councillor A Matheson
Councillor M Oates
Councillor T Rowell
Councillor R Thompson
General Manager - Mr P Tosi
Director Planning and Environment - Mr J Lawrence
Acting Director Planning and Environment - Mr J Baldwin
Manager Community Resources and Development - Mr B McCausland
Manager Waste and Recycling Services - Mr P Macdonald
Manager Sustainable City and Environment - Mr A Spooner
Manager Governance and Risk - Mrs M Dunlop
Executive Assistant - Mrs K Peters

Apology nil

Also in Attendance

Councillor S Dobson

At the conclusion of the City Works Committee Meeting, Councillor Mead attended the Planning and Environment Meeting.

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

Councillor Thompson - Item 2.1 - Draft Ingleburn Structure Plan - Councillor Thompson advised that he owns property within the vicinity of the Draft Ingleburn Structure Plan and left the Chamber and did not take part in debate nor vote on the matter.

Non Pecuniary – Significant Interests - nil

Non Pecuniary – Less than Significant Interests

Acting Director Planning and Environment - Item 2.2 - Joint Regional Planning Panel Application - Development Application 1418/2014/DA-RA: Mixed Use Development - 18-22 Broughton Street, Campbelltown - The Acting Director Planning and Environment advised that he is reporting to the Joint Regional Planning Panel on this matter and that he will leave the Chamber during the debate.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. SUSTAINABLE CITY AND ENVIRONMENT

2.1 Draft Ingleburn Structure Plan

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Draft Ingleburn Structure Plan - support document (distributed under separate cover - due to being unavailable at time of printing)
2. Draft Ingleburn Structure Plan (distributed under separate cover - due to being unavailable at time of printing)

Purpose

To seek Councils endorsement to place the Draft Ingleburn Structure Plan and Draft Ingleburn Structure Plan Support Document, on public exhibition.

History

Council at its meeting on 10 September 2013 resolved to prepare a new Structure Plan for Ingleburn. Specifically the Council resolved:

That Council expedite the preparation of an integrated structure plan for the Ingleburn Business Centre that addresses land use, development, traffic and transport planning and management as well as car parking, with the aim that a draft of the structure plan be finalised by 30 June 2014.

Historically, developing a long term plan for Ingleburn has challenges for Council, due to divergent views held within the community and in particular opinions regarding building height. Council staff in recognising this history, have approached this project differently.

A program was put forward that would see the community's input as the first step in the planning process. Rather than responding to a Council derived plan, the community would be asked to become involved in the planning process and actively contribute to the development of the Ingleburn Structure Plan. This process was aimed at not only engaging the community at the inception stage but also at developing a plan that was likely to enjoy a broader level of support from the community.

In addition to this a clear set of growth targets for Ingleburn were articulated to the community. These targets would form a basis for discussion over the future development and form of the Ingleburn business centre and its immediate environs. The targets for the project were:

- 3000 new dwellings
- 25,000sqm of new retail/commercial floor space

Council's community consultation process was launched at the Ingleburn Alive Festival on 15 March 2014 and progressed over a four week consultation period. Council received considerable feedback from the community through a variety of means including by face to face discussions, community design workshops, online surveys, emails, letters and telephone. The results of the community consultation were analysed and a draft Ingleburn Structure Plan was developed.

Councillors received a briefing on the draft Ingleburn Structure Plan on 23 September 2014. This report provides a summary of the outcomes of the consultation and presents the draft Ingleburn Structure Plan for Council's consideration for endorsement to proceed to public exhibition.

Report

Community Consultation Program

To help facilitate community involvement in the preparation of the draft structure plan for Ingleburn, a number of opportunities were devised for the public to become aware and involved in the project. This initially involved a mail out to all Ingleburn residents, an information stall at Ingleburn Alive and advertisements in the local papers. In adopting these varying communication strategies it was hoped to capture the widest possible cross section of views held by the community. Through each of these mediums, residents were informed of the community design workshops and directed to a specifically created project web site (Bang the Table).

The web site in particular offered community members an opportunity to ask questions and seek inputs from the community at their convenience. It also provided a mechanism to regularly update the public on progress with the project. During the four week consultation period the website received over 2000 hits and 135 contributions. Over 150 people also registered creating an important mailing list to help continue to keep residents informed.

The final element of the consultation program involved a series of community design workshops. The workshops were purposely structured to 'step' the community through the design process to 'imagine' the future, understand the present, and design a plan which built upon people's understanding of the 'present', and which delivered on their image for the future. Initially Council rescheduled three workshops. However the success/demand from the community saw this increase to seven. Across these workshops over 130 people were involved and sixteen unique plans were developed for Ingleburn.

At the conclusion of this process, Council staff reviewed all of the plans and other information supplied by the community and developed a preferred draft structure plan.

Outcomes of the Community Consultation

As part of the consultation program the community was asked to respond to a number of questions 'online' in addition to the work undertaken as part of the community design workshops. Across the program, the community was 'polled' to ask:

- Ingleburn should be? (Online and Community Design Workshop)
- how often to you visit Ingleburn? (Quick Poll – online)
- what was the main purpose for your visit to Ingleburn? (Quick Poll – online)
- how should we get around? (Discussion – Online)
- Housing Choice Survey (Survey – Online)
- strengths/weakness and opportunities threats (Community Design Workshop)
- community designed structure plans (Community Design Workshop)

A summary of the responses/outcomes of each of these elements is provided below.

Ingleburn should be:

Participants were asked to imagine their future, what Ingleburn should be, be it either a place filled with restaurants, a place that people can walk to buy their groceries, a place that provides for a choice of housing types, a place that families can take their children to play or should it be something altogether different or mix of all of the above.

In identifying key response themes, the use of the same or similar broad ideas was noted and grouped. This approach resulted in four key themes being identified:

- **Restaurant/Cafe Culture** – a high percentage of responses identified the desire for Ingleburn to have more restaurants and cafes. Associated with this were ideas associated with a desire to entertainment (theatre/music), longer trading hours, and improved pedestrian amenity
- **improved retail experience** – a large number of responses highlighted the declining retail mix and need to visit other centres to purchase certain types of items e.g. clothing. The overarching theme linking these responses was the desire for Ingleburn to be able to provide for all of the local needs of the community that it serves.
- **physical appearance** – the physical appearance of both the shops and Oxford Road were major issues. The need to improve the pedestrian amenity of both the public and private spaces was nominated as a key issue that needed to be addressed.
- **village feel** – the most consistently referred to theme amongst the responses was the desire for Ingleburn to retain its 'village' feel. While ideas around development, height, restaurants community facilities and/or shops were common, almost all the submissions received referred to the need to retain Ingleburns' unique 'village' feel and character.

How often to you visit Ingleburn/what was the main purpose for your visit to Ingleburn

Despite the community raising a range of issues effecting their satisfaction with Ingleburn in the first poll, they continue to frequent the centre on a regular basis. The second poll showed the impact of the supermarkets which are now the primary anchors in Ingleburn. It also highlighted the significant challenge with developing Ingleburn as an 'eat street' destination with only two respondents (representing 4%) saying they currently visit Ingleburn to dine.

How should we get around?

A discussion board was posted on the website asking how issues around parking, traffic and pedestrian movement could be managed. While only three direct responses were received, a large number of comments were received as part of the "Ingleburn should be" exercise.

The major issues nominated included:

- the need for designated commuter parking
- improved east/west connections for both vehicles and pedestrians
- pedestrian safety should be improved via traffic calming
- the need to upgraded train station
- an improved bus/rail Interchange
- utilisation of land on the western side of the railway line for buses and commuter parking
- the need for restricted bus access to Oxford Road

Housing Choice Survey

One of the important feedback topics included on the website dealt with Housing Choice Survey. Participants were asked to preference rate a range of development types across the following:

- small lot - single 2 storey detached dwellings on lots less than 275sqm
- terrace housing – 2-3 storey attached terrace houses
- low rise apartments - apartment buildings up to 4 storeys
- mid rise apartments - apartment buildings up to 8 storeys
- mixed use development - developments incorporating commercial and/or retail development plus apartments (up to 6 storeys)
- high rise apartments - apartment buildings up to 14 storeys

A total of 49 responses were received to the housing choice survey. The results are included as part of attachment 1. Broadly speaking lower density development had higher levels of support. It should be noted that in some cases there were significant differences between building examples provided within the same development category. It was concluded that this related to the perceived quality and/or desirability of the individual examples shown. This may suggest that the higher the quality of development the greater the community's support/acceptance will be of the respective type of development.

The other major finding of the survey was that despite mid-rise development (6-8 storeys) generally not being supported, mixed use development of a similar scale was supported. From this it can be concluded that respondents were more likely to support mid-rise mixed use development that was located adjacent to the existing centre due to the added vitality that this form of development brings to a 'centre' environment.

Strengths/Weakness/Opportunities/Threats (SWOT)

A SWOT analysis (or SWOT matrix) is a structured planning method used to evaluate the strengths, weaknesses, opportunities, and threats related to a project. In this instance the SWOT analysis was used to evaluate Ingleburn Town Centre as a 'place'.

Participants in the community design workshops were asked, (within groups), to evaluate Ingleburn Centre.

Across the workshops, there was an overall consistency in responses from both the community and business. Below is presented a summary of the outcomes of this exercise.

STRENGTHS	OPPORTUNITIES
Service Industry (Banks, Real Estate, Medical Centre etc) Public Transport Network (Rail and Bus) Government Services (Centrelink, Medicare, Library) Industrial Development/Employment Accessibility (M5/M7, Airport, City, Parramatta) Supermarket (Coles and Woolworths) Unique Village Character	Existing at grade car parks Relatively low capital investment presents redevelopment opportunities Improve east/west connection through new bridge Mixed Use Development provides the opportunity to increase the retail opportunities, centre based employment and residential growth. Significant open space areas surround Ingleburn could be better utilised with improve connections
WEAKNESSES	THREATS
Car Parking (Commuter and Visitor) Physical Appearance/Public Amenity Declining Retail Mix Limited Operating Hours Lack of convenient East/West connection across railway lines Open Space – lack of accessible/integrated Lack of night time activity/entertainment	Government Policy Edmondson Park Minto Mall/Glenquarie Continued lack of investment

Community Designed Structure Plans

The final element of the community consultation that was undertaken was a series of design workshops. These workshops invited members of the public to take a hands-on approach to the issues that are confronting Ingleburn, and help to develop a plan to address at least some of those matters.

The process of developing these plans allowed Council staff to work with members of the community to design and develop ‘their’ envisaged structure plan for Ingleburn. In doing this, staff, and the participants, were able to discuss issues and the consequences of decisions that might be made.

The process resulted in a variety of outcomes. Council officials sought to find common ground in the proposals, establish the consistent themes and balance the outcomes with the objectives of the project in the context of a pragmatic logical planning process.

While there was general consensus around the land use elements of the structure plan the same could not be said for issues involving height and/or development density. The views surrounding desired heights/density varied greatly from 2 storeys to in excess of 14 storeys. The eventuating proposed plan seeks to provide a range of heights which both respond to the comments from the community and deliver on Ingleburn's growth targets.

Ingleburn Structure Plan

Following the compilation of the results arising from the consultation program, the process of developing the structure was undertaken by planning staff and a specialist urban design/planning consultant. From the feedback received during the consultation period it was determined that there were three key design philosophies that could be adopted and form the basis of the structure plan. The adopted design philosophies to underpin the structure plan were:

- the village – Ingleburn presents as a village and the overarching commentary from the community was that they wished this feeling to be retained. This philosophy is reflected most through the retention of the existing 2 storey height which dominates buildings that have frontage to Oxford Road.
- the dense core – This philosophy envisions higher and more intense development elements located within a relatively small area. Located 'behind Oxford Road, a small area has been designated as allow for heights of 6-8 storeys of mixed use character.
- the vibrant centre – There was a strong desire to see Ingleburn evolve into a centre which does not "close" at 5.00pm. This philosophy manifests itself in ideas associated with the provision of new public space, improve amenity and ideas around new community events. The 'Eat-Street' potential of Oxford Road is an important opportunity.

These design philosophies were then articulated in the vision that has been proposed as part of the structure plan. The proposed vision states:

Ingleburn Town Centre will be a thriving hub of community exchange and interaction within a vibrant attractive urban centre. Focused on the provision of support services, a café/dining culture and distinctive retailing and other commercial opportunities the Ingleburn Town Centre will provide an unsurpassed and sustainable main/high street experience within south western Sydney.

Future development will bring with it a new aesthetic that reflects the uniqueness of the Ingleburn Town Centre helping to revitalise the centre as a place to live, invest and work. The height and density of new developments will be managed to ensure key features of the Town Centre such as village feel and pedestrian amenity are maintained and enhanced. Traffic management, carparking and public transport accessibility will be paramount

The structure plan

The structure plan itself is a product of the community consultation conducted by Council, and has been chosen by the above vision statement.

The draft Ingleburn Structure Plan is presented in two parts, the draft Ingleburn Structure Plan (see attachment 2) and the draft Structure Plan - Support Document (see attachment 1). The structure plan outlines the proposed land use, heights and movement corridors. The draft structure plan -Supporting Document provides the background/history, analysis, community consultation and key concepts that have influenced the shaping of the Structure Plan.

The draft Ingleburn Structure Plan highlights the

1. re-enforcement of Oxford Street as the focus of community interaction and main street activity (recreational, retail, commercial and community)
2. introduction of mixed use developments to allow for the expansion of commercial/retail opportunities
3. introduction of higher density living opportunities and to underpin the centres long term economic and social viability
4. the expansion of medium density housing adjacent to the perimeter allowing for the intensification of land use without significantly impacting on the existing urban landscape
5. creation of new public spaces and links between the centre and Milton Park an important centre and community resource.

Building heights

The building heights proposed by the draft Ingleburn Structure Plan focus development around the Oxford Road core. A height limit of 8 storeys (across a limited number of sites) is the maximum height proposed by the draft Ingleburn Structure Plan. This maximum height is balanced with a range of other limits including 6, 4, 3 and 2 storeys. It is considered that these heights represent a balanced response to the feedback received from the community to meet the centres growth targets.

Future work

It should be noted that the draft Ingleburn Structure Plan presents a vision for the desired future development of Ingleburn centre. It establishes a planning and management framework to help guide development and land use decisions to achieve sustainable environmental, social and economic objectives. Due to the scale of a structure plan it cannot provide answers to all of the issues that may arise, rather it sets an agreed overall direction which must then be further refined and tested through more detailed investigations such as a masterplan and traffic/parking study. As part of the development of the structure plan the following issues were identified as requiring additional consideration once the structure plan has been finally adopted by Council:

- access and parking
- flooding/drainage
- public amenity and space
- detail design controls for built form

Conclusion

The draft Ingleburn Structure Plan is a strategy document that aims to set the direction for Ingleburn for the next 20+ years. From the outset it has clearly articulated targets which were communicated to the public as a way to frame the community's consideration over how Ingleburn should develop. Through a multi-faceted and comprehensive consultation process, Council was able to garner the thoughts, ideas and issues of a wide cross section of the Ingleburn community. This information has been at the centre of 'thinking' during the development of the draft structure plan.

The Draft Ingleburn Structure Plan creates the potential to reach the project targets. It takes into consideration the community's feedback and business needs. The draft structure plan seeks to create an environment in which Ingleburn can aim to renew itself while retaining its unique character. It is this character which not only endears Ingleburn to its community but can be its best feature to attract new commercial investment based on Ingleburn's potential 'points of difference' offering it to the wider community as a unique centre in south western Sydney.

Therefore it is recommended that Council adopt the draft Ingleburn Structure Plan for the purpose of public exhibition over a period of 28 days using a similar process and methods to the initial community consultant phase. Once the exhibition is completed, a further report will be submitted to Council that reviews any public submissions and the need for any further refinements before final endorsement by Council. Once endorsed, the additional required work relating to traffic and parking, drainage, detailed design controls and the like, can be undertaken as part of the next stage of planning for Ingleburn.

Officer's Recommendation

That Council adopt the draft Ingleburn Structure Plan and Ingleburn Structure Plan - Support Document as contained in attachments 1 and 2 for the purpose of public exhibition over a period of 28 days.

Committee Meeting 7 October 2014

Having declared an interest in regard to Item 2.1, Councillor Thompson left the Chamber and did not take part in debate nor vote on this item.

Committee's Recommendation: (Greiss/Rowell)

That Council staff review the proposed density and design for the draft Ingleburn Structure Plan and report back to Council prior to the Public Exhibition to ensure that the recommended planning controls are sustainable.

CARRIED

At the conclusion of the discussion regarding Item 2.1, Councillor Thompson returned to the Chamber for the remainder of the meeting.

Council Meeting 14 October 2014

Having declared an interest in regard to Item 2.1, Councillor Thompson left the Chamber and did not take part in debate nor vote on this item.

Council Meeting 14 October 2014 (Greiss/Mead)

That the Committee's Recommendation be adopted.

LOST

Council Meeting 14 October 2014 (Kolkman/Brticevic)

That the Officer's Recommendation be adopted.

Amendment: (Greiss/Mead)

1. That Council adopt the draft Ingleburn Structure Plan and Ingleburn Structure Plan - Support Document as contained in attachments 1 and 2 for the purpose of public exhibition over a period of 28 days.
2. That Council engage a consultant to evaluate the sustainability of the plan within the 28 day exhibition period.
3. That the Council refers the draft plan to the Department of Planning for their comment.

LOST

Council Resolution Minute Number 185

That Council adopt the draft Ingleburn Structure Plan and Ingleburn Structure Plan - Support Document as contained in attachments 1 and 2 for the purpose of public exhibition over a period of 28 days.

At the conclusion of the discussion regarding Item 2.1, Councillor Thompson returned to the Chamber for the remainder of the meeting.

2.2 Joint Regional Planning Panel Application - DA 1418/2014/DA-RA: Mixed Use Development - 18-22 Broughton Street, Campbelltown

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Site Analysis Plan (contained within this report)
2. Basement Carpark Plan (Upper) (contained within this report)
3. Site/Ground Floor Plan (confidential - for privacy reasons these are not available to the public)
4. Typical Floor Plan (confidential - for privacy reasons these are not available to the public)
5. Street Elevation (contained within this report)
6. Rear Elevation (contained within this report)
7. Photomontage (contained within this report)

Purpose

To advise Council of a development application that has been received for a mixed use (retail and residential apartment) development that qualifies for determination by the Joint Regional Planning Panel for Western Sydney (JRPP).

Council is also requested to authorise the Director Planning and Environment to make a submission to the Joint Regional Planning Panel prior to the Panel's determination of the proposal.

Property Description	Lots 2 and 3 DP 524225, Lot 6 DP 38830 No. 18 - 22 Broughton Street, Campbelltown
Application No	1418/2014/DA-RA
Applicant	MKD Architects
Owners	Elali Investments (Lots 2 and 3) Mr Hugh McConville and Peter Benson P/L (Lot 6)
Statutory 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 2012
Date Received	12 June 2014

Report

Introduction

The JRPP has assumed Council's usual role as consent authority for the determination of the subject application in accordance with Part 4 of State Environmental Planning Policy (State and Regional Development) 2011. This policy applies to development that has a capital investment value of more than \$20m. The subject proposal has a nominated capital investment value of \$23.8m.

A detailed assessment addressing all prescribed considerations under the *Environmental Planning and Assessment Act 1979* is being separately prepared for the consideration of the JRPP. This process is being undertaken by JRPP appointed staff.

It is relevantly noted that the application has been publicly exhibited and no submissions have been received.

Given the determination role of the JRPP, the following report provides a general summary of the proposed development with the focus on identifying potential issues and concerns that Council may wish include in a submission to the JRPP, should it deem that a submission is appropriate.

Development Proposal

A development application has been received to demolish an existing single storey restaurant building ("El Gustos Ristorante") at Nos 18 - 20 Broughton Street, Campbelltown, and construct a mixed use retail and residential apartment development over the restaurant site and adjoining vacant allotment (No.22 Broughton Street).

The development site is located on the northern side of Broughton Street, adjoining the existing Caltex Service Station at the intersection of Queen Street. Vehicular access to the existing restaurant car parking area is from Broughton Street.

The subject development site comprises three adjoining allotments and is irregular in shape. The property has a total area of 2962 square metres, with a frontage of 60 metres to Broughton Street and depth of approximately 53 metres. The front portion of the site is affected by a Council road widening acquisition (Zone 5c) which has been factored into the design of the proposed development.

The two adjoining properties at the rear are developed with a four storey residential flat building (accessed from King Street) and a single level commercial building (accessed from Queen Street). The property adjoining to the east is a low scale commercial use within an adapted dwelling.

The site is generally level, with a gradual fall towards the rear boundary of approximately 1.5 - 2 metres over the depth of the site. There is an existing electrical substation located in the corner of the site near the Broughton Street frontage.

The subject development proposes a mixed use ten storey high residential and retail development, accommodating 92 residential apartments in a mix of one, two and three bedroom arrangements, three ground level shops (Broughton Street) and on-site parking for a total of 144 cars.

Vehicular access to the development is proposed from a shared driveway located on the north-western side of the site, adjoining the existing service station. On-site parking for 132 cars is provided within two basement levels, in addition to 12 car spaces at ground level behind the proposed retail tenancies. A common waste storage and pick-up area for the development is also located adjacent to the ground level parking area.

Relevant Matters for Consideration

The subject land is zoned Part 10(a) Regional Comprehensive Centre Zone and Part 5(c) Road Widening under Campbelltown (Urban Area) Local Environmental Plan 2002. The site is strategically located in proximity to the Campbelltown City Centre, and the proposed development is considered to be consistent with the core objectives of the zone relating to economic and employment growth.

The proposed built form generally complies with the setbacks, height, bulk and scale requirements of Council's relevant planning controls, reflecting the higher order development outcomes sought by Council for the promotion of Campbelltown as an emerging regional centre.

The building design is considered to adequately respond to its site context by emphasising an architectural presentation for the alternate elevations to the main Broughton Street frontage. This acknowledges that the proposed building would effectively present as a corner gateway site for the Campbelltown CBD, until such time as the adjacent service station and land along Queen Street are redeveloped to a scale more appropriate for the city centre.

The proposed development utilises a "tripartite" design, incorporating a distinct base, middle and top approach to reduce the perceived mass of the building. The roof-form incorporates a floating skillion design to provide visual interest to the streetscape. The Broughton Street presentation of the development incorporates two distinct tower elements, separated by a central open atrium and an innovative landscaped 'green wall'.

Accordingly, it is considered that the development is generally consistent with the high quality land use and building design outcomes required by Council under its relevant planning policies. Subject to the appropriate resolution of all applicable environmental and technical considerations by the JRPP, it is considered that the development has sufficient merit to be supported. In this respect, it is also relevant to note that the application has been publicly exhibited and no submissions have been received.

Notwithstanding, for the purposes of this report, a broad review of the application has been undertaken to identify any potential issues or concerns that Council may include in a submission to the JRPP for their consideration prior to the determination. A number of minor issues have been identified and are outlined below.

1. Service Vehicle Access and Design

The JRPP is requested to ensure that the building design properly accommodates service vehicles with respect to:

- garbage trucks accessing the waste storage area, including entering and exiting in a safe manner with suitable height clearance
- provision of a suitable loading area that is accessible to service and delivery vehicles required for the future operation of the proposed commercial tenancies
- mitigating any potential conflict between service vehicles and other users of the development.

2. Road Reserve Dedication

The JRPP is requested to suitably condition any consent to require dedication of the nominated road widening along Broughton Street to Council at no cost.

Additionally, it is requested that any consent issued suitably addresses any public safety issues of the proposed awning structure over the Council footpath.

3. State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)

The JRPP is requested to ensure that all applicable design requirements of SEPP 65 and the associated Residential Flat Design Code are appropriately addressed prior to the determination of the proposal.

Specifically, the following matters are noted:

- Maximising opportunities for cross ventilation and dual orientation of apartments
- Compliance with minimum solar access requirements
- Adequacy of building separation setbacks, including consideration of potential redevelopment outcomes on adjoining sites

4. Car Parking Provision

It requested that any proposed stacked spaces are only assigned to an individual apartment, including the potential allocation of spaces under any future strata subdivision of the building.

All proposed 'shared zones' required for safe access to disabled parking spaces are to be suitably delineated with bollards. Additionally, the JRPP is requested to ensure that the installation of bollards does not impact upon the suitable provision of vehicular manoeuvring areas.

5. Utility Services

The JRPP is requested to ensure that any required fire services equipment (hydrants, boosters etc) located along the street front is suitably integrated into the building design.

6. Crime Prevention through Environmental Design (CPTED)

Council endorses a CPTED analysis being undertaken to optimise safety and security for all users of the development, particularly to the common areas and basement carpark.

Conclusion

- the subject land is zoned Part 10(a) Regional Comprehensive Centre Zone and Part 5(c) under Campbelltown (Urban Area) Local Environmental Plan 2002, and the proposed development is considered to be consistent with the core objectives of the zone relating to economic and employment growth.
- the JRPP have assumed the role of consent authority for the subject application given the relative high capital value of the proposed development.
- whilst it is beyond the scope of this report to provide a parallel assessment of all matters to be considered by the JRPP, a general review of the application has been undertaken and there is considered to be sufficient merit for the proposal to be supported in principle by Council. However, a small number of assessment issues have been identified that should be resolved as part of the determination of the application, and it is therefore recommended that Council should make a submission to the JRPP to ensure these matters are appropriately addressed.

Officer's Recommendation

1. That the information be noted relating to Development Application 1418/2014/DA-RA for the construction of a mixed use development (retail and residential apartment building) at Nos 18 - 22 Broughton Street, Campbelltown.
2. That Council delegate authority to the Director Planning and Environment to make a submission to the South West Sydney Joint Regional Planning Panel requesting that the subject application not be determined until those issues outlined in the body of this report are resolved to Council's satisfaction.

Committee Meeting 7 October 2014

Having declared an interest in regard to Item 2.2, the Acting Director Planning and Environment left the Chamber.

Committee's Recommendation: (Greiss/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

At the conclusion of the discussion regarding Item 2.2, the Acting Director Planning and Environment returned to the Chamber for the remainder of the meeting.

Council Meeting 14 October 2014

Having declared an interest in regard to Item 2.2, Councillors Hawker and Lake and the Acting Director Planning and Environment left the Chamber and did not take part in debate nor vote on this item.

In the absence of the Chairperson, His Worship the Mayor, Councillor Lake, Deputy Mayor Councillor Rowell was elected to Chair the meeting.

Council Meeting 14 October 2014 (Greiss/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 186

That the Officer's Recommendation be adopted.

A **Division** was called in regard to the Resolution for Item 2.2 - Joint Regional Planning Panel Application - DA 1418/2014/DA-RA: Mixed Use Development - 18-22 Broughton Street, Campbelltown with those voting for the Motion being Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lound, Matheson, Mead, Oates, Rowell and Thompson .

Voting against the Resolution was Councillor: Dobson.

At the conclusion of the discussion regarding Item 2.2, Councillors Hawker and Lake and the Acting Director Planning and Environment returned to the Chamber for the remainder of the meeting. His Worship the Mayor assumed the Chair for the remainder of the meeting.

2.3 Proposal to Create a New Suburb of Macarthur

Reporting Officer

Manager Sustainable City and Environment

Attachments

1. Map showing the boundaries of the proposed suburb of Macarthur (contained within this report)
2. Map showing current suburb boundaries (contained within this report)

Purpose

To provide Council with information regarding a proposal to create the new suburb of 'Macarthur' within the Campbelltown Local Government Area (LGA) for its consideration.

History

Council has received a request from UrbanGrowth NSW to consider a proposal to create a new suburb named Macarthur within the Campbelltown LGA.

Report

Origins of the Name 'Macarthur' Proposed for the New Suburb:

The proposed suburb name is derived from the surname of John Macarthur, who arrived in Port Jackson as a lieutenant in the New South Wales Corps with his wife Elizabeth on 28 June 1790. He is credited by many historians as the founder of the Australian wool industry through the introduction and breeding of merino sheep at his Camden Park Estate.

Proposed Boundaries of the New Suburb:

The boundaries of the new suburb of Macarthur, as identified in the proposal by UrbanGrowth NSW, are shown on the map included as an Attachment 1 to this report. The land proposed to be included within the new suburb currently comprises part of the suburb of Campbelltown and the proposed boundaries predominantly follow the alignment of major roads and the Main Southern railway line. The current suburb boundaries surrounding the area proposed for the suburb of Macarthur are shown on the map included as attachment 2.

The proposed extent of the new suburb includes the existing development areas of Macarthur Gardens and Park Central, along with Macarthur Heights (currently under development by UrbanGrowth NSW on residue land to the south west of the University of Western Sydney (UWS) Campbelltown Campus) and Macarthur Gardens North (proposed to be developed on land located on the northern side of the Main Southern railway line, adjacent to the southern extent of the UWS and TAFE campuses). Also proposed to be included within the new suburb are the Macarthur Square Shopping Centre, Macarthur Railway Station, Campbelltown Public and Private Hospitals, the Illawarra Retirement Trust, Marketfair Shopping Centre, the Macarthur Gardens Retirement Village, the TAFE NSW Campbelltown College and the UWS Campbelltown Campus.

Assessment of the Proposal against the Geographical Names Board's Criteria:

The Geographical Names Board of NSW (GNB) is the authority responsible for the creation of new suburbs under the provisions of the *Geographical Names Act 1966*. The GNB provides seven criteria to be used as guidelines when determining whether an area warrants the creation of a new suburb.

1. Does the proposed suburb represent a new community?

As previously mentioned in this report, the area proposed to be included within the new suburb of Macarthur has been identified by UrbanGrowth as a distinct regional centre from the early 1970s. UrbanGrowth considers that the area exhibits the characteristics of a separate community with a retail/commercial area, surrounding residential developments, transport facilities, recreational facilities and areas of open space. Although these elements may form part of a community it does lack other facilities and services, such as a primary school or community centre, which generally characterise a new and separate community.

2. Does the Proposed Suburb have a unique character compared to surrounding areas?

Within its proposed suburb boundaries there are facilities not found in the surrounding areas, such as tertiary education facilities and a major hospital. UrbanGrowth consider the large, modern retail centres located within the proposed suburb to be a contrast to the nearby traditional main street shopping centre of Queen Street, and that the predominantly medium and high density residential development contrasts with the lower density residential development in the surrounding suburbs of Glen Alpine, Ambarvale, Bradbury and Blair Athol.

3. Is there a significant change of land use?

All of the land within the proposed suburb is currently zoned 10(a) Regional Comprehensive Centre Zone under the Campbelltown (Urban Area) Local Environmental Plan 2002, in keeping with the original intention to develop this area as a regional centre. As noted previously with regards to the character of the area, this has resulted in a number of land uses within the proposed suburb that are not found elsewhere in the Campbelltown LGA. However, it should be noted that the current 10(a) Regional Comprehensive Centre Zone also extends to the nearby Campbelltown business area adjoining Queen Street. This zoning allows for similar land uses to those permissible within the proposed suburb and may lead in the future to a less significant change in land use between these two adjacent areas. Under the Draft Campbelltown Local Environmental Plan 2014, the proposed B3 Commercial Core and B4 Mixed Use zonings are also present in both of these locations.

4. Is the proposed suburb isolated physically from the surrounding suburbs?

Some portions of the proposed suburb are physically isolated from other suburbs (e.g. the Campbelltown Golf Course, Narellan Road and the M31 Motorway). However, the selection of major roads and the Main Southern railway line serve to also physically separate (isolate) parts of the proposed suburb from other parts of the proposed suburb, potentially resulting in some degree of disconnection within.

5. What is the vehicular and pedestrian access?

Vehicular access to the proposed suburb is primarily from arterial or sub-arterial roads, a number of which also form the proposed suburb boundaries. There are existing vehicular and pedestrian linkages to the Queen Street commercial centre area, however vehicular access between the north-western and south-eastern portions of the proposed suburb is considered circuitous.

6. There must be community acceptance of the new suburb by the community

Carol Liston notes in 'Campbelltown: The Bicentennial History' that the initial selection of Macarthur as the new district name was not a popular choice in Campbelltown as it was felt that this name in its local context only identified with Camden. However, UrbanGrowth argues that local opposition to the use of this name may have diminished over the last 40 years and says that this is evidenced by the extensive support for the recent campaign by a local newspaper to have the Macarthur Region identified specifically in Sydney news and weather reports, and also widespread community acceptance of facilities and organisations that use the Macarthur name such as Macarthur Railway Station, the Macarthur Square Shopping Centre and the Macarthur Regional Organisation of Councils (MACROC).

Notwithstanding the above, it may be equally the case that any proposal to create a new suburb within the Campbelltown LGA, using what is now generally accepted to be the name of the wider region, would not be viewed favourably by the community of the wider Macarthur Region, and in particular the community of Campbelltown.

As such, should the proposal to create the new suburb of Macarthur be approved by Council for public exhibition, it is recommended that both Camden and Wollondilly Shire Councils be notified of the proposal as part of the public consultation process.

7. The name should comply with the GNB's naming guidelines

The GNB's publication 'Guidelines for the Determination of Place names' outlines these requirements. On review, the proposed name Macarthur may not comply with all of those guidelines, with one notable exception being that of guideline number three – 'Names of Aboriginal origin or with a historical background are preferred'.

As previously stated, this name has its primary historical connections with the Macarthur's Camden Park Estate and has only relatively recently been applied to the Macarthur Regional Centre. UrbanGrowth NSW has indicated in their proposal that no alternative name would be pursued should the proposed name of Macarthur not be considered acceptable.

Additional matters to be considered:

1. Inconvenience to current residents

To avoid inconvenience to residents, the optimum time for the creation of a new suburb is either before any development begins or at an early stage in the development of an area. Although there are still major residential areas under development within the proposed suburb, any change of suburb name at this time would still result in a number of residents and businesses having to change their contact details with numerous agencies. The resulting inconvenience has been the primary source of public objections to many similar previous proposals.

At its meeting on 10 September 2013, Council resolved not to endorse a proposal to create the suburb of Park Central. One of the reasons for Council not endorsing this proposal was the number of objections received from the public during the exhibition period, primarily on the grounds of the expense and inconvenience that any change of suburb name would cause. It should be noted that the area that was to be included within the suburb of Park Central under this previous proposal is also included within the boundary of the proposed suburb of Macarthur.

2. Provisions of the Draft NSW Addressing Policy

Land and Property Information NSW (LPI NSW) has recently released its Draft NSW Addressing Policy for consultation and public comment. The final draft of this document is currently being prepared following the completion of its exhibition at the end of August 2014. Although this is not currently an adopted policy, it is expected that the policy should be adopted by the end of 2014.

Given the lengthy time involved in the process to create a new suburb, it is considered appropriate to also take into consideration the principles outlined in the draft Policy when assessing this proposal.

The majority of provisions in this draft policy regarding locality naming and boundaries mirror the current GNB guidelines previously addressed in this report. However, of more significance, Principle 8.1 – Uniqueness and Duplication states that no new suburb name shall be duplicated within NSW or any other state or territory in Australia.

A review of the Australian Gazetteer has revealed that a suburb with the name Macarthur currently exists within the Australian Capital Territory.

The proposed new suburb name would appear to be in direct contravention of the soon to be adopted draft policy, however, it is recommended that should the Council approve the public exhibition of the proposal to create the new suburb of Macarthur, the GNB should be contacted seeking advice on this matter prior to the outcome of the exhibition being reported back to the Council.

3. Potential impacts on emergency services

It is considered that the inclusion of the hospital within the new suburb is not desirable as having Campbelltown Hospital located outside of the suburb of Campbelltown will have a potential to cause confusion in emergency situations. In this regard, the creation of a new suburb of Macarthur that includes the hospital is not recommended.

4. Exclusion of Maryfields Precinct

It is also noted that the proposed suburb boundaries contained in the UrbanGrowth NSW proposal have the potential to leave an isolated section of the suburb of Campbelltown around the property of Maryfields. Although it is undesirable to create such 'pockets' when dealing with suburb boundaries, it is considered that this may only be a short term situation with the potential future development of the Maryfields property possibly leading to this area being incorporated into the adjacent suburb of Blair Athol through a separate proposal.

Outline of the administrative process for the creation of a new suburb

Although any person/entity can make an application to the GNB to create a new suburb, only those proposals that have the concurrence of the local council will be considered by the Board. In this regard, the administrative process of the defining of a suburb, includes the requirement that where the Council is of a mind to consider such an application, it must have publicly exhibited the proposal prior to its making a decision on the matter.

Conclusion

UrbanGrowth has made application to the Council seeking its concurrence to make an application to the GNB for the purposes of creating a new suburb with the name Macarthur. Consideration of the application has found that although there are some aspects of the proposal that may have some relevance to the area, there are a number of issues including the efficiency of response for emergency services, a dislocated suburb due to the Main Southern Railway, and the additional burden and cost for current residents within the area of the proposed suburb, brought about by the need to change their address details as a result of such a change.

Although it could be argued that the proposal to create a new suburb of Macarthur does comply with many aspects of the current GNB guidelines, full regard should be given to the requirements of the draft and imminent NSW Addressing Policy and in particular, the requirement that no new suburb names shall be that of existing suburb names within any other state or territory of Australia. In this regard, the ACT already has a suburb named Macarthur.

In any event, the proposal for the identification of a separate suburb named Macarthur as proposed by UrbanGrowth, does little to support a key planning objective to confirm recognition of Campbelltown as a distinctive and consolidated regional city centre of interconnected precincts with a nominated character and functionality.

In light of the above and in consideration of issues raised the body of the report, it is recommended that Council not support the application for the creation of a new suburb named Macarthur.

Officer's Recommendation

1. That Council not support the application to create a new suburb with the name 'Macarthur'.
2. That Council write to the applicant notifying them of Council's decision.

Committee's Recommendation: (Kolkman/Rowell)

1. That Council not support the application to create a new suburb.
2. That Council write to the applicant notifying them of Council's decision.

CARRIED

Council Meeting 14 October 2014 (Greiss/Borg)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 184

That the Committee's Recommendation be adopted.

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics August 2014

Reporting Officer

Manager Development Services

Attachments

Development Services application statistics for August 2014 (contained within this report)

Purpose

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

Report

In accordance with Council's resolution of 23 August 2005, that Councillors be provided with regular information regarding the status of development applications, the attachment to this report provides details of key statistics for August 2014 as they affect the Development Services section.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Oates/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 October 2014 (Greiss/Borg)

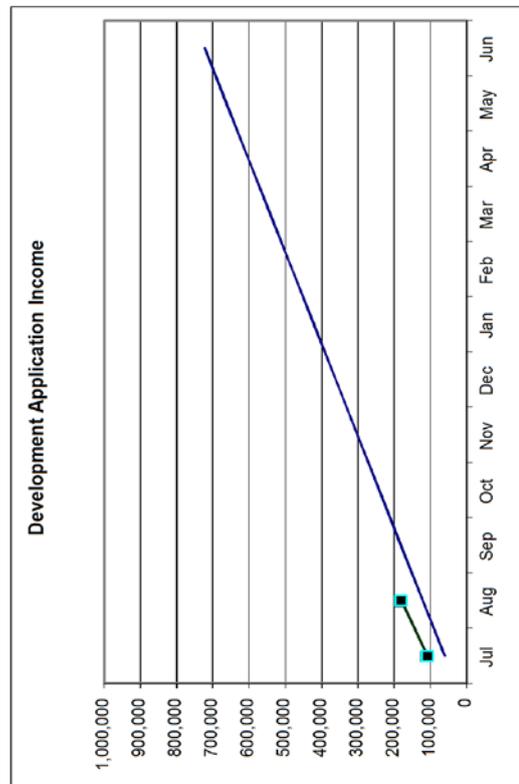
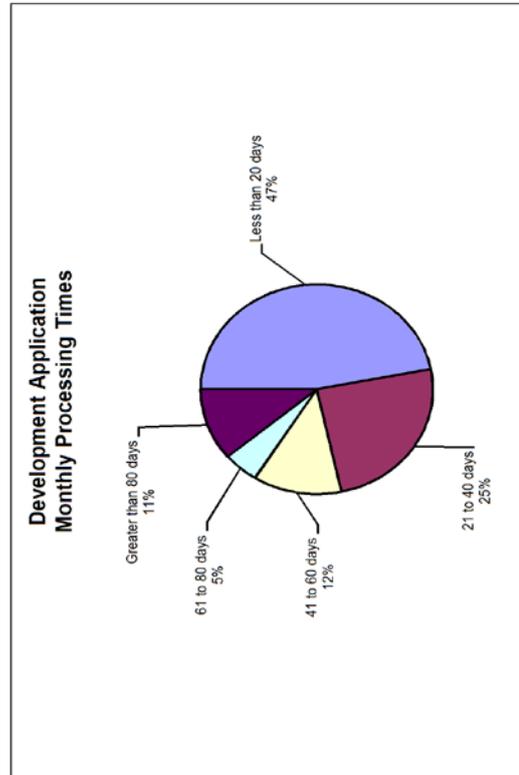
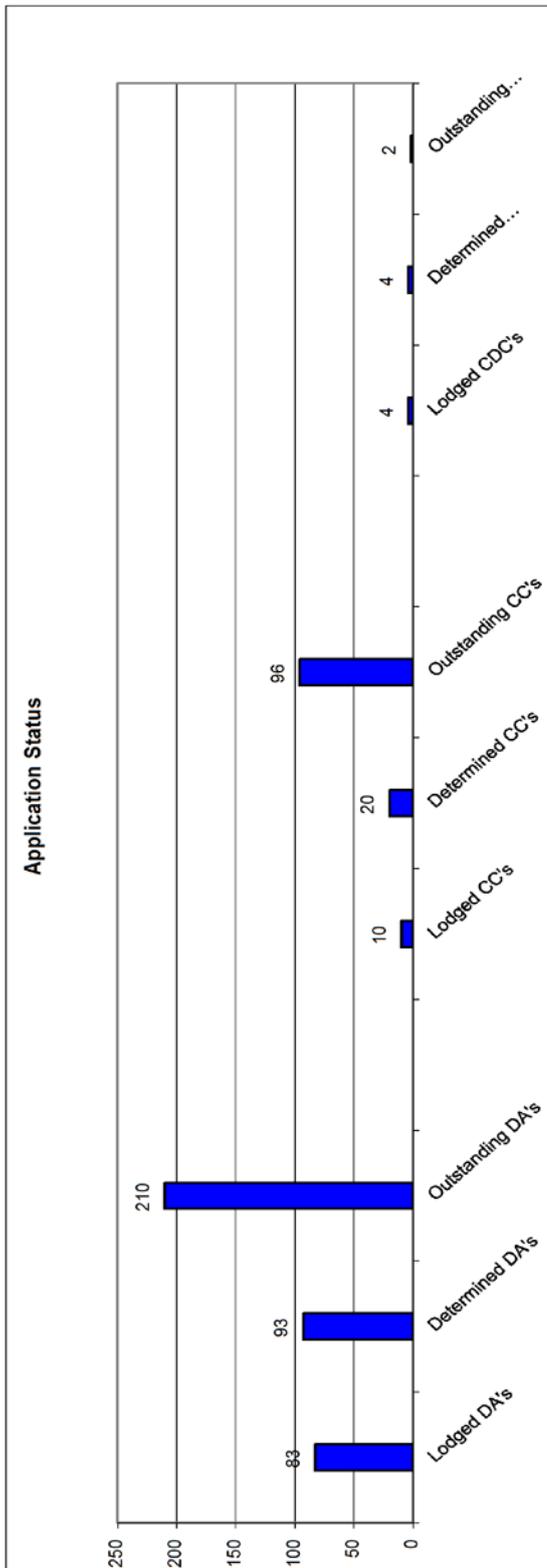
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 184

That the Officer's Recommendation be adopted.

ATTACHMENT 1

DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – August 2014



3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

3.2 Construction of a mixed use commercial and residential flat building of three to eight storeys - Lot 3005 Stowe Avenue, Campbelltown

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Floor plans (confidential - for privacy reasons these are not available to the public)
4. Elevation plans (contained within this report)
5. Landscaping plan (contained within this report)
6. Shadow diagrams (contained within this report)
7. External finishes schedule (contained within this report)

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	Lot 3005 DP 1152287, Lot 3005 Stowe Avenue, Campbelltown
Application No	467/2014/DA-RA
Applicant	Michael Brown Planning Strategies
Owner	Segco Pty Ltd
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
Date Received	4 March 2014

History

Council at its Ordinary Meeting on 10 December 2013 approved a development application (1547/2013/DA-RA) on the subject land for a three to six storey mixed use – commercial/residential flat building comprising three commercial tenancies, 44 residential apartments and two levels of basement parking containing 70 parking spaces.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

The subject development application is seeking consent for a three to eight storey mixed use – commercial/residential flat building comprising three commercial tenancies, 54 residential apartments and two levels of basement parking containing 82 parking spaces.

Report

Council has received a development application for the construction of a mixed use development comprising three commercial tenancies, 54 residential apartments and two levels of basement car parking containing 82 car parking spaces at Lot 3005 Stowe Avenue, Campbelltown.

The proposed development comprises of a building that varies between heights of three to eight storeys, with commercial floor space located at ground level and 54 residential apartments situated at ground level and upper floors.

The land is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). An assessment of the proposed development against CLEP 2002 is contained later within this report.

The site and surrounds

The site is located at the intersection of Stowe Avenue and Tailby Street, Campbelltown. The land is irregular in shape and has an area of 2282 square metres. There is no vegetation located on the site as the land is currently being developed under the current consent 1547/2013/DA-RA.

The length of the street frontages is as follows:

- 46.42 metres to Stowe Avenue
- 33.66 metres to Tailby Street
- 5.575 metre splay corner (Stowe/Tailby).

The land to the north and north-east of the subject site on both sides of Tailby Street has been developed by NSW Transport Infrastructure Development Corporation (TIDIC) for the purpose of commuter car parking comprising of two 'at grade' car parking facilities. Land adjoining the subject site to the east comprises of vacant land that currently has development consent for the construction of mixed use, 75 residential apartments plus commercial tenancies in a three building development comprising of six, seven and eight storeys. That development was approved by the Sydney West Joint Regional Planning Panel.

Land to the south is currently undeveloped and will be converted to public open space in due course. The land to east forms part of an existing creek/open space corridor.

The subject land is located 390 metres to the west of the Macarthur Square shopping centre and 620 metres (by road) from Macarthur Rail Station.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

The proposal

Development consent is sought for the construction of a three to eight storey mixed use commercial and residential development including two levels of basement car parking. The development would contain three commercial tenancies, 54 residential apartments and 82 basement car parking spaces.

A description of the proposed building and works proposed is as follows:

- Excavation of the site and site works
- Construction of a three to eight storey mixed-use building
- Three commercial tenancies containing:
 - Shop 1 – GFA of 83.2 square metres
 - Shop 2 – GFA of 53.4 square metres
 - Shop 3 – GFA of 63.3 square metres
 - Total GFA of 199.9 square metres
- 54 residential apartments comprising of:
 - 3 x 1 bedroom units
 - 47 x 2 bedroom units
 - 4 x 3 bedroom units
- Car parking for 82 car parking spaces over two basement levels comprising of:
 - 64 residential spaces
 - 8 commercial spaces
 - 10 visitor spaces
- Common area/terrace of 203 square metres containing bbq and outdoor furniture at level 3
- Landscaping works
- Vehicular access from Tailby Street.

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

Each apartment typically contains bedrooms, bathroom/ensuite, kitchen, built-in wardrobes, linen closet and combined living/dining areas as well as an internal laundry.

Vehicular access to the residential apartment building is provided via a 5.5 metre wide combined entry/exit driveway along Tailby Street located in the north eastern 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 and commercial parking can be parked in 14 spaces that are located in front of a secure roller door. Other parking would be accessed via remote electronic means.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

The proposed design of the building includes contemporary articulation and façade treatments with a flat roof with exhaust and lift overruns extending above the flat roof line, to add visual interest. The building would be constructed of cladding materials of various colours, stacked stone features, rendered and painted masonry to break up the scale and massing of the building.

The stepping of the roof and two-tower appearance creates a disaggregated building design with independent modules that are terraced into a variety of levels which provide a vertical and horizontal separation of the building. The modulation of the facades provides a variation in both height and roof profile and is considered to add considerable architectural and visual interest. These characteristics also assist in reducing the appearance of the building's bulk.

Landscaping is proposed along 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 beds and turf 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

'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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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 generally 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

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.

2.1 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 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 and small retail/commercial tenancies in a location that is accessible to public transport, employment, retail, commercial and service facilities. In this regard, the application is for a permissible residential flat development, including three retail/commercial tenancies, located in a locality undergoing transition within the regional centre.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Accordingly, it is considered that the development is not inconsistent 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
 - 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.
-

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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.

Clauses 9 to 18 contain the design quality principles of the Policy. The following discussion sets out an assessment of the development proposal in terms of these principles and an assessment against the 'Residential Flat Design Code'.

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.

Comment - As detailed in this report, the existing development context comprises of land forming part of the Macarthur Gardens precinct. Some of that land is yet to be developed for urban purposes with the remainder being used for commuter car parking or preserved for future open space.

The proposal before the Council is a design response to the desired future density within the area given the site's close proximity to public transport, regional level retail facilities and urban services. Currently a development control plan does not apply to the land notwithstanding that a draft development control plan was previously exhibited. The Macarthur Regional Centre Master Plan is discussed in detail later in this report.

Principle 2 – scale

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

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Comment - The scale of the proposed development is higher (in part) than the height and density originally envisaged by the Macarthur Regional Centre Master Plan in 2003. The Master Plan recommended a maximum height level of three storeys for the land.

The building mass and scale has been designed in a manner to reduce its perceived bulk and scale by design incorporating setbacks and transitional building heights and considering development approvals on adjoining land.

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.

Comment - Despite the inconsistency with the building height criteria set out in the Macarthur Regional Centre Master Plan it is considered that the built form of the proposal is generally satisfactory given the context and scale of the building, the location of the subject site and its relationship with nearby approved and likely future development. The façade of the building has significant landmark architectural merit and would provide an interesting architectural addition and visual interest to the precinct especially given the close proximity of the existing at grade commuter car park facilities which may ultimately/potentially be developed for multi-level parking.

Principle 4 – density

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

Comment - Noting that the site does not have any specific development control plan currently applying to it, the development is generally consistent with the principles of the land's zoning being 10(a) Regional Comprehensive Centre Zone and the planning convention of higher residential densities within close proximity of commercial centres and major transport nodes.

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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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.

Comment - The proposed building achieves an acceptable level of energy efficiency. The apartments provide for natural cross-ventilation and offer good heat insulation to minimise energy use thereby reducing dependence on energy resources. Energy efficient appliances and water saving devices are also to be fitted. The application was accompanied by a BASIX certificate, which demonstrates that the building satisfies the required water and energy usage savings.

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, micro-climate, 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.

Comment - A range of deep soil plantings have been catered for across the site, utilising trees with mature heights of up to 20 metres. Planting zones vary across the site based on soil depth dictated by the location of the basement.

Communal and pedestrian areas are provided with an aesthetic mixture of all-weather hard surfaces, communal lawn, ground covers, shrubs and trees. The development is considered to relate well to the adjoining landscaped public open space (creek) corridor.

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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Comment - 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 provides for good room sizes, efficient planning and adequate solar access. SEPP 65 also requires a minimum floor to ceiling height of 2.7 metres, 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 consistent with Council's Sustainable City Development Control (SCDCP) 2012 and SEPP 65 (it is to be noted that SCDCP is not applicable to this development but has been considered here given its use as a guideline/benchmark).

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.

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.

Comment - The orientation of the proposed building, floor layouts and the locations of balconies provide natural surveillance of the public areas and pathways. Security and safety would be optimised by the inclusion of private security measures 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 Stowe Avenue and Tailby Street 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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Comment - 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 would enable easy access to major transport nodes, commercial and business uses as well as shopping facilities and employment opportunities.

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.

Comment - 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. The design statement is considered to be satisfactory.

Residential Flat design code

The proposed development has been evaluated against the various provisions of the Residential Flat Design Code (RFDC) in accordance with Clause 30(2)(c) of SEPP 65.

The 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.

It is noted that due to the absence of a specific Development Control Plan for the subject land, it is considered that the use of Campbelltown (Sustainable City) Development Control Plan 2012 (SCDCP 2012) best serves to provide a relevant framework to assist with a merit based assessment of the development.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

An assessment summary of relevant portions of the Code is contained below:

Primary development controls

Requirement	Objectives	Comment
<p>Building height</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To ensure development responds to the desired scale of the area.</p> <p>To allow daylight access to development and the public domain.</p>	<p>Height is considered appropriate for the site and surrounds.</p> <p>Solar access to public domain would be acceptable.</p>
<p>Building depth</p> <p>Generally 18 metres although buildings may be deeper if adequate light and ventilation is supplied to units.</p>	<p>To ensure the bulk of development is compatible with desired future development.</p> <p>To allow for solar access and natural ventilation.</p> <p>To provide for dual aspect apartments.</p>	<p>Apartment depth is 8 - 18 metres. Apartments are provided with adequate light and ventilation, with various orientations provided throughout the building.</p>
<p>Building separation</p> <p>Rises with building height – 12 metres up to four storeys and 18 metres for up to eight storeys.</p>	<p>To provide for deep soil zones and stormwater management</p> <p>To control overshadowing of adjacent properties.</p> <p>To provide visual and acoustic privacy.</p>	<p>Given the orientation, building's location and design of the units, particularly the placement of balconies, it is considered acceptable having regard to visual and acoustic privacy for dwellings within the subject building.</p> <p>Given the development's context, it is considered acceptable having regard to adjoining land uses being a car park and an open space corridor.</p>
<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>The development provides varied setbacks to enhance the articulation and visual interest of the building. Given the land's location being a corner allotment, next to an open space corridor and beside a public car park, the setbacks are considered appropriate and acceptable.</p>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Requirement	Objectives	Comment
<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>The development has a zero street setback to Tailby Street and Stowe Avenue. The development provides a hard edge and clear definition between public and private spaces.</p> <p>The development is setback between a minimum of 1.74 metres and up to 6 metres from the boundary adjoining the open space/creek corridor.</p> <p>Outlook onto public areas is provided to maximise surveillance of the street.</p>

Site design

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>The proposal provides suitable areas available for deep soil planting. The proposed landscaping is considered satisfactory.</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 and assist in the building's transition from the open space corridor and views from lower density areas.</p>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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 is consistent with Council's SCDCP 2012 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>The orientation of the building responds well to its locational context with the units' orientation as well as windows and balconies being appropriately positioned.</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>The subject land's location is considered to have an acceptable impact on visual privacy to and from the site.</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>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Requirement	Objectives	Comment
<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>Under SCDCP 2012 a development of this nature would be required to provide 73 car parking spaces. 82 spaces have been provided.</p>

Building design

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 are consistent with SCDCP 2012 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 as set out in the RFDC. 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. Consistent with Council's SCDCP 2012.</p>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Requirement	Objectives	Comment
<p>Balconies</p> <p>Design practice notes provided. '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' of the RFDC.</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' of RFDC. A minimum of 2.7 metres would be provided to each unit.</p>
<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.</p> <p>Landscaping would still provide for some views to and from the apartment building at street level. Variations in ground floor RLs increase privacy and allow for casual surveillance.</p>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Requirement	Objectives	Comment
<p>Mixed Use</p> <p>No numeric requirements stipulated. Design practice notes provided</p>	<p>Mix of uses that complement and reinforce the character and function of the area.</p> <p>Flexible layouts to promote variable tenancies or uses.</p> <p>Legible circulation systems by isolating commercial service requirements, demarcated residential entries, distinguishing commercial and residential entries for safety reinforcement.</p>	<p>No specific commercial or retail uses proposed. Commercial, office or retail occupancies proposed for part of the ground floor level.</p> <p>Tenancies could be varied.</p> <p>Commercial and residential uses are clearly separated and readily distinguishable.</p> <p>Development does not provide for loading and unloading for larger vehicles that would be required to park on the street. Small incidental deliveries can be accommodated within the basement.</p> <p>This is discussed later in the report.</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 RFDC '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 RFDC are mirrored in Council's SCDCP. The building is consistent with these requirements.</p>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Building amenity

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 within units have been located adjacent to each other. Bedrooms kept away from mechanical plant. Party walls between units minimised as much as possible.</p>
<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 and balconies to provide for shading during summer.</p> <p>Consistent with RFDC having regard to number of units being 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>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Requirement	Objectives	Comment
<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 and to provide a superior architectural outcome as viewed from the public domain.</p> <p>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 tower elements.</p> <p>The building also presents at a scale that is complementary to that of recently approved multi-storey apartment buildings that would be located on Lot 3004 Stowe Avenue and demonstrates a 'stepped' building transition from the adjoining open space corridor.</p>

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Building performance

Requirement	Objectives	Comment
Energy efficiency No numeric requirement stipulated. Design practice notes provided.	To reduce the necessity for mechanical heating and cooling. To minimise greenhouse gas emissions.	Passive solar design initiatives incorporated into the building. It satisfies BASIX requirements for water, energy and thermal comfort requirements, which were not in place at the time the RFDC was originally prepared.
Waste management No numeric requirement stipulated. Design practice notes provided.	To avoid the generation of waste through design, material selection and building practices. To plan for the types and amount of waste to be generated during demolition and construction. To encourage waste minimisation, including source separation, reuse and recycling.	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 and include a compactor system. Separation of general waste and recyclables will also be provided to reduce potential contamination of recycling collection.
Water conservation Design practice notes provided. 'Rules of thumb' provided.	To reduce mains consumption of potable water. To reduce the quantity of urban stormwater runoff.	Energy efficient appliances and taps/showerheads to be provided throughout the building. BASIX water reduction targets satisfied. On-site stormwater detention system supplied.

The building is considered to be generally 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 Campbelltown (Sustainable City) Development Control Plan 2012 (SCDCP)

Campbelltown SCDCP does not apply to the land, although it is not unreasonable to use the controls for residential apartment and mixed use buildings as a basis for planning assessment. The proposed development is examined for the sake of consistency with the SCDCP.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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.

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 places.

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

Landscaping - The land is currently void of any 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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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 would be constructed in accordance with Council's requirements.

Demolition - The proposed development does not include demolition as the land does not contain any structures.

Water cycle management - 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.

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. Council's records suggest no history of contamination nor significant contaminating land uses. However the subject land is affected by overland stormwater flow. Council's Technical Services staff have assessed the proposal and no objections have been raised.

Waste management - A Waste Management Plan for 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 5 – Residential apartment buildings and mixed-use development

Campbelltown SCDPC does not apply to the land, although it is not unreasonable to use the controls for residential apartment and mixed use buildings as the basis for a planning assessment.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

The below table illustrates the proposal's assessment against the relevant provisions of SCDCP having regard to residential apartment buildings and mixed use development:

		Campbelltown (Sustainable City) Development Control Plan 2012	
Control	Proposed	Requirement	Complies
Maximum Height	Maximum eight storeys	SCDCP height controls not applicable to site	NA
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: 2,282m ²	Minimum 1,200m ²	Yes
Site Width	Minimum with 42.4 metres at Stowe Ave boundary	Minimum 30 metres	Yes
Street Boundary Setback	Minimum 2.1 metres from Tailby St	Zero metres from any boundary	Yes
Side/Rear Setback	<p>Minimum 1.7 metres to adjoining creek channel.</p> <p>Minimum 3.0 metres to adjoining TIDIC car park</p>	6.0 metres	No

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

		Campbelltown (Sustainable City) Development Control Plan 2012	
Control	Proposed	Requirement	Complies
Unit Ratio	3 x 1 bedroom units	Minimum 5% of the total number of dwellings shall be one bedroom or a studio Requires: 2.7	Yes
Adaptable Units	Provides: four	Minimum of 10% of the total number of dwellings shall be adaptable Requires: 5.4 (say five)	No
Dwelling Floor Area	No studio One bed: 75m ² - 87m ² Two bed: 79m ² - 112m ² Three: 113m ² - 115m ² No four bedroom dwellings	40m ² for studio 60m ² for one bedroom 90m ² for two bedroom 125m ² for three bedroom No minimum for four or more bedroom	Yes, but partial inconsistencies with some units. Most inconsistencies are within 7% of the DCP standard.
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
Lift Access	Two lifts are provided for the building of which both provide access from the second basement level to top most level Each lift is accessed by a maximum of 41 dwellings Direct access and illuminated	All residential apartment buildings shall provide at least one lift for access from the basement to the upper most accessible area A maximum of 50 dwellings shall be accessible from a single common lift Direct access and illuminated	Yes
Deep Soil Planting	Provides: 518m ²	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 15% of site area: 342m ²	Yes

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

		Campbelltown (Sustainable City) Development Control Plan 2012	
Control	Proposed	Requirement	Complies
Storage Facilities	Storage compartments are provided in the basement as well as storage within each individual unit	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: 6.0m ³ for a studio 8.0m ³ for a one bedroom unit 10m ³ for a two bedroom unit 12m ³ for a three bedroom unit 15m ³ for four or more bedroom units.	Yes
Car Parking	Provided: 82 spaces	One space per unit (54) One space per four units (13.5) One space per 10 units for visitors (5.4) One space per 25m ² of GFA of commercial space (eight) Required: 72.9 spaces (say 73)	Yes
Solar access	Orientated in a north-south direction The private open space of adjoining properties receive solar access for greater than three hours	Orientated and sited to maximise northern exposure 20m ² of the required private open space on adjoining land to receive three hours continuous solar access	Yes
Balconies and Ground Level Apartments	All balconies are a minimum of 8.0m ² in area and have minimum depth of 2.0 metres	Courtyards/balconies shall be not less than 8.0m ² in area and have a minimum depth of 2.0 metres	Yes

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

		Campbelltown (Sustainable City) Development Control Plan 2012	
Control	Proposed	Requirement	Complies
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 area/terrace is 203m²</p> <p>Outdoor area is 280m²</p> <p>Not located within primary street setback</p>	<p>Activity room with a minimum of 50m² per dwellings per 50 dwellings</p> <p>Outdoor dining area with a minimum area of 50m² per 50 dwellings</p> <p>Not located within primary or secondary street setback</p>	Yes
Waste Management	<p>Residential and commercial waste management independent to each other.</p> <p>Residential waste to be contained within garbage rooms which include a compactor.</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 is generally consistent with the provisions of the SCDCP with the exception of the side and rear setback requirements as well as the number of adaptable units. Although the SCDCP does not apply to this site, these matters are discussed in more detail below.

Side and rear setbacks

The proposed development is not consistent with the SCDCP side and rear setback provision of 6 metres. The proposal's building is located 1.74 metres from the western boundary and 3 metres from the northern boundary.

Whilst an inconsistency is evident, the adjoining lots contain a commuter car park and open space reserve (forming part of creek system) and it is anticipated there would be no direct impact on the lots at this time.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Adaptable units

The proposed development is not consistent with the SCDCP requirement for 10% of the total number of dwellings to be adaptable units.

The subject application provides for eight additional units from development consent 1547/2013/DA-RA and in this instance does not provide for any additional adaptable units to satisfy the 10% requirement contained within SCDCP. The proposed development provides for four adaptable units rather than the prescribed SCDCP control of five adaptable units.

Should Council approve the proposed development, a condition has been included in the draft consent that requires one additional adaptable unit within the development to satisfy Council's DCP standard.

2.4 Draft Macarthur Precinct Development Control Plan (MPDCP)

In February 2012, Council exhibited the draft Macarthur Precinct Development Control Plan. The MPDCP was supplementary to the SCDCP and provided a range of precinct specific controls relating to the Macarthur Precinct.

As Council would be aware, the draft MPDCP is yet to be considered for adoption. This is primarily owing to a number of outstanding issues with key stakeholders. However, during the intervening period a number of other key issues have arisen such as the Urban Activation Precinct application for parts of the Campbelltown/Macarthur Business Centre and draft development proposals that have been suggested for a significant site in the Macarthur precinct. This has further delayed Council's further consideration of the draft MPDCP.

To address these issues Councillors were briefed on a proposal to undertake a holistic review of the planning framework that applies to the wider Macarthur area in September 2013. Council received an update on this work at its briefing of 26 November 2013. Since that briefing, the key stakeholders within the area of the MPDCP have undertaken further planning strategy work that is considered relevant to the formulation of further revisions to the draft MPDCP. Ultimately this Plan would not only create a singular plan for the Macarthur locality but also address the outstanding issues yet to be resolved.

Although the Macarthur Precinct DCP is still in draft form, it is considered appropriate to carry out a brief assessment against the controls as contained within the draft plan as exhibited.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

		Draft Macarthur Development Control Plan	
Control	Proposed	Requirement	Consistent
Maximum Height	3-8 storeys	Maximum six storeys with a two storey transition zone within 20m of zoned open space	No
Density	54 dwellings/2282sqm 237 dwellings/ha	175 dwellings/ha	Yes
Unit Ratio	0 x Studio units	Minimum of 10% of the total number of apartments shall be Studio apartments Requires: 4.4 (say 4)	No
	3 x 1 bedroom units	Minimum of 10% of the total number of apartments shall be one bedroom Requires: 5.4 (say 5)	No
	47 x 2 bedroom units	Minimum of 40% of the total number of apartments shall be two bedroom Requires: 21.6 (say 22)	Yes
	4 x 3+ bedroom units	Minimum of 15% of the total number of apartments shall be three bedrooms or greater. Requires: 8.1 (say 8)	No
Dwelling Floor Area	No studio One bed: 75m ² - 87m ² Two bed: 79m ² - 112m ² Three: 113m ² - 115m ² No four bedroom dwellings	40m ² for studio 60m ² for one bedroom 90m ² for two bedroom 125m ² for three bedroom No minimum for four or more bedroom	Yes, but partial non-compliances with some units. Most non-compliances are within 7% of the draft DCP control.
Car Parking	Provided: 82 spaces	One space per unit (54) One space per four units (13.5) One space per 10 units for visitors (5.4) One space per 25m ² of GFA of commercial space (eight) 10% discount due to proximity to Rail Station Required: 65.6 spaces (say 66)	Yes

The notable issues of inconsistency with the MPDCP relate to the apartment mix, maximum number of storeys and the two storey transition zone within 20m of public open space.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

With regard to the requirements for the mixture of apartments, it should be noted that this clause was designed to create a highly modified built form outcome. In comparison to the SCDCP which requires only that 5% of total number of apartments shall be Studio or one bedroom apartments the draft MPDCP sought to influence control of the apartment type for 85% of any proposed development. This was primarily driven by a desire to minimise the risk of developers proposing new buildings made up wholly of studio or one bedroom apartments.

In other development control plans such as the before mentioned SCDCP, the Link Site DCP (Park Central) and draft Campbelltown City Centre DCP (endorsed for public exhibition 23 April 2013) such prescriptive controls have not been proposed or adopted. The apartment mix provided is considered to address market expectations and similar to that which is seen in similar developments across the Campbelltown Centre. Therefore this inconsistency with the MPDCP is not considered unreasonable.

In relation to the transition zone, the issue is relates to the following clause within the draft DCP:

Developments within the transition zone shall be restricted to two storeys within 20 metres of the boundary with the public open space to

- reduce bulk/scale of development adjoining open space
- maintain solar access to open space
- retain human scale development adjoining open space.

This impact of this clause on the subject site is to restrict development to two storeys (or 9.0 metres) on approximately 46% of the site. This primarily relates to the western portion of the site which directly adjoins "The Valley" linear open space corridor.

A review of the application notes that within the transitions zone a three storey (11 metres) and four storey (14 metres) built element is proposed. These elements break the height limit in the transition zone by two metres and five metres respectively. Despite this, the shadow diagrams provided show that from 12.00pm (June 21) the shadow impacts on "The Valley" open space corridor is minimal.

This is in addition to the fact that the application has sought to articulate the building to minimise the apparent bulk and scale of the building, and as the function of "The Valley" is that of a riparian corridor (and not residential dwelling houses), it is considered that this level of non-compliance is not unreasonable and the response to the objectives of the standard is appropriate.

Macarthur Regional Centre Master Plan

In 2003, Council approved a Master Plan for the locality as a vision for the future redevelopment of 50 hectares of land at the Macarthur Regional Centre. The Master Plan would provide the planning framework for the development of a major new urban development comprising residential, commercial, open space and community infrastructure.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

The purpose of the Master Plan document was to:

- provide a clearly articulated vision for the site that incorporates that community, Council, stakeholders and the applicant's aspirations for the site
- coordinate and guide the development of the site in an ordered manner to achieve the vision
- provide an explanation or rationale behind the development of the master plan
- provide certainty to the community and future residents in relation to the layout and level of amenity to be provided
- assist those responsible for the preparation of detailed designs and documentation for the public and private domain.

The Master Plan provides design controls that include height controls. The subject site is identified in the master plan as having being suitable for a minimum two storeys and maximum three storeys.

The proposed development would have a height of three storeys at the western boundary and rising to eight storeys at the eastern boundary (adjacent to Tailby Street) when viewed from Stowe Avenue.

The building steps down away from the JRPP approved six, seven and eight storey development approved on the land at the opposite side of Tailby Street (land on which the Master Plan height control also envisaged a minimum of two and a maximum of three storeys). Using this stepping down and increased building setbacks for upper levels of the subject development application, the development is considered to respond sympathetically to the surrounding topography of the land, the low rise residential development that exists across the adjacent creek, and the future built form of the six, seven and eight storey building recently approved by the JRPP.

Also, when having regard to the isolated aspect of the development site from that of other residential development forms (i.e. the site is surrounded on all edges by either public road, public reserve or public car park facilities), as well as the development previously approved by the Council on the subject site and the future six, seven and eight storey development at the opposite side of the street, it is not considered unreasonable to allow the development as proposed, as it is considered highly unlikely that the proposed development would have any more significant impact on the surrounding environment or those who use the local area, than that which has been approved previously.

In this regard, although the proposal does not fully comply with the Master Plan, it is considered to not be inconsistent with the vision and intent of the Master Plan in developing a vibrant and diverse centre that integrates well with the natural environment, the existing town structure and is considered worthy of approval.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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 scale, density and built form is considered generally satisfactory with respect to the context of the site and the desired future character of the area however an inconsistency with the relevant Master Plan maximum height for part of the site is noted. The development is considered to be of high architectural quality that will not have any adverse impacts to the existing built environment, and presents as a good architectural fit to the site.

The principal matters associated with the consideration of these impacts are dealt with in light of the provisions of Campbelltown (Sustainable City) Development Control Plan (SCDCP) and State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (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 SCDCP 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 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.

3.4 Traffic impacts

The current development application is not accompanied by a Traffic and Parking Assessment report prepared by a suitably qualified traffic consultant in support of the proposal.

However, based on the assessment for the existing development consent on the land for a residential flat building containing 44 units, 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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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.

3.5 Waste management

The proposed development was referred to Council's Waste Management Officer for comment, with no objections to the development being raised. However, a recommended condition of consent has been included that requires the submitted waste management plan to be amended to ensure that bins are transferred to and from the street/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 temporary on-street parking restrictions on bin collection day. This is consistent with the approach that Council has taken for similar developments within the locality.

Further to the above, a garbage chute has been provided to service the eight storey component of the building, however it is noted that the lower section of the building has not been provided with a garbage chute. The low rise portion of the building is predominantly a three storey building and as such, a garbage chute would not normally be required (all but for the existence of one unit proposed on the fourth level) within that section of the building. A second garbage room for the development to service a second chute (within the 3-4 storey component of the development) is not considered appropriate in a development of this type and scale, and as such a single chute system to service the eight storey element is considered acceptable in this instance.

Although Council's standard requires the inclusion of a garbage chute for all residential flat buildings of four storeys of more, it is considered that in the circumstances and due to the expected low generation of domestic waste from the fourth level comprising of one apartment only (when compared to a fourth floor that comprised a number of units), a garbage chute for the low rise section of the development is not considered essential or necessary.

As such, the proposed waste collection and storage solutions are generally considered satisfactory in this instance.

3.6 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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

3.7 Site suitability

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

The principal matters for attention are discussed in considering the SCDCP and SEPP 65. It is considered that the site is suitable for the development of a mixed use residential and commercial/retail development given the land's zone and locality.

3.8 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 notified from 18 March 2014 for a period of 14 days. The application was also notified for a second time and publicly exhibited between 24 June 2014 and 1 August 2014.

During these periods Council did not receive any submissions objecting to the proposed development.

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.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

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.

5. Conclusion

Council has received an application for a three to eight storey mixed use – commercial/residential flat building comprising three commercial tenancies, 54 residential apartments and two levels of basement parking containing 82 parking spaces and associated landscaping at Lot 3005 Stowe Avenue, Campbelltown.

The proposed development generally conforms to the requirements of SEPP 65, LEP 2002 and Council's SCDCP. It is considered the proposal results in acceptable planning outcomes for the site, given the desired character outcomes contained in the SCDCP.

The proposed mixed use residential and commercial building responds sympathetically to the site and locality in terms of its scale and building height. The proposed development steps down from an eight storey component adjacent to Tailby Street to a three to four storey main façade component addressing Stowe Avenue and further stepping to a three storey component addressing the adjoining creek corridor.

The stepping down of the scale and building height provides a compatible transition between the recently approved and future six to eight storey development approved by the JRPP on the land on the opposite side of Tailby Street. The communal terrace and open space have northerly aspects to achieve good solar access and natural ventilation.

The building incorporates design features in various facades that promote visual interest and to a level of architectural merit that should 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. Essentially, the proposal 'mirrors' that which was previously approved by the Council in December 2013, except for the additional two storeys over the approved six storey 'tower' element. It is of note that despite the proposed increase in floor levels, the building footprint remains essentially unchanged, although additional car parking is proposed.

3.2 Construction Of A Mixed Use Commercial And Residential Flat Building Of Three To Eight Storeys - Lot 3005 Stowe Avenue, Campbelltown

Finally, in light of there being no public objections to the proposed development, and in consideration of the emerging strategic importance of Campbelltown as an emerging Regional City Centre as well as a preferred location for the development of higher density apartment living, the proposal is considered worthy of Council's support and as such, it is recommended that the application be approved subject to conditions.

Officer's Recommendation

That development application 467/2014/DA-RA for the construction of a mixed use commercial/residential flat building containing three commercial tenancies, 54 residential apartments, two levels of basement car parking containing 82 car parking spaces and associated landscaping at Lot 3005 Stowe Avenue, Campbelltown be approved, subject to conditions detailed within attachment 1.

Committee's Recommendation: (Lound/Thompson)

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 were Councillors: nil

Council Meeting 14 October 2014 (Greiss/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 187

That the Officer's Recommendation be adopted.

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

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

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

3.3 Proposal to increase student population from 250 to 600 students, at the Al-Faisal College - No.10 Benham Road, Minto

Reporting Officer

Manager Development Services

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained within this report)
4. Car Parking Plan (contained within this report)

Purpose

The purpose of this report is to assist Council in its determination of the subject development application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 1 DP 1193701 No.10 Benham Road, Minto
Application No	499/2014/DA-C
Applicant	Al-Faisal College Limited
Owner	Al-Faisal College Limited
Provisions	Campbelltown 2025 – Looking Forward State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 – Zone 10(c) Local Comprehensive Centre Zone Campbelltown (Sustainable City) Development Control Plan 2012
Date Received	4 March 2014

History

A development application was lodged with Council in March 2005 for the conversion of squash courts located on the subject land to an educational establishment. Council at its meeting on 15 November 2005 approved the development application subject to conditions (development consent 1197/2005/DA-C).

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

Enrolment at the educational establishment was limited by a condition of consent to 150 students between kindergarten and year six only.

The approved development included the use of the school's multi-purpose hall for social functions, religious ceremonies, wedding receptions and the like subject to a maximum of 150 persons and only during limited times.

A condition of consent required that a new development application be lodged should the school seek to increase the student population and/or introduce a secondary school population. Development application 2073/2008/DA-C was lodged in August 2008 to accommodate the school's intention to increase student numbers to 250 and introduce years seven and eight.

Development consent 2073/2008/DA-C permitting the increase in student numbers to 250 and introducing years seven and eight was approved by Council at its Ordinary Meeting of August 2009. Condition 8 required a separate consent to increase to years nine and above.

Notwithstanding the limited consent issued by Council, the school has continued to grow, and currently provides education for up to Year 12 and now has 486 students enrolled. This development application (made by the new operators of the school) seeks to regularise the unlawful expansion of the school in non-compliance with Condition 8 of 2073/2008/DA-C and seeks approval to continue to operate with a maximum student population of 600 students.

This application was originally for an increase up to 700 students. The application is now seeking a maximum of 600 students based on limitations to the site having regard to access and car parking.

Council at its meeting held 29 July 2014, considered a report on the subject development proposal and it was resolved at that meeting, to defer determination of the application to allow for an inspection and a presentation on a future briefing night.

An inspection was subsequently undertaken which both the applicant and objectors were invited to attend. A briefing was also provided to the Councillors as per the resolution.

As both the inspection and briefing have been carried out, in accordance with Council's previous resolution, the application is again presented to Council for its consideration.

The recommendations are generally unchanged from the report tabled at Council on 29 July 2014.

Report

Introduction

Council has received a development application seeking an increase in student numbers from 250 students to 600 students and to introduce Years nine, ten, eleven and twelve.

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

The proposed facility is located on land within a 10(c) Local Comprehensive Centre Zone, accessible from Benham Road and Kitson Place, Minto and adjoins 'The Grange' Public Primary School.

There is no construction works proposed with this development application.

The Site

The land has an area of 4582 square metres and is located behind the multi dwelling development located at No.14 Benham Road, Minto. Access is a one way arrangement via Benham Road with vehicular traffic exiting via Kitson Place.

A number of school buildings and facilities exist on the land including classrooms, a multi-purpose hall, office and amenities. The land contains 73 informal car parking spaces as well as kiss-and-ride zone for four cars.

The western boundary of the subject land adjoins 'The Grange' Public Primary School, which uses the land to the north of the subject land as that school's playing fields. The eastern boundary of the land fronts Kitson Place. No.14 Benham Road is located to the south of the subject land, upon which are erected nineteen, two-storey multi dwelling units.

The Proposal

The proposed development seeks to increase the number of students at the school from 250 to 600 and introduce Years nine, ten, eleven and twelve. Development application 2073/2008/DA-C was approved by Council at its Ordinary meeting held August 2009 which included a condition limiting the number of students to 250 and only permitted to school to operate from Kindergarten to Year eight.

The proposed new break down of students is the following:

- Kindergarten – 55 students
- Years one to six – 330
- Years seven to twelve – 215

The school anticipates 42 staff members will be required when the school is operating at the maximum 600 students.

Assessment

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

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

1. Vision

'Campbelltown 2025 Looking Forward' is a vision statement of broad town planning intent for the long term future of the City of Campbelltown. 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 (Local Environmental Plan) for the city. A desired outcome and a list of relevant focus areas are described for each strategic direction.

The subject application has been considered in accordance with Campbelltown 2025 – Looking Forward, and specifically against the strategic directions. In this respect, the following strategic directions are considered relevant for the subject application:

Growing the regional city

Creating education, employment and entrepreneurial opportunities.

The application is generally compatible with the above strategic directions. An increased level of local education and community services within the City is considered to be beneficial in facilitating its orderly development and operation, particularly with respect to satisfying the demands of the existing and future populations.

Some of the desired outcomes of Council's Vision include:

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

The development application been assessed having regard to Campbelltown 2025 Looking Forward. It is considered that the proposed increase in student numbers is not consistent with the relevant desired outcomes having regard to the existing school on the land.

2. Planning Provisions

2.1 State Environmental Planning Policy (Infrastructure) 2007

The proposal is defined as a "Schedule 3" development pursuant to State Environmental Planning Policy (Infrastructure) 2007, as the existing school would accommodate more than 50 children. This requires Council to refer the application to the Roads and Maritime Services (RMS) pursuant to *Section 104 of SEPP (Infrastructure) 2007* for comment. Furthermore Council is unable to determine the application until it has received and considered advice from the Authority.

The Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of the proposal on behalf of the RMS. The SRDAC has provided written advice to Council stating they raised no objection to the development application.

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

'Division 3 Educational Establishments' within State Environmental Planning Policy (Infrastructure) 2007 has also been considered in the assessment of the proposed development. More specifically 'Section 31 Exempt Development' and 'Section 32 Determination of Development Applications', of this Policy, apply to the proposal. It is considered that the proposed development subject of this application is not inconsistent with the requirements of those standards.

2.2 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP)

The land is located within the 10(c) Local Comprehensive Centre zone. The proposal is defined as an 'educational establishment' and is permissible with Council's development consent. The 10(c) zone objectives are:

- (a) To provide conveniently located land for a range of shops, commercial premises and professional services that are of domestic scale and compatible with residential development in order to serve the needs of local neighbourhoods
- (b) To provide opportunities for local employment
- (c) To accommodate a range of activities required in the locality, but which are not appropriate on land in Zone 2(b)
- (d) 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.

The proposed development is considered to be inconsistent with the relevant zone objectives (b) and (c). Clause 30 of CLEP requires Council to only grant development consent where the proposal is consistent with one or more objectives of the zone. In that regard, Council may approve the application.

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

Campbelltown (Sustainable City) Development Control Plan (SCDCP) applies to the subject land. 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
-

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

- 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 proposed development is consistent with the relevant aims of the SCDCP.

The assessment against the relevant components of Part 2 Requirements Applying to all Types of Development of the SCDCP 2012 is outlined below:

2.3.1 Views and Vistas

There are no proposed works that are subject to this development application and therefore, it is considered that the proposed development will not have a detrimental impact on views and vistas and not have a negative impact on the amenity of residents in the locality in this regard.

2.3.2 Sustainable Building Design

Sustainable building design has been considered in the assessment of previous development applications involving building works. No building works are proposed as part of the application.

2.3.3 Landscaping

The proposed development does not require additional landscaping to be provided on the land, however additional landscaping will be provided at the entry and exit of the site to screen vehicle parking areas.

2.3.4 Erosion and Sediment Control

An erosion and sediment control plan is not required in this instance as no construction works are proposed.

2.3.5 Heritage Conservation

The land does not contain an item of heritage significance and is not located within a heritage conservation area or precinct.

2.3.6 Waste Management

The existing waste management processes would continue at the school as per previous development consents.

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

3. Planning and Environmental Impacts

Section 79C(1)(b) of the Act requires Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

3.1 Noise

The proposed development has considered the potential impact of noise generated by the proposed development. Adjoining the subject site is 'The Grange' Public Primary School to the west, a multi dwelling development to the south, open space to the east and north and residential dwellings to the east fronting Kitson Place.

The applicant has submitted an acoustic report prepared by SLR Global Environmental Solutions with the application, which assesses the potential noise impacts associated with the proposal.

The following noise issues have been identified as being relevant in the context of additional students at the school:

- Noise from the access road and car parking area to nearby residences;
- Noise from school activities associated with the increase in student numbers

The SCDPC makes no specific reference to noise emissions however Council has previously required development to comply with the requirements of the *Protection of the Environment Operations Act 1997* and associated Regulations.

Further, there are no specific or published standards that relate to the control or assessment of noise emissions from educational establishments. The Environment Protection Authority's 'Industrial Noise Policy' is not intended to be applicable to schools however continuous noise emissions associated with the project such as those from mechanical plant, classrooms, outdoor play areas and car park operations may be considered similar to that generated by light industrial or commercial premises and it is considered reasonable to consider those noise sources in the context of the Industrial Noise Policy in the absence of any other relevant standards.

SLR states that noise emitted from students engaged in outdoor activity is unlikely to achieve a 'background +5 dBa' criterion at the site boundary. This is not uncommon across educational establishments, particularly if students are located near the boundary, and as is often the case, in close proximity to residential areas – given that schools form an integral part of residential communities.

The acoustic report prepared by SLR concludes that "there will be no appreciable change in the maximum noise levels received at surrounding residences that are in close proximity to the existing school, as a result of the additional student numbers on the outdoor playground area".

Given the school's hours of operation, locality and proximity to residences, it is considered unlikely that the increase in student numbers would have any significant and additional adverse impact on the amenity of the locality.

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

3.2 Traffic, Parking and Access

The applicant has submitted an assessment of traffic and parking implications report, prepared by Transport and Traffic Planning Associates that assess the traffic and parking implication of the proposal to increase the student numbers to 600 and staff of 42.

The report considers the proposed school population on the road network, traffic controls, traffic flows (both in and out of the school and surrounding road network), bus and rail services, travel mode circumstances and parking.

The local and nearby road network as well as physical traffic controls, such as signage, speed limits, crossings and roundabouts, is considered suitable and not inadequate for the proposed increase in student numbers at the subject school.

The local traffic flows at the major access intersections in the area, as recorded by traffic surveys, have been provided in the submitted traffic and parking report. It is anticipated that the intersection capacity at the nearby intersections have sufficient environmental capacity in which to cater for the increase in student numbers at the school. The provision of public transport servicing the area is considered adequate to assist students arriving and leaving the school.

The proposed development will provide 73 car parking spaces plus four 'kiss-and-ride' spaces. Based on a maximum student population of 600 students and 42 employees, it is considered that 73 car parking spaces is acceptable in this instance.

The traffic and parking report concludes that:

- It is anticipated that there will be no unsatisfactory traffic implications
- The existing provisions for vehicle setdown/pick up will be suitable
- The existing on-site parking provisions will continue to be adequate.

3.3 Suitability of the Site

Section 79C(1)(c) of the Act requires Council to consider the suitability of the site to accommodate the development.

The subject site was previously used as a squash court centre that had been converted to a school. The subject land continues to be used as an educational establishment.

Having regard to the absence of any significant environmental impacts that would likely result from the proposed development, it is considered that the site is suitable for the proposed development.

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

4. Public Participation

The proposed development was notified to adjoining and nearby land owners for a period of 14 days from 20 June 2014. The application was also publicly exhibited in the local newspapers for a period of 14 days between 24 June 2014 and 8 July 2014. During this period Council received 14 submissions objecting to the development as well as a petition containing 18 signatures.

At Council's Ordinary Meeting on 29 July 2014, Council resolved to defer consideration of the application to allow for an inspection of the site and to allow for a briefing. Given the deferral, the development application was re-notified to the public.

As a result of the two notification periods and exhibition period, Council received a total of 131 submissions as well as two petitions containing 18 and 57 signatures objecting to the proposed development. It is to be noted that 104 of the submissions were received in the form of two separate pro-forma letters.

The submissions objecting to the development are summarised below:

Concern: The proposed development will lead to an unacceptable increase in traffic in the locality.

Comment: The application and accompanying information, including the traffic report submitted with the development application, was referred to the RMS for comment. The RMS did not object to the proposed development.

Concern: Safety of school students due to speeding in area. Drivers do not adhere to 40 km/h speed limits. Drivers do not adhere to school crossings in the locality.

Comment: The matter of speeding drivers and vehicles not adhering to speed limits is not a relevant matter for consideration under Section 79C of the Act. These complaints should be referred to the police for action. However, in light of this information, it may be appropriate that the Council further investigate the opportunity for the provision of School Crossing Supervisor/s at the applicable crossing points.

Concern: The development would not benefit the local community and would be unsightly.

Comment: The proposed development is providing an educational choice for local residents. No building works are proposed with this development proposal.

Concern: Parents picking up children block driveways

Comment: The matters of vehicles blocking driveways and parking not in accordance with sign posts should be referred to Council's Rangers for observation and appropriate action.

Concern: The school is located on a small parcel of land and not suitable for a student increase. There is very little play area for students.

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

Comment: The Board of Studies does not provide guidelines to limit the number of students based a school sites' land area. The application has been assessed on merit and considered the school's ability to provide adequate classrooms and learning areas.

Concern: Increased number of students dropping rubbish in the locality when walking to and from school.

Comment: The matters of students dropping rubbish in the locality is not a relevant matter for consideration under Section 79C of the Act. These complaints should be directed to the school to discourage littering.

Concern: Students do not have adequate play area and would need to be transported to local sporting fields. This is a safety issue.

Comment: The Board of Studies does not provide guidelines having regard to the size of a school's play area and the number of students. It is the school's responsibility to ensure adequate safety when students travel to and from the school.

Concern: The school does not have an adequate on-site evacuation area in the event of an emergency

Comment: It is the school's responsibility to provide adequate and appropriate evacuation management system in accordance with relevant requirements in the event of an emergency.

Concern: The use of Passfield Park for school activities.

Comment: Any ongoing use of public land for school activities, such as sports and carnivals, is required to be organised through Council's Healthy Lifestyles Section. Council has offered Benham Oval to the school for sporting activities. It is not unusual for schools in the Campbelltown LGA to use public open space for additional recreation needs.

5. Conclusion

The subject development application is seeking an increase in student numbers as well as introducing Years nine, ten, eleven and twelve. The current development consent the school is operating under limits the number of students to 250 and to provide education from Kindergarten to Year eight only.

The school currently has 486 students and the subject development application is seeking to formalise the existing student numbers and allow for future growth to a maximum 600 students.

There are no building works subject to this development application.

The application has been referred to the RMS for comment in which they have raised no objections to the increase in student numbers, and consider the traffic increase would have a negligible impact on the surrounding road network.

3.3 Proposal To Increase Student Population From 250 To 600 Students, At The Al-Faisal College - No.10 Benham Road, Minto

The proposed increase in student numbers is considered not to have a significant adverse impact on the amenity of the locality.

The development is a permissible land use under CLEP 2002 and is generally consistent with the aims and objectives of SCDCP 2012. Having regard to the matters for consideration under *Section 79C of the Act*, it is considered the development as submitted can be supported by Council subject to conditions.

Officer's Recommendation

That development application 499/2014/DA-C for the increase in student numbers from 250 to 600 and introduction of years nine, ten, eleven and twelve be approved subject to conditions contained in attachment one.

Committee Note: Mr Jackson, Ms Oddy and Mr Azeem addressed the Committee.

Committee's Recommendation: (Thompson/Lound)

That the development application be refused due to the site not being considered capable of adequately accommodating 600 children and the adverse impact the resulting increase in traffic will have on the surrounding local road network and the amenity of the local area..

CARRIED

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

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

Council Meeting 14 October 2014 (Greiss/Borg)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 188

That the Committee's Recommendation be adopted.

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

Voting against the Council Resolution were Councillors: Dobson and Mead.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5 Marian Drive, Rosemeadow

3.4 Construction of six two storey dwellings, associated site and landscaping works and subdivision into six Torrens titled allotments - Lots 2 - 4 DP 1156105, Nos. 1-5 Marian Drive, Rosemeadow

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Site plan (contained within this report)
4. Subdivision plan (contained within this report)
5. Street elevation plan (contained within this report)
6. Shadow plans (contained within this report)
7. Typical Floor plans (confidential for privacy reasons these are not available to the public)
8. Typical Elevation plans (contained within this report)
9. Landscape plan (contained within this report)

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) which would also involve the variation or extinguishment of a restriction on the site's title, which was made pursuant to the *Conveyancing Act 1919*.

Property Description	Lot 2 – 4 DP 1156105, Nos. 1-5 Marian Drive, Rosemeadow
Application No.	1701/2013/DA-M
Applicant	Andrew Waite Architecture
Owner	Trustees of the Roman Catholic Church Diocese of Wollongong
Provisions	Campbelltown 2025 – Looking Forward State Environmental Planning Policy (Building Sustainability Index) 2004 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan <i>Conveyancing Act 1919</i>

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5
Marian Drive, Rosemeadow

Date Received 14 August 2013 (additional information received November and December 2013, January and August 2014)

History

The subject site was created as part of a 'greenfield' subdivision of land surrounding the John Therry Catholic High School in Rosemeadow. The development of the land was initially approved by Council in June 2010 and construction of associated roads and drainage throughout the estate, known as 'Churchfield' is mostly completed. Residential dwellings of varying density are under construction or have been recently occupied in the estate.

Council originally received the development application in August 2013. The application has been amended to incorporate requested design and layout changes, including reduction in the number of dwellings proposed from seven to six being considered as part of this report.

Report

Introduction

Council has received a development application to construct six two storey dwellings and subdivide the subject land into six Torrens title allotments. The application will be assessed against relevant local planning controls and objectives. The proposal includes an application to vary title restrictions on the properties, relating to the location of driveways.

The application has been notified and one objection has been received.

The site

The site is legally described as Lots 2, 3 and 4 in DP 1156105 and is known as Nos. 1 – 5 Marian Drive, Rosemeadow.

The site is irregular in shape and has an area of approximately 2167 square metres. The site is located on a pronounced 'bend' in Marian Drive and is also located adjacent to its intersection with Anthony Drive.

The site is presently vacant and has a significant fall to the rear. Inter-allotment stormwater drainage infrastructure is located within the site along its rear boundary at the base of the land's downward slope.

Surrounding development includes detached one and two storey dwellings, a multi-unit development containing five separate dwellings and the John Therry High School.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5
Marian Drive, Rosemeadow

The proposal

The proposal is as follows:

- construction of six two storey dwellings, each containing four bedrooms which feature separate access driveways to Marian Drive and separate private open space areas in front or rear yards
- earthworks and associated retaining walls
- front, side return and internal fencing
- site landscaping
- subdivision into six Torrens title allotments, with a minimum allotment area of 301 square metres.

The proposed dwellings are architecturally-designed and feature an array of roof pitch variations, material changes, articulation in wall panels and window locations to increase the streetscape appeal of the development.

Private open spaces are contained on ground level by way of rear yards and timber outdoor decks. In some instances, due to ground variation and shadowing, the applicant has requested that Council consider the provision of some private open space in front yards.

Some dwellings also feature small balconies to upper level bedrooms along the Marian Drive frontage of the development. The development's estimated value is \$1.1m.

Assessment

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

1. Other Provisions - Vision

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

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

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

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5
Marian Drive, Rosemeadow

The strategic directions relevant to this application are:

- growing the regional city
- building a distinctive Campbelltown sense of place
- creating employment and entrepreneurial opportunities

The proposed development is consistent with these directions.

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

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

It is considered that the proposed development is consistent with the vision's desired outcomes having regard to the proposed scale, function and design of the proposed development.

2. Planning Provisions

Section 79C(1)(a) of the *EPA Act* requires Council to consider environmental planning instruments and development control plans that apply to the site.

2.1. State Environmental Planning Policy (Building Sustainability Index)

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

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

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

2.3. 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 (LEP 2002). The proposed 'multi dwelling housing' development is permissible, within the '2(b) – Residential' zone, as well as being consistent with the following objectives for the zone:

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5 Marian Drive, Rosemeadow

- (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.

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002 and is permissible with Council’s consent. Council is able to approve the application should it deem appropriate to do so.

Clause 32 of the LEP requires that an applicant receive development consent prior to the subdivision of land. The application complies with this requirement.

Having regard to the above comments, the proposal is considered to be complementary to the Council’s relevant environmental planning instrument.

2.4. Campbelltown (Sustainable City) Development Control Plan

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

Section	Control	Requirement	Proposed	Compliance
2.4.1 (b)	Rain Water Tanks	A 3,000L rain water tank shall be provided for all new buildings containing a roof area of between 101m ² and 200m ² .	All dwellings are provided with an above ground rain water tank.	Yes. A condition has been included within the recommendation requiring the provision of the 3,000L rain water tanks for each dwelling.
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a plan which indicates the amount of ‘deep soil’ landscaping space available.	Yes. A detailed landscaping plan has been provided, which indicates that a variety of plant species will be established throughout the site.
2.7	Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be provided, when construction and/or activities involving the disturbance of the land surface are involved.	A plan has not been provided.	No. A condition has been included within the recommendation requiring the provision of the plan prior to construction certificate issue for the development.

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2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and/or fill operations.	A plan has not been provided.	No. A condition has been included within the recommendation requiring the provision of the plan prior to construction certificate issue for the development.
2.12.1 (d)	Fencing	Front residential fencing shall be a maximum of 1.2m in height and complement the design of the development.	Fencing of courtyards at the front does not exceed 1.2 metres in height and is not solid.	Yes. Further, a condition has been applied to ensure that side return fencing on Anthony Drive to be a maximum of 1.5 metres high and constructed of 'open palisade' materials to soften its appearance to the street corner.
2.10	Water Cycle Management	A plan detailing proposed storm water capture and removal infrastructure shall be submitted with a development application.	A concept stormwater capture and disposal plan has been prepared. Stormwater will be collected and diverted into the existing stormwater drainage system. The overland flow path will remain available.	Yes.
2.14.4	Mine Subsidence	The applicant shall liaise with the Mine Subsidence Board as part of application preparation and ensure that the Board's requirements are incorporated into designs for new development.	The application previously has been forwarded to, and received approval from the Mine Subsidence Board as it is located within the Campbelltown South Mine Subsidence District.	Yes. A condition of consent is included in the recommendation requiring the applicant to resubmit the plans to the Board following the design changes and reduction of one unit prior to receipt of a construction certificate.
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	Waste Management Plan accompanied the application.	Yes. Each unit to supply and contain its own bins.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5 Marian Drive, Rosemeadow

3.3.1 (a)	Streetscape	Building design (including facade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, character and qualities of the desired streetscape.	The overall building design is in keeping with the existing and future likely character of the area. It presents an interesting array of building materials including timber cladding, rendered finishes. Angular roofing elements and asymmetric window locations increase streetscape appeal and visual interest.	Yes.
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The proposed design relates to the existing ground levels of the site. Dwellings 'cascade' down towards their rear, following the existing profile of the land.	Yes.
3.3.1 (d)	Streetscape	On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	Street facing garages are recessed within the main front facades.	Yes.
3.3.1 (e)	Streetscape	Garage doors facing a public street shall be no wider than 50% of the width of the building (at its street fronting facade).	Each dwelling contains a single garage and is less than 50%.	Yes.
3.3.1 (f)	Streetscape	No carports or garages (or like structures) shall be located within 6m of the primary street boundary.	5.74m minimum	No. Discussed later in this report.
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two (2) storeys.	The proposed dwellings are two (2) storey.	Yes.
3.3.2 (a) (ii)	Building Height	Residential development shall have a height not exceeding 7.2m at the upper most ceiling measured vertically from ground level (existing).	Approximate highest ground to ceiling height is 7.0m.	Yes.
3.3.2 (a) (iii)	Building Height	Residential development shall have a height not exceeding 9.5m at the upper most roof height measured vertically from ground level (existing).	Approximate overall maximum of 8.5m.	Yes.
3.3.2 (b)	Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties and public places.	The overall height of the development is greater than nearby developments due to the site's varying topography.	Discussed later in this report. No significant impact on neighbouring properties.
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.	All dwellings exceed the minimum length and comply with minimum width	Yes.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5 Marian Drive, Rosemeadow

3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	The levels provided indicate that the proposal has the potential to comply with such.	Yes. Further, a condition has been included within the recommendation requiring compliance with such.
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	Each driveway is perpendicular to Marian Drive.	Yes.
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	The driveways shall be of a coloured patterned concrete finish.	Yes, with a condition recommended enforcing this requirement.
3.5.2 (a)	Visual Privacy	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open space of another dwelling located within 6m of the proposed window or balcony unless appropriately screened.	The overall number of side facing windows throughout the development has been minimised. Side facing windows have high sills to minimise potential overlooking while still allowing for light access and ventilation of rooms.	Yes. Privacy impacts of decks discussed later.
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	Living rooms are located as close as possible to the north – rear yards to not have northern aspect, although units are supplied with front courtyards to take advantage of the site's aspect.	Yes, where possible.
3.6 (b)	Solar Access	A minimum 20sqm area of the required private open space shall receive three (3) hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.	All rear yards would receive at least 20 square metres of light during winter. Units are also supplied with front courtyards to take advantage of the site's aspect.	Yes.
3.6 (c)	Solar Access	Development shall have appropriate regard to the impact on solar access to useable private open space, solar collectors and clothes drying areas of adjoining residential development.	The proposal impacts on neighbouring properties in the afternoon, although does not impact in the morning.	Yes.
3.9.1 (c)	Site and Density Requirements for Multi Dwellings	The number of dwellings permitted within a multi dwelling development shall not exceed two (2) dwellings for the first 700sqm of land area and 1 dwelling for each 300sqm of land area thereafter.	1,900required for 6 dwellings, 2,167 provided.	Yes.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5 Marian Drive, Rosemeadow

3.9.1 (f) (i)	Site and Density Requirements for Multi Dwellings	Multi dwellings incorporating three (3) or more dwellings shall only be permitted on an allotment having a minimum width of 22.5m measured along the side boundaries at a distance of 5.5m from the primary street boundary.	Site's street frontage is approximately 95 metres.	Yes.
3.9.1 (f) (iii)	Site and Density Requirements for Multi Dwellings	Multi dwellings incorporating 3 or more dwellings shall only be permitted on an allotment where no part of the allotment is within 50m of the commencement of the head of a cul-de-sac to which vehicular access to the site is obtained.	The site is not within 50m of a cul-de-sac.	Yes.
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	Approximately 0.44:1	Yes
3.9.1 (h) (i)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5.5m from the primary street boundary and 3 metres to a secondary street frontage.	A setback of 5.4-5.5m is provided to Marian Drive and 2 metres to Anthony Drive	No. Discussed later.
3.9.1 (h) (iii)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 900mm from any side boundary for the ground level.	The development is setback a minimum of 3.5m from side boundaries to neighbouring properties.	Yes.
3.9.1 (h) (iv)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 1.5 from any side boundary for all levels above the ground level.	The first floor component is setback further than 1.5 metres from existing side boundaries, although not internally.	Yes.
3.9.1 (h) (v)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 5m from the rear boundary for the ground level.	All dwellings are setback at least 10 metres, although some decks are located closer to the rear boundary.	Yes.
3.9.1 (h) (vi)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 10m from the rear boundary for all levels above the ground level.	Unusual shape of allotments makes assessment/design difficult. Generally, dwellings (incl. decks) set back 10 metres from what can be considered a rear boundary.	Yes.
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one single garage.	Each dwelling provides one single garage	Yes

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3.9.2 (g)	General Requirements for Multi Dwellings	The total floor area occupied by all bedrooms (and/or rooms capable of being used as a bedroom) within each dwelling shall not exceed 40% of the total floor space of that dwelling.	All dwellings are less than 40%.	Yes.
3.9.2 (h) (i)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that are not located within the primary street setback.	All dwellings contain private open space at the rear, by way of timber deck and ground level turfed area.	Yes.
3.9.2 (h) (ii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum area of 60m ² .	Each private open space area is in excess of 60m ² .	Yes.
3.9.2 (h) (iii)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have a minimum width of 3m.	Each private open space area has a minimum width of 5m.	Yes.
3.9.2 (h) (iv)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that include a minimum levelled area of 5m x 5m.	Each private open space area has minimum dimensions of 5m x 5m.	Yes.
3.9.2 (h) (v)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area or areas of private open space that have an internal living room directly accessible to outdoor private open space areas.	Each private open space area is directly accessible from the respective main living rooms.	Yes.
3.9.2 (h) (vi)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with an area of private open space that satisfies the solar access requirements contained in Section 3.6.	All rear yards would receive at least 20 square metres of light during winter. Units are also supplied with front courtyards to take advantage of the site's aspect.	Yes.
3.9.2 (k)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following additional provisions relating to streetscape: architectural features (such as balconies, openings, columns, porches, colours, materials etc.) and articulation in walls are to be incorporated into the front facade of each dwelling; no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials.	Each front facade is articulated and consists of architectural features that are likely to be similar to adjoining and future developments. All dwellings are less than 30%	Yes.

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3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: a detailed landscape design plan shall be submitted by a suitably qualified person with the development application; and a minimum of 20% of the total site area shall be available for deep soil planting.	The application was accompanied by a detailed landscape design plan. Approximately 37% of the site has been made available for deep soil planting.	Yes.
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following architectural requirements: a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development; incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines; incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and provision of windows and active spaces in the building ends, to provide additional security and visual interest.	The overall design of the proposed development is similar in terms of its finish, and bulk and scale, to existing and likely future developments in the locality. The front facade and roof form are articulated, which provides depth to the overall and visual interest to the design.	Yes.
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwelling developments shall make provision for individual waste storage, allocated behind the primary and secondary building alignment out of public view, for the following: a 140 litre bin; and two (2) 240 litre bins.	Suitable provision is made within each private open space area and side access points for each dwelling.	Yes.
3.10.3	Subdivision of Multi Dwellings	Multi dwellings may be subdivided to create individual Torrens title allotments if the following requirements are met: each lot has an area of at least 300sqm each lot has a depth of at least 25 metres all allotments have direct frontage to a public street no common property is created each lot is at least 7 metres wide.	All proposed allotments comply with the minimum standards.	Yes.

Two non-compliances with the DCP have been identified and mentioned in the table. They are now discussed in detail below. The applicant has provided a request with various justifications to vary the controls in each case as per the requirements of Section 1.1.7 of the DCP.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
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Marian Drive, Rosemeadow

Private open space in street setback

The DCP requires that a minimum of 20 square metres of private open space attached to each unit shall receive at least three hours of sunlight throughout the day on the winter solstice (22 June) between 9.00am and 3.00pm.

Under Section 3.9.2(h)(iii) of Council's Sustainable City Development Control Plan (SC DCP), private open space shall not be provided in the front setback of new residential developments.

In this instance, all units are provided with a significant area of open space at the rear of each lot; however, the space is not located within the most ideal area to access sunlight throughout the day.

In an effort to increase the amenity provided to future residents, the applicant has proposed the inclusion of a fenced courtyard at the front of each dwelling, between its façade and the street boundary.

The courtyards would be surrounded by 1,200mm high open/slat fences and surrounded by generously planted landscaped garden beds. Coupled with the site's topography, which means that the courtyards would not immediately be visible from the street as they are lower, the visual impact of these spaces is not considered to be significant. The courtyards are directly accessible by a glazed sliding door to the dwellings' living room.

Street Setbacks

Two non-compliances with Council's controls are noted. Firstly, the garage to Units 2, 3 and 5 are closer to the street boundary than permitted under Council's DCP and secondly, the side setback of Unit 1 to Anthony Drive is less than the required 3 metres.

The garages to Units 2, 3 and 7 are approximately 5.74 metres from the street boundary, where the SC DCP requires six metres, a 26 centimetre shortfall. The minor variation of Council's control for the units in relation to their garage setback is considered to be acceptable, noting the minor extent of the variation and the dwelling's otherwise compliant setback for its overall façade. Landscaping and tree planting across the development's street frontage and the site's topography would serve to minimise the impact of garage doors on the streetscape.

With regard to the secondary street setback matter, Unit 1 would be setback two metres to Anthony Drive instead of the DCP's required three metres. The dwelling provides a street presence to Anthony Drive, rather than a utilitarian 'side elevation' containing small bathroom windows and the like. The setting of the dwelling also takes advantage of its corner position, but does not interfere with sight lines for drivers.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5
Marian Drive, Rosemeadow

A recommended condition of development consent requires that any fence along this boundary shall be constructed of an open palisade style in a dark colour, to soften its appearance and provide for the encroachment of landscape tree screen plantings into the road reserve.

The applicant notes that a 'complying development' single dwelling would be permitted to be set back just two metres from the road as proposed in this case.

Further, it is also noted that the property boundary does not align with the street kerb line in this location. At its closest point, the dwelling's eastern wall would be 10 metres away from the street edge.

Having regard to the dwelling's presentation to Anthony Drive and the recommended condition requiring a specific fence to be erected there, the variation is supported.

Changes were made to the *Environmental Planning and Assessment Act 1979* in 2013. One significant change was the introduction of Section 79C(3A), which (amongst other things) requires Councils to consider alternatives to development control plan requirements.

Specifically, Section 79C(3A)(b) states:

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards - is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development

The applicant has put forward an acceptable development of the site, in light of the outlined difficulties that construction of multi-unit housing in at the subject site presents, noting its topography and orientation.

In light of the above discussion, despite the application's non-compliance with some of Council's relevant controls, it is considered to acceptably address the DCP's objectives and respects as best as possible Council's controls while accommodating the unfavourable topography and orientation.

3. Other Legislation – *Conveyancing Act 1919*

The three existing allotments are subject to restrictions on the title, which nominate specific locations for access to Marian Drive for each lot. The restrictions were placed on the allotments by Council during assessment of the original application for the land's urban release. Council required the restrictions to minimise the number of, and strategically locate future driveways to potentially increase traffic safety in the area, as the allotments are located on a pronounced bend, which does restrict driver sight lines by comparison to a regular open and straight road.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5
Marian Drive, Rosemeadow

Under the current proposal, there would be six individual driveways located in the area, rather than three as mandated by Council's restriction.

Pursuant to Section 88B of the *Conveyancing Act 1919*, the Council is the 'prescribed authority' to control and enforce the restriction. In that regard, the Council is the only body that can authorise the alteration or removal the subject restriction.

To support the request to vary the title, at Council's request, the applicant engaged a traffic safety consultant to review the situation and make comment/recommendation on the suitability of creating additional driveways in the vicinity.

Traffic surveys were undertaken in Marian Drive to ascertain vehicle speeds in the vicinity of the site. An 85th percentile speed of 37km/hr and 38km/hr was recorded in each respective direction in the vicinity of the curved section of Marian Drive, adjacent to the site. This speed figure is not anticipated to increase as more development takes place in the estate.

Having regard for the above frontage road speed, the proposed driveways nominally require a minimum sight distance of 30 metres in accordance with Figure 3.2 of AS2890.1-2004.

All proposed driveway locations achieve these minimum sight distance requirements and are therefore considered acceptable. The applicant's traffic consultant prepared diagrams which illustrate that the required sight distances can be met from each driveway and Marian Drive itself.

A recommendation of the report (which is transcribed into a recommended condition of consent) requires that no front fence be constructed for any of the dwellings and landscape tree plantings in front yards should also be such that trees and shrubs do not restrict views to and from the driveways for drivers. Courtyard fencing and shrub plantings detailed in the submitted landscape and site plans adhere to this requirement.

To further reinforce the requirement to ensure that landscaping is maintained in a safe manner, a recommended condition of consent requires the applicant to register a restriction on the land's title to the effect that future owners are required to trim and maintain tree and shrub plantings so that their height is consistent with the findings/recommendations of the traffic safety assessment.

Having regard to above and relative recommended conditions, it is recommended that Council consider varying the restriction on this site, such that it would allow for the additional driveways.

Public Participation

In accordance with the requirements of Council's Campbelltown (Sustainable City) Development Control Plan, the application was notified to fourteen adjoining and nearby property owners from 28 August 2013 until 11 September 2013. As a consequence of this notification, Council received one submission.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5
Marian Drive, Rosemeadow

Whilst the submission did not specifically object to the application, the submission noted potential impacts on privacy resulting from the development and also discussed an issue relating to overland water flows leaving the subject site and causing damage on the adjoining property.

The site is relatively steep in its slope, which falls from Marian Drive towards its current rear boundary. As part of subdivision works undertaken during the land's initial urban release, an overland flow path and underground stormwater capture system were installed. The submitter notes that this has reduced the amount of water leaving the subject site and reiterates that any works on the land should not interfere with the new drainage system.

To this end, various recommended conditions of consent require that the applicant does not interfere with the existing ground levels at the rear of the property. This is also quantified by an existing restriction on the title.

It is anticipated that with the construction of dwellings on the land, the installation of rain water collection tanks and turfed areas across the site, that the amount of water running off the land into adjoining properties would be significantly reduced.

In regards to privacy, it is acknowledged that the site in part, as well as the rear of the new dwellings would be higher than existing residences with frontage to Anthony Drive. Further, there is also likely to be some potential impacts on privacy between the new dwellings as timber decks are located in relatively close proximity to proposed future boundaries.

As a result, a recommended condition of development consent requires that all timber decks with a height of more than 1.5 metres above the ground level of an adjoining lot (or future lot) be fitted with fixed privacy screens to a height of 1.5 metres, to minimise potential overlooking.

Conclusion

Council has received a development application to construct six two-storey dwellings, associated site works and landscaping and subdivision into six Torrens title allotments at Nos. 1 – 5 Marian Drive, Rosemeadow.

The proposal includes the development of six architecturally-designed detached dwellings, which are each provided with separate access to Marian Drive. Each dwelling would contain its own private open space, internal garage, living areas and four bedrooms. The site would be landscaped with tree and shrub plantings and each dwelling would utilise an above ground water storage tank.

The site on which the development would be located presents several challenges in relation to its shape, variation in topography and its orientation. As a result, the development exhibits some non-compliances with Council's development controls.

Where the non-compliances are noted, the applicant has provided sufficient justification in a request to vary Council's control. The variations are supported after considering the requests, the justifications therein and the development's response to the challenging site topography and orientation.

3.4 Construction Of Six Two Storey Dwellings, Associated Site And Landscaping Works
And Subdivision Into Six Torrens Titled Allotments - Lots 2 - 4 DP 1156105, Nos. 1-5
Marian Drive, Rosemeadow

With due reference to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised throughout the report, it is considered that the proposed development is satisfactory and should be approved subject to the recommended conditions contained in attachment 1.

Officer's Recommendation

1. That development application 1701/2013/DA-M for the construction of six two storey dwellings, associated site works, landscaping and subdivision into six Torrens Title allotments at Nos. 1 – 5 Marian Drive, Rosemeadow be approved, subject to the conditions detailed in attachment 1 of this report.
2. That Council grant its approval for the restriction known as 'H' on Lots 2, 3 and 4 in DP 1156105 (being the restriction fifthly referred to in the instrument setting out the terms of easements and restrictions on the use of land known as DP 1156105) to be removed at the applicant's expense.
3. That the person who made a submission on the proposal be advised of Council's decision.

Committee's Recommendation: (Greiss/Rowell)

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 were Councillors: nil

Council Meeting 14 October 2014 (Greiss/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 189

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 was Councillor: Brticevic.

3.5 Final Endorsement of Planning Agreement for Airs Bradbury Renewal Project

Reporting Officer

Manager Development Services

Attachments

Correspondence from NSW Land and Housing Corporation dated 25 July 2014 (contained within this report)

Purpose

The purpose of this report is to advise Councillors of the outcome of further negotiations between Council and NSW Land and Housing Corporation in relation to the Airs Bradbury Renewal Project draft Voluntary Planning Agreement and draft Infrastructure Services Delivery Plan, and to seek Council's endorsement of the recent amendments and additions to these documents and authorisation for the General Manager to execute the Planning Agreement under delegated authority, and to finalise the selection of the preferred Community Facilities option.

History

Council at its meeting held on 3 June 2014, considered a report on the outcome of the formal public exhibition of the Airs Bradbury Renewal Project draft Voluntary Planning Agreement (draft VPA) and draft Infrastructure Services Delivery Plan (draft ISDP).

This report both presented and responded to issues raised during the public exhibition of the draft VPA. On considering these matters, the Council reduced the issues to two remaining areas of interest (Resolution No.1) and resolved as follows:

1. That Council further negotiate with the NSW Land and Housing Corporation to secure the Corporation's support to amend the draft Airs Bradbury Renewal Project Voluntary Planning Agreement and where necessary, the Concept Plan Approval to take account of the following items:
 - the inclusion of a package of on-ground works (based on an action plan agreed to by Council) including crossing treatments at major roads, tree planting and driver warning signage, to assist general koala movement across the Airs renewal area.
 - the retention of Baden Powell Reserve as public open space or at the least, to achieve a further significant reduction in the area of the Reserve to be developed for housing.
-

3.5 Final Endorsement Of Planning Agreement For Airds Bradbury Renewal Project

In addition to Resolution No.1, the Council further resolved the following:

2. That the outcome of negotiations pursuant to Item No. 1 above be reported to Council for consideration.
3. That the matter of the preferred option for community facilities within the Voluntary Planning Agreement be discussed at a Councillor Briefing Session, to be held prior to the end of August 2014.
4. That an urgent meeting be arranged with the Premier of NSW, The Hon Mike Baird, the Member for Wollondilly, The Hon Jai Rowell, the Member for Campbelltown, Mr Bryan Doyle, the Mayor of Campbelltown City Council, Councillor Dobson and the General Manager to discuss the final part of the concept plan.

Matters raised in the above resolutions are discussed in the body of this report.

In addition to the previous resolutions passed by Council demonstrating its commitment to the Airds Bradbury Renewal project, at its Ordinary meeting on 16 September 2014, Council again reaffirmed its strong support and commitment to the Project and resolved:

1. That the information be noted.
2. That Council acknowledges the outstanding success of the One Minto Urban Renewal Project and commends successive NSW Governments in their collaboration with Council in delivering this project for our community.
3. That in recognition of the great success of One Minto, Council reaffirms its strong support and commitment to the Airds - Bradbury Renewal project and requests an urgent report be presented to Council to finalise the Voluntary Planning Agreement and statutory land transfer arrangements, as a matter of the highest priority.
4. That Council write to the Premier of NSW, Minister for Community Services and Minister for Planning and Environment strongly urging to immediately commence the construction of the Airds - Bradbury Renewal Project and repeat the great successes achieved at One Minto.

Report

As required by Resolution No.1, Council staff undertook further negotiations with NSW Land and Housing Corporation (LHC) and UrbanGrowth NSW (UGNSW), in order to secure an improved outcome for the community in line with the specific terms of the Council's resolution. As a result of those negotiations, a letter has been received from LHC (attachment 1) that provided a revised offer that proposes to increase the size of Baden Powell Reserve from approximately 5000sqm to approximately 9000sqm and provide additional initiatives in relation to koala management and safety within the renewal project area.

3.5 Final Endorsement Of Planning Agreement For Airds Bradbury Renewal Project

It is relevant to note that the proposal to include these items as part of the Planning Agreement adds value to those originally proposed infrastructure resources noted in the draft VPA previously exhibited. Their inclusion of these additional items positively responds to key issues raised by community submission arising from the exhibition and does not alter the intent or spirit of the originally exhibited VPA.

All other benefits as previously offered within the draft VPA are to remain in place.

The Council was provided a briefing on the revised offer on 5 August 2014. The details of the offer are provided below:

- Increasing the size of the Baden Powell Reserve from approximately 5000sqm, as currently shown in the approved Concept Plan, to approximately 9000sqm. The new area is now equal to the area of land currently owned by Council in this location. The draft VPA provides approximately \$84,000 for the embellishment of this park with improved landscaping, play equipment and amenity. It is noted that this amount will not be reduced as a result of the offer to increase the size of Baden Powell Reserve.
- The provision of a Koala Linkage Strategy. The strategy has been developed with input from and endorsed by local koala expert Dr Robert Close. A commitment to this strategy and the associated physical works will be incorporated into the draft VPA and draft ISDP, significantly strengthening the response to koala management within the Airds Bradbury renewal area. Key elements of the Strategy include:
 - Traffic signage at key locations alerting drivers to the likelihood of koalas crossing at these locations
 - Provision of koala refuge linkages along identified access routes
 - Preparation of educational material for homeowners about how to deal with koalas in urban environments
 - Additional tree plantings to complement those already proposed, to reinforce bushland corridors and movement corridors.

Further to the above, LHC has made reference to the consequential loss of overall development yield resulting from the proposed increase in size of Baden Powell Reserve. With this, LHC has requested that Council allow an increased density of development on a future allotment located near the proposed town centre, so as to offset the loss of development yield. Although such a proposal may have merit given its close proximity to the proposed town centre and its facilities, including the upgraded pond area and the new Kevin Wheatley playing fields, the draft VPA is not the instrument in which such a proposal should be dealt with or endorsed.

Such a proposal is subject to and is required to be assessed in accordance with the normal development assessment framework of the *Environmental Planning and Assessment Act 1979*. As such, it is considered to be beyond the power of the Council to approve or infer an approval of such a request at this stage.

In addition to the above, Council should note the letter received from the Minister for Planning, the Honourable Pru Goward, confirming that Council should continue to work together with UGNSW to progress this important project (letter tabled Council meeting 16 September 2014).

As Council may be aware, both the Stage 1 and Stage 2 subdivision applications have been approved by the Sydney West Joint Regional Planning Panel and work is currently underway at the site. In this regard, it is considered extremely important to now proceed with the finalisation of the draft VPA to enable the earliest delivery of community benefits arising from this project. In light of the Minister's letter, the execution of the draft VPA is considered a most important element in delivering the project's desired outcomes.

Community Facilities

In relation to Council Resolution No.3, Councillors were provided with a briefing on 5 August 2014. At that briefing Councillors were provided the details of the two separate options being offered by LHC for community facilities within the Airds Bradbury renewal area.

The two options being presented to the Council are:

- Option 1 - Retention of existing community facilities, dedication of the land to Council and receipt of a cash contribution of \$100,000 for the upgrade of existing facilities
- Option 2 - Demolition of existing community facilities (excluding the Youth Centre which is to be retained) and construction of a new integrated Community, Family and Children's Centre at an agreed location within the proposed new town centre precinct to an estimated value of \$2.63m for the facilities.

A review of both options by Council staff has been undertaken with Option 2 considered to be the preferred option.

In relative terms, Option 2 is expected to realise substantial financial advantage for the Council over that of Option 1 due to the increased lifecycle of the facilities as well as the relatively lower maintenance costs of a new building.

Option 2 is also considered to be the superior option in a social advantage context due to its location within the proposed town centre precinct, and close proximity to the proposed upgraded water pond facility which together with the relocated Kevin Wheatley Reserve recreation facilities will become a central and key component of a renewed and revitalised Airds Bradbury town centre precinct.

In comparison with Option 1, the life cycle cost to Council for Option 2 is expected to be minimised as the contribution offered under Option 1 (\$100,000) is considered to be inadequate and is unlikely to result in a noticeable and lasting improvement to the existing facilities.

The age of the existing facilities (30 plus years) is considered to be a detrimental factor in the consideration of Option 1 in that the existing facilities would soon require significant upgrading to ensure compliance with relevant building and disability access requirements. As a minimum, any future work on the existing facilities would trigger the necessity for these upgrade works. A further consequence of any upgrade works would most likely mean that services at the facilities would most likely be disrupted, and due to existing physical constraints, there is likely to be limitations on any redesign options available.

Comparatively, Option 2 represents a one-off opportunity for Council to coordinate the design, location and construction of new facilities that will be delivered as a part of the Airds Bradbury renewal project. With this option, existing services would be able to continue uninterrupted while the new facilities are built at a different location. Council could also control the design and construction of the new facility so that through Council management, the maximisation of community use and programs would be assured. As such, Option 2 is the recommended option as it is considered to be markedly superior to Option 1, and is the option that is considered to have the highest likelihood of achieving the best long term outcome to Council and the community.

Council land ownership

As previously reported to the Council, the Airds Bradbury Renewal Project incorporates Council owned land. Procedurally, LHC will be required to compulsorily acquire Council owned land and then rededicate land back to Council. This process is linked to the outcomes listed in the draft VPA.

Council at its meeting held on 6 May 2014 resolved to allow LHC and UGNSW access Council owned land for the purpose of helping progress the renewal project, although, Council is yet to make a resolution in regard to the compulsory land acquisition process.

With the draft VPA now at a point of finalisation, it would be considered appropriate for the Council to resolve to approve and finalise the compulsory acquisition negotiations with LHC and for the General Manager to execute the acquisition agreement under delegated authority.

In this regard a separate report has been prepared by the Manager Property Services (in the Corporate Governance Business Paper), and a resolution is being sought that Council allows LHC to compulsorily acquire Council owned lands as identified in the draft VPA for nil cost subject to any public infrastructure identified in the draft VPA being delivered at no cost to Council.

Conclusion

The finalisation and adoption of the draft VPA and draft ISDP for the Airds Bradbury Renewal Project is considered to be a significant and major achievement for the project. Together, these documents will deliver the agreed and required public infrastructure arising from the project, including roads, parks and community facilities at the right time and in the right form. Execution of the Planning Agreement will provide certainty for Council and the community as the development project proceeds into the future and through to the project's completion.

In consideration of the Council's recent resolution reaffirming its strong support and commitment to the Airs Bradbury Renewal Project, it is recommended that subject to the inclusion of LHC's revised terms of offer for an increase in the size of Baden Powell Reserve, and the provision of a Koala Linkage Strategy, the Airs Bradbury Renewal Project draft VPA and draft ISDP be adopted.

Officer's Recommendation

1. That Council endorse the proposed Koala Linkage Strategy and increase in area of Baden Powell Reserve as put forward by NSW Land and Housing Corporation in their letter to Council dated 25 July 2014.
2. That the appropriate amendments be made to the draft Airs Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan consistent with Point 1 of this resolution.
3. That subject to recommendations 1 and 2, the General Manager be authorised to execute the Airs Bradbury Renewal Project draft Voluntary Planning Agreement with NSW Land and Housing Corporation under the Common Seal of Council, if required.
4. That Council endorse Option 2 as the preferred option for community facilities within the Airs Bradbury Renewal Project draft Voluntary Planning Agreement.

Committee Note: Mr Wonja, Ms Makowski, Ms Parker and Mr Smithers addressed the Committee.

Committee's Recommendation: (Oates/Lound)

That the Officer's Recommendation be adopted.

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

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

Council Meeting 14 October 2014

Having declared an interest in regard to Items 3.5 and 3.6, Councillor Hawker left the Chamber and did not take part in debate nor vote on these items.

Council Meeting 14 October 2014 (Kolkman/Greiss)

That the following items be brought forward and dealt with in conjunction with Item 3.5:

- Corporate Governance - Item 2.2 - Airds Bradbury Renewal Project - VPA Land Acquisitions, Transfers and Dedications
- Directors Report - Item 12.3 - Airds Bradbury Renewal Project - Chronology of Critical Events
- Directors Report - Item 12.4 - Airds Bradbury Renewal Project.

Council Meeting 14 October 2014

In regard to the recommendations for Item 3.5 - Final Endorsement of Planning Agreement for Airds Bradbury Renewal Project, it was **Moved** Councillor Greiss **Seconded** Councillor Mead:

1. That Council endorse the proposed Koala Linkage Strategy and increase in area of Baden Powell Reserve as put forward by NSW Land and Housing Corporation in their letter to Council dated 25 July 2014.
2. That the appropriate amendments be made to the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan consistent with Point 1 of this resolution.
3. That subject to recommendations 1 and 2, the General Manager be authorised to execute the Airds Bradbury Renewal Project draft Voluntary Planning Agreement with NSW Land and Housing Corporation under the Common Seal of Council, if required.
4. That Council endorse Option 2 as the preferred option for community facilities within the Airds Bradbury Renewal Project draft Voluntary Planning Agreement.

In regard to the recommendations for Airds Bradbury Renewal Project - VPA Land Acquisitions, Transfers and Dedications (formerly Item 2.2 Corporate Governance) it was **Moved** Councillor Greiss **Seconded** Councillor Mead:

1. That Council resolves that it has no objection to NSW Land and Housing Corporation compulsorily acquiring the Council land as identified in Table 1 and any necessary roads/laneways for nil compensation as outlined in the body of this report subject to entering into a Voluntary Planning Agreement.
 2. That Council resolves that it has no objection to NSW Land and Housing Corporation compulsorily acquiring the land in NSW Land and Housing Corporation title as identified in Table 3 which was subject to previous gazettal notices at nil cost.
-

3.5 Final Endorsement Of Planning Agreement For Airds Bradbury Renewal Project

3. That NSW Land and Housing Corporation pay all costs associated with the proposed compulsory acquisitions with any public infrastructure identified in the draft Voluntary Planning Agreement/Infrastructure Service Delivery Program for the Airds Bradbury Renewal Project to be delivered at no cost to Council.
4. That Council also resolves that it waives the standard acquisition notice period associated with the compulsory acquisition of Councils land and roads/laneways as identified in this report.
5. That Council approves to accept the dedication of the open space, infrastructure and roads identified in the draft Voluntary Planning Agreement/Infrastructure Service Delivery Program at no cost to Council.
6. That all documentation associated with the dedication and transfer of land to Council be executed under the Common Seal of Council, if required.

Amendment: (Dobson/Mead)

1. That no further destruction to Smith's Creek take place.
2. That the Campbellfield Road extension be deleted off the Concept Plan.
3. That Kevin Wheatley VC Reserve be deleted from the concept plan to allow a massive wildlife corridor to be planted between Smith's Creek and the Georges River. In light of the devastation caused to Smith's Creek in stages one and two. Kevin Wheatley VC is retained in its present location as to protect Smith's Creek and Aboriginal sites including the wildlife from further development.
4. That our present Community Service sites are retained by Council and any new facility is built where the major services are now located on a block that has two road frontages and services are better suited to that site, than next to a pub and garage.
5. That these options are deferred back to the Corporate Governance and Planning and Environment Committees to make the relevant adjustments to reports that are before Council.
6. That Council urgently work with the NSW State Government to make the amendments happen and investigate other options as efficiently as possible.

LOST

Council Resolution Minute Number 191

Item 3.5 - Final Endorsement of Planning Agreement for Airds Bradbury Renewal Project:

1. That Council endorse the proposed Koala Linkage Strategy and increase in area of Baden Powell Reserve as put forward by NSW Land and Housing Corporation in their letter to Council dated 25 July 2014.
 2. That the appropriate amendments be made to the draft Airds Bradbury Renewal Project Voluntary Planning Agreement and Infrastructure Services Delivery Plan consistent with Point 1 of this resolution.
-

3.5 Final Endorsement Of Planning Agreement For Airds Bradbury Renewal Project

3. That subject to recommendations 1 and 2, the General Manager be authorised to execute the Airds Bradbury Renewal Project draft Voluntary Planning Agreement with NSW Land and Housing Corporation under the Common Seal of Council, if required.
4. That Council endorse Option 2 as the preferred option for community facilities within the Airds Bradbury Renewal Project draft Voluntary Planning Agreement.

Item 2.2 Corporate Governance - Airds Bradbury Renewal Project - VPA Land Acquisitions, Transfers and Dedications:

1. That Council resolves that it has no objection to NSW Land and Housing Corporation compulsorily acquiring the Council land as identified in Table 1 and any necessary roads/laneways for nil compensation as outlined in the body of this report subject to entering into a Voluntary Planning Agreement.
2. That Council resolves that it has no objection to NSW Land and Housing Corporation compulsorily acquiring the land in NSW Land and Housing Corporation title as identified in Table 3 which was subject to previous gazettal notices at nil cost.
3. That NSW Land and Housing Corporation pay all costs associated with the proposed compulsory acquisitions with any public infrastructure identified in the draft Voluntary Planning Agreement/Infrastructure Service Delivery Program for the Airds Bradbury Renewal Project to be delivered at no cost to Council.
4. That Council also resolves that it waives the standard acquisition notice period associated with the compulsory acquisition of Councils land and roads/laneways as identified in this report.
5. That Council approves to accept the dedication of the open space, infrastructure and roads identified in the draft Voluntary Planning Agreement/Infrastructure Service Delivery Program at no cost to Council.
6. That all documentation associated with the dedication and transfer of land to Council be executed under the Common Seal of Council, if required.

Note: The motion carried included the Committee's Recommendation for Item 3.5 Planning and Environment and the Committee's Recommendation for former Item 2.2 Corporate Governance.

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

Voting against the Council Resolution were Councillors: Dobson and Thompson.

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

3.6 Public Exhibition of Planning Agreement for University of Western Sydney Residential Project

Reporting Officer

Manager Development Services

Attachments

1. Letter of Offer dated 14 November 2012 from Landcom (now UrbanGrowth NSW) to Campbelltown City Council, to enter into a Voluntary Planning Agreement (contained within this report)
2. Draft University of Western Sydney Campbelltown Campus Project Planning Agreement (contained within this report)
3. Draft Infrastructure Services Delivery Plan UWS Project (contained within this report)

Purpose

The purpose of this report is to provide Councillors with the status of the University of Western Sydney Residential Project and to seek Council's endorsement to publicly notify the process of public notification of the associated draft Voluntary Planning Agreement and Infrastructure Services Delivery Plan.

History

The University of Western Sydney (UWS) landholdings at Campbelltown include surplus lands that have been identified for future residential development.

The UWS residential lands, including an 18 hectare parcel owned by UrbanGrowth NSW (previously Landcom), total approximately 118 hectares, broken into approximately 51 hectares of net developable land and approximately 67 hectares available for local parks, sports field precinct, riparian corridors and environmental features such as the existing Harrison's Dam.

A Master Plan and a Development Control Plan (DCP) are in place which has identified the growth requirements of the University as well as land suitable for residential development. The site specific DCP sets in place the key objectives for the delivery of the future campus and residential development.

UrbanGrowth NSW and UWS have executed a Project Delivery Agreement (PDA) that has incorporated the financial objectives and benchmarks of both parties.

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

Development is proceeding, with the Stage 1 subdivision approved by the Joint Regional Planning Panel (JRPP) in November 2012. The applications for Stage 2 and 3 subdivisions have been lodged, with Stage 2 due for consideration by the JRPP before the end of 2014. Five development applications for medium density development totalling 60 dwellings within Stage 1 have been lodged and are currently being assessed.

This project is serving the public interest in the following ways:

- infrastructure that directly serves the future residents of the project, including connectivity to the broader road system, local roads and pathways, parks and open space areas
- road/intersection upgrades that will assist in addressing existing problems in the broader road system
- conservation of identified threatened ecological communities that may otherwise continue to decline in quantity and therefore their longer term viability is improved

A planning agreement, supported by an infrastructure services delivery plan, is an appropriate mechanism to deal with reasonable and relevant development contributions from this development project. There is a long history of negotiations between Council and the proponent on the details of an agreement dating back to 2008, with the headline elements of such an Agreement remaining reasonably consistent as follows:

- sports precinct
- public recreation areas (dam precinct, Bow Bowling Creek, Main Ridge Park, Knoll Park and green corridors)
- Macarthur Regional Recreation Trail
- flood detention basins
- Narellan Road intersection
- Gilchrist Drive intersection
- local and collector roads

UrbanGrowth NSW recommitted to this process with a formal letter of offer to Council dated 14 November 2012. As a consequence, the Stage 1 subdivision was approved by the JRPP with the following condition of consent:

- a) A Voluntary Planning Agreement (VPA) consistent with UrbanGrowth NSW letter of offer to Council dated 14 November 2012 is to be executed prior to the release of the Subdivision Certificate for the first residential allotment
 - b) The VPA must incorporate appropriate management and maintenance arrangements for riparian and revegetated areas
 - c) If the parties are unable to reach agreement under clause 'a' above, they may agree to an interim works agreement including the items in (d) as an alternative. In this case, the interim agreement must specify the revised target date for execution of the VPA
 - d) UrbanGrowth NSW must complete the construction of the Gilchrist Drive and Goldsmith Avenue intersection, the reconstruction of Goldsmith Avenue and the development of Main Ridge Park prior to the release of a Subdivision Certificate for the first residential allotment. All of these works are to be completed to the Council's satisfaction and as specified in either the VPA or an interim works agreement.
-

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

An interim works agreement has subsequently been entered into between the parties with work on Main Ridge Park complete, work on Goldsmith Avenue and Gilchrist Drive intersection well advanced and work on the Narellan Road intersection commenced as part of the broader Narellan Road upgrade now being undertaken by Roads and Maritime Services.

Report

The following section details the main elements of the infrastructure delivery services plan, including proposed timing of delivery and estimated value of the contribution.

Gilchrist Drive Intersection

Public Purpose: Roads and intersection upgrade.

Description of works

The development will provide for the relocation of the Gilchrist Road/Gilchrist Drive intersection (north of its current location) and will include the introduction of traffic signals to provide four way movements into and from the site including a separate right hand turn lane from Gilchrist Drive into the site and a short left turn slip lane from Gilchrist Drive into Goldsmith Avenue. UrbanGrowth NSW/UWS will also provide for the provision of a shared cycle/pedestrian path to connect the development to the existing path on Gilchrist Drive and offset works being the extension of the left hand turn lane to feed into the existing dual left turn lanes into Narellan Road.

Timing

Works associated with Gilchrist Drive Intersection are part of the interim works agreement resulting from the Stage 1 approval and are scheduled to be completed by January 2015.

Estimated works value

\$1.8m

Goldsmith Avenue

Public Purpose: Roads

Description of works

Goldsmith Avenue will have a varied treatment depending on the road section through the entry, campus or sports precinct, with the intention of slowing traffic and crossing pedestrians in front of the school of medicine/campus precinct. The concept design of Goldsmith Avenue was included in the first development application. This will be a signature entry road for the subdivision and University and will comprise a landscaped boulevard with tree lined footpath areas and centre planted median capable of achieving connecting canopies over the carriageway. The carriageway will be one trafficable lane in each direction with no provision for parking. On road cycle ways will be located within the carriageway. A new temporary access will be provided from Goldsmith Avenue for access to Gilchrist Oval.

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

Timing

Works associated with the delivery of Goldsmith Avenue are part of the interim works agreement resulting from the Stage 1 approval and are scheduled to be completed by November 2014.

Estimated works value

\$3.7m

Main Ridge Park

Public Purpose: Open space

Description of works

The development of Main Ridge Park comprises a series of terraces for informal and passive recreation with open lawns and tree planting for shade, together with barbecue facilities and a sculptural play area. It will transition from formal areas adjacent to Road No 1 in the east to natural areas of planting in the west and the terraces will follow the underlying topography of the ridge. The terraces will be retained by rock walls. The sculptural play area will double as a public art piece. A shelter and BBQ area will also be provided in this eastern part of the park. The western part of the park will include a table and seating. The works also include construction of an adjoining pedestrian access through the Stage 1 subdivision to the park. This work will include concrete stairs 2.5m wide with centre rail and edge landscaping

Timing

Works associated with Main Ridge Park are part of the interim works agreement and are complete.

Estimated works value

\$1.3m

Narellan Road Intersection

Public Purpose: Roads and intersection upgrade

Description of works

The traffic report prepared by AECOM includes a package of intersection works to ensure the proposed development does not impact on the adjoining road network. The package provides for the upgrade of the signalised intersection at the Narellan Road and UWS Campus Access Road including the widening of Narellan Road to three lanes 200m on each side of the intersection, in the westbound direction, duplication of the eastbound right turn lane (150m), UWS Campus Access Road upgrade including new two lane roundabout and an additional left turn lane at Narellan Road.

Timing

Works associated with the Narellan Road intersection upgrade are part of the interim works agreement and are now being delivered by RMS.

Estimated works value

\$2.4m

Green Corridors**Public Purpose: Open space and drainage****Description of works**

The development of the various green corridors will include bushland management and revegetation, construction of cycle ways, pedestrian bridges, seating, signage and rain gardens. Works may also include creek line stabilisation works and construction of weirs, pools and riffles as required.

Timing

Works associated with the Bush Link Parks will be complete for the release of the Subdivision Certificate for the final sub-stage or Stage as follows:-.

- R2 & R3 – (Located between Stages 1 and 4) - Subdivision Certificate for final sub-stage in Stage 4
- R4 & R5 - Subdivision Certificate for Stage 3
- R1 - (Located between Stages 4 and 5) - Subdivision Certificate for final sub-stage in Stage 5

Estimated works value

\$6.4m

Sports Precinct**Public Purpose: Open Space****Description of works**

The development of the sports precinct is intended to provide the structured active recreation and community uses for the residential and campus components of the development. The core elements include:

- conversion of the existing oval as a training ground with retention of the existing flood lighting to field
-

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

- conversion of the golf driving range area to competition standard ovals including field lighting to Council's standards, irrigation, drainage and turfing. The playing surface may be raised above low intensity flood events subject to the achievement of required stormwater detention/storage in the basins
- a new access driveway and adjacent 90 degree sealed car park with 80 spaces defined by a kerb line will be provided for use by visitors to the sport fields, community meeting space and gymnasium (including any other commercial use of the building or adjoining area)
- seating, benches, table/seats, bollards, bins and drinking fountains
- playground (under five years old) including slides, swings, incidental seating and soft fall
- a new amenities building incorporating team change rooms, canteen, toilets and storage
- two courts (either netball, tennis or similar)
- the gym building, amenities building and car park area are to be linked by pedestrian paths with bollard or other appropriate security lighting.

A small area adjacent to the playing fields will not be dedicated and remain in the UWS ownership to meet existing commercial arrangements to erect a telecommunications tower required to meet cellular coverage requirements in the area. The telecommunications tower will double as a flood light pole for the sport fields, and licences will be granted in Council's favour for access and maintenance of the lighting.

Further comments are provided later in this report in relation to the existing Unifit Gym building.

Timing

Works to the sports precinct will be delivered by the registration of the 581st lot. In the interim, the existing sports field and facilities will be adequate for the initial land releases. UWS will separately hold discussions with Council in regards to reasonable use of the sports precinct by the University during core semester periods, prior to dedication to Council.

Estimated works value

\$5.5m

Bow Bowing Creek

Public Purpose: Drainage

Description of works

Bow Bowing Creek realignment and naturalisation will occur in conjunction with works to the sports precinct and the dam precinct. Bow Bowing Creek is generally contained within a concrete channel through the site. The works to Bow Bowing Creek will include the realignment of the creek where it traverses across the former golf driving range to run adjacent to the railway line. Works will be carried out to return the channel to a more natural creek line and may include installation of rock to create pools and riffles, weed eradication and planting either side of the creek within the sports precinct and the dam precinct. The works will generally cease adjacent to the existing Macarthur Gardens north site after it ties back into the more natural Bow Bowing Creek line.

Timing

Works associated with Bow Bowing Creek will be complete by the registration of the 741st lot.

Estimated works value

\$2.1m

Dam Recreation Park

Public Purpose: Park and open space

Description of works

The development of the dam recreation precinct is intended to provide a significant focal point for passive recreation pursuits centred around the existing farm dam. The core elements include:

- two picnic shelters (with roof structure) and facilities including BBQs
 - bench seating, bins, bubbler and bike racks
 - children's playground (5 to 12 years) including slides, swings, incidental seating, soft fall and shade structure
 - lakeside edge walk adjacent to section of northern bank and separate boardwalk area to west of dam
 - pedestrian paths and bridge linking facilities with signage
 - construction of retaining walls and rain gardens as required
 - regeneration, revegetation and planting of retained remnant Cumberland Plain Woodland.
-

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

Timing

Works to the Dam Precinct will be delivered by the registration of the 741st lot.

Estimated works value

\$3.9m

Macarthur Regional Recreation Trail

Public Purpose: Cycleway

Description of works

The development of the Macarthur Regional Recreation Trail (cycleway) through the site will deliver an important link in the planned shared pedestrian and cycleway trail connecting Camden and the Macarthur Railway Station. Works to be delivered include construction of a 3.5m wide concrete cycleway from the Hume Highway adjacent to the Australian Botanic Gardens, through the Dam Recreation Precinct and sports precinct and as an off road construction up to the boundary of the existing Macarthur Gardens North land. From this point, and as an interim solution, the Macarthur Regional Recreation Trail will connect to an "on road" cycle way provided within the Goldsmith Avenue reservation through to Gilchrist Drive. In the longer term, the Macarthur Regional Trail will be extended "off road" through the Macarthur Gardens North site adjacent to Bow Bowling Creek to link with Macarthur Railway Station as part of the development of Macarthur Gardens North land. This cost includes construction a 3.5m wide path and pedestrian/cycle bridges as required through the sports precinct and dam precinct.

Timing

Works for key sections of the Macarthur Regional Recreation Trail will occur in conjunction with works to the sports precinct and Dam Park Precinct. All sections of the trail are to be complete for the release of the subdivision certificate for the final sub stage in Stage 5b.

Estimated works value

\$2m

Knoll Park

Public Purpose: Open Space

Description of works

The development of Knoll Park will include earthworks to produce recreation and lawn areas defined by paths and retaining walls. The park will include seats, a shelter, bubbler and signage. The Knoll Park is a structured lawn area and lawn terraces areas for passive recreation. The park will incorporate edge landscaping and pathways. A focal feature will be provided comprising pavement art, treatment or similar.

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

Timing

Works associated with Knoll Park will be complete for the release of the subdivision certificate for the final sub-stage in Stage 4a.

Estimated works value

\$700,000

Flood Detention Basins

Public Purpose: Drainage

Description of works

The existing detention structures including the dam wall and basin walls (located at the north eastern end of both the playing field and golf driving range) will be upgraded as required to cope with dam break scenario. The works will focus on strengthening, modifying outlets and slightly increasing the height of the detention structures (i.e. bund walls) as identified in the flood mitigation report.

Timing

Works associated with flood detention basins will be complete for the release of the subdivision certificate as per the recommendations in the flood report prepared for each stage.

Estimated works value

\$2.2m

Roads

Public Purpose: Roads

Description of works

The development will include the creation of new roads, of both local and collector, to be dedicated to Council. The roads within each of the stages will be designed in accordance with UrbanGrowth NSW's Street Design Guidelines as varied to meet local environmental factors (such as wider roads for bushfire access) and will be constructed to Council standards within each Stage. Parts of the two collector roads linking with the surrounding road network and the residential stages (i.e. the William Downes Drive part of the Stage 3 Access Road) will be constructed to different standards from UrbanGrowth NSW's Street Design Guidelines as follows:-

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

- William Downes Drive and Stages 2 and 3 Collector Road – This existing William Downes Drive connects the intersection at Narellan Road with the campus development and is one trafficable lane in each direction. The road has no kerb or kerbside parking. Drainage is by grass swale adjacent to the road pavement. It is proposed to maintain the existing road profile of William Downes Drive generally between the intersection of the Collector Road which will access Stage 3 and the roundabout located toward the Narellan Road frontage and subject to any widening proposed as part of the Narellan Road entry works discussed in Section 9
- The Collector Road from its intersection with William Downes Drive to Stage 3 will be as per the UrbanGrowth NSW Street Design Guidelines.

Timing

Works associated with the delivery of roads within each stage will generally be complete for the release of the subdivision certificate for the final sub stage in each Stage. Works associated with the construction of the Stage 3 access road linking Stage 3 with William Downes Drive has been modelled by AECOM and is not required until the 700th lot.

Estimated works value for collector roads

\$4.9m

Macarthur Station Access

Public Purpose: pedestrian access

Description of works

There is currently pedestrian access for students, academics and visitors between Macarthur Railway Station and the TAFE and UWS campuses which will be impacted at the time that the Macarthur Gardens north project is delivered. Development consent (F549/2033 and G111/2003) for the Macarthur Regional Centre Master Plan condition No. 9 outlines that an agreement shall be developed for the pedestrian bridge linking to the railway station. It is intended that construction of the pedestrian upgrades to the railway station be undertaken by the developer of the Macarthur Gardens north site.

Timing

Payment of the contribution will be made to coincide with the construction of the pedestrian upgrades on the Macarthur Gardens north site, or by the final release of the subdivision for Stage 5, whichever occurs first.

Estimated value

\$100,000

Total estimated value of works and contributions = \$37m excluding land value

Work already completed, commenced or otherwise committed

In accordance with Condition 11 of the Stage 1 approval and the required interim works agreement allowed for by that condition, certain works have already been completed or are underway. These works are:

Upgrade of University intersection with Narellan Road

The RMS have incorporated this work into their broader upgrade of Narellan Road which is now underway. UrbanGrowth NSW have negotiated with RMS and contributed \$2.8m to this project which is \$400,000 more than originally estimated in the draft VPA and ISDP.

Gilchrist Drive intersection upgrade

The intersection design has been approved by RMS and work has commenced. Work has been slowed from the original timetable due to discovery of unmapped services needing relocation and the existence of unsuitable base material. Completion is now due in January 2015. It should be noted that work at this intersection will maintain both travel lanes in both directions along Gilchrist Drive during the busy Christmas period.

Goldsmith Drive upgrade

This work is progressing and will be completed by November 2014, with its connection to the Gilchrist Drive intersection at its completion.

Main Ridge Park

Approved under DA2049/2014 and now complete.

All of these works/contributions should still be referenced in the planning agreement and infrastructure services delivery plan to ensure that the full scope and value of works and contributions associated with the UWS residential project are appropriately documented in the one place.

Unifit Gym Building

Council staff have long held a view that public access to the Unifit Gym building would add significant value to the proposed sporting precinct, accordingly the planning agreement provides for shared use between the UWS and Council. Notwithstanding, a proposal has been put forward that subject to formal agreement between UWS and Council that ownership of the gym would be transferred in full to Council for an agreed sum. Council has received a letter of offer from UWS for Council to purchase the Unifit Gym Building for a written down value of \$450,000. This is seen to be of significant potential benefit to Council and the community. The matter will be reported to Council following the exhibition of the VPA.

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

Need for public exhibition of draft Agreement

Section 93L of the *Environmental Planning and Assessment Act 1979* and Clause 25D of the EPA Regulations set out the requirements of public notification of planning agreements. Council is required to advise the public of its intention to enter into an agreement and make relevant information available. Should Council receive submissions, it should consider those submissions prior to entering into any agreement.

In this regard, it is recommended that Council notify the public of its intention to enter into a planning agreement with UWS and UrbanGrowth NSW and both the draft planning agreement and the draft infrastructure services delivery plan be made available for viewing by the public for a period of 28 days.

Conclusion

Subject to Council being satisfied with the draft planning agreement and the supporting infrastructure services delivery plan, it can publicly notify its intention to enter into the agreement with the University of Western Sydney and UrbanGrowth NSW.

Following the completion of the required notification period, and subject to the consideration of any submissions received as a result of the notification, the Council could agree to execute the draft planning agreement which in turn would secure the public benefit contributions arising from the UWS residential project.

Officer's Recommendation

1. That the draft University of Western Sydney Residential Precinct 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 over a minimum four week period during November and December 2014.
2. That the matter be reported back to Council following public notification/exhibition.

Committee's Recommendation: (Rowell/Lound)

That the Officer's Recommendation be adopted.

CARRIED

3.6 Public Exhibition Of Planning Agreement For University Of Western Sydney Residential Project

Council Meeting 14 October 2014 (Kolkman/Oates)

That Directors Report Item 12.2 - Gilchrist Drive/Goldsmith Avenue - Intersection Construction be brought forward and dealt with in conjunction with Item 3.6.

Council Meeting 14 October 2014 (Borg/Lound)

1. That the draft University of Western Sydney Residential Precinct 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 over a minimum four week period during November and December 2014.
2. That the matter be reported back to Council following public notification/exhibition.
3. That a Road Occupancy Certificate (subject to conditions) be issued to the proponent to allow the subject intersection works to continue and that Council's engineers regularly attend the site in order to monitor the progress of the works, and the identify any works/activities that have a potential to adversely impact on the free movement of traffic within and around the local road network.

Council Resolution Minute Number 193

1. That the draft University of Western Sydney Residential Precinct 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 over a minimum four week period during November and December 2014.
2. That the matter be reported back to Council following public notification/exhibition.
3. That a Road Occupancy Certificate (subject to conditions) be issued to the proponent to allow the subject intersection works to continue and that Council's engineers regularly attend the site in order to monitor the progress of the works, and the identify any works/activities that have a potential to adversely impact on the free movement of traffic within and around the local road network.

At the conclusion of the discussion regarding Item 3.5 and 3.6, Councillor Hawker returned to the Chamber for the remainder of the meeting.

3.7 Seniors Housing Site Compatibility Certificate Application St John's Church Site,
George Street, Campbelltown

3.7 Seniors Housing Site Compatibility Certificate Application St John's Church Site, George Street, Campbelltown

Reporting Officer

Manager Development Services

Attachments

1. Letter from NSW Planning and Environment (contained within this report)
2. Locality Map (contained within this report)
3. Site Compatibility Certificate Application (contained within this report)
4. Site Compatibility Application Flow Chart (contained within this report)

Purpose

To advise Council of an application for a Seniors Housing Site Compatibility Certificate lodged with NSW Planning and Environment for the St John's Church site in George St, Campbelltown.

Background - Site Compatibility Certificates

A Site Compatibility Certificates (SCC) is a statutory planning device that permits the development and use of qualifying lands to which the Certificate relates for certain purposes that (because of the current zoning of that land) would otherwise be prohibited.

NSW Planning and Environment (NSWPE) oversees the issuing of SCCs so as to ensure that all future likely development proposals lodged with a Council that rely upon a SCC, remain broadly compatible with surrounding land uses.

It should be noted that the issuing of a SCC does not mean that the development has been approved by the Department and can now be constructed – it is only the first step in the assessment process (see attachment 3 for SCC process). The consent authority (ordinarily Council) would have to approve the development through a normal development assessment process before it could proceed. This gives councils the opportunity to undertake full community consultation on these proposals.

A recent example of the use of a SCC in the Campbelltown area was over the Glen Alpine proposed school site. As the Council may be aware, the school site was sold by the Department of Education (DoE) as part of the State Government's rationalisation of land holdings. However, prior to its sale, the DoE was successful in obtaining a SCC over the site.

3.7 Seniors Housing Site Compatibility Certificate Application St John's Church Site, George Street, Campbelltown

In this regard, the DoE's application for a SCC was made on the basis that despite the land being zoned 5(a) - Special Uses A Zone – School (residential development is prohibited in this zone), the development of the site for the purposes of residential development was similar and compatible with the surrounding residential development type and the adjoining zone of 2(b) - Residential B Zone.

On this basis, and subject to submissions made by the Council, the NSWPE issued a SCC for residential development on the 5(a) – Special Uses School zoned site, despite residential development being a prohibited development type in zone 5(a) under the Campbelltown (Urban Area) Local Environmental Plan 2002.

Council subsequently received development applications for residential development on the subject land, of which (despite the 5(a) Special Uses zoning), Council's assessment of those applications had to take into consideration the SCC that was issued over the site. Subject to the normal development assessment process, all applications for residential development on the land have been approved to date.

Steps and transparency in the SCC system

A SCC is considered a step in the planning process that has been included to ensure the filtering out of inappropriate potential developments before any development application is lodged with council for land development that qualifies to be considered under various State Environmental Planning Policies, irrespective of any usually applicable prohibition.

As noted before, the Director-General's issuing of a SCC is only the first step in the process and includes consultation with the relevant council. During assessment of site compatibility, the Director-General is required to provide a copy of the application to the council concerned. For proposals under the Seniors Housing State Environmental Planning Policy (similar to the proposal subject of this report), the time period for the Director-General to consider comments is three weeks from the lodgement date. As part of the assessment, the Director General is also required to consider all relevant local, regional or State strategic planning documents.

If a SCC is issued by the Director-General, the normal development application process continues to apply and separate approval must typically be sought from the local council through the lodgement of a future development application. Further to this, if required by the council's public notification policy, normal community consultation including public exhibition of the proposal would be undertaken during the development assessment process and before the consent authority makes its decision.

Notwithstanding the above, it is important to note that the Council's power to refuse or approve a development application that is supported with and relies upon a valid SCC, is not forced or fettered in any way due to the existence of the SCC. Despite the existence of a SCC, the consent authority must consider the application in accordance with the relevant heads of consideration under the Environmental Planning and Assessment Act 1979. However, the consent authority cannot refuse the application on the basis that the proposed development is prohibited in the zone, without giving regard to that which is permissible under the SCC.

Report

On 8 September 2014, Council received notice from NSW Planning and Environment that an application for a Seniors Housing Site Compatibility Certificate (SCC) was lodged for the St John's Church site in George St, Campbelltown. Notice was provided that the application was made under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SHSEPP) (see attachment 1). The purpose of the notice was to provide the Council with an opportunity to make comments on the application for the seniors housing site compatibility certificate.

The notice also provides that any comments received by the Department from Council within 21 days after 8 September will be taken into account as part of the Department's assessment of the application. However, given the fall of the October round of Council, an extension to this time has been allowed by NSWPE to provide the Council an opportunity to consider the site compatibility certificate application at its ordinary meeting on 14 October 2014.

The subject site has a split zoning including part 5(a) - Special Uses and part 2(b) Residential B under Campbelltown (Urban Area) Local Environmental Plan 2002. The residential portion does not form a part of the SCC application, however the proposed development of the whole site for seniors housing would ultimately span both allotments.

The applicant provides that via the use of the SCC, the area zoned 5(a) - Special Uses will be permitted to be used for Seniors Housing and ancillary purposes such as a community facility and café. As such, it is expected that (subject to the approval of the SCC) a development application for the whole of the site is expected for the purposes of Senior Housing and ancillary uses.

Proposal

The applicant provides that subject to the approval of the SCC, a future development application will be made with the Council for development of a new Seniors Housing site comprising a combination of accommodation types.

The applicant advises that the buildings will range from single to three storeys, with single and two storey buildings generally proposed adjacent to side boundaries.

More significant components of the future development application are envisaged to include:

- Retention and conservation of the existing cemetery
 - Retention and full refurbishment of the existing Church for use as a community room
 - Extension of the Church for use as a community room and the inclusion of a small café
 - Construction of an internal access road
 - Construction of a Residential Aged Care Facility comprising 107 beds, a chapel, hair dresser, café, library, dining rooms and staff areas
 - Construction of three separate buildings containing approximately 65 independent living units over separate basement parking areas
-

3.7 Seniors Housing Site Compatibility Certificate Application St John's Church Site, George Street, Campbelltown

- Construction of eight villa style independent living units with at grade parking adjacent to George Street.

The Capital Investment Value for the proposal is stated within the application as \$51.3m and as such, any future DA lodged with the Council (for development valued in excess of \$20m) would be determined by the Sydney West Joint Regional Planning Panel.

Although the application for a SCC is not a development application, consideration of issues that may arise in the future is warranted in order to provide a considered response to NSWPE on the SCC application.

In this regard, the following is a list of issues that have been identified as requiring due consideration as part of the assessment of any SCC application for this site, and may indeed be reflected in any conditional requirements attached to a site compatibility certificate issued by NSWPE

- heritage Impacts (critical importance)
- visual prominence and landscaping/skyline impacts (critical importance)
- traffic and transport Impacts
- stormwater capture, reuse and disposal
- amenity Impacts for surrounding land users
- built scale and density relationships with the local neighbourhood
- emergency services access

Conclusion

On 8 September 2014, Council received notice from NSW Planning and Environment that an application for a Seniors Housing Site Compatibility Certificate (SCC) was lodged for the St John's Church site in George St, Campbelltown.

A preliminary assessment of the application has been undertaken by Council staff and the issues raised in the body of the report are considered relevant for further consideration as part of NSWPE's assessment of the application for the SCC.

Ultimately, where a Seniors Housing SCC is issued by the Director-General over the land, a Development Application is expected to be subsequently lodged with Council for a Seniors Housing development proposing a range of accommodation types and ancillary facilities with an approximate value of \$51.3m.

Having regard to the notice provided by NSWPE, it considered appropriate that Council provide a formal response which expands on the points of consideration raised in this report; with a request that any site compatibility certificate be conditioned appropriately to ensure that the matters raised in this report are suitably addressed at the development application stage.

Officer's Recommendation

1. That a formal response be provided to NSW Planning and Environment which expands on the points of consideration raised in the body of this report.
2. That Council be advised of the outcome of the proponents application for a Seniors Housing Site Compatibility Certificate.

Committee's Recommendation: (Lound/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 October 2014 (Greiss/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 184

That the Officer's Recommendation be adopted.

4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

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 2014-2015 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.

Note: The year to date cost totals itemised in sections one to seven inclusive of the report do not necessarily correlate with the costs to date total of individual matters listed in each section, as the costs to date total of individual matters shown refer to total costs from commencement of the matter, which may have commenced before 1 July.

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 19/09/2014)	0
Total completed Class 1 DA appeal matters (as at 19/09/2014)	0
Costs from 1 July 2014 for Class 1 DA appeal matters:	\$0.00

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

Total ongoing Class 1 Order/Notice appeal matters (as at 19/09/2014)	0
Total completed Class 1 Order/Notice appeal matters (as at 19/09/2014)	1
Costs from 1 July 2014 for Class 1 Order/Notices appeal matters:	\$0.00

2 (a) Abdulhalim ELBAF & Amne ELBAF

Issue: Appeal against Council's Order 2 given under section 121B of the *Environmental Planning and Assessment Act 1979* requiring the building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and outbuilding and associated retaining walls, on the property be demolished.

Property: Lot 1 DP 1039153 Zouch Road, Ingleburn.

Property Owner: Mr. Abdulhalim Elbaf and Mrs Amne Elbaf

Council File: No. 801/2013/N-EPA

Court Application: Filed on 6 December 2013 - File No. 10954 of 2013

Applicant: Abdulhalim Elbaf and Amne Elbaf

Costs Estimate: \$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)

Costs to date: \$1,450.00

Status: Completed, awaiting solicitors final cost invoice.

Progress: The Applicants have filed an appeal in the Land and Environment Court of NSW against Council's Order 2 given under section 121B of the *Environmental Planning and Assessment Act 1979* requiring the building works, the subject of a disputed complying development certificate comprising a partly constructed residential dwelling and outbuilding and associated retaining walls, on the property be demolished.

The appeal was before the court for first mention on 16 January 2014, where by consent, the proceedings were adjourned to 14 February 2014 for call over, in order to bring all three Class 1 appeal matters together and thereby give priority to Class 4 review matter of the disputed Complying Development Certificate listed under item 3(a) of this report.

On 14 February 2014 the Court, by consent, adjourned the proceedings to 4 April for directions hearing.

On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.

On 16 June 2014 the Court, by consent, granted the Applicant's application to vacate the hearing dates, pending determination by Council of a fresh DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 25 July 2014 for mention.

On 25 July 2014 the Court, by consent, granted the Applicant's application to adjourn the proceedings pending determination by Council at its ordinary meeting of 19 August 2014 of DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 29 August 2014 for mention.

On 19 August 2014, Council at its ordinary meeting gave conditional consent to DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping.

Prior to the directions hearing on 29 August 2014 the parties reached agreement that in view of the granting by Council of conditional consent to DA No. 1138/2014/DA-M the Applicant file a notice of discontinuance in the proceedings and that Council revoke its Order 2 Ref: No. 801/2013/N-EPA.

On 29 August 2014 the Court, by consent, made an order that relevant notice of discontinuance be filed in the proceedings. A notice revoking Council's Order 2 Ref: No. 801/2013/N-EPA was given to the applicant.

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 19/09/2014)	2
Total completed Class 4 matters (as at 19/09/2014)	0
Costs from 1 July 2014 for Class 4 matters	\$38,667.60

3 (a) Abdulhalim ELBAF & Amne ELBAF

Issue: Appeal seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private

	certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.
Property:	Lot 1 DP 1039153 Zouch Road, Ingleburn.
Property Owner:	Mr. Abdulhalim Elbaf and Mrs Amne Elbaf
Council File:	No. 2491/2012/CDCPRI
Court Application:	Filed on 24 December 2013 - File No. 41030 of 2013
Applicant:	Abdulhalim Elbaf and Amne Elbaf
Costs Estimate:	\$10,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$26,367.69
Status:	Ongoing – listed for costs hearing on 15 October 2014.
Progress:	<p>The Applicants have filed an appeal in the Land and Environment Court of NSW seeking judicial review of disputed complying development certificate No. CDC 0455/12 issued by the private certifier for the development comprising a residential dwelling and residential outbuilding and associated site works, on the property.</p> <p>At the first mention on 7 February 2014 the proceedings were adjourned to 14 February for directions hearing.</p> <p>On 14 February 2014, the Court, by consent, adjourned the proceedings to 4 April 2014 for directions hearing.</p> <p>On 4 April 2014 the Court gave certain procedural directions and adjourned the proceedings to 16 and 17 June for hearing.</p> <p>On 16 June 2014 the Court, by consent, granted the Applicant's application to vacate the hearing dates, pending determination by Council of a fresh DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 25 July 2014 for mention.</p> <p>On 25 July 2014 the Court, by consent, granted the Applicant's application to adjourn the proceedings pending determination by Council at its ordinary meeting of 19 August 2014 of DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping. The Court gave certain procedural directions and adjourned the proceedings to 29 August 2014 for mention.</p>

On 19 August 2014, Council at its ordinary meeting gave conditional consent to DA No. 1138/2014/DA-M for the proposed development comprising the completion of construction of a partly built attached dual-occupancy, fencing, retaining walls, driveways and landscaping.

Prior to the directions hearing on 29 August 2014 the parties reached agreement that in view of the granting by Council of conditional consent to DA No. 1138/2014/DA-M the Applicant file a notice of discontinuance in the proceedings and that complying development certificate No. CDC 0455/12 be surrendered. Agreement on costs was not able to be reached.

On 29 August 2014 the Court, by consent, made an order that relevant notice of discontinuance be filed in the proceedings and that complying development certificate No. CDC 0455/12 shall be surrendered by the applicant on determination of costs. The judge made certain orders in respect of submissions to the Court on costs and listed the proceedings for cost hearing on 15 October 2014.

Having regard to the granting by Council of conditional consent to DA No. 1138/2014/DA-M, on 5 September 2014, Council issued Building Certificate 1203/2014/BC-UW for the existing structures on the premises relevantly constructed under complying development certificate No. CDC 0455/12 comprising: lower ground floor level dwelling – mass concrete piers, reinforced concrete footings, reinforced concrete floor slab; upper ground floor dwelling – reinforced concrete floor slab; lower ground floor level attached dual occupancy – mass concrete piers, reinforced concrete footing, reinforced concrete floor slab; upper ground floor level dual occupancy – reinforced concrete floor slab; reinforced concrete block retaining wall; and, brick fence with attached piers.

3 (b)

John Frank GALLUZZO

Issue:

The Land and Environment Court NSW granted conditional development consent No. 610/2004/DA-C on 25 September 2005 for a childcare centre at 1 Blomfield Road, Denham Court. Conditions 15 and 19 of the consent required the respondent to construct a Type B intersection at the intersection of Campbelltown Road with Blomfield Road, Denham Court. To date the respondent has failed to fully comply with the consent.

Property:

Pt Lot 101 DP 602622, 1 Blomfield Road, Denham Court.

Property Owner:

Mr. John Frank Galluzzo

Council File:

Development Application No: 610/2004/DA-C

Court Application:	Filed on 25 March 2014 - File No. 40179 of 2014
First Respondent:	John Frank Galluzzo
Second Respondent:	G8 Education Limited
Costs Estimate:	\$15,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$19,419.71
Status:	Ongoing – listed for directions hearing on 3 October 2014.
Progress:	On 25 March 2014 Council issued a summons seeking declarations and orders of the Court that the respondent comply with conditions 15 and 19 of Court issued development consent No. 610/2004/DA-C relating to the construction of a Type B intersection at the intersection of Campbelltown Road and Blomfield Road, Denham Court.

The matter was before the Court for first mention on 24 April 2014 where counsel for the respondent sought an adjournment until after 2 June, as the respondent was overseas attending to his seriously ill wife. Council informed the Court that it was aware that the respondent and the childcare centre proprietor had been conferring about the submission of a modification application to development application No: 610/2004/DA-C seeking consent for a revised intersection installation at the corner of Blomfield and Campbelltown Roads and an increase in the centre enrolment numbers from 74 to 90 children. Having regard to the long history of this matter and the safety concerns raised by the respondents failure to comply with the conditions of the original consent requiring construction of the subject intersection, Council made submissions that the Court direct the respondent progress the preparation and submission of the development application during the period of any adjournment granted. The Court agreed and made directions accordingly and adjourned the proceedings to 13 June 2014 for further directions hearing.

On 13 June 2014 the Respondent notified the Court of his intention to file a fresh DA, which is intended to remedy the breach of the existing consent. Council noted its concerns regarding the ongoing safety issues pertaining to the existing intersection at Campbelltown and Blomfield Roads and its desire to amend the original summons to join the Childcare Centre operator. The Court gave certain procedural directions and adjourned the proceedings to 4 July 2014 for directions hearing.

On 4 July 2014 the Court gave certain procedural directions and adjourned the proceedings to 11 July 2014 for further directions hearing.

On 11 July 2014 the Court by consent adjourned the proceedings and referred the matter for mediation. A Commissioner of the Court has been assigned to conduct the mediation on 15 August 2014.

On 15 August 2014 the mediation proceedings were adjourned to eCourt mention on 22 August. The purpose of the adjournment was to enable the parties to clarify and consider recommendations of the RMS pertaining to the intersection type, and for the parties to determine if the mediation should proceed or be terminated and restored to the Court list.

Following further adjournment of the mediation proceedings to allow the parties' time to discuss possible settlement options, no agreement was eventually reached and the mediation was terminated on 1 September 2014.

Subsequently, the Class 4 proceedings were restored to the Court list and adjourned to 17 September for hearing of a notice of motion to join the proprietor of the childcare centre 'G8 Education Limited' in the proceedings; Council's motion in this regard was successful. The proceedings have been further adjourned to 3 October for 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 19/09/2014)	0
Total completed Class 5 matters (as at 19/09/2014)	0
Costs from 1 July 2014 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 19/09/2014)	0
Total completed Class 6 matters (as at 19/09/2014)	0
Costs from 1 July 2014 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 19/09/2014)	0
Total completed Appeal matters (as at 19/09/2014)	0
Costs from 1 July 2014 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 19/09/2014)	4
Total completed Local Court Matters (as at 19/09/2014)	7
Costs from 1 July 2014 for Local Court Matters	\$456.00

File No:	LP20/14 to LP22/14 & LP25/14 – Penalty Notice Court Elections x 4
Offence:	Development not in accordance with development consent (working outside of approved hours x 2 and incorrect materials storage x 2)
Act:	<i>Environmental Planning & Assessment Act 1979</i>
Costs to date:	\$0.00 – currently being handled by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Ongoing – listed for mention on 7 October 2014.
Progress:	The matter was before the Court for first mention on 16 September 2014 where the Registrar, by consent, adjourned the proceedings to 7 October 2014 in order to bring all four matters together.

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 19/09/2014)	3
Costs from 1 July 2014 for advice matters	\$2,800.90

9. Legal Costs Summary		
The following summary lists the Planning and Environment Division's net legal costs for the 2014/2015 period.		
Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$0.00	\$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	\$38,667.60	\$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	\$456.00	\$0.00
Matters referred to Council's solicitor for legal advice	\$2,800.90	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$41,468.50	\$0.00
Overall Net Costs Total (GST exclusive)	\$41,924.50	

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Kolkman/Lound)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 14 October 2014 (Greiss/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 184

That the Officer's Recommendation be adopted.

5. GENERAL BUSINESS

5.1 Clarification of Briefings

Committee's Recommendation: (Greiss/Thompson)

That a report be presented to clarify the purpose and protocols of Council Briefing Evenings.

CARRIED

Council Meeting 14 October 2014 (Greiss/Borg)

That the Committee's Recommendation be adopted.

LOST

A **Division** was called in regard to the recommendation for Item 5.1 - Clarification of Briefings with those voting for the Motion being Councillors Dobson, Greiss, Hawker, Matheson, Mead and Thompson.

Voting against the Recommendation were Councillors Borg, Brticevic, Chanthivong, Glynn, Kolkman, Lake, Lound and Oates.

Confidentiality Motion: (Kolkman/Thompson)

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to exclude the public from the meeting during discussions on the items in the Confidential Agenda, due to the confidential nature of the business and the Committee's opinion that the public proceedings of the Committee would be prejudicial to the public interest.

CARRIED

18. CONFIDENTIAL ITEMS

18.1 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 10.40pm.

G Greiss
CHAIRPERSON
