

# Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 20 October 2015.

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## 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 20 October 2015**

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**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 - Mrs L Deitz
- Director Strategy - 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
- Acting Manager Development Services - Mr B Leo
- Manager Environmental Planning - Mr A Spooner
- Manager Property Services - Mr J Milicic
- Senior Strategic Environmental Planner - Mrs R Haddad
- Manager Governance and Risk - Mrs M Dunlop
- Executive Assistant - Mrs D Taylor

**Apology** Nil

**Also in Attendance**

At the conclusion of the City Works Committee Meeting the following Councillors attended the Planning and Environment Committee:

- Councillor F Borg - from item 3.3 until the conclusion of the meeting
- Councillor C Mead - from item 3.3 until the conclusion of the meeting
- His Worship the Mayor, Councillor P Hawker - for items 3.4 and 3.5.

**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**

**Non Pecuniary – Significant Interests**

**Non Pecuniary – Less than Significant Interests**

Councillor Hawker - Item 3.5 - Use of an existing golf safety screen and alterations to an existing golf tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine - Councillor Hawker advised that one of the Directors is known to him.

**Other Disclosures**

Councillor Borg - Item 3.5 - Use of an existing golf safety screen and alterations to an existing golf tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine - Councillor Borg advised that he is a life member of Campbelltown Catholic Club but did not declare an interest as he is not a member of the Planning and Environment Committee.

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## **1. WASTE AND RECYCLING SERVICES**

**No reports this round**

## **2. ENVIRONMENTAL PLANNING**

### **2.1 Minutes of the Heritage Protection Sub Committee meeting held 20 August 2015**

#### **Reporting Officer**

Manager Environmental Planning

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#### **Attachments**

Minutes of the Heritage Protection Sub Committee meeting held 20 August 2015 (contained within this report)

#### **Purpose**

To seek Council's endorsement of the minutes of the Heritage Protection Sub Committee meeting held 20 August 2015.

#### **Report**

Detailed below are the recommendations of the Heritage Protection Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration.

#### **Recommendations of the Heritage Protection Sub Committee**

##### **Reports listed for consideration**

##### **6.1 Correspondence from Author Rochelle Llewelyn Nicholls**

That the information be noted.

##### **7.1 Local Heritage Fund Application - 'Riverview' Cottage, No.121 Menangle Road, Menangle Park**

That Council be requested to approve the subject Local Heritage Fund (2015-2016) application for \$2000 for reimbursement of costs associated with roof maintenance works to the heritage listed Riverview Cottage.

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**7.2 Development Application for Campbellfield/Redfern's Cottage, 20 Lind Street, Minto**

That the information be noted.

**8.1 2020 Campbelltown Bicentenary**

That the information be noted.

**8.2 Glenfield to Macarthur Priority Urban Renewal Corridor**

That the information be noted.

**8.3 Hurley Park Heritage Sign**

That the information be noted.

**8.4 Campbelltown Airs Historical Society Committee Membership Update**

1. That Council be requested to accept the resignation of Ms Learna Coupe as a member of the Heritage Protection Sub Committee and send a letter of appreciation to her.
2. That Council be requested to approve the appointment of Mrs Clarice Stretch as the Campbelltown Airs Historical Society representative on the Heritage Protection Sub Committee.

**8.5 Raith, Fern Ave Bradbury**

That the information be noted.

**8.6 Fisher's Ghost Restaurant**

That the information be noted.

**Officer's Recommendation**

1. That the minutes be noted.
  2. That Council approve the subject Local Heritage Fund (2015-2016) application for \$2000 for reimbursement of costs associated with roof maintenance works to the heritage listed Riverview Cottage.
  3. That Council accept the resignation of Ms Learna Coupe as a member of the Heritage Protection Sub Committee and send a letter of appreciation to her.
  4. That Council approve the appointment of Mrs Clarice Stretch as the Campbelltown Airs Historical Society representative on the Heritage Protection Sub Committee.
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**Committee's Recommendation: (Oates/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

**Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Amendment (Greiss/Kolkman)**

1. That the minutes be noted.
2. That Council approve the subject Local Heritage Fund (2015-2016) application for \$2000 for reimbursement of costs associated with roof maintenance works to the heritage listed Riverview Cottage.
3. That Council accept the resignation of Ms Learna Coupe as a member of the Heritage Protection Sub Committee and send a letter of appreciation to her.
4. That Council approve the appointment of Mrs Clarice Stretch as the Campbelltown Airs Historical Society representative on the Heritage Protection Sub Committee.
5. That Council make a funding application regarding Hurley Park cattle tanks to the Office of Environment and Heritage's next round of grant funding.

**Council Resolution Minute Number 187**

That the above amendment be adopted.

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## **ATTACHMENT 1**

### **Minutes of the Heritage Protection Sub Committee**

**Held Thursday 20 August 2015 in Committee Room 3**

Meeting Commenced: 6.05pm

#### **1. Acknowledgement of Land**

An Acknowledgement of Land was presented by the Chairperson, Councillor Rowell.

#### **2. Attendance and Apologies**

Councillor Ted Rowell - Chairperson Campbelltown City Council  
Kay Hayes - Campbelltown Airds Historical Society  
Robert Wheeler - National Parks Association  
Sue Kijurina - Campbelltown Airds Historical Society  
Learna Coupe - Campbelltown Airds Historical Society

**Also in Attendance:** Clarice Stretch - Campbelltown Airds Historical Society  
Andrew Spooner - Manager Sustainable City & Environment  
Melinda Willcocks - Marketing and Tourism Coordinator  
Andrew McGee - Senior Development Planner  
Jane Worden - Executive Support

**Apologies:** Councillor Bob Thompson - Campbelltown City Council  
Mario Majorich - National Parks Association  
James Gardner - Qualified Person  
Jeff Burton - Strategic Planner

#### **Sub Committee's Recommendation: (Hayes/Wheeler)**

That the above apologies be accepted.

#### **CARRIED**

#### **3. Declarations of Interest**

There were no Declarations of Interest made at this meeting.

#### **4. Minutes of the Previous Meeting**

##### **Reporting Officer**

Manager Sustainable City and Environment

##### **Report**

The Minutes of the Heritage Protection Sub Committee Meeting held on 28 May 2015, copies of which were circulated to each Sub Committee member, were presented to Council for adoption at its meeting on 21 July 2015.

Council resolved to adopt the Minutes in accordance with the Officer's recommendation.

##### **Officer's Recommendation**

That the information be noted.

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**Sub Committee's Recommendation: (Hayes/Wheeler)**

That the information be noted.

**CARRIED**

**5. Business Arising from Previous Minutes**

**Reporting Officer**

Manager Environmental Planning

**Purpose**

To report on business arising from the Minutes of the Heritage Protection Sub Committee Meeting held on 28 May 2015.

**Report**

The Minutes of the Heritage Protection Sub Committee meeting held on 28 May 2015 were considered by Council at its meeting of 21 July 2015.

The matters of business arising from the previous minutes relate to the following relevant items as detailed below:

(Item 7.1) Local Heritage Fund Application - St David's Presbyterian Church, No.40 Lithgow Street Campbelltown

Council approved the subject Local Heritage Fund (2014-2015) application for \$2000 for roof maintenance works to the heritage listed St David's Presbyterian Church.

Works have been completed in accordance with the approved application and grant funding for \$2000 has been forwarded to the applicant.

(Item 8.2) Hurley Park Signage - Historic Water Reservoir and Cattle Tank.

The Heritage Protection Sub Committee members have verbally indicated their general support for the provision of interpretative signs at Hurley Park. No specific design or information content requirements have been provided by Sub Committee members.

A draft design for the proposed signage has been prepared and is to be presented to Heritage Protection Sub Committee members as an item of General Business.

**Officer's Recommendation**

That the information be noted.

**Sub Committee's Recommendation: (Wheeler/Hayes)**

That the information be noted.

**CARRIED**

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## **6. Correspondence**

### **6.1 Correspondence from Author Rochelle Llewelyn Nicholls**

Campbelltown Airs Historical Society representative Learna Coupe advised Sub Committee members that she recently attended an author visit and discussion by Dr Rochelle Llewelyn Nicholls who is a writer and sports historian and the author of the new biography *Joe Quinn Among the Rowdies*, the story of Australia's first major league baseball player, Joe Quinn.

It was noted that Mr Joe Quinn spent much of his life in Campbelltown prior to relocating to the United States to pursue his baseball career where he played 17 seasons of professional baseball and was voted 'Americas Most Popular Ball Player' in 1893 and was the only Australian to captain or manage a major league team.

The Campbelltown Airs Historical Society tabled correspondence from Dr Rochelle Llewelyn Nicholls requesting that Campbelltown City Council consider naming a sports field in the Campbelltown Local Government Area after local baseball champion Joe Quinn. Council's Manager Sustainable City and Environment gave an undertaking to consider the correspondence and provide a report to a future Heritage Protection Sub Committee meeting for consideration and referral to Council.

#### **Sub Committee's Recommendation: (Coupe/Hayes)**

That the information be noted.

#### **CARRIED**

## **7. Reports**

### **7.1 Local Heritage Fund Application - 'Riverview' Cottage, No.121 Menangle Road, Menangle Park**

#### **Reporting Officer**

Manager Environmental Planning

#### **Purpose**

The purpose of this report is to seek a recommendation from the Heritage Protection Sub Committee for Council to approve the subject application under Council's Local Heritage Fund 2015-2016.

#### **Report**

Riverview is a single storey brick cottage with a hipped corrugated steel roof and a hipped corrugated steel roofed front verandah on timber posts. The roof of the house form features a valley between a pair of hipped roofed sections at the rear and then a rear verandah. The house has externally expressed chimneys, two to each side.

Riverview is of historical significance for its association with the Taber family, and most particularly George Taber senior (born in the colony, 1800) and George Taber junior (born 1827), who farmed this land and operated a nearby inn (Taber's Inn, Horse & Jockey Inn or Hotel, Menangle Hotel, and now known as Menangle House) from 1839-1844 and again in the late 1850s-early 1860s.

The owner of the subject property had recently contacted Council to advise that the existing iron roof sheeting of the cottage had deteriorated and stormwater was penetrating the roof structure.

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## 2.1 Minutes Of The Heritage Protection Sub Committee Meeting Held 20 August 2015

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Given the need to address this problem in a timely manner, the owner of the property has already engaged appropriate building contractors to undertake the necessary roof maintenance works.

The attached photos show roof works that have been completed, consistent with the existing roof colour and materials. In this respect, it is noted that the repair works also included replacement of some internal components of the existing roof structure.

The application seeks the maximum allowance under the Local Heritage Fund of \$2000, noting that the total cost of the works was quoted at \$8100.

It is noted that the quote for repair works also included the replacement of some transparent roof sheeting for an outdoor living area adjoining the rear of the house. However, as these works only constituted a minor portion of the total quote, their inclusion would have had no bearing on the amount of grant funding requested under the subject application.

The application has been assessed in accordance with the Local Heritage Fund Guidelines and is considered to be generally consistent with the eligibility criteria for funding. In this respect, the proposed restoration works have enhanced the external appearance of the building and will promote the long term conservation of the building by preventing further stormwater damage to the building fabric.

Accordingly, the proposed roof restoration works are considered to have sufficient merit for the application to be recommended for approval by the Heritage Protection Sub Committee.

### **Officer's Recommendation**

That the Heritage Protection Sub Committee request Council to approve the subject Local Heritage Fund (2015-2016) application for \$2000 for reimbursement of costs associated with roof maintenance works to the heritage listed Riverview Cottage.

### **Sub Committee's Recommendation: (Hayes/Coupe)**

That Council be requested to approve the subject Local Heritage Fund (2015-2016) application for \$2000 for reimbursement of costs associated with roof maintenance works to the heritage listed Riverview Cottage.

### **CARRIED**

## **7.2 Development Application for Campbellfield/Redfern's Cottage, 20 Lind Street, Minto**

### **Reporting Officer**

Acting Manager Development Services

### **Purpose**

The purpose of this report is to inform the Heritage Protection Sub Committee of Development Application 2952/2014/DA-C, which proposes the construction of a medical centre, childcare centre and associated car parking on the subject site.

### **History**

Campbellfield has historical significance for its associations with Dr William Redfern and Mrs Macquarie, and for the history of the wine industry in Australia. Redfern was a leading figure in the colony at the time, and the subject land comprised of an area of 1300 acres in the Airds district granted to him in 1818. He subsequently named the property 'Campbellfield' in honour of the Governor's wife's maiden name.

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## 2.1 Minutes Of The Heritage Protection Sub Committee Meeting Held 20 August 2015

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The property has historical significance in relation to the development of the Australian wine industry, as while recovering from illness in Madeira, Redfern studied their vineyards and wine industry, returning to Sydney in 1824 with a quantity of Madeira grape vines for the establishment of a vineyard. Redfern is recognised as the first vintner to introduce the Verdelho grape variety to Australia. The Hunter Valley strain of Verdelho is said to have originated from Minto. Campbellfield has historical association with William Redfern from 1819-1828, remaining in the ownership of the Redfern family until its 1883 subdivision.

Campbellfield is of aesthetic significance for its setting and landscaping. The remains of the original stone cottage are of technical significance for their ability to demonstrate early 19th century stonework and construction techniques. As a site with European occupation from 1819, the site is considered to be of high archaeological research potential. The site is a rare example of a site with a historical record of European occupation from 1819.

In 1965 Campbellfield was substantially demolished and rebuilt. The cellar, one end wall, the chimney and the sandstone verandah flagging are believed to remain from Redfern's original house. Soon after this occurred, the Macarthur Development Board acquired the property.

In December 2014, Landcom (formerly the Macarthur Development Board and now Urban Growth) sold the property to JD One Enterprise Pty Ltd, who has lodged the subject development application.

### **Proposal**

Campbellfield/Redfern's Cottage is located at 20 Lind Street, Minto, and is listed as an item of local heritage significance under Campbelltown (Urban Area) Local Environmental Plan 2002. The site is currently zoned 2(b) - Residential B Zone, and is proposed to be zoned R5 Large Lot Residential under the draft Campbelltown Local Environmental Plan 2014.

The site has an area of 9061.6m<sup>2</sup> and is irregularly shaped. It is adjoined to the north by Minto Catholic Church and its expansive grounds, to the west by Minto Marketplace, and to the south/south-east by residential development and a public reserve. Apart from the cottage, the site contains several mature trees and an area of bitumen, as well as chain wire fencing surrounding the cottage. The site is accessed by a driveway from Lind Street.

The application proposes the following works:

- Construction of a single-storey medical centre in the north-western part of the site. The proposed medical centre would accommodate rooms for 11 general practitioners, imaging and pathology sections, a pharmacy, a dentist and a café
- Construction of a single-storey child care centre in the northern part of the site. The proposed childcare centre would accommodate 130 children
- Use of Redfern's Cottage in association with the proposed childcare centre, containing a reception area, administration room, staff room, cots for sleeping, and a storage area
- Construction of a car park with 83 car parking spaces in the southern part of the site near Lind Street.

A plan of the proposed development has been attached for the Sub-Committee's reference.

### **Assessment**

Assessment of the application has revealed a number of deficiencies with respect to heritage matters. These are outlined below:

The Heritage Impact Statement submitted with the application provides a very narrow recognition of the heritage significance of the item, namely 'social significance'. This is in contrast to the

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'statement of significance' provided by Paul Davies Heritage Architects (attached), which identifies a number of other important attributes, including historical significance (Australian Wine Industry), aesthetic significance (setting and landscaping), European occupation and archaeological potential. Accordingly, the HIS appears to underestimate the heritage significance of the item, and therefore does not provide an appropriate level of investigation to substantiate the conclusion of the report that the heritage significance of the item "will be enhanced" by the proposed development.

- The Heritage Impact Assessment does not pay particular attention to the curtilage of the heritage item, having regard to view corridors to and from the cottage, particularly to and from the area known as Redfern Park. In this regard, the proposed development would appear to interrupt the existing setting of the cottage and visual alignment with Redfern Park
- The site has known archaeological potential, and the heritage impact statement has not given appropriate consideration to the disturbance of 'relics' and excavation approvals required under *The NSW Heritage Act* from the NSW Heritage Council. A relic is defined in *The Heritage Act* as any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.

#### **Application Status**

The applicant was advised of the above issues in early March and has provided a response, which is being reviewed by an independent heritage consultant engaged by Council. Should the response and associated independent review adequately address the concerns regarding the proposal outlined in this report; the application will be forwarded to the Planning and Environment Committee and the full Council for determination.

#### **Officer's Recommendation**

That the information be noted.

#### **Sub Committee's Recommendation: (Coupe/Wheeler)**

That the information be noted.

**CARRIED**

### **8. General Business**

#### **8.1 2020 Campbelltown Bicentenary**

Campbelltown Airs Historical Society representative Kay Hayes made enquires with Council officers regarding preparations for the Campbelltown Bicentenary which will take place in 2020. Council's Manager Sustainable City and Environment gave an undertaking to provide an update in relation to this matter at the next Heritage Protection Sub Committee meeting.

#### **Sub Committee's Recommendation: (Coupe/Hayes)**

That the information be noted.

**CARRIED**

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## **8.2 Glenfield to Macarthur Priority Urban Renewal Corridor**

Campbelltown Airds Historical Society representative Kay Hayes advised members of the Heritage Protection Sub Committee that she recently attended the Department of Planning's Glenfield to Macarthur Priority Urban Renewal Corridor Community Drop-in Session held at Campbelltown Mall. Further to this, the Campbelltown Airds Historical Society advised Council of its concerns in relation to the protection of Campbelltown's heritage buildings as it relates to the NSW Government's Plan for Glenfield to Macarthur Priority Urban Renewal Corridor.

Council's Manager Sustainable City and Environment gave an undertaking to investigate this plan specifically as it relates to heritage issues with a view to provide an update in relation to this matter at the next Heritage Protection Sub Committee meeting.

### **Sub Committee's Recommendation: (Coupe/Hayes)**

That the information be noted.

**CARRIED**

## **8.3 Hurley Park Heritage Sign**

Council's Manager Sustainable City and Environment advised the Heritage Protection Sub Committee that design work is nearing completion on the content and layout of the proposed Hurley Park heritage signage to inform the public of the historical significance of the heritage listed cattle tank and water reservoir at Hurley Park. A printed copy of the draft sign (reduced scale) proposed to be erected was circulated at the meeting for the information of Sub Committee members for their information and feedback within the next 3 - 4 weeks to enable the signage to be installed prior to the next Heritage Protection Sub Committee meeting. Council's Manager Sustainable City and Environment suggested that should Sub Committee members wish to inspect the signage, an onsite inspection can be arranged prior to the commencement of the next Heritage Protection Sub Committee meeting.

Council's Manager Sustainable City and Environment advised Sub Committee members that Council had been contacted by a descendant of William Eggleton to consider erecting similar signage at Eggleton Reserve, Campbelltown to inform the public of the historical significance of the reserve which was named after William Eggleton. Mr Eggleton arrived with the first fleet on the ship 'Alexander' as a convict, with a seven year sentence for stealing clothing worth 39 shillings and later was granted 60 acres by Governor Macquarie.

Council's Manager Sustainable City and Environment advised the Heritage Protection Sub Committee that Council is currently considering open space areas with a view to identifying potential areas such as Heritage Park, Glen Alpine that would be appropriate to erect similar signage detailing the heritage significance of the local buildings and plantings. Council officers gave an undertaking to provide an update in relation to this matter at the next Heritage Protection Sub Committee meeting.

### **Sub Committee's Recommendation: (Wheeler/Hayes)**

That the information be noted.

**CARRIED**

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**2.1 Minutes Of The Heritage Protection Sub Committee Meeting Held 20 August 2015**

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**8.4 Campbelltown Airds Historical Society Committee Membership Update**

Campbelltown Airds Historical Society representative Learna Coupe regretfully advised members of the Heritage Protection Sub Committee of her resignation as Vice-President of the Campbelltown Airds Historical Society and subsequently her resignation as a member of the Heritage Protection Sub Committee. Ms Coupe thanked the Heritage Protection Sub Committee for the opportunity to participate and serve on the Committee and for everything that she has learned during this time.

Due to the resignation of Ms Learna Coupe's position as Vice-President of the Campbelltown Airds Historical Society, the Society has nominated Mrs Clarice Stretch as her replacement on the Heritage Protection Sub Committee.

**Sub Committee's Recommendation: (Hayes/Wheeler)**

1. That Council be requested to accept the resignation of Ms Learna Coupe as a member of the Heritage Protection Sub Committee and send a letter of appreciation to her.
2. That Council be requested to approve the appointment of Mrs Clarice Stretch as the Campbelltown Airds Historical Society representative on the Heritage Protection Sub Committee.

**CARRIED**

**8.5 Raith, Fern Ave Bradbury**

Council's Manager Sustainable City and Environment noted that the Heritage Protection Sub Committee has previously been informed of restoration works being undertaken by the State Government to the local heritage listed Raith property in Fern Ave Bradbury. These works are required as part of the contract of the sale, and are being overseen by Paul Davies Heritage Architects. It was noted that Council staff have been informed of the upcoming key dates that may be of interest to the Heritage Protection Sub Committee members as follows:

- 20/8/15 – Intended completion date for restoration works (subject to sign off by Paul Davies)
- 3/9/15 – Intended settlement date for transfer of ownership to new owner.

It was noted that Council staff viewed the property on 13 August 2015, and can confirm that all fire damage has been rectified, and extensive internal works were nearing completion. Further information will be provided at the next meeting of the Heritage Sub Committee including photos of the completed works, and an update of negotiations commencing with the new owner for the future use and development of the site.

**Sub Committee's Recommendation: (Wheeler/Hayes)**

That the information be noted.

**CARRIED**

**8.6 Fisher's Ghost Restaurant**

Campbelltown Airds Historical Society representative Kay Hayes noted that an article appeared on page 9 of the Macarthur Chronicle published on Tuesday 17/8/15 regarding a lottery idea to fund the expense of the restoration of the old Fisher's Ghost Restaurant building located in Queen Street, Campbelltown.

**Sub Committee's Recommendation: (Coupe/Hayes)**

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That the information be noted.

**CARRIED**

Council's Senior Development Planner advised members of Heritage Protection Sub Committee that Council has held pre-development application discussions however nothing official has been submitted to Council as this stage.

Next meeting of the Heritage Protection Sub Committee will be held on 26 November 2015 at 6pm in Committee Room 3.

Councillor Rowell  
**Chairperson**

Meeting Concluded: 6.40pm

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## **2.2 Planning Proposal - Maryfields**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Draft Maryfields Planning Proposal and supporting documents (distributed under separate cover due to size of document)
2. Proposed amendments to draft CLEP 2014 - B7 Business Park Zone and R3 minimum qualifying site area and lot size (contained within this report)

### **Purpose**

The purpose of this report is to request Council's endorsement to publicly exhibit the draft Maryfields Planning Proposal.

### **History**

At its meeting of 3 June 2014, Council endorsed a draft planning proposal relating to the site known as "Maryfields", located at the intersection of Narellan Road and the Hume Motorway currently used for religious activities by the Franciscan Friars and Poor Clare Nuns. A copy of the draft planning proposal and associated planning documentation was subsequently forwarded to the NSW Department of Planning and Infrastructure (now known as NSW Planning and Environment) for determination by the Gateway Panel.

The draft planning proposal requested the rezoning of the site to allow for a mix of land uses, including a business park, residential development, seniors living precinct and private open space/heritage areas. The report considered by Council outlined the strategic planning merits of the proposal, having regard to the significant potential of this centrally located precinct to facilitate housing, employment and business growth for the Campbelltown/Macarthur regional city centre.

On 8 December 2014, Council received a favourable Gateway Determination from the NSW Planning and Environment that permitted the draft planning proposal to proceed in accordance with a number of conditions. These conditions included the preparation and revision of a number of technical studies that have now been completed and form the basis of the final draft Maryfields Planning Proposal. However, the covering letter to the Gateway Determination required the revised planning proposal to be referred back to NSW Planning and Environment prior to public exhibition. A copy of the final draft Maryfields Planning Proposal is included as Attachment 1.

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On 7 August 2015 Council issued a subdivision development consent 366/2015 for the land to allow the reconfiguration of the existing allotments to generally align with the precincts nominated under the concept masterplan accompanying the draft planning proposal. The development consent issued by Council also provided approval for the restoration and realignment of the heritage listed Stations of the Cross in accordance with an updated Conservation Management Plan prepared for the site. The proponent has anticipated that works under this consent would be completed by March 2016.

A briefing to Councillors on the status of the draft Maryfields Planning Proposal was undertaken on 29 September 2015.

This report outlines the work undertaken and amendments made to address the requirements of Council and the conditions of the Gateway Determination, and recommends that Council endorse the public exhibition of the draft Maryfields Planning Proposal.

## Report

### Property Description/Ownership:

Lot 2 DP 569795	Franciscan Order
Lot 12 DP 829093	Trustees Poor Clare Collentines
Lot 11, 12 and 13 DP 1198323	Franciscan Order
Lot 13 DP 1034409	Trustees of the Franciscan Friars.

**Applicant:** Capital Syndications

### The Site

The subject land comprises six adjoining allotments located on the north-eastern junction of Narellan Road and the Hume Motorway. The land is irregular in shape with a total area of approximately 44 hectares, and main frontage to Narellan Road of approximately 800 metres in length.

The property is bounded by the Hume Motorway to the north-west, Maryfields Drive and the residential suburb of Blair Athol to the north-east, Narellan Road to the south and public open space (John Kidd Reserve) to the south-east.

The land is under the ownership of the Trustees Association of the Franciscan Order of Friars (Friars) and the Trustees Poor Clare Collentines (Poor Clare Nuns).

Existing development on the site is limited, with the two main buildings being the Poor Clare Nuns Bethlehem Monastery located at the central rear, and Friars Residence building sited near the eastern boundary. There is also a guest residence, an asphalt parking area and small cemetery near to the Monastery building, and a caretakers cottage and meeting hall located in the south-western portion of the site. Vehicular access is provided to the existing buildings from an internal driveway which loops around the site from two separate access points to Narellan Road.

A series of terracotta religious statues known as the 'Stations of the Cross' are also located towards the front of the property on Lot 1 DP 247902, and are listed as a heritage item of local significance in the Campbelltown (Urban Area) Local Environmental Plan, 2002.

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Views into the site are largely restricted or filtered along approximately 600 metres of the edge of Narellan Road by remnant woodland screening. Views are almost completely restricted along the Hume Motorway due to the topography of land between the roadside and western property boundary, and the dense vegetation along this edge which continues at the Narellan Road corner and the majority of the Narellan Road frontage. The only significant vista occurs where there is a 200 metre long cleared area opposite the Western Sydney University (WSU) and Campbelltown TAFE intersection. This vista comprises a large dam in the foreground and the Bethlehem Monastery and Franciscan Friary buildings in the distance, the former being sited on a hill.

### **Existing Zoning**

The site is subject to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). Five of the six parcels that comprise Maryfields Estate are zoned 5(a) Special Uses - Monastery Zone and cover approximately 96% of the site.

The remaining parcel (being Lot 2, DP 569795) is understood to be the residue of former NSW government land acquired during the boundary readjustment process associated with the historical widening of the adjacent Hume Motorway. It is a land-locked wedge-shaped 1.964ha parcel and is zoned 6(a) Local Open Space.

Under the draft CLEP 2014, the Maryfields site is proposed to be included as “Deferred Matters”, meaning that the existing zone provisions under LEP 2002 would continue to apply to the subject land.

### **Overview of draft Planning Proposal**

A copy of the draft Maryfields Planning Proposal is provided as attachment 1. The proposal aims to rezone the subject land under draft CLEP 2014 to permit the range of land uses generally identified under the accompanying Concept Masterplan. This masterplan generally divides the site into four broad areas of land use, comprising residential areas located in the north and east (adjacent to the suburb of Blair Athol); seniors living and aged care in the west (adjacent to the Hume Motorway); business park and neighbourhood centre in the central part of the site; and the private open space/heritage areas across the front portion of the site adjacent to Narellan Road.

The indicative road layout shown under the masterplan restricts the through movement of traffic through the site between Narellan Road and Blair Athol. In this respect, the proposed residential areas would be accessed from the north via the two existing roundabouts on Maryfields Drive through the existing local road network of Blair Athol. The business park, seniors living/aged care and private recreation areas of the development would be accessed from a single access point at the reconfigured signalised intersection with Narellan Road and the WSU Access Road.

The proposal also includes an expanded heritage curtilage for the existing Stations of the Cross statues, with these items to be restored and realigned on the land in accordance with an approved Conservation Management Plan for the site under Development Consent 366/2015.

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A description of the intended development outcomes and corresponding zones under the draft Planning Proposal is summarised as follows:

- Zone B7 Business Park. – Approximately 5.9 hectares in area, with an anticipated Gross Floor Area of 52,000m<sup>2</sup> and 1000-1200 employees. Development outcomes would be in the form of high technology based buildings at 4-storey maximum heights, generally facilitating medical and health based enterprises. The business precinct adjoins the main water body and open space area adjacent to Narellan Road and is divided by a riparian corridor of green space running east-west.

Provision has also been made with the B7 Zone for a centrally located neighbourhood shopping centre adjoining the main north-south road alignment, that is intended to serve the needs of the surrounding business park and residential/seniors living precincts. The proponent has identified that this centre could accommodate up to three separate spaces of up to 500m<sup>2</sup> in total, and that these uses might include a convenience store, café/restaurant and local newsagent.

- Zone R2 - Low Density Residential. Land within this zone is adjacent to Maryfields Drive and is intended to provide approximately 93 dwellings in a low scale housing outcome at the interface with existing low density residential development in Blair Athol. In this respect, development controls are to be consistent with Blair Athol, comprising a 2 storey height limit (8.5m) and minimum lot size of 500m<sup>2</sup>
- Zone R3 - Medium Density Residential. Land within this zone is intended to provide a diversity of housing mix of approximately 500 dwellings in close proximity to the proposed business park, neighbourhood centre, and open space areas. Dwellings within this zone would be permitted up to 9m in height and on reduced lot sizes down to 300m<sup>2</sup> where developed as integrated housing. This outcome can be achieved via an amendment to the draft CLEP
- Zone RE2 Private Recreation. Land within this zone is proposed to be retained within private ownership, generally associated with the adjacent Seniors Living and Business Park precincts. This zone would include provision for the retention of the ecologically sensitive areas, bushland, stormwater drainage infrastructure and the heritage listed Stations of the Cross. The heritage precinct also incorporates a public access road and interpretation centre that would be managed by the Franciscan Order and be accessible to the public
- Zone SP2 - Seniors Living. The approximate area of this precinct is 6.7 hectares providing for up to 500 seniors living dwellings, and an aged care facility that could accommodate up to 100 beds and employ 40 people. Maximum building height is intended to be 15 metres (4-storeys), with building footprints up to 50% of the respective site areas
- Zone SP2 - Cemetery. This zone preserves an existing cemetery associated with the religious land uses on the site, and is proposed to be retained by the Franciscan Order.

In addition to the above zones it is proposed to include further provisions in the draft CLEP as follows:

- the nomination of a revised and expanded heritage curtilage within the south western corner of the site (RE 2 zone), to reflect the Conservation Management Plan approved for the site by Council under Development Consent 366/2015
  - the inclusion of respective height, floor space ratio, and minimum lot size maps that correlate with the proposed rezoning (attachment 1)
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- the inclusion of a new land use clause for the B7 Business Park Zone (attachment 2)
  - the inclusion of minimum qualifying site area and lot size for the R3 Medium Density Residential Zone (attachment 2).

The Concept Masterplan is to be implemented through a site specific Development Control Plan (DCP) that is being prepared in consultation with the proponent. Should Council endorse the final draft Maryfields Planning Proposal, it is intended to separately report the DCP to Council for consideration and public exhibition with the draft planning proposal.

### **Strategic Planning Merit of Final Draft Planning Proposal**

The subject proposal has the potential to provide sustainable housing and employment growth outcomes for the Local Government Area. The site is highly accessible and centrally located in order to leaver off nearby health and higher education facilities in a manner which is consistent with the strategic direction of Campbelltown as a regional city centre.

The following strategic points are presented to Council in support of the planning proposal:

- The proposal is consistent with Council's endorsement of the site under the Urban Activation Precinct Program to facilitate sustainable housing and employment growth for the City of Campbelltown
- The site presents a unique opportunity to create a high quality medicine/health based business park for the Campbelltown/Macarthur region that builds upon the synergies of the site with the WSU Faculty of Medicine, Campbelltown Public Hospital and Campbelltown Private Hospital
- The proposed land use precincts respond to the neighbourhood context of the site, having regard to assimilation of low density housing with the Blair Athol residential suburb to the north, the compatibility of higher density business park and urban housing outcomes with the Western Sydney University site to the south, and the extension of open space areas adjoining John Kidd Reserve to the east
- The proposal relates to a strategically located and significantly sized landholding that is not frustrated by fragmented ownership patterns
- Promotion of housing diversity and choice for Campbelltown residents within a strategically located site, including the provision of a purpose built living environment for seniors
- Provide opportunities for the improved long term conservation and enhancement of the heritage listed Stations of the Cross religious statues
- Enhanced conservation and management outcomes for riparian and remnant vegetation areas.

### **Key Planning and Assessment Issues**

#### **Traffic Impact Assessment**

The Concept Masterplan that supports the draft planning proposal provides a road pattern that is deliberately intended to eliminate vehicular traffic moving between Narellan Road and Blair Athol. In this respect the proposed business park and seniors living precincts would be accessible from Narellan Road, and the proposed residential precincts would be accessible from Maryfields Drive. The Masterplan design would also allow for the seniors living precinct to be accessed from Maryfields Drive, however there would be no through road connection.

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In order to address the requirements of NSW Planning and Environment, the Masterplan design does allow the potential for buses to move freely through the site between Narellan Road and Maryfields Drive at Blair Athol. If required, this could be facilitated by a controlled access point such as narrowed carriageway and boom gate. However discussions with Roads and Maritime Services (RMS) in March 2015 has determined that this requirement is not considered critical in light of the existing and new locations that buses will stop at, particularly with the Narellan Road upgrade. Nonetheless the provision for future bus access through the site has been incorporated into the concept design to allow the potential for bus services through the site.

Traffic Impact Feasibility Assessments were prepared by AECOM Australia Pty Ltd and an updated assessment was completed in early 2015. The traffic impacts assessment has been undertaken in consultation with Council and RMS, and has been based upon the upgraded status of Narellan Road, scheduled to be completed in totality over the next two to three years. This includes the construction of a new signalised 4-way intersection connecting the site with Narellan Road, and the provision of a six lane divided road between Camden Valley Way at Narellan, and Blaxland Road at Campbelltown.

In particular, the following matters were addressed within the assessment:

- the existing and approved upgrades to road network conditions within the vicinity of the site, including traffic volumes and general traffic safety, and along Narellan Road
- the likely traffic to be generated by a fully developed planning scheme as proposed, and based on RMS vehicular generation rates
- the suitability of the planning proposal access arrangements having regard to the existing traffic conditions, future traffic conditions and likely traffic generation
- the appropriateness of the proposed internal road design in relation to traffic management control and dispersal, building accessibility, vehicle manoeuvrability and traffic safety
- the likely staging of development
- the ability of the surrounding road network to accommodate the additional traffic generated by the full development realisation of the planning proposal.

The traffic assessment supports the planning proposal from a traffic viewpoint, subject to future upgrade works to the access road from Narellan Road to allow for a left-hand slip lane exit into Maryfields Estate and a three-lane exit. These works would be required to be implemented as a condition of approval for a future business park development application.

### **Economic Impact Assessment**

The proposed business park precinct occupies a substantial area of the site, anticipated to have a gross floor area of 52,000m<sup>2</sup> and approximately 1000-1200 employees. The business precinct is also proposed to incorporate a neighbourhood retail centre intended to service the local catchment.

An economic analysis of the business park proposal was completed by SGS Economics and Planning in mid-2015. That analysis concluded that the proposed business park offers Campbelltown City the opportunity to generate different commercial activity to what is generally on offer in the Campbelltown-Macarthur business areas. In this respect, the proposed business park would likely include professional services industries and knowledge-based jobs, and thus, there is little or no functional overlap likely with the Campbelltown-Macarthur centre.

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It is considered that the business park is likely to have a positive impact on the existing centre with new patronage. The clustering potential for specific sectors is also recognised and the analysis specifically identified the University and health care facilities in Campbelltown as attractors. The strategic location and landscape setting of the subject site establish very favourable conditions to encourage investment and a new mix of employment opportunities. The location would likely be attractive to employers and workers alike, thus reducing the need for many residents to travel longer distances across Sydney to work.

### **European Heritage**

The Stations of Cross Statues are collectively listed as an item of local heritage significance under LEP 2002 given their historic, aesthetic and social significance and association with religious worship practices. The Stations of the Cross have particular historical significance to Catholics in Sydney, as the site of regular, well attended Way of the Cross ceremonies from 1936 to 1988, and occasional ceremonies since.

On 7 August 2015 Council issued development consent for the restoration and realignment of the heritage listed Stations of the Cross in accordance with an updated Conservation Management Plan (CMP) prepared for the site. Key outcomes of the CMP are summarised as follows:

- the statues will be repaired and remain on the site as visual cues and as a reminder of the significant events that occurred here. The reduced curtilage and repositioning has been carefully considered so that a sense of the “pilgrimage” and experience of rising to the 12th Station is retained and can continue to be interpreted
- the statues will continue to occupy an open grassed field with ornamental lakes and ponds, trees and plantings as their backdrop
- improved pathways and vehicular access to the site will provide better use and interpretation of these items on the site.

The proponent has anticipated that works under this consent would be completed by March 2016.

The repair and reinstatement of the statues within a reconfigured layout under the masterplan is considered to be generally beneficial from a heritage point of view. The proposed integration of the heritage listed statues within an open space area adjacent to seniors living housing would support the improved interpretation and accessibility for these items, and would be consistent with the long term conservation and management of the heritage listed Stations of the Cross statues.

Details of the revised and expanded heritage curtilage to reflect the outcomes approved under the Conservation Management Plan for the site are included within the draft planning proposal.

### **Hydrology**

Stormwater runoff from future development is proposed to be discharged to the existing watercourses via appropriate pollution control measures. In this respect, the main dam in the south-eastern portion of the site will continue to have a dual purpose as a wet detention basin and a signature landscape element which is proposed to form part of the future business precinct site.

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A Flood Impact Assessment was commissioned by the proponent in consultation with Council in late 2014 to determine the impact on hydrology flows from the planning proposal and finalised in August 2015.

The hydrological assessment has determined that there is sufficient capacity for the main front dam to carry any potential increased stormwater loads from the full development realisation of the draft planning proposal. Additionally, the development of the site as indicated in the planning proposal is considered to be generally consistent with the principles of the Floodplain Development Manual 2005 and will not result in flood prone land being utilised for seniors living, business park or residential development.

Future development applications would be required to undertake hydrological assessments in greater detail, including water quality treatment, detailed design of road crossings, and the stability of existing dam structures.

### **Ecology**

Council has considered additional information provided by the proponent to address a number of matters raised by Council, and a summary of the assessment and recommendations is provided as follows:

- The majority of the study area comprising cleared land, paddocks, buildings and associated plantings, driveways and tracks was considered to have minimal ecological value
- Areas of highest ecological value upon this site are preserved within the corridor of lands proposed as Private Recreation Zoning
- The site exhibits a number of hollow bearing trees, which if removed would need to be considered as part of the Assessment of Significance process under the *Threatened Species Conservation Act 1995*
- The proponent has agreed to undertake further field surveys towards the end of this year for the Green and Golden Bell Frog to determine the likelihood of this species occurring on the site.

Having regard to the above outcomes, there are considered to be no ecological impediments to the planning proposal being further considered and proceeding to public exhibition.

### **Indigenous Heritage**

The applicant has submitted an Aboriginal Heritage and Due Diligence Assessment conducted by Specialist Environment and Heritage Consultants.

The due diligence assessment involved a consideration of background and contextual information and a visual inspection of the subject area with representatives from Cubbitch Barta Native Title Claimants Aboriginal Corporation.

The findings of the assessment identified that the land adjacent to the unnamed creekline has high potential to contain Aboriginal sites and/or objects. This land is less disturbed and in proximity to a water source.

An inspection of the subject area located one Aboriginal heritage site, Maryfields AS1, which contained a broken ground-edge axe. The site inspection also located an area of Potential Archaeological Deposits (PAD), Maryfields PAD1, adjacent to Maryfields AS1.

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Maryfields PAD1 has been identified in an area proposed as a future business precinct.

If future ground disturbance to either Maryfields PAD or AS1 cannot be avoided, further investigations and an Aboriginal Heritage Impact Permit would be required. These issues could be effectively managed in consultation with Office of Environmental and Heritage (OEH) and would not preclude the rezoning process proceeding at this stage.

### **Bushfire**

The applicant has provided a Bushfire Constraints Assessment Report for the proposed rezoning of the land, prepared by Australian Bushfire Protection Planners Pty Limited.

A section of the eastern portion of the land within the proposed residential precinct of the site is identified as containing the buffer zone to bushfire prone vegetation located within the adjoining John Kidd Reserve.

This Bushfire Constraints Assessment undertakes an assessment of the bushfire protection measures required to address the bushfire risk to the proposed residential precinct, seniors living precinct and business park precinct, consistent with the deemed-to-satisfy provisions of Planning for Bushfire Protection 2006.

The report considers the characteristics of the site, together with the fire protection measures recommended, and concludes that the rezoning and subsequent subdivision of the land for residential, seniors living and commercial development is suitable in terms of bushfire risk. It is considered therefore that the issue of bushfire risk could be effectively managed through the rezoning process and subsequent development assessment.

### **Servicing**

Reports provided by the applicant indicate that there are no servicing issues that would preclude the rezoning of the site, and are summarised as follows:

**Sewerage** - gravity drainage of all ground floor areas can be achieved by utilising the 3 existing Sewer Drainage connections. A meeting was held on 4 December 2013 with Sydney Water's Growth Strategy Team. It was concluded that the proposed systems work from a gravity point of view. Additional studies would need to be carried out to assess the impact on the existing Infrastructure beyond the property boundaries and confirm servicing capability.

**Water Supply** - it was concluded that water can be supplied to the proposed site. However, additional studies would need to be carried out to assess the impact on the existing Infrastructure beyond the Property Boundaries.

**Natural Gas** - gas can be supplied to the proposed site. Additional studies would need to be carried out to assess the impact on the existing Infrastructure beyond the property boundaries and confirm service capability.

### **Conclusion**

The subject draft planning proposal presents a unique opportunity to promote housing and employment opportunities on a strategically important site within the Campbelltown LGA. The site is strategically well placed as it has strong connections to road and rail infrastructure, and is in close proximity to the Campbelltown/Macarthur central business areas, and would contribute towards the centre's status and viability as a Regional City Centre.

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The business park concept reflects the synergies of the site with existing surrounding development and infrastructure, namely the regionally significant public and private hospitals and tertiary educational facilities.

The proposed rezoning of the land is consistent with Council's recent endorsement of the site for inclusion under the Urban Activation Precinct Program, which endorsed the site for housing and employment growth in conjunction with the adjacent Western Sydney University and Campbelltown TAFE sites and underutilised industrial land in Blaxland Road.

The preparation of all the planning documentation for the rezoning of the Maryfields site has been completed. This documentation includes the final draft Maryfields Planning Proposal and associated technical studies.

If this draft planning proposal is supported by Council, the draft planning proposal will be referred to NSW Planning and Environment as required by the Gateway Determination, to confirm that all conditions have been satisfied prior to placing the draft Planning Proposal on public exhibition.

While this confirmation takes place, Council staff will continue to prepare a site specific DCP and subsequent report to Council for the public exhibition of the draft DCP.

This approach will enable the draft planning proposal and draft DCP to be exhibited concurrently.

### **Officer's Recommendation**

1. That Council endorse the draft Maryfields Planning Proposal and associated documentation for public exhibition in accordance with the determination of the Gateway Panel.
2. That Council refer the draft planning proposal to NSW Planning and Environment for confirmation that all required conditions of the Gateway Determination have been met to allow public exhibition.
3. That Council continue the preparation of an accompanying site specific Development Control Plan for the Maryfields site for consideration and approval by Council prior to the public exhibition of the draft Maryfields Planning Proposal.

### **Committee's Recommendation: (Rowell/Oates)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 187**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 2

### PROPOSED AMENDMENT TO DRAFT CAMPBELLTOWN LEP 2014

#### A. To allow for inclusion of a new B7 Business Park Zone

##### Zone B7 Business Park

##### 1 Objectives of zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To permit limited accommodation that supports employment opportunities
- To encourage industries or businesses involved in scientific research or development.
- To minimise adverse impacts on the economic functioning and performance of existing and future centres.

##### 2. Permitted without consent

Nil

##### 3. Permitted with consent

Advertising structures; Building identification signs; Business identification signs; Business premises; car park; Child care centres; Educational establishments; Environmental facilities; Environmental protection works; Function centre; Health services facility; Hotel or motel accommodation; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Pub; Recreation areas; Respite day care centres; Recreation facilities (indoor); Restaurant or cafe; Roads; Serviced apartments; Small bar; Warehouse or distribution centres.

##### 4. Prohibited

Any development not specified in item 2 or 3

#### B. To provide a minimum qualifying site area and lot size in the R3 Medium Density Residential Zone.

##### 4.1DD Minimum qualifying site area and lot size for certain development at Maryfields

(1) The objectives of this clause are as follows:

- a) to achieve planned residential densities in the R3 – Medium Density Residential zone within the Maryfields development,
- b) to ensure that suitable building envelopes are established for development on each residential lot created under the provisions of this clause,
- c) to optimise residential design and amenity outcomes,
  - (d) to achieve satisfactory environmental and infrastructure outcomes,

- (e) to minimise any adverse impact on residential amenity, and
  - (f) to minimise land use conflicts.
- (2) Development consent may be granted to development on a lot in the zone shown in column 2 of the table to this clause for the purpose shown in column 1 of the table opposite that zone, if the area of the lot (or site) is equal to or greater than the area specified for that purpose and shown in column 3 of the table.
- (3) Development consent may be granted to subdivision of land in the zone shown in column 2 of the table to this clause for the purpose shown in column 1 of the table opposite that zone, if the area of the lot to be created is equal to or greater than the area specified for that purpose and shown in column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Land Use	Land Use Zone	Minimum Qualifying Site Area	Minimum Subdivision Lot Size
Child care centre	R3 Medium Density Residential	800 square metres	-
Dual occupancy (attached)	R3 Medium Density Residential	600 square metres	300 square metres
Dual occupancy (detached)	R3 Medium Density Residential	650 square metres	300 square metres
Semi-detached dwellings	R3 Medium Density Residential	600 square metres	300 square metres
Attached dwellings	R3 Medium Density Residential	900 square metres	300 square metres
Multi-dwelling housing	R3 Medium Density Residential	1,800 square metres	300 square metres

- (4) Despite subclause (3), development consent may be granted to the subdivision of land to which this clause applies for the purposes of residential development only if:
- (a) each resultant lot will contain a sufficient building envelope to enable the erection of a dwelling, and
  - (b) a single development application is submitted for both the erection of the dwellings and the creation of the separate allotments.

## **2.3 Stage 5 - Draft Campbelltown (Sustainable City) Development Control Plan 2015**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

1. Draft Campbelltown (Sustainable City) Development Control Plan 2015 Volume 1 (distributed under separate cover due to size of document - 338 pages)
2. Definitions of certain residential land use terms as defined under the draft Campbelltown Local Environmental Plan 2014 (contained within this report)
3. Draft Part 4 Site Specific Development Controls for Certain Heritage Items of Volume 2 (contained within this report)
4. Site Specific Development Control Plans Volume 2 - Parts 1, 2, 3 and 5 (distributed under separate cover due to size of document - 289 pages)

### **Purpose**

To seek Council's approval to place the draft Campbelltown (Sustainable City) Development Control Plan 2015 on public exhibition for community input and to repeal a number of outdated development control plans.

### **History**

Council, at its meeting of 28 April 2015 endorsed draft Campbelltown Local Environmental Plan 2014 (the draft CLEP) and resolved in part to review Volume 1 of the Campbelltown (Sustainable City) Development Control Plan, 2014 (the SCDCP 2014) to ensure consistency with the draft CLEP. The draft CLEP has been referred to NSW Planning and Environment for making and subject to its final review the gazettal of the plan is imminent.

The SCDCP 2014 was adopted by Council on 29 July 2014 and came into effect on 12 August 2014. The SCDCP 2014 provides detailed provisions that supplement Council's current Environmental Planning Instruments (EPIs) comprising Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002), Local Environmental Plan No 1, Local Environmental Plan (District 8), Local Environmental Plan No 32, Local Environmental Plan No 112 Macquarie Field House, and Interim Development Orders (IDOs) Nos 13, 15 and 28.

The draft CLEP, upon gazettal would generally replace all of Council's existing EPIs and would apply to the whole of Campbelltown Local Government Area (LGA) with the exception of certain areas that have been deferred from inclusion in the draft CLEP for various reasons.

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To support the forthcoming draft CLEP, draft Campbelltown (Sustainable City) Development Control Plan 2015 (draft SCDCP 2015) has been prepared. The draft SCDCP 2015 also introduces additional parts under Volume 1 and Volume 2. The additional parts are a result of revising and consolidating a number of Council's stand-alone DCPs into the draft SCDCP 2015. A copy of the draft SCDCP 2015 is shown as attachment 1 to this report.

Volume 2 of the SCDCP 2014 comprises a number of site specific development control plans as follows:

- Part 1 One Minto DCP
- Part 2 Glenfield Road Area DCP
- Part 3 The Link Site DCP

Draft Part 4 is proposed to include site specific development controls for certain heritage items and is discussed in more detail in this report. It is proposed to add the Development Control Plan that relates to the university lands as part 5. The university DCP was adopted by Council on 10 February 2009 and currently forms part of Volume 2 of SCDCP 2012.

There are no proposed changes to any of the above listed site specific DCPs.

This report is to inform Council of the main changes that are proposed to be incorporated within the draft SCDCP 2015 and seeks Council's endorsement to place the draft SCDCP 2015 on public exhibition for community input.

Councillors received a briefing on draft SCDCP 2015 at the Councillor briefing evening on the 1 September 2015.

## **Report**

The SCDCP 2014 is the product of a staged internal consolidation process of Council's stand-alone Development Control Plans (DCPs). To date, four stages of the SCDCP have been completed with over one hundred stand-alone DCPs being revised and either repealed or incorporated into the SCDCP 2014.

Stage 5 comprises the following:

- A substantial review of Volume 1 of the SCDCP 2014 to:
    - legislatively align SCDCP 2014 with the forthcoming draft CLEP
    - address any inconsistency with newly proposed state government policies
    - address issues identified as a result of the day-to-day implementation of the SCDCP 2014 over the last year.
  - The introduction of an additional two draft parts (draft Parts 14 & 15) under Volume 1 as follows:
    - Draft Part 14 Parking of Heavy Vehicles on a Land Zoned Residential, Rural or Environmental Protection as a replacement for DCP 120 Parking of Commercial Vehicles and Trucks within Residential, Scenic Protection and Rural Areas
    - Draft Part 15 Animal Boarding or Training Establishments.
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- The review and repeal of Council's site specific heritage development control plans as part of their incorporation into the draft SCDCP 2015. The heritage related development control plans comprise:
  - DCP No 27 Queen Street Historic Precinct
  - DCP No 109 Raith
  - DCP No 121 Woodcrest Heritage Item and Residential Development
  - DCP No 63 Macquarie Fields House.
  
- The review of a number of out-dated development control plans comprising:
  - DCP No 1 which applies to certain lands on Campbelltown Road
  - DCP No 4 Retail Plant Propagation Nurseries
  - DCP No 32 Retail Plant Propagation Nurseries
  - DCP No 80 Blair Athol
  - DCP No 83 Heritage Policy
  - DCP No 91 Two Lot Integrated Housing in St Helens Park
  - DCP No 108 Landscaping Setback – Blaxland Road.

### **The Structure of this Report**

This report is mainly organised around the structure of the draft SCDCP 2015 and provides information in the following sequence:

1. Legislative context
2. Proposed Changes to the Structure of the SCDCP 2014
3. Proposed Amendments to Parts 1-13 of Volume 1 of the SCDCP 2014
4. Proposed Draft Part 14 Parking of Heavy Vehicles on Private Lands under Volume 1 of the draft SCDCP 2015
5. Proposed Draft Part 15 Animal Boarding or Training Establishments under Volume 1 of the draft SCDCP 2015
6. Proposed Draft Part 4 Site Specific Development Controls for Certain Heritage Items under Volume 2 of the draft SCDCP 2015
7. Review of a number of out-dated Development Control Plans
8. SCDCP 2014 not to be repealed
9. Repeal Process of revised DCPs
10. Public Exhibition
11. Where to from here?
12. Conclusion

### **1. Legislative context**

A Local Environmental Plan (LEP) is the principal legal document for controlling development at the local government level. An LEP contains zoning provisions which establish the permissibility of specific land uses on land and sets the primary development standards which regulate the extent of such development.

Under the *Environmental Planning and Assessment Act 1979* (the Act), a Development Control Plan (DCP) is to be considered as a policy guideline. It provides non-statutory, detailed planning and design guidelines for specific types of development or specific localities. Generally a DCP sets objectives and development controls.

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The Act also governs the preparation and content of a DCP. A DCP cannot include provisions that:

- are the same or substantially the same as a provision in an Environmental Planning Instrument (EPI) that applies to the land e.g. an LEP or a State Environmental Planning Policy (SEPP) which applies to the land
- are inconsistent or incompatible with a provision in an EPI which applies to the land
- prevent or unreasonably restrict development that is permissible under the EPI and that complies with the applicable development standards in the EPI.

Furthermore, a provision within a DCP will have no effect if it is inconsistent or incompatible with a provision under an EPI. In other words, a provision within a EPI overrides any inconsistency found within a DCP.

Therefore, the SCDCP 2014 has been revised to ensure compatibility and consistency with the draft CLEP and that of a number of newly proposed amendments to certain SEPPs that occurred after the adoption of the SCDCP 2014.

### **One DCP Requirement under the Act**

Under Section 74(c) of the Act only one DCP made by the same relevant planning authority (council) may apply in respect of the same land. Where more than one DCP applies to the same land, the Act stipulates that all concerned DCPs would have no effect.

Under clause 289A (Transitional Provisions Relating to Development Control Plans) of the Environmental Planning and Assessment Regulation 2002 (the Regulation), Council is provided with a six month timeframe from the date of the commencement of its principle LEP to comply with the “one DCP” requirement.

Council has a number of out-dated stand-alone DCPs that still exist including some site specific heritage DCPs. As part of this review, certain out-dated stand-alone DCPs, have been revised and are proposed to be either revoked or incorporated into the draft SCDCP 2015.

## **2. Proposed Changes to the Structure of the SCDCP 2014**

The SCDCP 2014 currently comprises three volumes as follows:

1. Volume 1 - Development Controls for all Types of Development (Volume 1)
2. Volume 2 - Site Specific Development Control Plan (Volume 2)
3. Volume 3 - Engineering Design for Development (Volume 3)

Volume 3 is a lengthy technical document that provides guidelines for engineering works and therefore falls outside the scope of a DCP as prescribed under the Act. It is therefore proposed to remove Volume 3 from the draft SCDCP 2015 and rename it ‘Engineering Design Guide for Development’ (EDGD).

The proposal to remove the EDGD from the draft SCDCP 2015 would provide Council’s engineers with flexibility to update the document more frequently to reflect amendments to Australian Standards and Building Code of Australia and emerging best engineering practices.

Notably, it is not a common practice to include the engineering design guide as a DCP.

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### 3. Proposed Amendments to Parts 1-13 of Volume 1 of the SCDCP 2014

Volume 1 of the SCDCP 2014 currently comprises thirteen parts. Volume 1 of the draft SCDCP 2015 is proposed to include fifteen parts (additional 2 draft parts) as follows:

- Part 1 Preliminary
- Part 2 Requirements Applying to all Types of Development
- Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures
- Part 4 Rural Residential Development and Ancillary Rural Residential Structures
- Part 5 Residential Flat Buildings and Mixed-use Development
- Part 6 Commercial Development
- Part 7 Industrial Development
- Part 8 Child Care Centres
- Part 9 Public consultation
- Part 10 Religious Establishments
- Part 11 Vegetation Management and Wildlife Habitat
- Part 12 Telecommunications Facilities
- Part 13 Sex Industry Premises

Additional draft parts to that of the existing SCDCP 2014 comprise:

- Part 14 Parking of Heavy Vehicles on Land Zoned Residential, Rural or Environmental Protection
- Part 15 Animal Boarding or Training Establishments

Parts 1-13 of the SCDCP 2014 have been revised. The main proposed amendments to those parts throughout the plan comprise:

- the renaming of some of the parts under Volume 1 for consistency with the draft CLEP.
  - the replacement of all the terms used under the SCDCP 2014 with the equivalent terms used under the draft CLEP. For example the term 'religious establishment' have been substituted with the term 'a place of worship', and the term 'garden flat' with 'secondary dwelling' and the term 'apartment building' with 'flat building'.
  - the removal of all definitions from Part 1 for the terms that have been included under the draft CLEP to eliminate unnecessary repetitions. Examples include building height, gross floor area, floor space ratio, a dwelling house, multi dwelling housing.
  - the removal of the numerical controls for certain development standards that have been included under the draft CLEP. These include building heights, floor space ratio, minimum subdivision standards and qualifying site areas.
  - the preparation of additional sections under Part 3 to address the newly introduced and individually defined land use terms under the draft CLEP including dual occupancies, semi-detached dwellings, attached dwellings, neighbourhood shops and shop-top housing.
-

- the introduction of desired future character statements for low, medium and high density residential areas, rural areas, mixed use precincts and neighbourhood and local centres. The 'desired future character statements' are broad statements that support the objectives of each zone under the draft CLEP.
- the preparation of additional diagrams/drawings to clarify and illustrate certain requirements under the draft SCDCP 2015.

The specific main proposed amendments to each part of Volume 1 of the SCDCP 2014 are as follows:

**a. Proposed Main Amendments to Part 1- Preliminary**

No major amendments are proposed to Part 1 Preliminary

**b. Proposed Main Amendments to Part 2 - Requirements Applying to all Types of Development**

It is proposed to add the following new sections to Part 2:

**Draft Section 2.18 Work on Land Adjacent to the Water NSW Upper Canal**

This section aims to ensure that development adjacent to the Upper Canal corridor does not impact on the water quality and the operation of the Upper Canal's infrastructure and ensure the safety of the public living or visiting areas adjacent to the Upper Canal. Note: Water NSW was previously known as the Sydney Catchment Authority.

**Draft Section 2.19 Development Near or on Electricity Easements**

This section aims to ensure that development near electricity easements considers potential impacts on the integrity and safety of electricity infrastructure and ensure reasonable standards of residential amenity in the vicinity of electricity easements.

**Draft Section 2.20 Development on land adjacent to or affected by a Gas Easement**

This section aims to ensure reasonable standards of residential amenity and safety in the vicinity of gas easements.

**c. Proposed Main Amendments to Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures**

**Background information**

Under the provisions of the draft CLEP, there are six different types of low and medium density residential development that are separately defined and permissible within the R2 Low Density Residential Zone (R2) and R3 Medium Density Residential Zone (R3) as follows:

- dwelling houses
  - secondary dwellings
  - dual occupancies (attached and detached)
-

- semi-detached dwellings
- attached dwellings
- multi dwelling housing.

For the definitions of the above land use terms (as defined under the draft CLEP) refer to attachment 2 of this report.

Under the SCDCP 2014, there are only four types of low and medium density residential development as follows:

- dwelling houses
- secondary dwellings
- narrow lot dwellings
- multi dwelling housing.

At the time when the SCDCP was first prepared in 2005, a new definition for multi dwellings was introduced, where any development comprising two or more dwellings on a site, (excluding secondary dwellings) was considered a multi dwelling development. Therefore the definition of multi dwellings (under the SCDCP 2014) encompasses dual occupancies (attached and detached), semi-detached dwellings, attached dwellings and multi dwellings. This is contrary to the provisions under the draft CLEP, where each type of residential development is separately defined.

Further, under the SCDCP 2014, narrow lot dwellings apply to existing historical subdivision of narrow lots located around Ingleburn and Macquarie Fields town centres. Under the draft CLEP, this type of residential development falls under the definition of attached dwellings and as such, the development controls for narrow lot dwellings under the SCDCP 2014 are proposed to be removed and incorporated under the proposed section 3.7 Medium Density of the draft SCDCP 2015.

Given the above, Part 3 needs to be revised to incorporate the newly defined residential development as prescribed under the draft CLEP.

### **Renaming of Part 3**

Part 3 of the SCDCP 2014 is currently known as Part 3 Residential and Ancillary Development on Urban Land and is proposed to be entitled Draft Part 3 Low and Medium Density Residential Development and Ancillary Residential Structures for consistency with the draft CLEP.

### **Proposed new structure of Part 3**

The structure of Part 3 is proposed to be substantially revised to reflect the proposed medium density residential zone and the additional residential land use terms that are introduced under the draft CLEP.

In this regard two new sections are proposed under draft Part 3 as follows:

Section 3.6 Low Density Residential Development  
Section 3.7 Medium Density Residential Development.

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### Proposed Section 3.6 Low Density Residential Development

Section 3.6 Low Density Residential Development (Section 3.6) is proposed to provide development controls for dwelling houses, dual occupancies (attached and detached), semi-detached dwellings, attached dwellings and multi dwelling housing.

No amendments are proposed to development controls that apply to dwelling houses and secondary dwellings.

Multi dwellings as defined under the SCDCP 2014 currently include dual occupancies, semi-detached and attached dwellings. It is proposed to incorporate the development controls that currently apply to multi dwellings under the relevant type of residential development of Section 3.6 Low Density Residential Development without any substantial changes.

### Proposed Section 3.7 Medium Density Residential Development

Attached dwellings and multi dwelling housing are proposed to be permissible in both the R2 and R3 zones. It is therefore important that the development controls for multi dwelling housing and attached dwellings within the R2 Zone be different to the development controls for these types of development under the R3 Zone. This would ensure consistency with the objectives of the R2 and R3 zones under the draft CLEP, protect the low density nature of the residential suburbs, and relatively maximise dwelling yields within the R3 zone. Additional development controls are proposed for attached dwellings and multi dwelling housing under Section 3.7.

Table 1 below provides a summary of the proposed numerical development controls for attached dwellings and multi dwelling housing within the R2 Zone and R3 Zone in terms of setbacks, and private open space requirements.

Table 1: Proposed Development Controls for attached dwelling, and multi dwelling houses within low and medium density zones.

Development Control	Multi Dwelling Housing and attached dwellings within areas zoned R2 ( existing)	Multi Dwelling Housing and attached dwellings within areas zoned R3.
Front setback	5.5m	5.5m
Rear setback ground floor	5.0m	3.0m
Rear Setback-first floor	10.0m	6.0m
Side setback (ground floor)	0.9m	0.9m
Side setback (first floor)	1.5m	0.9m
Private open space (minimum area)	60sqm	40sqm
Private Open space minimum unfragmented and levelled area	5x5sqm	3x3sqm

Floor space ratios, building height controls, qualifying site area and minimum subdivision standards are mandatorily provided under the draft CLEP.

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The proposed development controls for private open space and setbacks for attached dwellings and multi dwelling housing combined with higher floor space ratios as stipulated under the draft CLEP would facilitate a medium density residential development outcome consistent with the objectives of the R3 zone.

### **Minimum area of indoor living**

Council received a number of development applications, particularly for multi dwelling housing and narrow lot dwellings that provided very small indoor living areas. To address this issue, a development control requirement under Part 3 is proposed as follows:

The indoor living areas (i.e family/lounge rooms) within a multi dwelling unit shall have a minimum of one unfragmented open area that is not less than:

- (3.0m x 3.0m) in case of a dwelling unit with 1 bedroom;
- (3.5m x 4.0m) in case of a dwelling with 2 or 3 bedrooms;
- (4.0m x 5.0m) in case of a dwelling unit with 4 or more bedrooms.

For the purpose of the above requirements, the total number of bedrooms within a dwelling shall include any room that is capable of being used as a bedroom.

It is proposed that this clause be included for multi dwelling housing and attached dwellings in both R2 and R3 zones.

### **Rear to front access requirement**

Attached dwellings and multi dwelling housing may potentially result in up to six dwellings attached to each other with common solid walls between each dwelling. It is therefore important that the design of these dwellings facilitate direct access from the rear to the front of the dwelling to allow the movement of lawn mowing equipment, garbage bins and the like. In this regard an additional clause is proposed to be included under the relevant section of the draft SCDCP 2015 to this effect.

### **d. Proposed Main Amendments to Part 4 Non-Urban Land**

The development controls that apply to rural residential development are substantially the same.

### **Renaming of Part 4**

Part 4 of the SCDCP 2014 is currently known as Part 4 Non-Urban Land and is proposed to be entitled Draft Part 4 Rural Residential Development and Ancillary Rural Residential Structures (draft Part 4) for consistency with the draft CLEP.

### **Proposed new structure of Part 4**

The structure of Part 4 is proposed to be substantially revised to reflect the proposed zones under the draft CLEP.

There are no other proposed major changes to draft Part 4

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## **e. Proposed Main Amendments to Part 5 Residential Apartment Buildings and Mixed Use Development**

### **Renaming of Part 5 of the SCDCP 2014**

Part 5 of the SCDCP 2014 is currently known as Part 5 Residential Apartment Buildings and Mixed Use Development and is proposed to be entitled to Draft Part 5 Residential Flat Buildings and Mixed Use Development (draft Part 5) for consistency with the draft CLEP.

### **Minimum sizes of residential dwellings**

An amendment to the State Environmental Planning Policy No – 65 Design Quality of Residential Apartment Development (SEPP 65) commenced on 17 July 2015. The Apartment Design Guide (the Guide) under SEPP 65 has also been revised.

The amendment to the Guide included the following changes:

#### **Size**

The Guide introduced minimum apartment sizes as follows:

studio apartments:	35sqm
one bedroom:	50sqm
two bedrooms:	70sqm
three bedrooms:	90sqm

Apartment sizes are based on only one bathroom. Additional bathrooms will increase the minimum apartment size by 5sqm each.

A fourth bedroom and further additional bedrooms increase the minimum apartment size by 12sqm each.

It is proposed to amend the minimum dwelling sizes under Part 5 of the draft SCDCP for consistency with the Guide.

#### **Car parking**

For sites located within 800m of a railway station or light rail stop in Metropolitan Sydney, the Guide states that car parking will need to meet the requirements in the Roads and Maritime Services' Guide to Traffic Generating Development (RMS Guide) or the council's requirements, whichever is less.

The RMS Guide requires the following car parking rates for high density residential flat buildings in metropolitan regional centres (CBD)

- 0.4 spaces per 1 bedroom unit
  - 0.7 spaces per 2 bedroom unit
  - 1.2 spaces per 3 bedroom unit
  - +1 space per 7 units (visitor parking).
-

It is therefore recommended that the car parking rates for residential flat buildings be amended to be in line with the RMS Guide. Notably the new rates would apply to Macarthur, Campbelltown, Leumeah, Minto, Ingleburn, Macquarie Fields and Glenfield Business Centres.

### **Solar and daylight access**

The apartment design guide has new requirements for solar access in mid-winter in Metropolitan Sydney, Newcastle and Wollongong LGAs. The Guide requires that living rooms and private open spaces of at least 70 per cent of apartments must receive a minimum of two hours direct sunlight between 9.00am and 3.00pm during mid-winter in these areas.

The solar and day light access under draft Part 5 is proposed to be amended for consistency with the development standards under the Guide.

### **Proposed development controls for mixed-use development within neighbourhood and local centres**

It is proposed to include a new section under the draft SCDCP 2015 (Section 5.7 Mixed use development) to support the newly introduced shop-top housing type residential development under the draft CLEP.

Under the draft CLEP, shop-top housing is a permissible use within Zone B1 Neighbourhood Centre (Zone B1) and Zone B2 Local Centres (Zone B2).

The proposed draft Section 5.7 includes numerical development controls for setbacks, solar access, car parking and waste management.

Table 2 below includes a summary of the proposed numerical development controls under this section:

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**Table 2: Proposed development controls for mixed-use developments within neighbourhood and local centres.**

	<b>Proposed Development standards</b>
<b>Front setbacks</b>	0.0m from the primary street boundary
<b>Secondary Street setbacks</b>	3.0m from the secondary street boundary
<b>Side setbacks</b>	3.0m where the building immediately adjoins residential properties or public open space; or 0.9m in any other case  (Despite the above, if in the opinion of Council the proposed development is considered to be a continuation of an adjacent development within the same section of the streetscape, Council may consider a reduced side setback to 0.0m so as to match the adjacent development).
<b>Rear setback</b>	<b>6.0m where it immediately adjoins residential properties or public open space; or 3.0m in any other case</b>  <b>Reduced rear setbacks will be considered on merits.</b>
<b>Private open space (balcony)</b>	8.0sqm with a minimum width of 2.0m
<b>Car parking</b>	One car parking space per dwelling

The objectives of this section is to ensure a high level of amenity for the occupants of mixed-use development, and adjoining occupants of dwellings, and encourage high quality mixed use development within the neighbourhood and local centres.

### **A review of the waste management requirements**

Section 5.5.9 Residential Flat Buildings and Waste Management is proposed to be amended to reflect Council's and the community's desire for improved amenity by reducing the number of waste bins presented for collection at the kerbside. The proposed amendment requires some developments to make provision for on-site waste collection. For such development, the proposed amendments have taken into consideration public safety by requiring provisions for waste collection vehicles to enter and exit the property in a forward direction.

It is also proposed to amend the threshold for the requirement of accommodating forward-in, forward-out, drive-on collection for onsite servicing from 30 dwellings to 20 dwellings. It is also proposed to include an additional clause that prohibits more than 50% of the site frontage being used for placement of bins on collection day.

In this regard, the proposed clause would read:

Any development containing 20 or more dwellings, and/or when the number of bins proposed cannot be accommodated within 50% of the development's frontage width on collection day, the development shall be designed to accommodate forward-in, forward-out, drive-on vehicular collection for on-site servicing (for the purpose of calculating the minimum area behind the kerb and gutter required for bin placement, each bin shall be provided a clear width of 1m which allows for a 300mm separation distance either side of each bin).

The proposed amendments would improve the visual amenity of the residential neighborhoods on collection day.

In addition to the above, it is proposed to move this part to Section 5.5 General Requirements for Residential Flat Buildings and Mixed Use Development to emphasise its importance and application to both residential flat buildings and mixed use development across Campbelltown LGA.

**f. Proposed Main Amendments to Part 6 Commercial Development (Part 6)**

**Table 6.4.2.1 Car parking rates**

The draft CLEP included a number of newly introduced land use terms for commercial development. The minimum car parking rates are included in Table 6.4.2.1 of the draft SCDCP 2015. This table has been revised to incorporate additional land use terms as defined under the draft CLEP.

**Section 6.5 - Neighbourhood Shops**

The term neighbourhood shops has been introduced into the draft CLEP and are proposed to be permissible within the R3 and R4 (High Density Residential Zone). The draft CLEP also requires that neighbourhood shops do not exceed 100sqm in area.

A newly proposed Section 6.5 Neighbourhood Shops has been prepared. The proposed development controls under Section 6.5 Neighbourhood Shops are designed to reduce potential proliferation of neighbourhood shops within the R4 and R3 zones by not allowing neighbourhood shops to occur within a one kilometre radius of existing neighbourhood and local centres. The proposed development controls for neighbourhood shops also provide provisions for setbacks, signage, privacy, car parking and waste management.

**Section 6.8 - Outdoor Dining**

Council on 9 December 2014 adopted a Street Trading Policy which allows applicants for outdoor dining to obtain a 'permit' from Council to operate an outdoor dining area (instead of a development application). As such, Section 6.8 Outdoor Dining and associated appendixes (Appendix 7 Outdoor Dining Design Guide and Appendix 15 Applications for Outdoor Dining on footpaths of Classified Roads) are proposed to be removed from the draft SCDCP 2015.

**g. Proposed Main Amendments to Part 7 Industrial Development (Part 7)**

No major amendments are proposed to Part 7

**h. Proposed Main Amendments to Part 8 Child Care Centres (Part 8)**

No major amendments are proposed to Part 8

**i. Proposed Main Amendments to Part 9 Public consultation (Part 9)**

No major amendments are proposed to Part 9

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**j. Proposed Main Amendments to Part 10 Religious Establishments (Part 10)**

No major amendments are proposed to Part 10

**k. Proposed Main Amendments to Part 11 Vegetation Management and Wildlife Habitat (Part 11)**

It is proposed to include an additional section 11.2.2 Protection of Hollow Bearing Trees and Hollow Logs under Part 11. This additional section aims to:

- protect habitat resources including hollow-bearing trees and hollow logs within the LGA
- provide appropriate measures to compensate for the loss of hollow-bearing trees within the LGA.

The proposed requirement for compensation of hollow bearing trees and hollow logs requires applicants to offset the removal of hollow bearing trees and hollow logs by the installation of nesting boxes using a replacement ratio and of similar size (i.e. the size of the nest box is to reflect the size and dimensions of the hollow removed). Alternatively, the tree hollow could be appropriately mounted on one of the retained trees in a manner where it will not pose a risk to life or property.

The replacement ratios are proposed to be a minimum of 2:1 (nest boxes: hollows lost).

**l. Proposed Main Amendments to Part 12 Telecommunications Facilities (Part 12)**

No major amendments are proposed to Part 12

**m. Proposed Main Amendments to Sex Industry Premises (Part 13)**

No major amendments are proposed to Part 13

**4. Proposed draft Part 14 Parking of Heavy Vehicles on Land Zoned Residential, Rural or Environmental Protection**

Council's current policy (DCP 120) covers the parking of commercial vehicles and trucks within residential, scenic protection and rural areas within the Campbelltown LGA. This policy defines a 'commercial vehicle' and 'truck' as:

'A commercial vehicle is a vehicle used for commercial purposes which has an unladen weight of not more than 3 tonnes

A truck is a vehicle with an unladen weight exceeding 3 tonnes.'

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A summary of the current controls under Campbelltown DCP 120 is provided in the following table:

Vehicle Type	Location	Consent Requirements
Commercial vehicle	Residential zone	Maximum one commercial vehicle without development consent
Truck	Residential zone	Development consent required
Commercial vehicle	Environmental protection or rural area	Maximum one commercial vehicle without development consent
Truck	Environmental protection or rural area	Development consent not required if "ancillary to the occupation of the dwelling on the same land where the size of the lots and separation of between dwellings is considered sufficient to preserve the residential amenity of neighbouring properties"
Truck	Environmental protection, scenic protection or rural land	No additional consent required if associated with an existing or approved agricultural use

### Issues with Current Controls

The current controls under DCP 120 are inconsistent with the *Australian Road Rules Act 1999* which replaced the former *Motor Traffic Act 1936*. The 'truck' definition within DCP 120 is an extract from the former *Motor Traffic Act 1936* and as such the definition of 'truck' in DCP 120 has been superseded by the Australian Road Rules.

The development controls are not considered sufficiently clear and hard to enforce as they are subjective, particularly the reference to whether the parking of a commercial vehicle is ancillary to the occupation of the dwelling and as such becomes exempt development (i.e. not requiring development consent).

It is also necessary to use terms that more clearly articulate what vehicle types are covered by this Part and as such, the term 'commercial vehicle' has been replaced with 'heavy vehicle' within draft Part 15.

### Management of Complaints received

Notably, Council receives an average of seven complaints annually, relating to noise caused by heavy vehicles parking on private properties. Council usually contacts the owners/operators of the heavy vehicle in writing explaining their obligations to comply with the *Protection of the Environment Operations (POEO) Act 1997* and the POEO (Noise Control) Regulation 2008.

Council's letter also states:

All vehicle owners must ensure that a noise nuisance is not created through the use of that vehicle by complying with Please be advised that while you are able to enter and leave your premises at any time, excessive or offensive vehicle revving or idling must not be generated. Noise is considered offensive if it is likely to interfere unreasonably with the comfort or repose of your neighbours.

Should Council investigations find that excessive or offensive noise is being created a Noise Abatement Direction under the Protection of the Environment Operations Act can be issued, requiring the noise to cease immediately. In addition, the people affected by the noise can also apply for a Noise Abatement Order from the Local Court.

Notably, Council has not recently encountered any issue with heavy vehicles parking on private properties that warrant Court action.

### **Proposed Controls under each section of draft Part 14**

Draft Part 14 sets out controls for the parking of heavy vehicles within residential, environmental protection and rural zones on private land. The following is a summary of the proposed controls under each section of the draft Part 14.

#### **Section 14.2 - Background-Classification of Heavy Vehicles**

This section introduces two types of heavy vehicles as follows:

- Heavy Vehicle Type 1 means any vehicle that:
  - has a gross vehicle mass (GVM) not greater than 10.5 tonnes or a length not exceeding 9 metres.

Note: Length and weight limits are inclusive of any associated trailers.

- Heavy Vehicle Type 2 means any vehicle that:
  - has a gross vehicle mass (GVM) greater than 10.5 tonnes
  - has a length greater than 9 metres
  - is a prime mover.

#### **Section 14.3 - Number of Heavy Vehicles Permissible by Zone**

Section 14.3 proposes:

- clear controls that set a limit on the number of heavy vehicles that can be parked at the same time on private properties located in residential, environmental protection and rural zoned land
  - prohibit the parking of Type 2 heavy vehicles on private land within residential zones (R2, R3, R4 and R5)
  - to control the number of vehicles that would be allowed to be parked on rural and environmental protection land subject to the total area of the site and the zoning of the land
  - to allow for the parking of heavy/large vehicles used for private (non-commercial) purposes (e.g large rigid mobile homes, large caravan combinations etc) on private land.
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Notably, Council may consider development applications to park heavy vehicles on private land that does not necessarily comply with the requirements of this plan on their individual merits.

The numbers of heavy vehicles that are proposed to be permissible per zone as exempt development are provided under the following table:

Zoning/Area	Max No Of HV per site	Options	HV Type 1	HV Type 2
R2, R3, R4, R5	1		1	0
E3, E4, RU2 (for sites 1 Ha or less )	1	Option 1 or	1	0
		Option 2	0	1
E3, E4, RU2 Site > 1 Ha and ≤ than 5 Ha	2	Option 1 or	2	0
		Option 2	1	1
RU2 and E3 Site > 5 Ha	3	Option 1 or	0	2
		Option 2 or	2	1
		Option 3 or	3	0

Notes:

a) Each Type 1 heavy vehicle on land zoned rural or an environmental protection may have a maximum of one associated trailer of which the total vehicle combination shall not exceed 19 metres in length.

b) Each prime mover of a Type 2 vehicle shall have a maximum of two associated trailers providing the total length in combination does not exceed 26 metres.

c) For the purpose of point b) above, a B-Double combination constitutes two trailers.

Despite the above points, a), b) & c) trailers shall not be permitted on land within residential zones.

#### Section 14.4 - General Requirements

This section proposes controls relating to noise, servicing of the vehicle, storage of waste within heavy vehicles and traffic sightlines.

#### 5. Proposed Draft Part 15 Animal Boarding or Training Establishments under Volume 1 of the SCDCP

Draft Part 15 is a newly proposed part that provides development controls for animal breeding, boarding and training establishments.

The proposed draft Part 15 was prepared in response to a recent correspondence from the NSW Department of Primary Industries which requires Council to ensure that the Animal Welfare Code of Practice, Breeding Dogs and Cats (the Code) is considered when assessing development applications for animal breeding, boarding and training establishments. The Code was first published in 2009 and contains both standards and guidelines for the care of dogs or cats for breeding. The standards have legal effect and failure to meet a standard in the Code may result in a Penalty Infringement Notice or a prosecution under Clause 20 of the Prevention of Cruelty to Animals (General) Regulation 2006.

Under the draft CLEP, this type of development is permissible within the zones General Industrial (INI), E3 Environmental Management (E3) and RU2 Rural Landscape (RU2) and is defined as:

Animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses) and includes any associated riding school or ancillary veterinary hospital.

Notably, under the provisions of the draft CLEP a minimum area of 5 hectares is required for animal boarding or training establishment development proposals within the E3 and RU2 zones.

The proposed development controls are designed to ensure that this type of development occurs on sites that are capable of being used for this purpose.

Draft Part 15 also includes provisions relating to the isolation of animals with infectious diseases, noise impacts, environmental impacts, landscaping and waste management.

## **6. Proposed draft Part 4 Site Specific Development Controls for Certain Heritage Items under Volume 2**

Volume 2 Site Specific Development Control Plans of the SCDCP 2014 currently includes the following site specific development control plans:

- Part 1 - One Minto DCP
- Part 2 - Glenfield Road Area DCP
- Part 3 - The Link Site DCP.

It is proposed to add two additional parts to Volume 2 as follows:

- Draft Part 4 – Site Specific Development Control Plans for Certain Heritage Items
- Draft Part 5 – University of Western Sydney Campbelltown, Development Control Plan

No amendments are currently proposed to parts 1 to 3 above, however Volume 2 as a whole is proposed to be placed on public exhibition, as it forms part of the draft SCDCP 2015. The site specific DCPs under Volume 2 are currently available from Council's website and included in attachment 4 of this report.

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## **Draft Part 4 – Site Specific Development Control Plans for Certain Heritage Items**

As part of the review of the draft SCDCP 2014, all existing stand-alone site specific heritage DCPs have been revised, simplified and consolidated and can be found within Volume 2, draft Part 4 - Site Specific Development Controls for Certain Heritage Items of the SCDCP 2014, as shown in attachment 3 of this report.

The site specific heritage DCPs comprise:

- DCP No 27 Queen Street Historic Precinct
- DCP No 109 Raith
- DCP No 121 Woodcrest Heritage Item and Residential Development.

### **Draft Section 4.2 - Queen Street Heritage Conservation Area Volume 2**

The development controls included under DCP No 27 Queen Street Historic Precinct (DCP No 27) have been revised and are proposed to be incorporated under Section 4.2, draft Part 4 of Volume 2 of the draft SCDCP 2015.

DCP No 27 came into force on 18 March 1992. DCP 27 applies to land bound by Allman Street, Queen Street, Bradbury Avenue and the Moore/Oxley By Pass and is known as the Queen Street Heritage Conservation Area.

DCP No 27 provides specific controls to ensure that new development does not impact on the heritage significance of the heritage precinct.

Given the above, DCP No 27 will be automatically repealed, subject to Council's approval of draft SCDCP 2015.

### **Draft Section 4.3 - Woodcrest Heritage Item**

The development controls included under DCP No 121 Woodcrest Heritage have been revised and are proposed to be included under Section 4.3, draft Part 4 of Volume 2 of the draft SCDCP 2015.

DCP No 121 was adopted by Council on 3 July 2001 and came into effect on 29 August 2001 and applies to the following sites:

- Woodcrest, 111 Oxford Road, Ingleburn
- 2 – 6 Woodcrest Avenue, Ingleburn
- 16-18 Whipbird Avenue, Ingleburn

Properties fronting Woodcrest Avenue are within the curtilage of Woodcrest heritage item, while the two properties fronting Whipbird Avenue are outside the curtilage. The properties that are not located within the heritage curtilage may be legally developed for a double storey house under the Exempt and Complying SEPP without any regard to the development controls under Council's DCP. As such, draft Section 4.3 is proposing to only apply to the properties that are located within the curtilage of Woodcrest Home.

Given the above, DCP No 121 will be automatically repealed, subject to Council's approval of draft SCDCP 2015.

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**Draft Section 4.4 - Raith**

DCP No 109 Raith (DCP No 109) was adopted by Council on 10 June 1997 and was made under IDO 26. DCP 109 requires that a conservation management plan be prepared for Raith heritage item, and the land between Raith and Fern Avenue be maintained as open space.

The requirement for the preparation of a conservation management plan for all heritage items has been included under the draft Clause 5.10 (6) of the draft CLEP. The open space requirement has been included under Section 4.4, draft Part 4 of Volume 2 of the SCDCP 2015.

Given the above, DCP No 109 will be automatically repealed, subject to Council's approval of draft SCDCP 2015.

**Draft Part 5 – University of Western Sydney Campbelltown, Development Control Plan**

Council on 10 February 2009 adopted the University of Western Sydney Campbelltown Development Control Plan (UWS DCP) which came into effect on 24 February 2009.

It is proposed that the UWS DCP be included as Part 5 of Volume 2 of the Draft SCDCP 2015. Notably, no amendments are proposed to the UWS DCP.

**7. Review of certain redundant Stand-alone Development Control Plans**

As part of the ongoing review to consolidate all of Council's development control plans into one document a number of development control plans have been reviewed and are proposed to be repealed as part of this stage (Stage 5) of the SCDCP. These DCPs comprise:

- DCP No 1 which applies to certain lands on Campbelltown Road
- DCP No 4 Retail Plant Propagation Nurseries
- DCP No 32 Retail Plant Propagation Nurseries
- DCP No 63 Macquarie Fields House
- DCP No 80 Blair Athol
- DCP No 83 Heritage Policy
- DCP No 91 Two Lot Integrated Housing in St Helens Park
- DCP No 108 Landscaping Setback – Blaxland Road

**DCP No 1 which applies to certain lands on Campbelltown Road (DCP No 1)**

DCP No 1 was adopted by Council on 21 April 1981 and came into effect on 16 October 1981. DCP No 1 is an old DCP that required 30 metres setbacks and landscaping requirements for the a section of Campbelltown Road, between the intersection of Blaxland and Campbelltown Road, and Campbelltown Road and Plough Inn Road.

Similar setbacks have been incorporated under Part 6 and Part 7 of the SCDCP 2014. As such this DCP is considered redundant and it is recommended that the DCP be repealed.

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#### **DCP No 4 Retail Plant Propagation Nurseries (DCP No 4)**

DCP No 4 was adopted by Council on 4 November 1980 and came into effect on 18 September 1981. It provides development standards for retail plant nurseries within environmental protection and rural areas. This DCP would no longer be required, as under the draft CLEP plant nurseries are not proposed to be a permissible use in the RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living. As such this DCP is considered redundant and it is recommended that the DCP be repealed.

#### **DCP No 32 Retail Plant Propagation Nurseries (DCP No 32)**

DCP No 32 was adopted by Council on 6 May 1986 and came into effect on 13 May 1986. DCP No 32 is very similar to DCP No 4 above in that it provides development standards for retail plant nurseries within the environmental protection and rural areas. This DCP would no longer be required, as under the draft CLEP plant nurseries are not proposed to be a permissible use in the RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living. As such this DCP is considered redundant and it is recommended that the DCP be repealed.

#### **DCP No 63 Macquarie Fields House (DCP No 63)**

DCP No 63 was made under Campbelltown Local Environmental Plan 112- Macquarie Field House. DCP No 63 provides detailed provisions for the height of buildings within the Macquarie Links to ensure that buildings do not protrude above the existing skyline or horizon when viewed from the eastern side of the railway line and the F5 Freeway.

To ensure compliance with the building height controls under DCP 63, Council on 24 October 2013 entered an agreement/covenant with the developer (Jessica Investment PTY Limited) under Section 88B of the then *Conveyancing Act 1919*. Such agreement/instrument on the title is legally binding and would ensure that future development within Macquarie Link precinct would not be visible from the F5 Freeway.

The remaining development controls under DCP No 63 that relate to siting of buildings, landscaping, and development applications are currently included under Part 2 Requirements Applying to All Types of Development Applications of Volume 1 of the SCDCP 2014 and as such would not be required.

As such this DCP is considered redundant and it is recommended that the DCP be repealed.

#### **DCP No 80 Blair Athol (DCP No 80)**

DCP 80 was adopted by Council on 29 November 1994 and came into effect on 5 March 1995. DCP No 80 applies to the Blair Athol suburb and has been superseded by similar controls contained within the SCDCP 2014.

The Section 94 Plan that applies to Blair Athol refers to the map under this DCP to identify the area where the Section 94 Plan applies. For this reason, this DCP was not previously repealed.

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Under the Environmental Planning and Assessment Legislation 2000 (the legislation), Council can undertake minor typographical corrections to a section 94 plan without the need to publicly re-exhibit the plan. As such, the reference to the map under DCP No 80 can be replaced by a reference to the map under the Section 94 Plan without the need to re-exhibit the Section 94 Plan.

Accordingly it is recommended that the Section 94 Plan that applies to Blair Athol be amended to include the map from DCP No 80, and as this DCP is considered redundant, it is recommended that the DCP be repealed.

#### **DCP No 83 Heritage Policy (DCP No 83)**

DCP No 83 was adopted by Council on 27 February 1997. DCP No 83 provides heritage controls for heritage items. DCP 83 has been superseded by similar controls contained within the SDCDP 2014. As such this DCP is considered redundant and it is recommended that the DCP be repealed.

#### **DCP No 91 Two Lot Integrated Housing in St Helens Park (DCP No 91)**

DCP No 91 was adopted by Council on 15 December 1998 and came into effect on 17 March 1999. DCP 91 applies to certain lots in St Helens and aims to allow certain lots at St Helens Park to be developed for two lot integrated housing.

DCP No 91 has been superseded by similar controls contained within the SDCDP 2014. The Section 94 Plan that applies to these lots refers to the map under this DCP to identify the area where Section 94 Plan applies. For this reason, this DCP was not previously proposed for repeal.

Under the Environmental Planning and Assessment Legislation 2000 (the legislation), Council can undertake minor typographical corrections to Section 94 Plan without the need to publicly exhibit the plan. As such, the reference to DCP 91 can be amended to reference the maps without the need to re-exhibit the plan.

Accordingly it is recommended that the Section 94 Plan that applies to St Helen Park be amended to include the map from DCP No 91, and as this DCP is considered redundant, it is recommended that the DCP be repealed.

#### **DCP No 108 Landscaping Setback – Blaxland Road (DCP No 108)**

DCP No 108 was adopted by Council on 15 October 1996 and came into effect on 1 January 1997. DCP 108 was made under Interim Development Order No 26, and includes controls relating to landscaping for certain lots located at the south east of Blaxland Road on both sides of Badgally Road. This DCP has been superseded by the landscaping requirement under the SDCDP 2014 and as such no longer required.

As such this DCP is considered redundant and it is recommended that the DCP be repealed.

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## **8. SCDCP 2014 not to be repealed**

The draft CLEP does not apply to the whole of the Campbelltown LGA. There are certain areas that have been deferred from the draft CLEP including Glenfield Town Centre and areas subject to current planning proposals like Blairmount, Mt Gilead, Menangle Park and the Glenfield Waste Site.

The SCDCP 2014 will continue to apply to these deferred areas until such time they are rezoned and included under the CLEP. Therefore SCDCP 2014 will remain in place as it will continue to provide development guidelines for these deferred areas. SCDCP 2014 would need to be amended so that it only applies to the deferred areas to ensure that the requirement of the one DCP under the Act is complied with. A separate report will be presented to Council to address this matter in the near future.

## **9. Process of repealing DCPs**

Division 4 Amendment and Repeal of Development Control Plans of the Environmental Planning and Assessment Regulation 2000 (REG 2000) states how a development control plan may be amended or repealed as follows:

A council may repeal a development control plan

(a) by a subsequent development control plan

(b) by public notice in a local newspaper of its decision to repeal the plan

### **Repeal by a Subsequent DCP (automatic repeal)**

As discussed in this report, a number of development control plans have been revised and are proposed to be incorporated under the draft SCDCP 2015 as follows:

- DCP 120 Parking of Commercial Vehicles and Trucks within Residential, Scenic Protection and Rural Areas (proposed to be replaced by draft Part 14 Parking of Heavy Vehicles on Land Zoned Residential, Rural or Environmental Protection)
- DCP No 27 Queen Street Historic Precinct (proposed to be replaced by Section 4.2 of draft Part 4 under Volume 2 Site Specific Heritage DCPs)
- DCP No 121 Woodcrest Heritage Item and Residential Development (proposed to be replaced by Section 4.3 of draft Part 4 under Volume 2 Site Specific Heritage DCPs)
- DCP No 109 Raith (proposed to be replaced by Section 4.4 of draft Part 4 under Volume 2 Site Specific Heritage DCPs).

In accordance with the relevant provisions of the REG 2000, once the draft SCDCP 2015 comes into effect (subject to Council endorsement), the above listed DCPs would automatically be repealed as their controls have been transferred into a subsequent DCP.

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### **Repeal by a Public Notice**

The requirement to repeal a DCP by way of public notice, as specified under Section 23 of the Regulation, has two steps:

1. A notice must be placed in a local newspaper, stating Council's intention to repeal the DCP, and stating reasons for doing so. This notice must appear in the paper at least 14 days prior to the final notice of repeal
2. A final notice of repeal must be placed in a locally circulating newspaper.

Accordingly, should Council endorse the repeal of the standalone/redundant DCPs as recommended by this report, an advertisement will be placed in the local newspapers, as well as Council's website, advising of Council's intention to repeal the subject DCPs. As required, this will be followed by a final public notice of the repeal of the respective DCPs, 14 days after Council giving notice of its intention to repeal those DCPs.

### **10. Public Exhibition**

It is recommended the draft SCDCP 2015 be publicly exhibited for a period of 28 days, in line with the legislative requirements under the Environmental Planning and Assessment Act 1979 (EP&A) and its Regulation at a number of locations across the city including Council's Civic Centre, all libraries and on Council's website. An advertisement will be placed in the local newspapers advising of the details of the public exhibition of the draft SCDCP 2015.

It is recommended that during the public exhibition period, Council consult with interested parties in relation to draft Part 14 by way of letter to advise them of the public exhibition of the draft SCDCP 2015. These include:

1. Golden Bucket Allied Earth Movers Association
2. Civil Contractors Federation
3. Road Freight NSW

### **11. Where to from here?**

It is understood that the gazettal of the draft CLEP is imminent, as it is currently with NSW Planning and Environment for making. The exact date of its commencement is not known at this time.

To ensure that at the time of gazettal of the draft CLEP Council has the draft SCDCP 2015 in place; it is recommended that Council endorse the public exhibition of the draft SCDCP 2015 for 28 days. A report will be submitted to Council on the outcome of the public exhibition.

### **12. Conclusion**

The SCDCP 2014 has been revised for consistency with the forthcoming draft CLEP and the recent amendments to a number of SEPPs.

Stage 5 proposes to repeal a number of out-dated standalone DCPs.

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As discussed in the body of the report, SCDCP 2014 will remain in place to provide development controls for the areas that have been deferred from consideration under the draft CLEP.

It is recommended that Council endorse the attached draft SCDCP 2015 Volume 1 and the proposed draft part 4 under Volume 2 and place Volume 1 and Volume 2 of the draft SCDCP 2015 on public exhibition for 28 days.

Council will also need to give notice of its intention to repeal the out-dated standalone DCPs detailed within the body of the report.

### **Officer's Recommendation**

1. That Council endorse draft Campbelltown (Sustainable City) Development Control Plan 2015 Volume 1 (contained in attachment 1) and Site Specific Development Controls Volume 2 (contained in attachment 3 & 4) for public exhibition in accordance with the *Environmental Planning and Assessment Act 1979* and associated regulation.
2. That at the conclusion of the public exhibition, a separate report be provided to Council on the outcome of the public exhibition of the draft Campbelltown (Sustainable City) Development Control Plan 2015.
3. That Council give notice of its intention to repeal the following Development Control Plans in accordance with the manner prescribed by the Environmental Planning and Assessment Regulation 2000:
  - DCP No 1 which applies to certain lands on Campbelltown Road
  - DCP No 4 Retail Plant Propagation Nurseries
  - DCP No 32 Retail Plant Propagation Nurseries
  - DCP No 63 Macquarie Fields House
  - DCP No 80 Blair Athol
  - DCP No 83 Heritage Policy
  - DCP No 91 Two Lot Integrated Housing in St Helens Park
  - DCP No 108 Landscaping Setback – Blaxland Road

### **Committee's Recommendation: (Kolkman/Rowell)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 187**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 2

### **Attachment 2: Definitions of certain residential land use terms as defined under the draft Campbelltown Local Environmental Plan 2014**

**Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**Attached dwelling** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

**Dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

**Dwelling house means** a building containing only one dwelling.

**Semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

**Shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

**Secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
  - (b) is on the same lot of land as the principal dwelling, and
  - (c) is located within, or is attached to, or is separate from, the principal dwelling
-

## **ATTACHMENT 3**

# **Volume 2 Draft Part 4 Site Specific Development Controls for Certain Heritage Items**

- **Queen Street Heritage Conservation Area**
- **Woodcrest Heritage Item**
- **Raith**

## 4.1

### Application

#### 4.1 Application

This Part sets out controls relating to proposed development within the heritage curtilage of the following heritage items:

- Queen Street Heritage Conservation Area;
- Woodcrest Heritage Item; and
- Raith

The design requirements contained within this part complement the provisions contained in Part 2 and Volume 1.



Figure 4.1.1 - Queen Street Heritage Conservation Area

## 4.2 Queen Street Heritage Conservation Area

This Section applies to the Queen Street Heritage Conservation Area, being land bounded by Allman Street, Queen Street, Bradbury Avenue and the Moore/Oxley By-Pass as identified on the heritage map under the CLEP.

Map 4.2.1 specifies two precincts for the Heritage Conservation Area:

- Precinct 1 - Heritage Precinct; and
- Precinct 2: Potential Development Precinct

The Queen Street Heritage Conservation Area includes four State Heritage Register listed buildings fronting Queen Street, collectively known as the Queen Street Buildings Group.

### Objective:

- Ensure all future development on the land appropriately considers and mitigates any potential adverse impacts on the heritage significance of the site and existing historic buildings, and
- Preserve the integrity of the distinctive historic streetscape formed by the Queen Street Buildings Group.

### Heritage Significance

The Queen Street Heritage Conservation Area includes a unique collection of four Early Victorian Georgian town buildings that form an important historical streetscape near the present day urban centre of the Campbelltown.

The buildings provided an important commercial function to the old town centre of Campbelltown throughout the nineteenth century, and are referenced by their historical uses as follows:

- McGuanne House - 286 Queen Street
- Former Railway Hotel - 288 Queen Street
- William Bursill's Shop - 292 Queen Street
- Former Coach House - 298 Queen Street

Each of the four heritage listed buildings are amongst the earliest buildings surviving in Campbelltown, originating from the mid-19th Century. The buildings are collectively listed on the State Heritage Register as the 'Queen Street Buildings Group', and provide one of the very few relatively intact Georgian style townscapes in NSW.

The buildings all feature high quality and detailed stonework, and excellent intact and rare original joinery. Each building retains much of its early Colonial period construction and provides important information on Colonial life, early craftsmanship and building techniques.

The broader site, as defined by the Heritage Conservation Area, also has high archaeological potential.

## 4.2

### Queen Street Heritage Precinct

## 4.2 Queen Street Heritage Precinct

### 4.2.1 General Conservation Requirements

- a) All proposed development within the Queen Street Heritage Conservation Area involving significant ground disturbance shall require archaeological investigation to be undertaken by a suitably qualified persons and/or approvals under the Heritage Act 1977 for the disturbance of relics.
- b) Any development application for work within the Queen Street Heritage Conservation Area shall be supported by a heritage impact assessment and/or Conservation Management Plan prepared by a suitably qualified practitioner in accordance with the relevant guidelines of the State Heritage Office.
- c) Any new development or proposed use of buildings shall demonstrate that the proposal is compatible with the long-term conservation of the heritage place.
- d) All development on the site shall broadly comply with the respective controls of the two (2) Precincts as identified on the Map 4.2.1 under this Section.

### 4.2.2 Specific Conservation Requirements for Precinct 1 - Heritage Precinct

- a) Development within Precinct 1 shall be generally limited to the restoration of the heritage significant buildings and works associated with the adaptive reuse of these buildings.
- b) New work or repair of the existing building elements shall be in keeping with the original design.
- c) Missing or damaged building elements such as verandah brackets, fences and chimneys shall be copied carefully and reinstated to their original style.
- d) The introduction of new building

#### Notes:

All proposed works within the State listed heritage curtilage of the Queen Street Buildings Group require approval under the NSW Heritage Act, unless an exemption for minor work has been granted from the NSW Heritage Council under Section 57 of the Act.

#### Precinct 1 - Heritage Precinct

Precinct 1 forms the core heritage precinct containing the four state heritage listed buildings fronting Queen Street and includes areas of potential archaeological significance.

## 4.2

### Queen Street Heritage Precinct

elements, such as aluminium lace or shutters shall be avoided as it can detract from the appearance and authenticity of the item.

- e) Any subdivision of land within Precinct 1 shall generally be limited to historic boundaries except where this could prejudice the sustainable conservation of the heritage buildings.
- f) Vacant land at the corner of Queen and Allman Streets, and No. 296 Queen Street shall be generally retained as open landscaping.

#### 4.2.3 Specific Conservation Requirements for Precinct 2 - Potential Development Precinct

- a) All new buildings within Precinct 2 shall be designed by an appropriately qualified heritage architect so as to ensure a high quality outcome that is compatible with the important heritage setting of the Queen Street Heritage Conservation Area.
- b) The scale and siting of new development shall not detract from the heritage significance of the place, particularly when viewed from the public domain of Queen Street.
- c) New development shall respect and complement the built form character of the Queen Street buildings group in terms of scale, setback, siting, external materials, finishes and colour.
- d) New development shall avoid replicating the architectural elements within the heritage building to prevent creating a false impression of historical development on the site. In this respect, new development may be contemporary in design provided that it is well integrated with and relates harmoniously to the Queen Street Building Group.
- e) Design elements such as verandahs, balconies, and articulated building

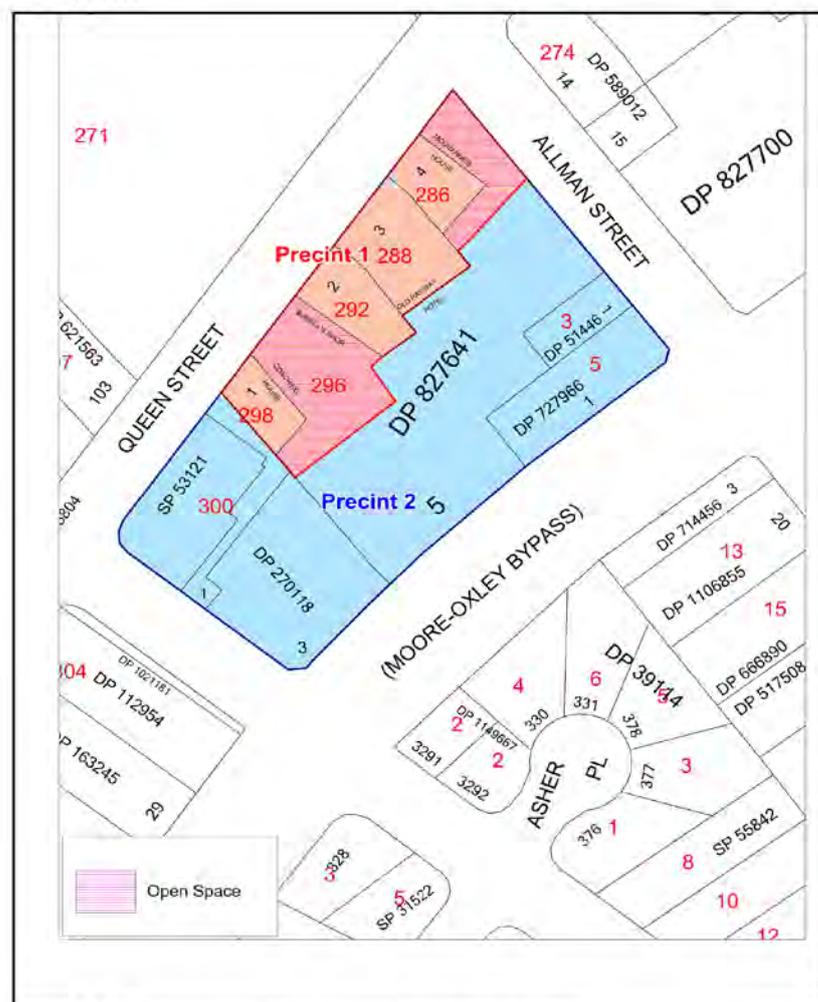
#### Precinct 2 - Potential Development Precinct

Precinct 2 is considered to have the greatest potential for appropriately designed new development given the physical separation to the Queen Street Buildings Group.

## 4.2 Queen Street Heritage Precinct

edges are encouraged to reduce the perceived massing of new buildings and improve their visual relationship with the Queen Street Buildings Group.

- f) External colours and materials of new development shall be recessive in nature.
- g) Direct vehicular access to the site is generally restricted to Allman Street and Bradbury Avenue.
- h) Car parking areas shall be located and designed so as to be screened from surrounding public spaces.



Map 4.2.1 - Queen Street Heritage Conservation Area

### 4.3 Woodcrest Heritage Item

## 4.3

### Woodcrest Heritage Item

This Section applies to Woodcrest heritage item and its curtilage.

#### Objective:

- Ensure that Woodcrest heritage item is not dwarfed by future residential development.
- Ensure that development within the curtilage of Woodcrest House is of appropriate scale, form, colour and siting so as not to significantly impact on the heritage significance of Woodcrest House.

a) Proposed dwelling houses within the curtilage of Woodcrest heritage item shall:

- i) be limited to a single storey in height;
- ii) have a maximum 3 metre floor to ceiling height; and
- iii) incorporate front verandahs.

b) Any dividing fence immediately adjacent to Woodcrest heritage site or a continuation of a fence located on the boundary of Woodcrest heritage item shall be of similar colour, material, height and style to the existing heritage fence in that location.

c) External colour and material of new development shall be recessive in nature.

d) New development shall avoid replicating the architectural elements within the heritage building to prevent creating a false impression of historical development on the site.

e) The erection of pergolas, outbuildings and the like shall only be permitted where Council is satisfied that such development is of appropriate height, scale, colour and material so as not to detract from the significance of Woodcrest heritage item.



Figure 4.3.1 - Photos of Woodcrest Heritage Item

## 4.4

### Raith Heritage Item

#### 4.4 Raith

This Section applies to Raith heritage item and its curtilage.

##### Objective:

- Conserve the views to and from Raith from Fern Avenue Bradbury.

- a) Land between Raith and Fern Avenue shall be maintained as open space.

##### Heritage Significance

“Raith”, built 1903, is of historical significance as the rural estate of the family of Herbert Merewether, a prominent local family, from 1903 to 1927 , and for its role as a child welfare institution from 1964 till the early 1990s. The site is listed by Campbelltown City Council as an item of local heritage, given its historic, architectural and aesthetic significance. The building has been the subject of extensive restoration works undertaken in early 2015 following a number of years of vacancy and neglect, including vandalism and fire damage.



Figure 4.4.1 - A photo of Raith Heritage Item

## **2.4 Campbelltown City Council Sustainability Strategy**

### **Reporting Officer**

Manager Environmental Planning

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### **Attachments**

Draft Campbelltown City Council Sustainability Strategy (distributed under separate cover due to size of document)

### **Purpose**

To seek Council's endorsement of an organisational Sustainability Strategy.

### **History**

At its meeting on the 9 February 2010, Council resolved:

1. That Council prepare a Draft Sustainability Strategy.
2. That the preparation of the Draft Sustainability Strategy be overseen by the Sustainability Committee.
3. That the Draft Sustainability Strategy be reported to Council for consideration for adoption at the appropriate time.

In addition to the above, Council's commitment to the development of a Sustainability Strategy (the strategy) has been further strengthened through its inclusion as a key action item in Council's Delivery Program for Integrated Planning and Reporting, and more recently in Council's Fit for the Future submission to the Office of Local Government.

### **Report**

#### **Background**

Council has been adopting and implementing a range of sustainability practices for a number of years. Since 2009 these practices have been coordinated by Council's Sustainability Committee. The Sustainability Committee, which underwent a substantial review in 2012, is guided by formal Terms of Reference and includes two managerial representatives from each Division. Since its establishment the Sustainability Committee has grown to include five working parties that are responsible for providing and implementing ideas, activities and policies relating to the areas of sustainable land, sustainable catchments, sustainable Council, sustainable energy and sustainable water.

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More recently, Council's actions have been guided by the Community Strategic Plan (CSP). Under the CSP, Strategy 1.1 addresses the promotion of sustainability which is measured by the implementation of sustainability initiatives. With this in mind, the Strategy has been developed to provide strategic guidance to the implementation of sustainability initiatives.

With this formal structure in place, Council has achieved significant milestones in sustainability. Some of the most recent achievements include:

- installation of a new energy efficient air conditioning system and building management system at the H.J Daley Library, with an average annual saving of just over \$52,000 and 494,000 kWh
- installation of solar pool heating systems on all of Council's leisure centres, with a collective average annual saving of over \$69,000 and 580,000 kWh
- installation of 770 solar panels on the Civic Centre and Arts Centre, with a collective average annual saving of just under \$38,000 and 282,000 kWh
- installation of solar hot water systems on 30 community facilities and child care centres
- adoption of a Corporate Sustainability Fund which captures financial savings achieved from sustainability related initiatives, and redistributes these savings into future sustainability related initiatives
- a commitment to install an 85 kilo-watt (kW) solar system at Greg Percival Library and Community Centre (using funding from the Corporate Sustainability Fund) with an anticipated saving of just under \$18,000 per year and 113,000 kWh
- continued use of a Sustainability Accounting Tool (SAT) by Council officers to provide consumption and cost information for six key sustainability areas - electricity, gas, water, paper, waste, and vehicle fleet
- a commitment to purchase white A4 paper with an 80% or higher recycled content for general office use
- adoption of a Sustainable Paper Authorised Statement and a Sustainable Events Policy.

### **Why develop a Sustainability Strategy?**

Sustainability is a term that is often thought of as being just about the environment, when in fact it is much more. Sustainability was first introduced in 1987 in a report prepared under the direction of the United Nations entitled our common future. The report established sustainability as a balanced decision-making tool involving the equal consideration of social, economic and environmental needs (triple bottom line). Today this decision-making tool has grown to include the consideration of sound and strong governance (quadruple bottom line).

Sustainability is instrumental in many legislative and policy frameworks guiding NSW councils, including the *Local Government Act 1993*. It is for this reason, combined with Council's recognition of its importance, that this strategy has been developed.

### **Aim and structure of the strategy**

The strategy is guided by the following vision statement, developed collaboratively through an extensive consultation process involving managers and staff from all sections of Council.

"Working together to achieve smart practices for a positive legacy".

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The strategy aims to embed the concept of sustainability into the decision-making framework of Council. In doing so, it seeks to engage staff, management and elected representatives in a collaborative discussion focussed around ten key sustainability areas. These key areas represent individual chapters exploring topics of administrative governance, environmental protection and management, and community wellbeing. The final pillar exploring economic considerations is incorporated throughout each chapter.

Each chapter includes background information, reference to key documents, goals and action items. The action items are directed specifically at Council, both behaviourally and operationally. However, where Council activities (e.g. community events) impact directly on the community, action items seek to initiate and involve the community in a conversation around sustainability. They are not prescribed to the community, rather they acknowledge the pertinent role Council plays in representing community values and aspirations.

There are a total of 19 goals, facilitating the implementation of 106 action items. The majority (51%) of the action items are new initiatives and involve the development of policies, investigation of partnerships, staff education and training programs. The remaining (49%) are enhanced initiatives and seek to complement and strengthen the intent of existing programs through the inclusion of sustainability.

### **Administration and funding of the Strategy**

The strategy has been developed as a strategic document to be implemented holistically across Council. Recognising this, the administration of the strategy will be overseen by the Sustainability Committee and its working parties.

With regard to an implementation budget, it is estimated that approximately 73% of the actions identified in the strategy would not require any additional funding as these actions include non-prescriptive wording such as develop or investigate. These actions would be implemented through an existing Council staff position or budget. The remaining 27% would require additional funding of some kind as these actions include more prescriptive wording such as implement, or are considered to be outside of an existing budget. Notwithstanding this, there are a number of funding opportunities currently available which will be considered on a case-by-case basis. These include:

- Council's Corporate Sustainability Fund
- external grant opportunities
- Council operational budgets.

### **Conclusion**

As a local government body responsible for roads, traffic, waste, environmental management, development, heritage and community services, Council has a major role to play in implementing sustainability. The decisions that Council makes every day has the ability to either drive or impeded sustainability advancements, and as such its impact cannot be overstated.

Council has achieved considerable milestones in sustainability over the past few years. In fact, annual savings are in excess of \$178,000 and 1,450,000 kWh. This is equivalent to the annual electricity consumption of 173 residential houses comprising of four residents. A greenhouse gas reduction of over 1240 tonnes was also achieved which is equivalent to the weight of approximately 200 adult male elephants.

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The endorsement of the draft strategy will formalise Council's commitment to sustainability, and strategically guide Council's future aspirations and services to ensure environmental, financial, social and governance factors are considered appropriately.

### **Officer's Recommendation**

That Council endorse the attached draft Sustainability Strategy.

### **Committee's Recommendation: (Kolkman/Rowell)**

1. That Council endorse the attached draft Sustainability Strategy.
2. That Council undertake actions to inform the community of the nominated achievements.

### **CARRIED**

### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

### **Council Resolution Minute Number 187**

That the Committee's Recommendation be adopted.

Councillor Mead asked for his name to be recorded in opposition to the resolution for Item 2.4 – Campbelltown City Council Sustainability Strategy.

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### **3. DEVELOPMENT SERVICES**

#### **3.1 Development Services Section Statistics August 2015**

##### **Reporting Officer**

Acting Manager Development Services

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##### **Attachments**

Development Services application statistics for August 2015 (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 2015 as they affect the Development Services section.

##### **Officer's Recommendation**

That the information be noted.

##### **Committee's Recommendation: (Oates/Thompson)**

That the Officer's Recommendation be adopted.

##### **CARRIED**

##### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

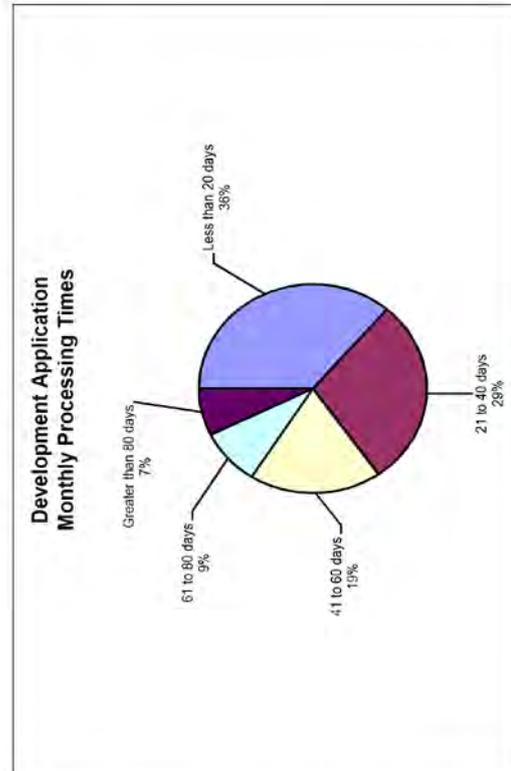
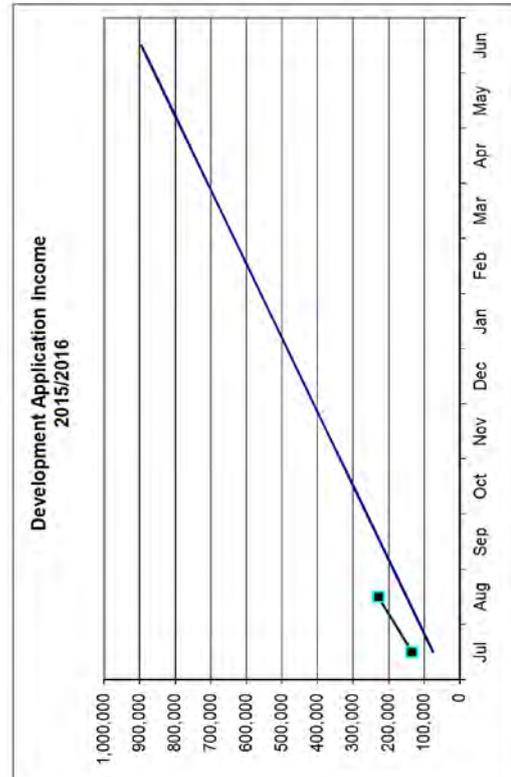
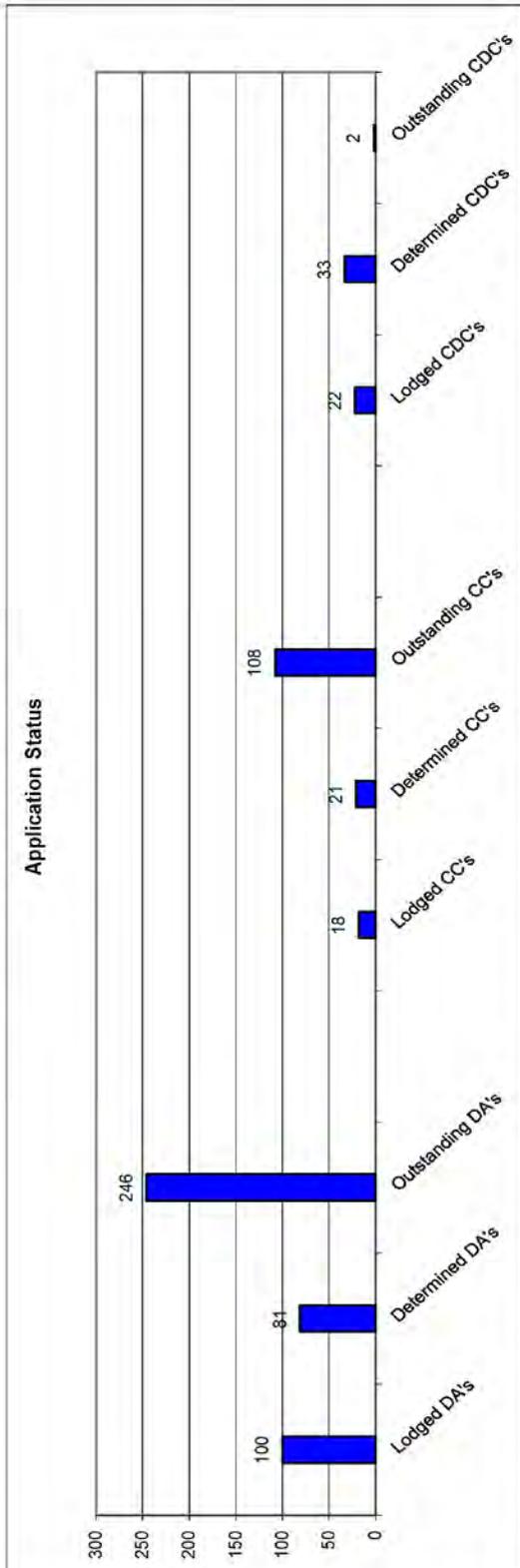
##### **Council Resolution Minute Number 187**

That the Officer's Recommendation be adopted.

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# ATTACHMENT 1

## DEVELOPMENT SERVICES SECTION MONTH AT A GLANCE – August 2015



3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**3.2 Demolition of existing structures, removal of nine trees, construction of 18 dwellings and three carports, associated car parking, bin storage enclosure and front fencing - Nos. 30 and 32 Third Avenue, Macquarie Fields**

**Reporting Officer**

Acting Manager Development Services

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**Attachments**

1. Recommended Conditions (contained with this report)
2. Locality Plan (contained within this report)
3. Site Plan (contained with this report)
4. Elevation Plans (contained within this report)
5. Landscape Plan (confidential – for privacy reasons these are not available to the public)
6. Floor Plans (confidential – for privacy reasons these are not available to the public)

**Purpose**

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

<b>Property Description</b>	Lots 20 and 21 Section 26 DP 1391 – Nos. 30 and 32 Third Avenue, Macquarie Fields
<b>DA No.</b>	525/2015/DA-MAH
<b>Applicant</b>	Moderinn Pty Ltd
<b>Owner</b>	Ibrahim Abbas
<b>Provisions</b>	State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Building Sustainability Index) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014 Campbelltown City Council Section 94A Development Contributions Plan
<b>Date Received</b>	12 March 2015

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### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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## Report

### Introduction

The subject development application seeks approval for the demolition of the existing structures, removal of nine trees, the construction of 18 dwellings (consisting of three x two storey buildings) and three carports, and associated car parking, bin storage enclosure and front fencing. The application has been made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

### The Site

The subject site is located within the suburb of Macquarie Fields, on the northern side of Third Avenue, between Saywell Road and Noeline Avenue. The site consists of two allotments, with a total area of approximately 2,832m<sup>2</sup>. Existing improvements to the site include a two single dwelling houses and ancillary structures.

Development within the surrounding locality is characterised predominantly by low and medium density single storey housing. It is noted that the Saywell Road shopping precinct is located approximately 300m to the east of the site and the Macquarie Fields Railway Station approximately 1.25km also to the east of the site.

### The Proposal

The development application for 18 affordable rental housing dwellings, consists of the following elements:

- demolition of the existing structures
- removal of nine trees
- construction of 18 affordable rental housing dwellings, each containing two bedrooms. Nine of the dwellings are located on the ground level with rear private open space yards, while the other nine dwellings are located on the first floor and are serviced by rear facing balconies. It is noted that each of the dwellings have their own separate external entries and a single allocated car parking space
- construction of three carports and associated parking area, providing parking for a total of 23 cars
- construction of a bin storage enclosure
- front fencing
- site earth works
- associated site landscaping works, including paving
- stormwater management works.

The application details that all of the dwellings are to be used for the purposes of affordable rental housing.

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### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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## 1. Vision

### Campbelltown 2025 Looking Forward

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

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

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

The strategic directions relevant to this application are:

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

The proposed development is generally consistent with these directions.

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

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

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

## 2. Planning Provisions

The development has been assessed having regard to 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.

### 2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Clause 3 of the Affordable Rental Housing SEPP, outlines that the Policy aims to:

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

Clause 6 of the Affordable Rental Housing SEPP, outlines that ‘affordable housing’ means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

The site is zoned ‘2(b) – Residential’, pursuant to Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed development is defined by Clause 10 of the Affordable Rental Housing SEPP, as ‘multi dwelling housing’ is permissible within the ‘2(b) – Residential’ zone. Furthermore, the site does not contain a heritage item (which is identified in an Environmental Planning Instrument, an Interim Heritage Order or on the State Heritage Register under the *Heritage Act 1977*). Moreover, the site is located approximately 275m from a bus stop that is used by a regular bus service (i.e. at least one bus per hour, services the bus stop between 6:00am and 9:00pm Mondays to Fridays and between 8:00am and 6:00pm Saturdays and Sundays).

Part 2 of the Affordable Rental Housing SEPP outlines various site related requirements. These matters have been considered and the following table details how the proposal responds to each of these relevant requirements.

Criteria	Proposed	Compliance
<p>Clause 13 – Floor Space Ratios</p> <p>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%.</p> <p>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum</p>	0.51:1	Yes. Moreover, a condition has been included within the recommendation requiring compliance with such.

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Criteria	Proposed	Compliance
<p>floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50% or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50%, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p><math>Y = AH \div 100</math></p> <p>The application details that all of the dwellings are to be used for the purpose of affordable rental housing.</p> <p>The maximum floor space ratio for any form of residential accommodation permitted on the site is 0.55:1 (for 'dwelling houses' under Section 3.7.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014). When adding the bonus FSR of 0.5:1 allowed under the SEPP, this equates to a maximum floor space ratio for the development of 1.05:1.</p>		
<p>Clause 14 (1) (b) – Site Area</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if the site area on which it is proposed to carry out the development is at least 450m<sup>2</sup>.</p>	2,832m <sup>2</sup>	Yes
<p>Clause 14 (1) (c) (ii) – Landscaped Area</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if at least 30% of the site area is to be landscaped.</p>	Approximately 35%	Yes
<p>Clause 14 (1) (d) (i) – Deep Soil Zones</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone).</p>	Approximately 29%	Yes
<p>Clause 14 (1) (d) (ii) – Deep Soil Zones</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the</p>	The vast majority of the abovementioned deep soil zone is of	Yes

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Criteria	Proposed	Compliance
<p>following grounds, if each area forming part of the deep soil zone has a minimum dimension of 3m.</p>	<p>dimensions greater than 5m x 5m.</p>	
<p>Clause 14 (1) (d) (iii) – Deep Soil Zones</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if at least two-thirds of the deep soil zone is located at the rear of the site area (if practicable).</p>	<p>In excess of two-thirds of the required deep soil zone is located within the rear portion of the site.</p>	<p>Yes</p>
<p>Clause 14 (1) (e) – Solar Access</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p>	<p>Each dwelling includes either a living or family type room that shall receive in excess of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p> <p>While the private open type space of each dwelling shall receive in excess of three hours direct sunlight between 9.00am and 3.00pm in mid-winter.</p>	<p>Yes</p>
<p>Clause 14 (2) (a) (ii) – Parking</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if at least 0.5 parking spaces are provided for each dwelling containing one bedroom, at least one parking space is provided for each dwelling containing two bedrooms and at least 1.5 parking spaces are provided for each dwelling containing three or more bedrooms.</p> <p>Which equates to 20 car parking spaces for the proposed development.</p>	<p>23 spaces</p>	<p>Yes</p>
<p>Clause 14 (2) (b) (iii) – Dwelling Size</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds, if each dwelling has a gross floor area of at least 70m<sup>2</sup> in the case of a dwelling having two bedrooms.</p>	<p>Each dwelling contains two bedrooms and has a minimum gross floor area of 70m<sup>2</sup>.</p>	<p>Yes</p>
<p>Clause 15 – Design Requirements</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published</p>	<p>The overall design has had regard to the Seniors Living Policy: Urban Design Guidelines for Infill</p>	<p>Yes</p>

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Criteria	Proposed	Compliance
by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	Development and is generally consistent with the relevant provisions of such.	
<p>Clause 16A – Character of local area</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	It is considered that the overall design of the development is compatible with the existing and future likely character of the local area.	Yes
<p>Clause 17 – To be used for Affordable Housing for 10 years</p> <p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i>, that will ensure that the requirements of paragraph (a) are met.</p>	The application details that all of the dwellings are to be used for the purpose of affordable rental housing.	A condition has been included within the recommendation requiring compliance with such.
Clause 18 – Subdivision	The proposal does not involve any subdivision.	NA

**2.2 State Environmental Planning Policy (Building Sustainability Index)**

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

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**2.3 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.

**2.4 Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned ‘2(b) – Residential’ under the provisions of LEP 2002. The proposed ‘multi dwelling housing’ development is permissible, within the ‘2(b) – Residential’ zone, and is consistent with the following objectives for the zone:

- (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.

**2.5 Draft Campbelltown Local Environmental Plan 2014**

The subject site is zoned ‘R2 – Low Density Residential’ under the provisions of Draft Campbelltown Local Environmental Plan 2014 (Draft LEP 2014). The proposed ‘multi dwelling housing’ development is permissible within the ‘R2 – Low Density Residential’ zone, and is consistent with the following objectives for the zone:

- to minimise overshadowing and ensure a desired level of solar access to all properties
- to facilitate diverse and sustainable means of access and movement.

Consequently the proposal satisfies the provisions of Part 2 of Draft LEP 2014.

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the Draft Campbelltown Local Environmental Plan 2014.

Clause	Control	Requirement	Proposed	Compliance
4.1D (2)	Minimum qualifying site area and lot size for certain residential and child care centre development in Residential zones	Development consent may be granted to multi-dwelling housing in the R2 zone, if the site area is equal to or greater than 1,000m <sup>2</sup> .	2,832m <sup>2</sup>	Yes
4.3 (2)	Height of Buildings Map	Maximum building height of 8.5m.	Approximately 8.3m	Yes
4.4 (2)	Floor Space Ratio	A maximum floor space ratio of 0.45:1 applies to multi-dwelling housing in the R2 zone.	0.51:1	No. However Clause 13 of the Affordable Rental

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Clause	Control	Requirement	Proposed	Compliance
				Housing SEPP allows for a maximum floor space ratio of 1.05:1, which prevails in the event of any inconsistency.
7.5 (2)	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> <li>(a) the likely disruption of, or any detrimental effect on, drainage patterns, riparian land, stored water, including groundwater related ecosystems, and soil stability, in the locality of the development</li> <li>(b) the effect of the proposed development on the likely future use or redevelopment of the land</li> <li>(c) the composition of the fill or the soil to be excavated, or both, including potential contaminants</li> <li>(d) the effect of the development on the existing and likely amenity of adjoining properties</li> <li>(e) the source of any fill material and the destination of any excavated material</li> <li>(f) the likelihood of disturbing relics</li> <li>(g) the proximity to, and potential for adverse impacts on, any environmentally sensitive area including heritage items, archaeological sites, heritage conservation areas, waterways or drinking water catchments</li> <li>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	It is considered that the proposed ancillary earthworks are consistent with these matters.	Yes

**2.6 Campbelltown (Sustainable City) Development Control Plan 2014**

The following compliance table, details the assessment of the proposed development pursuant to the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2014.

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Section	Control	Requirement	Proposed	Compliance
2.5	Landscaping	Provision of a detailed landscape plan, which shall enhance the visual character of the development and complement the site, and enhance the existing indigenous flora and fauna characteristics of a site wherever possible.	The application has been accompanied by a detailed landscaped plan, which includes various indigenous trees and shrubs.	Yes
2.8.1 (a)	Cut and Fill	A Cut and Fill Management Plan shall be provided, where the development incorporates cut and / or fill operations.	The proposed design follows the existing ground levels and involves minimal earthworks.	Yes
2.9	Demolition	A detailed demolition work plan prepared by a suitably qualified person, is to be provided in accordance with AS 2601 – 2001 – The Demolition of Structures.	A detailed demolition work plan accompanied the application.	Yes. Moreover, a condition has been included within the recommendation requiring compliance with AS 2601 – 2001 – The Demolition of Structures.
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany multi dwelling applications.	A detailed Waste Management Plan accompanied the application.	Yes
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 building design is in keeping with the existing and future likely character of the area and is considered satisfactory.	Yes
3.3.1 (c)	Streetscape	The built form shall relate to the natural landform and setting.	The design relates to the existing ground levels of the site.	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.	The car parking spaces are located behind the front row of dwellings and therefore do not dominate the visual appearance of the site.	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).	The proposed layout does not include any garages.	NA
3.3.1 (g)	Streetscape	No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	None of the street facing windows service a bathroom, ensuite, toilet or laundry.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.3.2 (a) (i)	Building Height	Residential development shall not exceed two storeys.	Two storeys	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).	Approximately 5.9m	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).	Approximately 8.3m	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 height of development does not provide for any significant loss of amenity to adjacent properties.	Yes
3.3.3 (a)	Fencing	Bonded sheet metal fencing shall not be constructed at any location other than along side and rear boundaries shared with other private property, where such fencing is not highly visible from the street, public reserve or other public place, unless the site is within a bushfire prone area.	The front and internal return fencing has a height of 1.2m and is of a design which complements the overall design of the development.	Yes
3.3.3 (c)	Fencing	Front residential fencing shall be a maximum of 1.2m in height and complement the design of the development.	The front and internal return fencing has a height of 1.2m and is of a design which complements the overall design of the development.	Yes
3.3.3 (e)	Fencing	Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	No fencing obstructs any power, water, sewer, gas or telephone services, drainage systems, or any easements or rights of way.	Yes
3.4 (a)	Car Parking and Access	The minimum external dimensions of any required parking space shall be 2.5m x 5.5m.	Each parking space has dimensions of 2.5m x 5.5m.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.4 (b)	Car Parking and Access	The minimum internal dimension of an enclosed garage shall be 3m x 6m.		NA
3.4 (c)	Car Parking and Access	Transitional grades shall comply with AS 2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	The overall layout provides for grades in accordance with AS 2890.1.	Yes. Furthermore, a condition has been included within the recommendation requiring compliance with this requirement.
3.4 (e)	Car Parking and Access	Driveways greater than 30m in length as viewed from the street shall be avoided.	Approximately 38m	No. However, given that the layout includes significant landscaping adjacent to the driveway and that the driveway is of a recessive finish, it is considered that the visual prominence of the driveway area and the visual impact on the streetscape shall be minimal. Accordingly, it is considered that the proposed variation is acceptable in this instance.
3.4 (g) (ii)	Car Parking and Access	The minimum width of the driveway at the street kerb shall be 5m where a single driveway provides access for two or more dwellings.	The driveway is 6m wide at the street boundary.	Yes
3.4 (i)	Car Parking and Access	Driveways shall be designed perpendicular to the road.	The driveway is perpendicular to the road.	Yes
3.4 (j)	Car Parking and Access	Plain concrete driveways shall not be permitted.	The driveway is of a charcoal stamped concrete finish.	Yes
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.	Living room windows and balconies have been limited to a front or rear orientation.	Yes
3.6 (a)	Solar Access	Living areas shall have a northerly orientation.	The living area of each dwelling has a northerly orientation.	Yes

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Section	Control	Requirement	Proposed	Compliance
3.6 (b)	Solar Access	A minimum of 20m <sup>2</sup> fixed of the required private open space area shall receive three hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	Areas in excess of 20m <sup>2</sup> of the private open space areas of each of the ground floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice. While each of the first floor dwellings are serviced by private open space areas of less than 20m <sup>2</sup> . Notwithstanding this, it is noted that the majority of the private open space areas of the first floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice.	No. However, given that the non-compliance is of a consequence of the respective private open space areas being undersized (rather than being poorly orientated), it is considered that the proposed variation is acceptable in this instance.
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 layout and design of the development results in amenity impacts to adjacent dwellings being minimised.	Yes
3.9.1 (a)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments shall not be erected on land with an area of less than 700m <sup>2</sup> .	2,832m <sup>2</sup>	Yes

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Section	Control	Requirement	Proposed	Compliance
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 dwellings for the first 700m <sup>2</sup> of land area and one dwelling for each 300m <sup>2</sup> of land area thereafter.  Equating to a minimum site area of 5,500m <sup>2</sup> , for 18 dwellings.	2,832m <sup>2</sup>	No. However while dwelling density and floor space ratio are separate requirements, it is acknowledged that the Affordable Rental Housing SEPP provides a generous floor space ratio 'bonus' for this development type (pursuant to Clause 13 of the Affordable Rental Housing SEPP), which has previously been taken to provide for an additional number of dwellings.  Accordingly, the variation is not considered to be unreasonable and is considered to be acceptable in this instance.
3.9.1 (f) (i)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating three 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.	40.23m	Yes
3.9.1 (f) (ii)	Site and Density Requirements for Multi Dwellings	Multi dwelling developments incorporating three or more dwellings shall only be permitted on an allotment having a minimum width of 10m measured between the extended property side boundaries.	40.23m	Yes
3.9.1 (f) (iii)	Site and Density Requirements for Multi Dwellings	Multi dwellings development incorporating three 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

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Section	Control	Requirement	Proposed	Compliance
3.9.1 (g)	Site and Density Requirements for Multi Dwellings	The total FSR shall not exceed 0.45:1.	0.51:1	No. However Clause 13 of the Affordable Rental Housing SEPP allows for a maximum floor space ratio of 1.05:1, which prevails in the event of any inconsistency.
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.	5.5m.	Yes
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.	1.5m from both the western and eastern side boundaries.	Yes
3.9.1 (h) (iv)	Site and Density Requirements for Multi Dwellings	A multi dwelling development shall be setback a minimum of 1.5m from any side boundary for all levels above the ground level.	1.5m from both the western and eastern side boundaries.	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.	10m	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 ground level.	10m	Yes
3.9.2 (a)	General Requirements for Multi Dwellings	A minimum of 10% of the total number of dwellings within a multi dwelling development containing 10 or more dwellings shall be adaptable dwellings.	Two of the dwellings are adaptable.	Yes
3.9.2 (b)	General Requirements for Multi Dwellings	Each multi dwelling unit shall be provided with a minimum of one single garage.	The layout does not provide any garages. Notwithstanding this, each dwelling is serviced by a single designated car parking space.	No. However, as the proposal satisfies the car parking requirements of Clause 14 (2) (a) (ii) of the Affordable Rental Housing SEPP, Council cannot refuse a development application on these grounds.

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Section	Control	Requirement	Proposed	Compliance
3.9.2 (c)	General Requirements for Multi Dwellings	One external additional visitor car parking space shall be provided for every two units (or part thereof), unless all dwellings within the development have direct frontage to a public street.  Equating to nine Visitor car parking spaces.	The layout provides five visitor car parking spaces.	No. However, as the proposal satisfies the car parking requirements of Clause 14 (2) (a) (ii) of the Affordable Rental Housing SEPP, Council cannot refuse a development application on these grounds.
3.9.2 (d)	General Requirements for Multi Dwellings	No visitor car parking space shall be located forward of the primary or secondary street boundary.	The visitor car parking spaces are recessed behind the front row of dwellings.	Yes
3.9.2 (e)	General Requirements for Multi Dwellings	No visitor car parking space shall be in a 'stacked' configuration.	None of the proposed car parking spaces are of a 'stacked' configuration.	Yes
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.	Maximum of 34%	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.	The private open space areas for each dwelling are located to the rear of the respective dwelling.	Yes

3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
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 <sup>2</sup> .	Each of the ground floor dwellings are serviced by a private open space area with a minimum size of 60m <sup>2</sup> . While the first floor dwellings are serviced by balconies that have an area of approximately 11m <sup>2</sup> .	No. However, given the unique built form of the proposal, which includes first floor dwellings with associated private open space areas (first floor balconies) there is a level of overlooking that will be created, that the provision of larger areas first floor private open space areas would create significant additional overlooking of surrounding properties.  Accordingly, the variation is not considered to be unreasonable and is considered to be acceptable in this instance.
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 of the ground floor dwellings are serviced by a private open space area with a minimum width of 6.5m. While the first floor dwellings are serviced by balconies with a minimum width of 3.7m.	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 of the ground floor dwellings are serviced by a private open space area with a minimum area of 6.5m x 7.3m. While the first floor dwellings are serviced by balconies with a minimum area of 2.3m x 3.7m.	No. However, given the unique built form of the proposal, which includes first floor dwellings with associated private open space areas (first floor balconies) there is a level of overlooking that will be created, that the provision of larger areas first floor private open space areas would create significant additional overlooking of surrounding properties.  Accordingly, the variation is not considered to be unreasonable and is considered to be acceptable in this instance.

3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
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 areas.	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.	<p>Areas in excess of 20m<sup>2</sup> of the private open space areas of each of the ground floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice.</p> <p>While each of the first floor dwellings are serviced by private open space areas of less than 20m<sup>2</sup>. Notwithstanding this, it is noted that the majority of the private open space areas of the first floor dwellings shall receive a minimum of three hours continuous solar access at the winter solstice.</p>	No. However, given that the non-compliance is of a consequence of the respective private open space areas being undersized (rather than being poorly orientated), it is considered that the proposed variation is acceptable in this instance.
3.9.2 (i)	General Requirements for Multi Dwellings	No part of an outdoor living area is permitted to be located within the primary or secondary street setback area.	The private open space areas for each dwelling are located to the rear of the respective dwelling.	Yes
3.9.2 (k)	General Requirements for Multi Dwellings	<p>Multi dwellings shall satisfy the following additional provisions relating to streetscape:</p> <ul style="list-style-type: none"> <li>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</li> <li>no more than 30% of the area forward of any building alignment shall be surfaced with impervious materials.</li> </ul>	<p>The front facade of each building is articulated and consists of architectural features that are of a similar form to adjoining and future like developments.</p> <p>Approximately 21% of the area forward of the building alignment, is of an impervious finish.</p>	Yes

3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.2 (l)	General Requirements for Multi Dwellings	Multi dwellings shall satisfy the following requirements relating to landscape: <ul style="list-style-type: none"> <li>• a detailed landscape design plan shall be submitted by a suitably qualified person with the development application</li> <li>• a minimum of 20% of the total site area shall be available for deep soil planting.</li> </ul>	The application was accompanied by a detailed landscape design plan.  Approximately 29% of the site has been made available for deep soil planting.	Yes
3.9.2 (m)	General Requirements for Multi Dwellings	Multi dwellings development shall satisfy the following architectural requirements: <ul style="list-style-type: none"> <li>• a distinctive architectural outcome that unifies the range of building elements and diversity within the development and which also harmonises with surrounding development;</li> <li>• incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines;</li> <li>• incorporation of facade shifts and articulation, varied materials and colours in order to avoid duplication of the same building elements; and</li> <li>• provision of windows and active spaces in the building ends, to provide additional security and visual interest.</li> </ul>	The overall design of the proposed development is similar in terms of its finish, and bulk and scale, compared to existing and likely future developments in the locality.  The front facades and roof forms are articulated, providing depth to the overall design.	Yes

3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.4 (a)	Multi Dwellings and Waste Management	Multi dwellings development shall make provision for individual waste storage, allocated behind the primary and secondary building line out of public view, for the following: <ul style="list-style-type: none"> <li>• a 140 litre bin and</li> <li>• two 240 litre bins.</li> </ul>	Suitable provision is made within the private open space areas of the ground floor dwellings for the storage of bins.	Yes. Notwithstanding this, in order to minimise the overall number of bins that are to be presented kerbside for collection a condition has been included within the recommendation requiring all bins being, 240L in size, stored within the (communal) bin storage enclosure and limiting the total number of bins to 24.
3.9.4 (b)	Multi Dwellings and Waste Management	Development incorporating more than six dwellings not able to be Torrens title subdivided under this Plan shall make provision for an appropriately sized communal waste / recycling bin storage facility that is centrally located and provides convenient access for occupants and collection contractors. Such storage facility shall: <ul style="list-style-type: none"> <li>• be located behind the primary and secondary building line</li> <li>• be no more than 25m from the street</li> <li>• be covered</li> <li>• contain a hose connection</li> <li>• have an impervious floor that is connected to the sewer</li> <li>• be located no closer than 3m (in a horizontal direction) from an opening within a dwelling on the site or from the property boundary</li> <li>• incorporate design and construction (including colours, materials and finishes) that complement the development.</li> </ul>	The communal bin storage enclosure is centrally located, is located behind the front building line, is approximately 30m from the street, is covered, contains a hose connection, has an impervious floor with floor waste, is approximately 8m from the nearest opening to a dwelling and is of a design which complements the overall development.	No. However given the relatively minor nature non-compliance (whereby the bin storage enclosure is located approximately 30m from the street rather than 25m) and that the location is the most suitable when having regard to the overall layout, it is considered that the proposed variation is acceptable in this instance.  Furthermore a condition has been included within the recommendation requiring the provision of a hose connection and the floor waste being connected to the sewer system.

3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

Section	Control	Requirement	Proposed	Compliance
3.9.4 (c)	Multi Dwellings and Waste Management	Any communal storage facility shall be of sufficient size to accommodate the following for each multi dwelling: <ul style="list-style-type: none"> <li>• a 140 litre bin</li> <li>• two 240 litre bins.</li> </ul>	Suitable provision is made within the communal bin storage enclosure for the storage of bins.	Yes. Notwithstanding this, in order to minimise the overall number of bins that are to be presented kerbside for collection a condition has been included within the recommendation requiring all bins being, 240L in size, stored within the (communal) bin storage enclosure and limiting the total number of bins to 24.
3.9.4 (d)	Multi Dwellings and Waste Management	All waste storage areas shall be appropriately screened from public view.	The communal bin storage enclosure is located behind the front building line and is screened from public view.	Yes

**2.7 Campbelltown City Council Section 94A Development Contributions Plan**

As all of the dwellings are proposed to be used for the purpose of affordable rental housing, development contributions are not applicable pursuant to the provisions of Section 94E of the *Environmental Planning and Assessment Act 1979*.

**3. Planning Assessment**

The following is a summary of the areas of consideration regarding the likely environmental impacts and the suitability of the site, in respect to the proposed development:

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

**Natural environment** - The trees proposed for removal are not of any high ecological value and it is proposed to implement detailed landscaping scheme which includes various indigenous trees and shrubs, which are likely to embellish the overall natural environment.

**Amenity impacts** - The overall design of the proposed development has given satisfactory regard to existing adjoining residential premises, in terms of privacy, separation, overshadowing and the protection of trees and other vegetation within adjoining properties. Accordingly it is considered that the proposal is acceptable in this regard.

**Security and safety** - The overall design of the proposed development is considered to be consistent with the principles for minimising crime risk (Crime Prevention through Environmental Design) and it is therefore deemed to be satisfactory in this regard.

### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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#### 4. Public Participation

In accordance with the requirements of Part 9 of the Campbelltown (Sustainable City) Development Control Plan 2014, the application was notified to adjoining property owners from 18 March 2015 until 10 April 2015. Two submissions were received, both objecting to the proposal. The submissions raised the following concerns:

**Privacy** – Given the unique built form of the proposal, which includes first floor dwellings with associated private open space areas, there is a level of overlooking that will be created. Notwithstanding this, living room windows and balconies have been limited to a front or rear orientation, and a 10m setback has been provided to the rear boundary, which is the same setback required for the second storey of any two storey dwelling house.

**Insufficient car parking** – As previously outlined, while the proposal does not satisfy the visitor car parking requirements of the Sustainable City DCP, the proposal does however satisfy the car parking requirements of Clause 14 (2) (a) (ii) of the Affordable Rental Housing SEPP. Therefore Council cannot refuse the development application on these grounds.

**Poor vehicle manoeuvring areas** – The proposal has been reviewed by Council's Senior Development Engineer who has raised no objection to such. Furthermore, a condition has been included within the recommendation, requiring compliance with the relevant Australian Standards.

**Insufficient information in relation to the number of bedrooms within each dwelling** – Internal floor plans of proposed residential developments are confidential and are withheld from the public notification process.

**Insufficient information in relation to the use of each dwelling** – Additional information was provided following the notification of the application which detailed that all of the dwellings are to be used for the purposes of affordable rental housing. Accordingly, the application has been assessed in this way and a condition has been included within the draft consent requiring the dwelling be used for affordable rental housing and this requirement is to be registered on the title by 88E restriction.

**Clarification of permissibility within 'the residential zoning'** – As previously outlined, the proposed development is permissible within the '2(b) – Residential' zone under the provisions of LEP 2002.

**Provision of insufficient space for the storage of bins** – Amended plans have been provided following the notification of the application which show bins for the ground floor dwellings to be stored within the associated private open space areas. Additionally, as previously outlined the proposal satisfies the relevant requirements of the Sustainable City DCP with respect to waste bin storage.

**Relationship to the proposed / conceptual development on Nos. 26-28 Third Avenue, Macquarie Fields** – Development Application No. 2501/2014 was approved by Council on 21 July 2014, for a very similar affordable rental housing development at Nos. 26-28 Third Avenue, Macquarie Fields whilst the respective developments are very similar and in close proximity to each other the cumulative impact should not preclude the approval of the subject application.

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### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**The allocation of carports** – Amended plans were provided following the notification of the application which allocate the various car parking spaces to either a single unit or as visitor parking. The allocation of the spaces to the units provides convenient access for future residents, while the visitor spaces are spread around the car parking area.

**Questioning whether the garages should be provided** – As previously outlined, while the proposal does not satisfy the requirements of the Sustainable City DCP with respect to the provision of at least single garage for each dwelling, the proposal does satisfy the car parking requirements of Clause 14 (2) (a) (ii) of the Affordable Rental Housing SEPP. In this respect, Council has no power to refuse the development application on car parking/garage grounds.

**Questioning if the overall design is compatible with the locality** – As previously outlined, it is considered that the overall building design is not inconsistent with the existing and future likely character of the area.

**Management of ongoing waste** – The site has sufficient width to provide for the presentation of the required number of bins to the street for collection on a weekly basis.

**Demolition works** – As previously outlined, a detailed demolition work plan accompanied the application and a condition has been included within the recommendation requiring all demolition works to be conducted in compliance with the relevant Australian Standard.

## 5. Conclusion

The proposal has been assessed pursuant to the relevant provisions of the Affordable Rental Housing SEPP, LEP 2002, Draft LEP 2014 and the Sustainable City DCP. In this regard, while it is noted that the proposal does not comply with several of the requirements within the Sustainable City DCP, pursuant to Clauses 8 and 14 of the Affordable Rental Housing SEPP, the associated requirements of the Affordable Rental Housing SEPP prevail over the Subordinate Planning Controls to the extent of any inconsistency.

The proposed development is a permissible land use in the zone and a detailed assessment against the relevant planning controls has not identified the likelihood of any significant environmental or social impacts. It is considered that the site is suitable for the development given the proximity to services. Accordingly, it is recommended that Council approve the application subject to appropriate conditions.

## Officer's Recommendation

That Development Application No. 525/2015/DA-MAH, for the demolition of existing structures, removal of nine trees, the construction of 18 dwellings (consisting of three x two storey buildings) and three carports, and associated car parking, bin storage enclosure and front fencing, at Nos. 30 and 32 Third Avenue, Macquarie Fields, be approved subject to the attached conditions.

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**Committee Note:** Mr Todkill addressed the Committee in opposition to the development.

**Committee's Recommendation: (Kolkman/Rowell)**

That the Officer's Recommendation be adopted.

**CARRIED**

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

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

**Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 188**

That the Officer's Recommendation be adopted.

This item was **CARRIED** on the casting vote of the Mayor.

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

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

#### **1. Approved Development**

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

<b>Drawing No.</b>	<b>Date Received by Council</b>
DA-100 (Issue: C)	8 October 2013
DA-101 (Issue: D)	8 October 2013
DA-102 (Issue: D)	8 October 2013
DA-103 (Issue: C)	8 October 2013
DA-104 (Issue: C)	8 October 2013
DA-105 (Issue: C)	8 October 2013
DA-106 (Issue: C)	8 October 2013
DA-107 (Issue: C)	8 October 2013
DA-200 (Issue: A)	8 October 2013
DA-201 (Issue: A)	8 October 2013

#### **2. Construction Certificate**

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

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

#### **3. Building Code of Australia**

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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#### **4. Contract of Insurance (residential building work)**

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

This clause does not apply:

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

#### **5. Notification of *Home Building Act 1989* Requirements**

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

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

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

#### **6. Shoring and Adequacy of Adjoining Property**

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

- a. Protect and support the adjoining premises from possible damage from the excavation, and
  - b. Where necessary, underpin the adjoining premises to prevent any such damage.
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### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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

#### **7. External Finishes**

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

#### **8. Driveway**

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standards AS 2890.1 and AS 2890.6 (as amended).

The finishes of the driveway paving surfaces are to be non-slip.

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

#### **9. Car Parking Spaces**

23 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended).

#### **10. Landscaping**

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, prepared by Conzept Landscape Architects, submitted to Council on 3 August 2015, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
  - b. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
  - c. All trees are to be staked and tied with a minimum of three hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
  - d. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
  - e. Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of trees. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.
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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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## 11. Ground Levels

The existing ground levels shall only be altered in accordance with the levels shown on the approved plans. Under no circumstances shall levels elsewhere on the site (i.e. within the side or rear setback areas) be altered in any way.

## 12. Fencing

- a. 1.8m high fencing is to be erected to cordon off the private open areas (i.e. the backyard areas to the rear of each of the ground floor dwellings), in accordance with the approved plans, prior to the issuing of an Occupation Certificate.
- b. Attention is directed to the provisions of the *Dividing Fences Act 1991*, in relation to the fencing of the boundaries of the overall site.

## 13. Switchboards/Utilities

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

## 14. Flood Level Controls

This site has been identified as a flood control lot with respect to 1% Annual Exceedance Probability (AEP) flood due to overland flow from the local catchment traversing the property. The following drainage requirements shall be complied with:

- a. A combined inter-allotment drainage system and swale system shall be provided within the site for collection and disposal of flows from local catchment.
  - b. Swale system shall be designed to accommodate the calculated overland flows. The total calculated overland flows shall be fully contained within the swale system. Floor levels of Units 5 to 9 shall comply with the minimum floor level requirements in relation to overland flowpaths as specified in the Campbelltown (sustainable City) DCP- Volume 3 (as amended).
  - c. Fences shall have an opening (mesh) under the fence to a height equal to the depth of the overland flow plus 300mm freeboard, and to the full width of the overland flowpath.
  - d. No structures shall be located within the inter-allotment drainage system and swale system.
  - e. Easements and Restrictions on the Use of Land shall be created to preserve the drainage function.
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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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### 15. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

### 16. Rain Water Tanks

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

### 17. Rubbish, Recycling and Organic Bins

- a. A total of 24 bins are to be maintained on site. Eight residual waste/rubbish bins, 12 recycling bins and four organic green waste bins. Each of these bins are to be 240L in size and are to be stored within the communal bin storage area. Any proposed alterations to these bin numbers will be considered to be a modification to the development consent and require the separate approval of Council. Under no circumstances are any bins to be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.
- b. The communal bin storage area is to be provided with a hose connection for cleaning purposes and a floor waste connected to the sewer system.
- c. All bins are to be presented kerbside for collection by a site manager, no earlier than 6.00pm on the evening prior to scheduled collection and returned directly to the communal bin storage area within four hours of collection.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

### 18. Utility Servicing Provisions

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

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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## **19. Sydney Water Stamped Plans**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

or telephone 13 20 92.

## **20. Telecommunications Infrastructure**

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

## **21. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council.

## **22. Geotechnical Report**

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

## **23. Soil and Water Management Plan**

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**24. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be in accordance with the approved floor levels. Ground levels adjacent to the building shall be designed to divert the surface runoff away from the buildings.

Stormwater from the site shall be conveyed to the 2.5m wide drainage easement over No 6 Noeline Avenue.

A swale and inter-allotment drainage system shall be provided along the northern site boundary for collection and disposal of stormwater runoff from the upstream catchment. Inter-allotment drainage through the site shall be connected to the existing drainage system located in 6 Noeline Avenue.

All proposals shall comply with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

**25. Drainage Easement**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a suitable plan for approval and endorsement by Council and have it registered with the Land and Property Information NSW for the creation of a minimum of 2.5m wide drainage easement over No 6 Noeline Avenue (Lot 3 DP 200971) to enable stormwater runoff from the subject site to be conveyed to Noeline Avenue drainage system in accordance with Council's Engineering Design Guide for Development (as amended).

**26. Dilapidation Report**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings and structures in the vicinity of the subject works and for any other infrastructure that may be affected by the works on the subject site.

**27. Work on Public Land**

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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## **28. On-Site Detention Facility**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit details and design calculations of the On-Site Detention (OSD) system for approval. OSD system shall comply with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

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

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

## **29. Design for Access and Mobility**

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

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

## **30. Erosion and Sediment Control**

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

## **31. Erection of Construction Sign**

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

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
  - b. Stating that unauthorised entry to the work site is prohibited; and
  - c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
  - d. Stating the approved construction hours in which all works can occur.
  - e. Showing the name, address and telephone number of the principal certifying authority for the work.
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### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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

#### **32. Toilet on Construction Site**

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

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

#### **33. Trade Waste**

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

#### **34. Vehicular Access during Construction**

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

#### **35. Demolition Works**

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
  - b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
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### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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

#### **36. Fencing**

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

#### **37. Geotechnical Reference**

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

#### **38. Structural Engineer Details**

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

#### **39. Construction Work Hours**

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

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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#### **40. Erosion and Sediment Control**

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

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

#### **41. Work Zones**

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

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a Work Zone external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable Traffic/Pedestrian Management and Control Plan for the area of the work zone that will be affected. All costs of approved traffic/pedestrian control measures, including relevant fees, shall be borne by the applicant.

#### **42. Protection of Existing Trees**

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

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

#### **43. Dust Nuisance**

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

#### **44. Termite Control**

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**45. Public Safety**

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

**46. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)
- c. Soils and Construction (2004) (Bluebook)
- d. Relevant Australian Standards and State Government publications.

**47. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site, in Third Avenue. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

**48. Medium Density Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete footpath crossing (and layback if required) at the entrance to the property, in accordance with Council's Medium Density Vehicle Crossing Specification and the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

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

**49. Associated Works**

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

**50. Notification on Downstream Drainage Easement Works**

The developer shall notify the owners/residents of No. 6 Noeline Avenue on the works proposed within the registered drainage easement and for access arrangement prior to commencement of any work in the easement. The developer shall complete the easement works within a shortest possible time period and reinstate the disturbed area to the satisfaction of the principal certifying authority.

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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### **51. Completion of Construction Works**

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

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

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

### **52. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

### **53. Structural Engineering Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

### **54. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**55. Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended). Work as executed information on all civil works including the combined inter-allotment drainage system and swale system shall be provided.

**56. Restoration of Public Roads**

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

**57. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

**58. House Numbers**

Prior to the principal certifying authority issuing an Occupation Certificate all house numbers shall be stencilled onto the kerb at appropriate locations with black numbers / letters, 75mm high on a white background using approved pavement marking grade paint.

For all new additional lots created, please contact Council's Land Information Unit on 4645-4842 to ensure the correct house number is stencilled.

**59. BASIX**

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

**60. Restriction on the Use of Land**

- a. Prior to the principal certifying authority issuing an occupation certificate, the applicant shall create appropriate easement and restrictions on the use of land under Section 88B of the *Conveyancing Act 1919*.
    - i. A minimum of 6.2m wide drainage easement over inter-allotment drainage system and the full width of overland flowpath located along the northern site boundary within the site.
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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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- ii. A restriction on the use of land on the meshed fences across the overland flowpaths and constructed swale to preserve the drainage function.
- iii. A restriction on the use of land and positive covenant over the On-Site Detention facility.

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

- b. Prior to the principal certifying authority issuing an Occupation Certificate, the applicant shall create a restriction as to user, registered against the title of the property of land under Section 88E of the *Conveyancing Act 1919*:
  - i. for 10 years from the date of the issue of the Occupation Certificate, all dwellings are to be used for the purpose of affordable housing and be managed by a registered community housing provider.

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

#### **61. Public Indemnity Insurance – Onsite Waste Collection**

The applicant to the development application indemnifies Council and its contractors and agents against any claims, proceedings, actions or demands arising from or in relation to any damage howsoever caused to the road surface, paving or drainage within the Development by the operation by Council or its contractors or agents in the collection of domestic waste except to the extent that such damage results from any misconduct or negligent act or omission of Council or its contractors or agents.

Prior to the issue of an occupation certificate, the applicant shall provide Council with a copy of its public liability insurance policy valid for 12 months to satisfy Council that in the event that such a claim arises, a public liability insurance policy is in place to respond to any claim arising. Each year the body corporate must furnish Council with a copy of its renewed public liability insurance policy valid for the next 12 months to satisfy Council that in the event that such a claim arises, a public liability insurance policy is in place to respond to any claim arising.

#### **62. Council Fees and Charges**

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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### 63. Consolidation of Allotment

Prior to Council or an accredited certifier issuing any Occupation Certificate, the applicant shall provide evidence that the allotments that are the subject of the application have been consolidated. The registered plan of consolidation as endorsed by the Registrar General shall be submitted to Council for information. Should the allotments be affected by easements, restrictions, or covenants, for which Council is the relevant authority to release, vary or modify, then the plan of consolidation must be endorsed by Council prior to lodgement with Land and Property Information NSW.

### ADVISORY NOTES

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

#### **Advice 1. Environmental Planning and Assessment Act 1979 Requirements**

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

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

#### **Advice 2. Tree Preservation Order**

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

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**Advice 3. Provision of Equitable Access**

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

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

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

**Advice 4. Smoke Alarms**

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

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

**Advice 5. Covenants**

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

**Advice 6. Inspections – Civil Works**

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

- a. EROSION AND SEDIMENT CONTROL –
    - i. Direction/confirmation of required measures.
    - ii. After installation and prior to commencement of earthworks.
    - iii. As necessary until completion of work.
  - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
  - c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
  - d. FINAL INSPECTION – All outstanding work.
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### 3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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#### **Advice 7. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

#### **Advice 8. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

#### **Advice 9. Salinity**

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

#### **Advice 10. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

#### **Advice 11. Rain Water Tank**

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

#### **Advice 12. Dial before you Dig**

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

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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

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**Advice 13. *Telecommunications Act 1997 (Commonwealth)***

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

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

**END OF CONDITIONS**

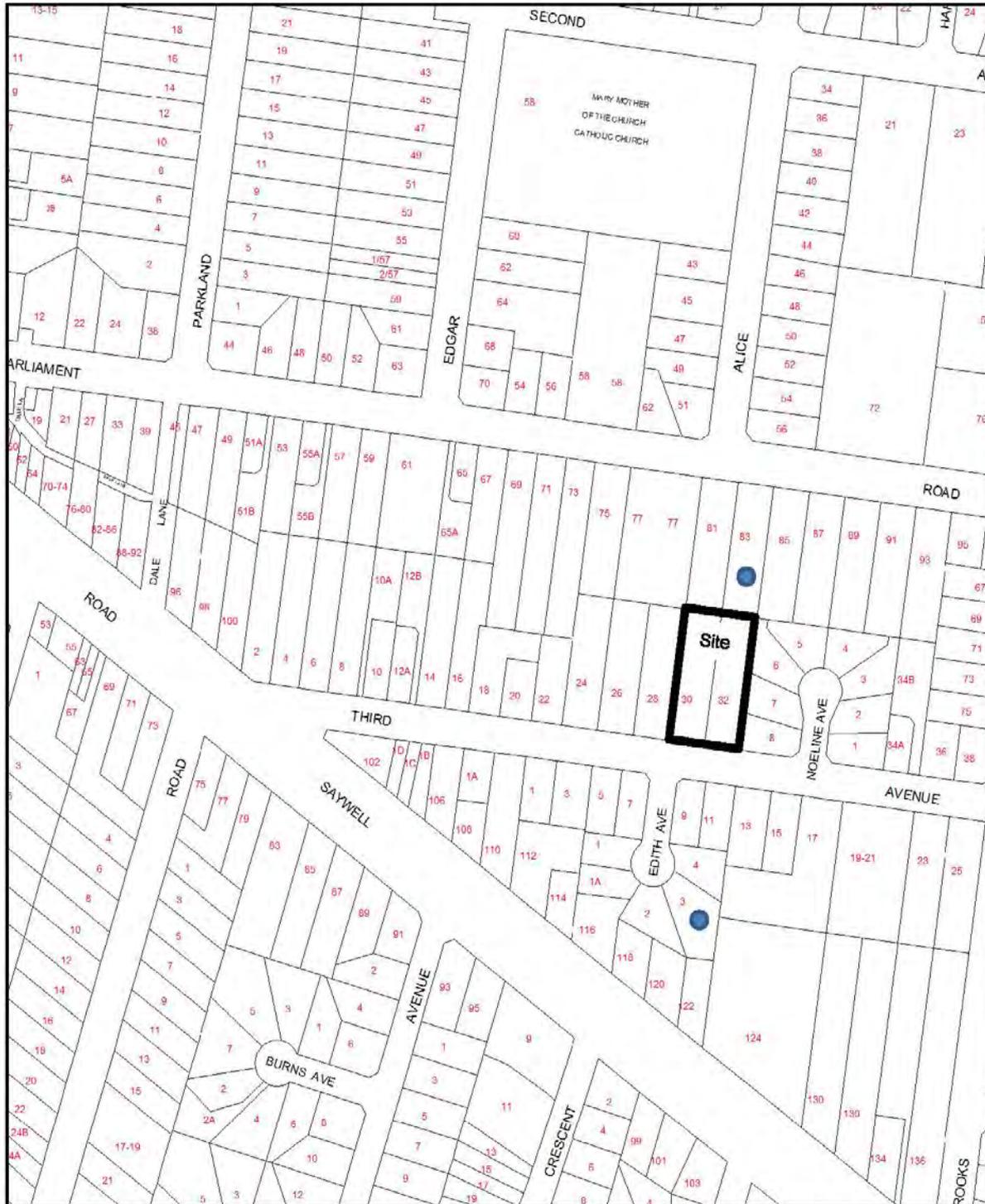
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3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

## ATTACHMENT 2

### Locality Plan

Nos. 30- 32 Third Ave Macquarie Fields



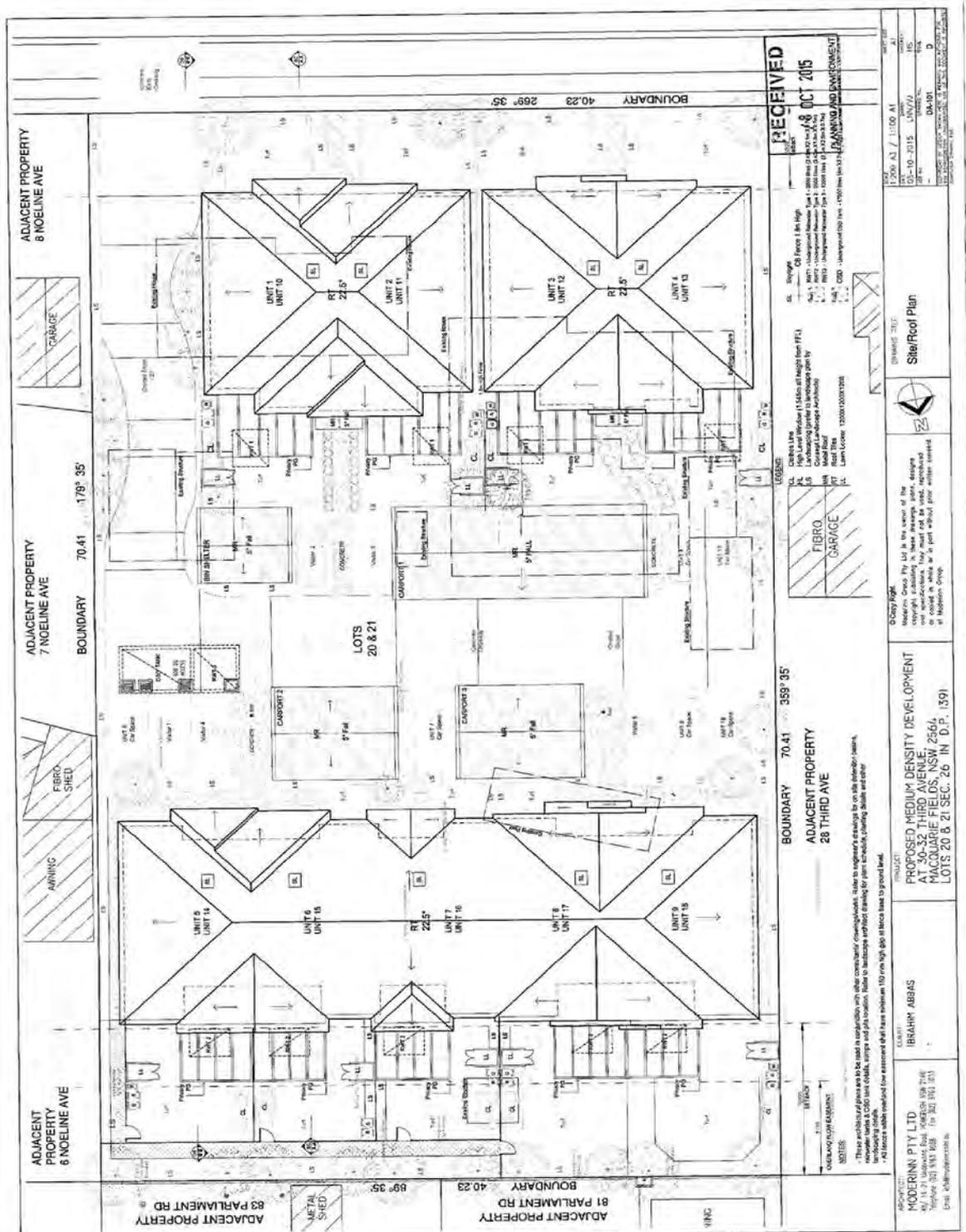
● - Objectors

3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

# ATTACHMENT 3

## Site Plan

Nos. 30-32 Third Ave Macquarie Fields

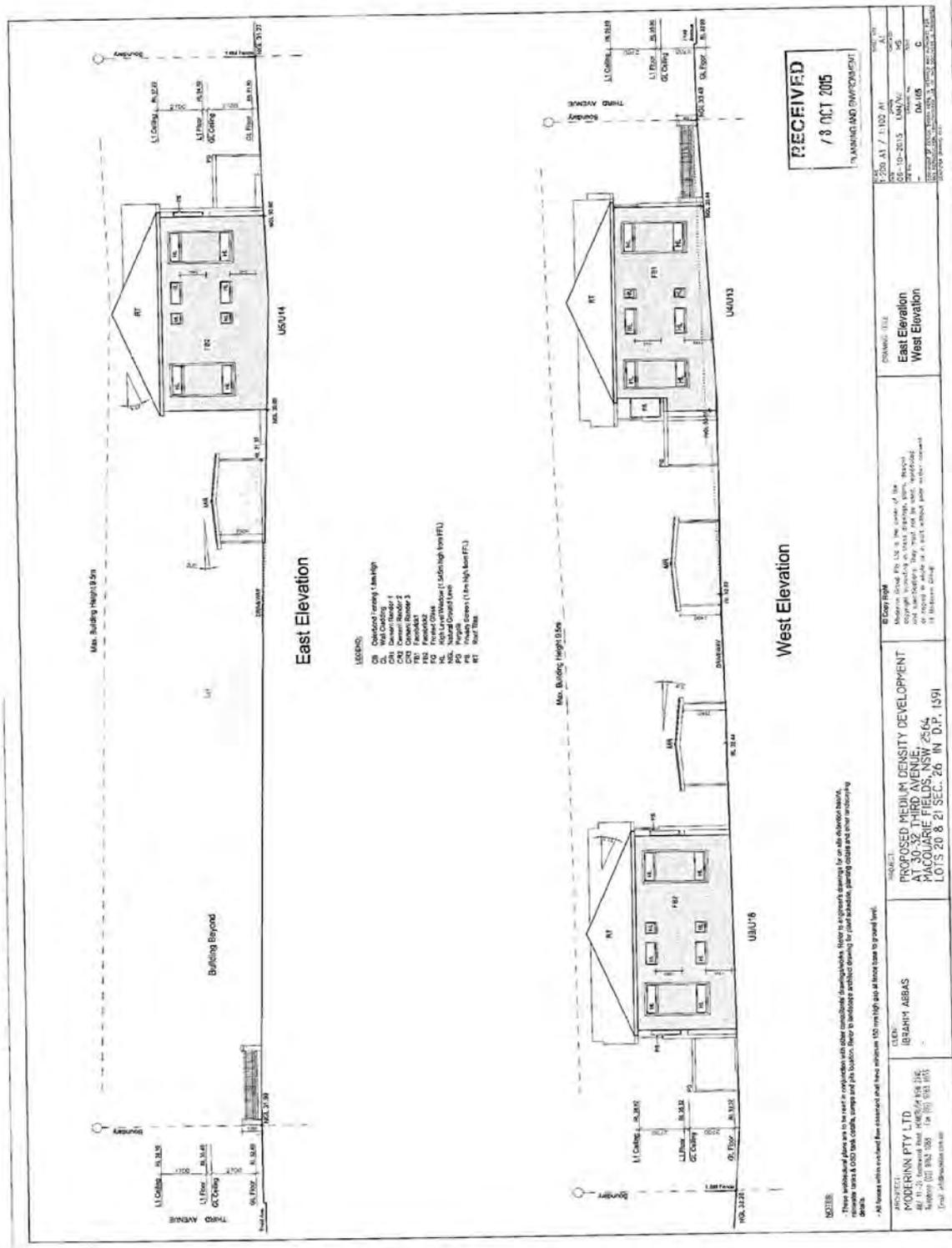




3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

**Elevations**

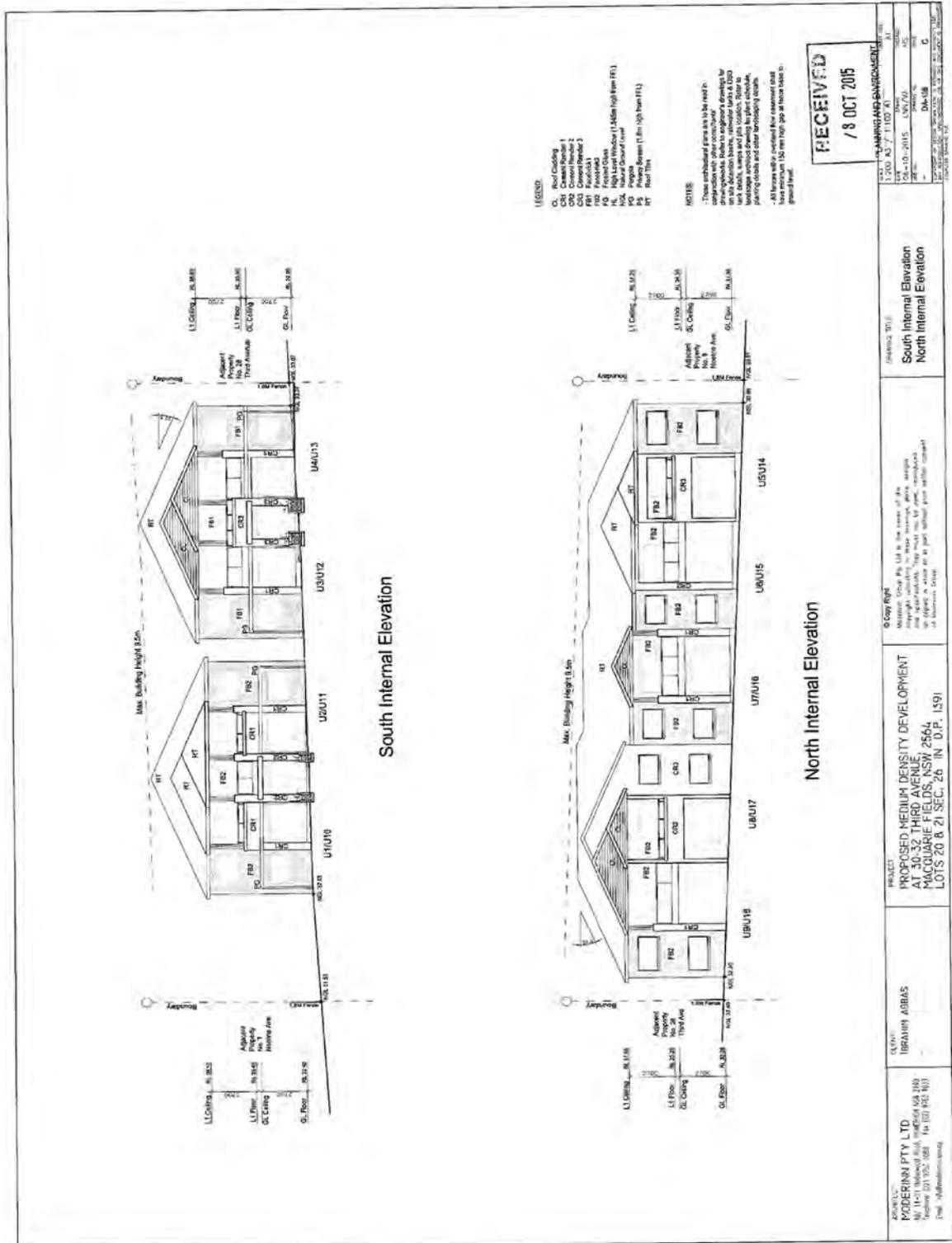
Nos. 30- 32 Third Ave Macquarie Fields



3.2 Demolition Of Existing Structures, Removal Of Nine Trees, Construction Of 18 Dwellings And Three Carports, Associated Car Parking, Bin Storage Enclosure And Front Fencing - Nos. 30 And 32 Third Avenue, Macquarie Fields

Elevations

Nos. 30- 32 Third Ave Macquarie Fields



**RECEIVED**  
78 OCT 2015

<p>PROJECT: PROPOSED MEDIUM DENSITY DEVELOPMENT AT 30 AND 32 THIRD AVENUE, MACQUARIE FIELDS, NSW 2564, LOTS 20 &amp; 21 SEC. 24 IN D.P. 1591</p>	<p>CLIENT: IBRAHIM ASBAS</p>	<p>DATE: 15/10/2015</p>	<p>SCALE: 1:100</p>
<p>PROJECT: PROPOSED MEDIUM DENSITY DEVELOPMENT AT 30 AND 32 THIRD AVENUE, MACQUARIE FIELDS, NSW 2564, LOTS 20 &amp; 21 SEC. 24 IN D.P. 1591</p>	<p>CLIENT: IBRAHIM ASBAS</p>	<p>DATE: 15/10/2015</p>	<p>SCALE: 1:100</p>
<p>PROJECT: PROPOSED MEDIUM DENSITY DEVELOPMENT AT 30 AND 32 THIRD AVENUE, MACQUARIE FIELDS, NSW 2564, LOTS 20 &amp; 21 SEC. 24 IN D.P. 1591</p>	<p>CLIENT: IBRAHIM ASBAS</p>	<p>DATE: 15/10/2015</p>	<p>SCALE: 1:100</p>
<p>PROJECT: PROPOSED MEDIUM DENSITY DEVELOPMENT AT 30 AND 32 THIRD AVENUE, MACQUARIE FIELDS, NSW 2564, LOTS 20 &amp; 21 SEC. 24 IN D.P. 1591</p>	<p>CLIENT: IBRAHIM ASBAS</p>	<p>DATE: 15/10/2015</p>	<p>SCALE: 1:100</p>

### **3.3 Construction of a boarding house at No. 20 Moore Street, Campbelltown**

#### **Reporting Officer**

Acting Manager Development Services

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#### **Attachments**

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Elevations (contained within this report)
4. Architectural perspectives (contained within this report)
5. Shadow diagrams (contained within this report)
6. Site plan (distributed under separate cover - confidential – for privacy reasons these plans are not available to members of the public)
7. Floor plans (distributed under separate cover - confidential – for privacy reasons these plans are not available to members of the public)

#### **Purpose**

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

This development application is required to be reported to Council due to the nature of the proposed development (boarding house) and the receipt of submissions from the occupants of two properties in response to the public exhibition and notification of the proposed development.

<b>Property Description</b>	Lot B DP 390903 No. 20 Moore Street, Campbelltown
<b>Application No</b>	2884/2014/DA-MAH
<b>Applicant</b>	ACA Design Consultancy Pty Ltd
<b>Owner</b>	Mr Ajay Singh and Mrs Manjula Singh
<b>Provisions</b>	Campbelltown 2025 - Looking Forward State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Infrastructure) 2007 Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014
<b>Date Received</b>	28 November 2014

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## Report

A development application was lodged with Council on 28 November 2014 for the construction of a boarding house at No. 20 Moore Street, Campbelltown. The site is located on the southern side of the Moore-Oxley Bypass, and currently contains a single storey dwelling. It has an area of 961.4m<sup>2</sup> and is rectangular in shape. It is adjoined to the east by a single storey dwelling, to the west by a two-storey multi-dwelling complex, to the south by single dwellings and to the north by the Moore-Oxley Bypass.

The proposed boarding house would contain 17 boarding rooms over two stories. Each boarding room would contain its own kitchen, bathroom and laundry facilities. A communal living area would be provided. The proposed boarding house would have four car parking spaces (including one accessible parking space) and bicycle/motorcycle parking in front of the building.

### 1. Vision

#### Campbelltown 2025 - Looking Forward

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

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

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

The strategic direction relevant to this application is:

- creating education, employment and entrepreneurial opportunities
- development and land use that matches environmental capacity and capability.

The application is consistent with the above strategic directions as the proposal would support the creation of employment opportunities as part of the construction of the development, and its built form would be sympathetic to the characteristics of the site and surrounding development.

### 2. Planning Provisions

#### 2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

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

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

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

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

The subject site is located within the 2(b) - Residential B Zone, which has been approved by Council as being equivalent to the R3 Medium Residential zone for the purpose of the application of the Exempt and Complying SEPP. Accordingly, the zones can be regarded as equivalent for the purposes of the applicability of this division of the Affordable Rental Housing SEPP to the subject land. The R3 Medium Density Residential zone is listed above as being a zone within which this division of the Affordable Rental Housing SEPP applies. Therefore, this section of the SEPP applies to the subject land.

**Clause 27 - Development to which Division applies**

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

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

**Clause 28 - Development may be carried out with consent**

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

The proposed construction of a boarding house in the 2(b) - Residential B Zone is permissible with consent given the equivalent zone provisions set out above.

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### **Clause 29 - Standards that cannot be used to refuse consent**

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

- (1) a consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:
  - (a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land

**Comment** - The maximum floor space ratio for a dwelling house (which is permissible on the land) is 0.55:1. Therefore the maximum floor space ratio applicable to the development is 0.55:1. The proposed development has a floor space ratio of 0.55:1 and therefore complies with this provision.

- (b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land

**Comment** - This subclause is not applicable, as residential accommodation is permitted on the land.

- (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land
    - (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less
    - (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.

**Comment** - The land is within a zone (2(b) - Residential B) in which residential flat buildings are not permitted, and therefore no floor space ratio bonus is applicable.

- (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:
  - (a) building height

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land

**Comment** - There is no maximum building height specified under any environmental planning instrument applying to the land (Notwithstanding that Council's Sustainable City DCP 2014 sets a maximum two storey height limit, the SCDCP is not classified as an environmental planning instrument).

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(b) landscaped area

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located

**Comment** - The proposed landscape treatment of the front setback area is compatible with the streetscape in Moore Street. In particular, surrounding properties contain several trees within their front setback areas. The proposed development makes provision for four native trees to be planted within the front setback of the building.

(c) solar access

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

**Comment** - The proposed communal living room would receive more than three hours direct sunlight between 9.00am and 3.00pm in mid-winter.

(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

- (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers
- (ii) if accommodation is provided on site for a boarding house manager - one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation

**Comment** - Two areas of private open space totalling approximately 224 square metres and with a minimum width of 4.8 metres are proposed, at the rear of the building and to the side of the building.

(e) parking

if:

- (i) in the case of development in an accessible area - at least 0.2 parking spaces are provided for each boarding room
- (ii) in the case of development not in an accessible area - at least 0.4 parking spaces are provided for each boarding room
- (iii) in the case of any development - not more than one parking space is provided for each person employed in connection with the development and who is resident on site,

**Comment** - The subject site is located within an accessible area, as it is within 400 metres of a bus stop on the 882 route, which operates the prescribed number of services under the definition of 'accessible area'. Accordingly, a car parking rate of 0.2 spaces per boarding room is applicable. Based on the 17 boarding rooms, four car parking spaces are required. Four car parking spaces (including one accessible car parking space) have been provided.

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(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger
- (ii) 16 square metres in any other case.

**Comment** - All of the proposed boarding rooms that are to accommodate a single lodger are larger than 12 square metres in size, and all of the proposed boarding rooms that are to accommodate two lodgers are at greater than 16 square metres.

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

**Comment** - The proposed boarding house has private kitchen and bathroom facilities in each boarding room.

- (4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

**Comment** - The proposal complies with all of the standards contained in subclauses (1) and (2).

**Clause 30 - Standards for boarding houses**

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

**Comment** - The proposed boarding house has 17 boarding rooms, and proposes to provide a communal living room.

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

**Comment** - None of the proposed boarding rooms have a gross floor area of more than 25 square metres.

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

**Comment** - A condition of consent will be imposed requiring compliance with this subclause.

- (d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger
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**Comment** - A private bathroom and kitchen facilities are to be provided within each boarding room. In addition, a communal sink and a communal accessible toilet is proposed to be provided within the communal living room.

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

**Comment** - Two of the proposed boarding rooms will have the capacity to accommodate two people, as they are larger than 12 square metres, while the remaining rooms will have the capacity to accommodate only one person. Therefore, the boarding house will have the capacity to accommodate 19 people. Accordingly, a boarding room for a boarding house manager is not required to be provided.

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

**Comment** - The proposed boarding house is not on land zoned primarily for commercial purposes.

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

**Comment** - Four bicycle spaces and four motorcycle spaces have been provided.

### **Clause 30A - Character of local area**

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

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

- **Building height** – The proposed boarding house is a two-storey building, which is consistent with the building height applicable to the site under the Campbelltown (Sustainable City) Development Control Plan 2014. The maximum height of the building above natural ground level would be 7.6 metres, which is less than the maximum building height for single dwellings (9.5 metres), and far less than that of several surrounding residential flat buildings. The height of the proposed boarding house is not inconsistent with that of surrounding buildings, particular the multi-dwelling development directly to the south of the site, and is considered to be satisfactory.
  - **Building bulk and scale/site coverage** – The size of the building as measured by its floor space ratio is compliant with the provisions of the Affordable Housing SEPP, which requires a boarding house to comply with the maximum floor space ratio applicable for residential development permissible on the land. In this case, the maximum floor space ratio is 0.55:1, being the maximum floor space ratio that a single dwelling would be able to achieve. The proposed building contains several indentations and vertical/horizontal offsets, which reduce the perceived bulk of the building.
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### 3.3 Construction Of A Boarding House At No. 20 Moore Street, Campbelltown

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Under the Campbelltown (Sustainable City) Development Control Plan 2014, there is no site coverage ratio for residential buildings, however were a single dwelling proposed on the site, no development standard would prevent it from having a site coverage ratio as per that of the proposed boarding house. The proposed site coverage ratio is similar to that of other developments within the vicinity of the site.

In this regard, the bulk, scale and site coverage of the proposed boarding house is considered to be compatible with the existing and future character of the local area.

- **Setbacks** – The setbacks of the proposed boarding house are entirely consistent with those specified by the Campbelltown (Sustainable City) Development Control Plan 2014 for single dwellings and multi-dwelling developments and entirely consistent with (or greater than) those of adjoining and surrounding dwellings. In this regard, the proposed boarding house has a front setback of 9.7 metres, side setbacks of 1.5 metres and a rear setbacks of 5 metres and 10 metres for the ground and first floors respectively, which allows adequate spatial relief between the proposed boarding house and adjoining buildings, adequate spatial relief between the proposed boarding house and the street, and adequate landscaping within the front setback area.
- **Architectural style/materials** – The proposed boarding house has the appearance of a single dwelling house (albeit a large one), and would be visually compatible with the surrounding residential development. The proposed boarding house has a low-pitched roof, which is compatible and consistent with several newer developments within the locality, including a multi-dwelling development on the corner of Chamberlain Street and Moore-Oxley Bypass and new residential flat buildings to the west of the Moore-Oxley Bypass. The proposed boarding house contains a mixture of brick and rendered walls, which is also compatible with newer developments within the locality. It should be noted that the majority of the buildings immediately adjacent to and surrounding the site are from previous eras of building design. However, an architectural outcome similar to that proposed under this application would not be unexpected were a dwelling house to be constructed on the site. Having regard to the age and condition of most of the surrounding housing stock, it is more important for the proposed boarding house to be consistent with the desired future architectural character of the area than the current character, and this is considered to be the case.
- **Landscaping/Fencing** – The proposed landscaping treatment is satisfactory and adequately softens the visual impact of the development. Landscaping is proposed to be provided within the front, side and rear setback areas of the boarding house, and makes provision for four native trees to be planted within the front setback of the building, which is consistent with surrounding developments.

The application proposes no front fencing, which is consistent with surrounding development.

## 2.2 State Environmental Planning Policy (Infrastructure) 2007

Due to the site's location adjacent to a classified road, clauses 101 and 102 of the Infrastructure SEPP apply to the development. Clause 101 states:

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### **101 Development with frontage to classified road**

- (1) The objectives of this clause are:
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
  
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
  - (a) where practicable, vehicular access to the land is provided by a road other than the classified road
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
    - (i) the design of the vehicular access to the land
    - (ii) the emission of smoke or dust from the development
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The width of the proposed driveway is 6 metres, which allows for two-way access in the event that one vehicle is entering the site while another is leaving. In addition, sufficient manoeuvring area would be available on the site to enable cars to manoeuvre satisfactorily and leave the site in a forward direction. These factors will assist in the reduction of vehicular conflict at the subject site, and will assist in ensuring the safety, efficiency and ongoing operation of the Moore Oxley Bypass.

Clause 102 of the Infrastructure SEPP relates to the impact of road noise or vibration on development. The clause applies to residential development that is on land in or adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of Roads and Maritime Services) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

A review of the RMS traffic data map has shown that Moore-Oxley Bypass adjacent to the subject site does not have an annual average daily traffic volume of more than 40,000 vehicles, however the map identifies that its annual average daily traffic volume is between 20,000 and 40,000, and that on this basis, an acoustic assessment is recommended.

An acoustic report prepared by a qualified acoustic engineer has been submitted with the application. The report provides measurements of background noise levels, and specifies the required weighted sound reduction index of the external components of the building that are required in order for the building to achieve the sound pressure levels required under the legislation. A condition will be imposed on the development consent requiring the design of the building to incorporate design elements necessary to achieve the nominated sound reduction properties, prior to the issue of a Construction Certificate.

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### **2.3 Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned 2(b) - Residential B Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a boarding house and is permissible with Council's development consent within the zone.

The proposal is consistent with several zone objectives, particularly:

- (a) to make general provision for land to be used for housing and associated purposes
- (b) to permit the development of a range of housing types
- (c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities
- (d) to allow development which:
  - (i) is compatible with residential use
  - (ii) is capable of visual integration with the surrounding buildings
  - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone
  - (iv) does not place demands on services beyond the level reasonably required for residential use.

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

### **2.4 Draft Campbelltown Local Environmental Plan 2014**

The application was lodged after the commencement of the exhibition of the draft Campbelltown Local Environmental Plan 2014 on 12 June 2014. Accordingly, under Section 79C(1)(a)(ii), the provisions of the draft Plan must be taken into consideration in the assessment of the application. An assessment of the application against the relevant provisions of the Plan is presented below:

#### **Zoning**

The draft zoning of the subject property under the draft CLEP 2014 is R3 – Medium Density Residential. Boarding houses are permissible within the R3 zone.

The objectives of the R3 zone are as follows:

- to provide for the housing needs of the community within a medium density residential environment
  - to provide a variety of housing types within a medium density residential environment
  - to enable other land uses that provide facilities or services to meet the day to day needs of residents
  - to provide for a wide-range of housing choices in close proximity to commercial centres, transport hubs and routes
  - to enable development for purposes other than residential only if that development is compatible with the character and scale of the living area
  - to minimise overshadowing and ensure a desired level of solar access to all properties.
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The proposed development satisfies these objectives.

### **Height of Buildings**

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across the Campbelltown Local Government Area
- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities
- (c) to provide for built form that is compatible with the hierarchy and role of centres
- (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

Under the draft CLEP 2014, the maximum building height applying to the subject site is 9.0 metres. The proposed boarding house would have a maximum height of 7.6 metres, and would therefore comply with the draft standard.

### **Preservation of trees or vegetation**

The application proposes to remove two trees that are centrally located within the site in a location that would preclude them being retained as part of the development. The trees are not mapped as being significant. One tree at the rear of the site is to be retained, and a condition of consent requiring the tree to be retained and protected has been included within the recommended conditions of consent.

### **Design Excellence**

- (1) the objective of this clause is to deliver the highest standard of architectural and urban design, as part of the built environment
- (2) this clause applies to development involving the construction of a new building or external alterations to an existing building in the R3 Medium Density Residential zone.

Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved
  - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain
  - (c) whether the proposed development detrimentally impacts on view corridors
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- (d) how the proposed development addresses the following matters:
- (i) the suitability of the land for development
  - (ii) existing and proposed uses
  - (iii) heritage issues and streetscape constraints
  - (iv) bulk, massing and modulation of buildings
  - (v) street frontage heights
  - (vi) environmental impacts such as sustainable design, overshadowing, wind and reflectivity
  - (vii) the achievement of the principles of ecologically sustainable development
  - (viii) pedestrian, cycle, vehicular and service access, circulation and requirements
  - (ix) impact on, and any proposed improvements to, the public domain
  - (x) the interface with the public domain
  - (xi) the quality and integration of landscape design.

The proposed residential flat building is considered to be satisfactory with regard to the above factors, and is considered to exhibit design excellence.

## **2.5 Campbelltown (Sustainable City) Development Control Plan 2014**

It should be noted that the Sustainable City DCP does not contain specific provisions relating to boarding houses however, the general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

**Views and vistas** – The proposal avoids the blocking of views and vistas, and the appearance of the development from the major thoroughfare of Moore-Oxley Bypass is considered to be satisfactory.

**Sustainable building design** – A BASIX Certificate is not required for the proposed development, as the proposed boarding house is not a BASIX affected building within the meaning of the EP&A Regulation 2000. However, under the SCDCP, a 5000 litre rainwater tank is required to be provided, based on the size of the roof area proposed. The application proposes two 2,500 litre rainwater tanks, which complies with the provisions of the DCP.

**Landscaping** – The proposed landscaping is satisfactory and has been selected mostly from the Campbelltown Native Gardening Guide. Landscaping is proposed to be provided within the front, side and rear setback areas of the boarding house, and makes provision for four native trees to be planted within the front setback of the building, which is consistent with surrounding developments.

**Flora and fauna** – The subject site has no significant existing vegetation.

**Waste management** – The proposed development makes provision for a waste storage room on the ground floor of the building, where garbage bins would be stored. Due to the nature of the development, the number of boarding rooms and their small size, not all boarding rooms would require three bins, and a shared configuration would be implemented. Council's Waste Officer has advised that four or five full sets of bins (i.e. four or five general waste, recycling and organic waste bins - a maximum of 15) would be sufficient to service the development. Accordingly, a recommended condition of consent would require all bins to be presented to the street and collected by a building manager. Additionally, another recommended condition of consent would require all bins to be stored within the waste storage room at all times.

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**Stormwater** – The application proposes to drain to Moore-Oxley Bypass, and accordingly, was referred to NSW Roads and Maritime Services for concurrence. Conditional concurrence from the RMS was received. The application was also referred to Council's Development Engineer, and conditions of consent have been provided.

**Cut, fill and floor levels** – There is no limit on the amount of cut proposed for a boarding house, as the Campbelltown (Sustainable City) Development Control Plan 2014's numerical cut/fill controls only apply to dwellings. The maximum amount of cut proposed is 1.5 metres, which is necessary to create level building platforms as the site has a significant slope. Importantly, the amount of cut proposed enables the height and bulk of the building to be minimised. A dilapidation report will need to be prepared, prior to the issue of a Construction Certificate, to ensure that adequate ameliorative measures will be implemented to protect the integrity of any surrounding structures.

**Retaining walls** – Walls retaining cut would be located a minimum of 0.45 metres from the side and rear boundaries, consistent with the requirements of the SCDCP.

### 3. Planning Assessment

Although the provisions of Part 3 of the Campbelltown (Sustainable City) Development Control Plan 2014 apply to most forms of residential development, they do not apply to boarding houses. These standards include those relating to visual privacy, solar access, etc. These matters are discussed below with respect to the proposal:

- **Privacy** – Following a re-design of the proposal, there would be no significant overlooking of adjoining properties from the balconies of the proposed boarding rooms. The first floor balconies are set back a reasonable distance from adjoining properties, and importantly, no balconies face the rear property boundary. High-sill windows have been proposed along the south-eastern elevation of the first floor of the building to avoid overlooking of the adjoining multi-dwelling complex.
  - **Solar access** – The majority of the proposed boarding rooms as well as the proposed common living room and private open space areas would receive direct solar access between 9.00am and 3.00pm. All of the proposed boarding rooms would receive at least some direct solar access each day. The shadowing impact upon adjoining properties would be minimal. In this regard, adequate solar access would be maintained to the living areas and private open space areas of the dwellings within the multi-dwelling complex to the south-west of the site. The proposed building would cast a shadow into the yards of the dwellings adjoining the site to the south after approximately 2:30pm during mid-Winter, however, it should be noted that these back yards would be unaffected by the proposed building prior to 2:30pm each day. In addition, the existing boundary fence and trees already partially overshadow the back yards of these properties at 2:30pm during mid-winter. Due to these factors as well as the distance of the proposed building from the rear boundary (particularly the first floor of the building) and the upward slope of the site towards the adjoining properties to the rear, the proposed overshadowing of the adjoining properties is not considered to be significant, as these properties are afforded ample solar access during the day.
  - **Stormwater** from the proposed boarding house would drain to Moore-Oxley Bypass, which is a road controlled by the NSW Roads and Maritime Services (RMS). Accordingly, the application was referred to the RMS for concurrence. The RMS provided Council with conditions to be imposed on the development consent, which have been incorporated into the recommended conditions of development consent in attachment 1.
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- A Section 94A levy cannot be imposed on the proposed development, as it is for the sole purpose of affordable housing.

#### **4. Public Participation**

The application was publicly exhibited, and was notified to nearby and adjoining residents. Council has received objections from the occupants of three properties, raising the following issues:

**Issue** - Overlooking of properties to the south and east of the site in Eaglemont and Warby Streets from boarding rooms and balconies, and associated security concerns as possessions would become clearly visible from boarding rooms.

**Response** - The original design of the boarding house had first floor boarding rooms and balconies overlooking the adjoining properties to the south and east of the site. The design of the boarding house has since been modified so that no first floor balconies face the rear property boundary, and no first floor boarding rooms are orientated towards the rear of the property. On the first floor of the building, only two windows would face the rear boundary; one of these would be a frosted bathroom window, and the other, a living area window, will be required to have a sill height of 1.7 metres. No first floor balconies or windows would face the properties to the east in Warby Street. Accordingly, the proposed boarding house would not affect the privacy of the properties adjoining the site to the south and east of the site in Eaglemont and Warby Streets.

**Issue** - The proposed boarding house would accommodate lodgers of a low socioeconomic demographic and transient lifestyle, which increases the risk of crime in the area such as theft, vandalism and trespassing, as well as anti-social behaviour, resulting in an increased burden upon the emergency services.

**Response** - The application does not specify (nor is it required to specify) the intended occupants/tenants of the boarding house. No evidence was supplied by the objector to support the claim that the proposed boarding house would increase the risk of crime and anti-social behaviour in the area.

**Issue** - The location of the site is inappropriate as it offers no easy method of transportation.

**Response** - The subject site is located within an accessible area, as it is within 400 metres of a bus stop on the 882 route, which operates the prescribed number of services under the definition of 'accessible area' under the Affordable Housing SEPP.

**Issue** - The proposed boarding house would decrease the value of surrounding properties.

**Response** - No evidence has been submitted to support this claim.

**Issue** - The proposed boarding house would overshadow the back yards/swimming pools of adjoining dwellings for a large portion of the day.

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**Response** - At Council's request, hourly shadow diagrams and elevations were submitted with the application. The site most affected is the multi-dwelling complex to the south of the site however the shadow diagrams and elevations demonstrate that the living areas and private open space areas of these dwellings would receive sufficient solar access in mid-Winter. With regard to the single detached dwellings to the rear, (south-east) of the site, some minor overshadowing of the back yards of these dwellings would be apparent after approximately 2:30pm during mid-Winter. However, it should be noted that these back yards would be unaffected by the proposed building prior to 2:30pm each day. In addition, the existing boundary fence and trees already partially overshadow the back yards of these properties at 2:30pm during mid-Winter. With regard to the properties to the east of the site in Warby Street, the overshadowing impact of the proposed development on these properties would be negligible between 9.00am and 3.00pm during mid-Winter, and minimal after 3.00pm. Due to these factors as well as the distance of the proposed building from the rear boundary (particularly the first floor of the building) and the upward slope of the site towards the adjoining properties to the rear, the proposed overshadowing of the adjoining properties is not considered to be significant, as these properties are afforded ample solar access during the day.

**Issue** - The application indicates that the existing rear boundary fence is to remain, but it is in terrible condition.

**Response** - For developments proposing the construction of a new boarding house (or a multi-dwelling complex/residential flat building), Council imposes a condition of consent requiring a 1.8 metre high fence to be erected on the site's side and rear boundaries behind the front building alignment at the sole cost of the developer. Such a condition has been included within the recommended conditions of consent in attachment 1.

**Issue** - The proposed boarding house would result in an increase in noise experienced by adjoining properties.

**Response** - Noise associated with the occupants of the proposed boarding house is unlikely to be so significant as to cause a disturbance to surrounding properties. Council does not require an acoustic assessment to be undertaken in respect of noise generated by boarding houses.

**Issue** - An increased volume of waste from the boarding house would lead to more vermin within the vicinity of the site.

**Comment** - The proposed development makes provision for a waste storage room on the ground floor of the building, where garbage bins would be stored. Should vermin become an issue at the premises, Council's Compliance Services section would investigate the problem and instruct the owner of the property to rectify the situation.

**Issue** - Will the proposed boarding house be a "registered boarding house" and be regularly inspected by Council?

**Comment** - The proposed boarding house will need to register with Fair Trading NSW, and have an initial compliance inspection after construction has been completed. Council conducts inspections of boarding houses on a regular basis, and can also respond to any complaints that are within its jurisdiction.

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**Issue** - The planting of Watergum trees adjacent to the rear property boundary would grow so high as to overshadow the adjoining swimming pool, drop leaves within the swimming pool, and pose a risk to the adjoining swimming pool because of tree roots searching for water.

**Comment** - A condition of consent has been recommended in Attachment 1 that would require the applicant to replace the proposed Watergum trees to a smaller native evergreen species that requires less water, to the satisfaction of Council.

## **5. Conclusion**

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

The application is fully compliant with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Campbelltown (Urban Area) Local Environmental Plan 2002. While the residential development provisions of Campbelltown (Sustainable City) Development Control Plan 2014 do not strictly apply to the proposed development, it is largely consistent with the development standards for dwellings specified therein. It is considered that the proposed development is compatible with the character of the local area, and accordingly the application is recommended for approval.

## **Officer's Recommendation**

That the proposed development be approved subject to the recommended conditions of consent outlined in attachment 1.

**Committee Note:** Mr Zarb addressed the Committee.

## **Committee's Recommendation: (Kolkman/Rowell)**

That Development Application No. 2884/2014/DA-MAH, for the construction of a boarding house at No. 20 Moore Street, Campbelltown be approved subject to the recommended conditions of consent outlined in attachment 1.

## **CARRIED**

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

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

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**Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

**Council Resolution Minute Number 189**

That the Committee's Recommendation be adopted.

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

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

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## **ATTACHMENT 1**

### **GENERAL CONDITIONS**

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

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

#### **1. Approved Development**

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

#### **2. Amended Plans**

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

- The sill height of the south-east facing living room window of boarding room 17 shall be a minimum of 1.7 metres above floor level
- The landscape plan shall be amended to replace the Water Gum species at the rear of the property with a smaller native evergreen species that requires less water. Selection of the tree species is to be to the satisfaction of Council.

#### **3. Building Code of Australia**

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

#### **4. Contract of Insurance (residential building work)**

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

This clause does not apply:

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

## **5. Notification of *Home Building Act 1989* Requirements**

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

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

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

## **6. Landscaping**

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

## **7. External Finishes**

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

## **8. Garbage Room**

The garbage storage room identified on the approved plans shall:

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

#### **9. Fencing**

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

#### **10. Switchboards/Utilities**

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

#### **11. Driveway**

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

The layback shall be constructed 1.0 metre clear of the existing lintel on Moore Street, adjacent the north side boundary of the lot.

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

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

#### **12. Vehicular access to and egress from the site**

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

#### **13. Lighting**

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

#### **14. Unreasonable Noise**

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

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Noise from plant rooms associated with the development shall not exceed the values contained within the Protection of the Environment Operations (Noise Control) Regulation 2008.

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

**15. Graffiti Removal**

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

**16. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

**17. Car Parking Spaces**

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

**18. Maximum Number of Lodgers per Room**

Boarding rooms 13 and 14 shall be occupied by no more than two adult lodgers. All of the other boarding rooms shall be occupied by no more than one adult lodger.

**19. Sleeping Accommodation**

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

**20. Acts and Regulations**

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

*Public Health Act 2010*  
Public Health Regulation 2012  
*Boarding Houses Act 2012*  
Boarding Houses Regulation 2013  
*Local Government Act 1993*  
Local Government (General) Regulation 2005  
Protection of the Environment (Noise Control) Regulation 2008

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## **21. Rubbish/Recycling Bin Storage**

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

The bins shall be stored within the waste storage room at all times other than for collection time.

All bins shall be presented to the street and returned to the waste storage room by a building manager. Boarding house residents shall not be responsible for presentation and return of bins.

## **22. Shoring and Adequacy of Adjoining Property**

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

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

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

## **23. Rain Water Tank(s)**

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

## **24. Construction Certificate**

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

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

## **25. Roads and Maritime Services (RMS) Requirements**

- a. All buildings or structures, together with any improvements integral to the future use of the site are to be clear of the Moore-Oxley Bypass road reserve (unlimited in height or depth).
  - b. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.
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Details shall be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Phone: 8849 2114 or Fax: 8849 2766.

- c. The design and construction of the modified gutter crossing on Moore Street shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Project Services Manager, Traffic Projects Section, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the application prior to the release of the approved road design plans by Roads and Maritime.

- d. A Road Occupancy License shall be obtained from Roads and Maritime for any works that may impact on traffic flows on Moore Street during construction activities.
- e. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Moore Street.
- f. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- g. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Moore Street.
- h. All works/regulator signposting associated with the proposed development are to be at no cost to Roads and Maritime.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

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## **26. Acoustic Requirements**

Prior to the issue of a Construction Certificate, all of the recommendations in the Acoustic Report prepared by Indoor Environmental Solutions dated 2 June 2015 shall be incorporated into the Construction Certificate plans. Certification from a qualified acoustic consultant shall be submitted to the Principal Certifying Authority, indicating that the building design as shown on the Construction Certificate plans will achieve the sound reduction requirements outlined in the report. Should these requirements necessitate amendments to the design of the configuration or finishes of the building, approval from Council shall be obtained.

## **27. Utility Servicing Provisions**

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

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

## **28. Sydney Water Stamped Plans**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

or telephone 13 20 92.

## **29. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council.

## **30. Soil and Water Management Plan**

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

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### **31. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels. Stormwater shall be conveyed from the site along the northern side boundary to the existing lintel pit in Moore Street. Stormwater shall be conveyed from the site along the southern side boundary via the proposed kerb outlet to Moore Street. All proposals shall comply with the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

### **32. Dilapidation Report**

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

All retaining walls shall be located a minimum of 0.45 metres from property boundaries.

### **33. Work on Public Land**

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

### **34. Design for Access and Mobility**

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

### **35. Telecommunications Infrastructure**

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

### **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

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**36. Erosion and Sediment Control**

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

**37. Erection of Construction Sign**

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

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

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

**38. Toilet on Construction Site**

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

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

**39. Trade Waste**

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

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#### **40. Vehicular Access during Construction**

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

#### **41. Public Property**

Prior to the commencement of any works on the subject site, the applicant shall advise Council of any damage to property which is controlled by Council and adjoins the site, including kerbs, gutters, footpaths and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

#### **42. Demolition Works**

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

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

#### **43. Fencing**

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

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#### **44. Demolition of Existing Dwelling**

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

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

#### **45. Construction Work Hours**

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

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

#### **46. Erosion and Sediment Control**

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

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

#### **47. Work Zones**

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

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic/Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

#### **48. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed unless they are shown on the approved plans as being removed.

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

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

#### **49. Excavation and Backfilling**

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

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

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

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

#### **50. Dust Nuisance**

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

#### **51. Certification of Location of Building during Construction**

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

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**52. Certification of Location of Building upon Completion**

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

**53. Certification of Levels of Building during Construction**

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

**54. Public Safety**

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

**55. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Campbelltown (Sustainable City) DCP Volumes 1 and 3 (as amended)
- c. 'Soils and Construction (2004) (Bluebook)
- d. All relevant Australian Standards and State Government publications.

**56. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site, in Moore Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2014 - Volumes 1 and 3 (as amended).

**57. Medium Density Footpath Crossing and Layback**

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

The layback shall be constructed 1.0m clear of the existing lintel pit on Moore Street, adjacent the northern side site boundary.

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

**58. Associated Works**

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

**59. Redundant Laybacks**

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

**60. Completion of Construction Works**

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

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

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

**61. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

**62. Structural Engineering Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

**63. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

**64. Restoration of Public Roads**

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

**65. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

**66. House Numbers**

Prior to the principal certifying authority issuing a subdivision certificate, house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers, 75mm high on a white background using an approved pavement marking grade paint.

For all new additional lots created, please contact Council's Land Information Unit on 4645 4465 to ensure the correct house number is stencilled.

**67. Council Fees and Charges**

Prior to the principal certifying authority issuing an occupation certificate the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

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## **ADVISORY NOTES**

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

### **Advice 1. Environmental Planning and Assessment Act 1979 Requirements**

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

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

### **Advice 2. Provision of Equitable Access**

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

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

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

### **Advice 3. Smoke Alarms**

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

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

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**Advice 4. Covenants**

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

**Advice 5. Inspections – Civil Works**

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

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

**Advice 6. Inspection within public areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 7. Adjustment to public utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 8. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

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**Advice 9. Asbestos warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

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

**Advice 10. Rain water tank**

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

**Advice 11. Dial before you Dig**

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

**Advice 12. Telecommunications Act 1997 (Commonwealth)**

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

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

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**Advice 13. Details to be submitted with Construction Certificate**

Preliminary assessment of the plans has indicated a number of non-compliances with the Deemed-to-Satisfy provisions of the Building Code of Australia (BCA). Prior to the issue of a Construction Certificate, the following matters are to be provided and approved by the certifying authority:

- a) C3.2 Protection of openings in external walls with regard to the openings in external walls that are required to have an FRL
- b) D3 Access for People with Disabilities with regard to general building access and the number of sole-occupancy units required to be accessible.

The above items are not a final list of BCA issues and further additional information may be requested upon assessment of detailed Construction Certificate plans.

If an Alternative Solution is proposed to achieve compliance with these parts of the BCA, it is to be prepared by a suitably qualified and accredited Fire Engineer. Details on the method of compliance are to be submitted to the certifying authority with a Construction Certificate application.

**END OF CONDITIONS**

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## ATTACHMENT 2

### Locality Plan No. 20 Moore Street, Campbelltown





## ATTACHMENT 4

### Architectural Perspectives

No. 20 Moore Street, Campbelltown



Front View From Moore Street

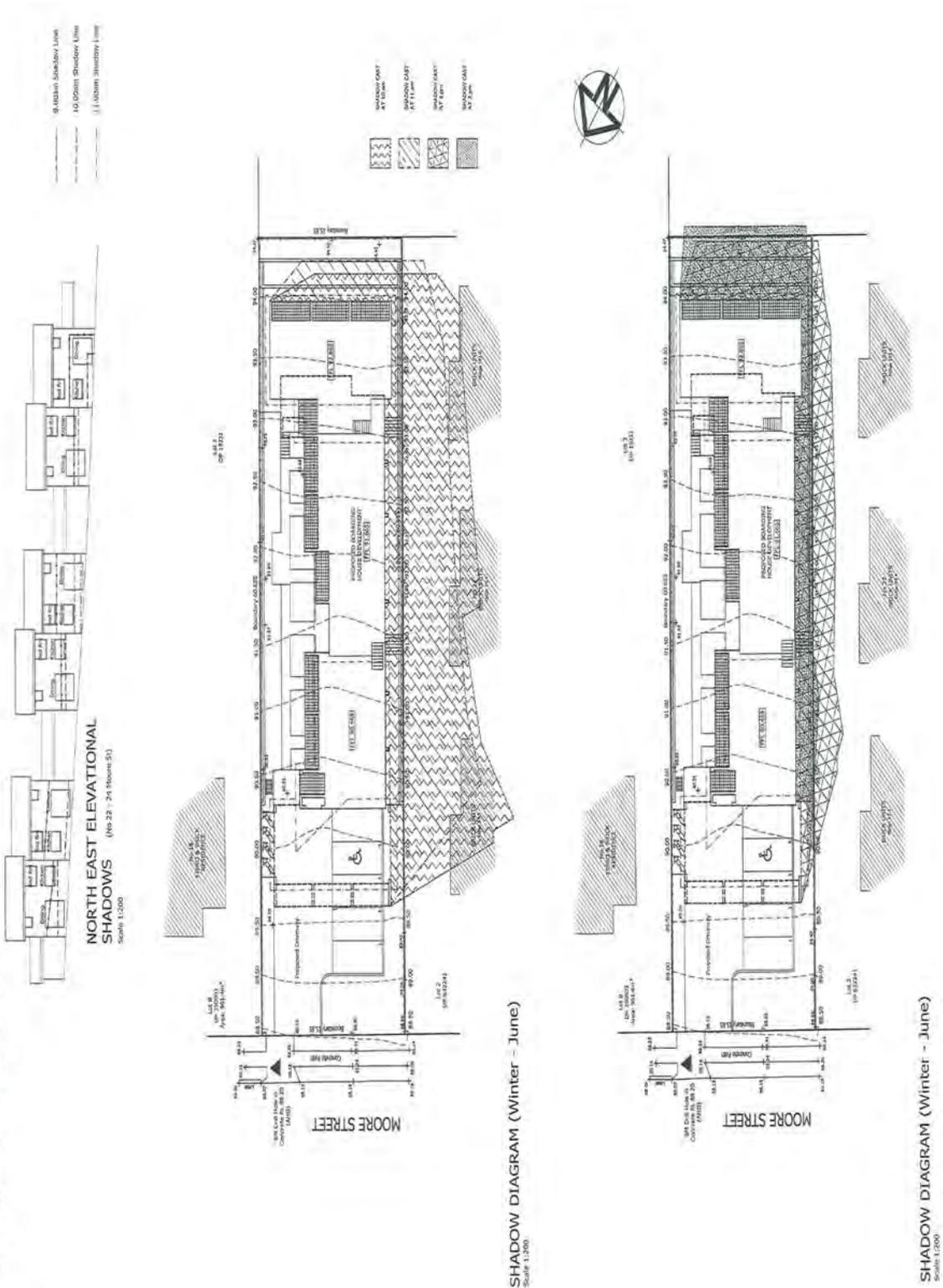


North - Eastern View

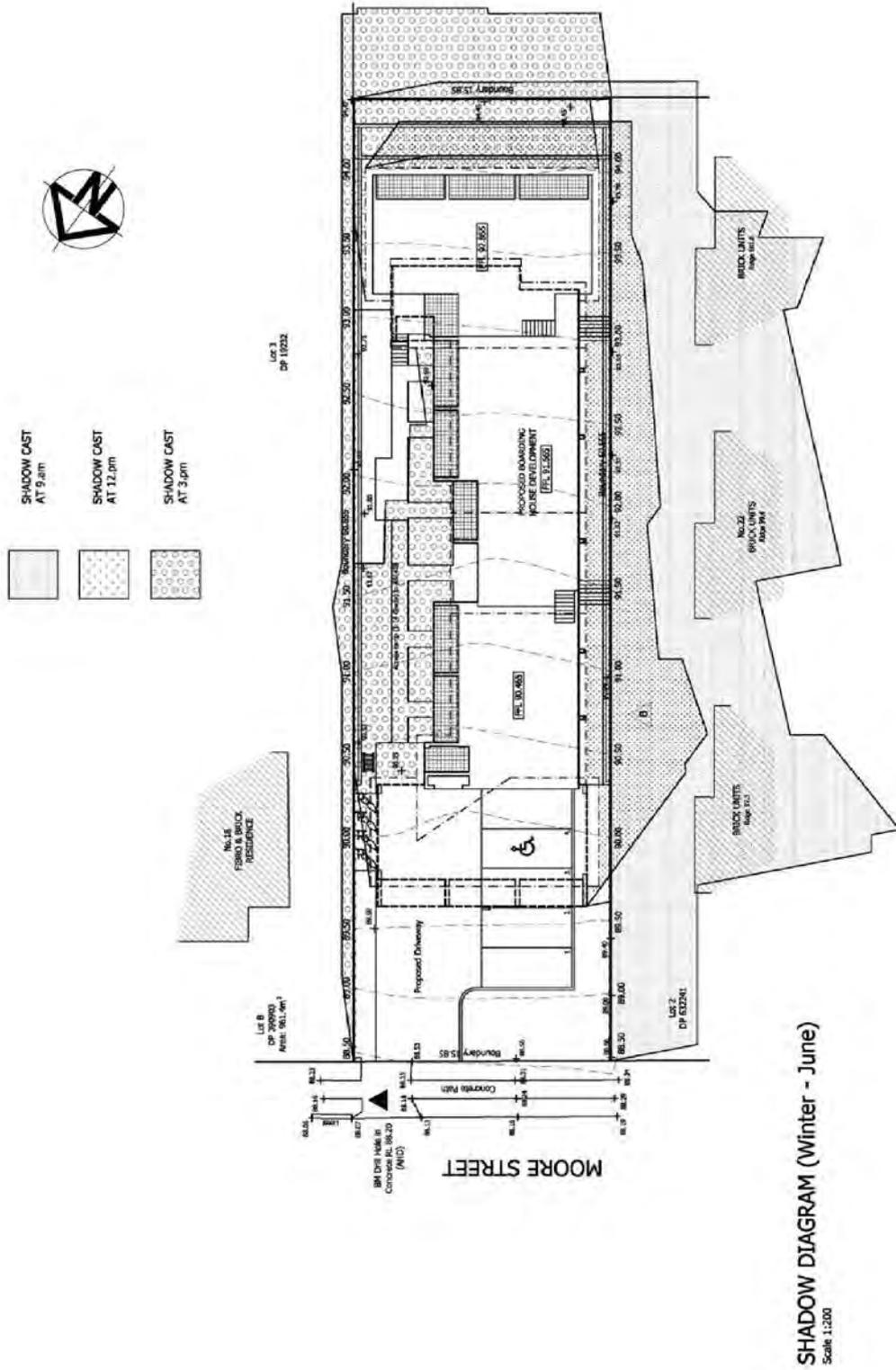
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# ATTACHMENT 5

## Shadow Diagrams No. 20 Moore Street, Campbelltown



**Shadow Diagrams**  
 No. 20 Moore Street, Campbelltown



### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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## 3.4 Demolition of existing structures and construction and use as a child care centre - No. 58 Chamberlain Street, Campbelltown

### Reporting Officer

Acting Manager Development Services

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### Attachments

1. Recommended Conditions (contained with this report)
2. Locality Plan (contained within this report)
3. Site/Floor Plan (contained with this report)
4. Landscape Plan (contained within this report)
5. Elevation Plans (contained within this report)
6. Front Fence and Streetscape (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).

<b>Property Description</b>	Lot 1 DP 32101 – No. 58 Chamberlain Street, Campbelltown
<b>Application No</b>	2943/2014/DA-C
<b>Applicant</b>	ZTA
<b>Owner</b>	Jean and Marie Marianne
<b>Provisions</b>	Campbelltown 2025 Looking Forward Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014 Campbelltown City Council Section 94A Development Contributions Plan
<b>Date Received</b>	4 December 2014

### Report

The subject application seeks development consent, for the demolition of existing structures, and the construction and use of the subject site as a child care centre.

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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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The site consists of a regular shaped single allotment, approximately 936m<sup>2</sup> in area, on Chamberlain Street, between the Moore – Oxley Bypass intersection and the North Campbelltown neighbourhood shops. Existing improvements on the site consist of a single storey dwelling and ancillary structures.

The proposed development involves the following works:

- the demolition of existing dwelling and ancillary structures
- removal of one tree
- construction a child care centre, containing three play rooms and associated support rooms, with outdoor play areas
- car parking area with 10 spaces
- front fencing
- side (including side return) and rear boundary fencing with transparent acoustic screening on top.

The proposal indicates that a total of 40 children will attend the centre. The placement age breakdown is:

- 0 to 2 years – 8 children
- 2 to 3 years – 15 children
- 3 to 5 years – 17 children.

The proposal indicates that the operating hours will be from 7:00am to 6:00pm, on Mondays to Fridays.

## 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:

- protecting and enhancing the city's key environmental assets
- creating employment and entrepreneurial opportunities.

The proposed development is considered to be generally consistent with these directions.

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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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

- development and land use that matches environmental capacity and capability
- a diversified economic base with all (urban) sectors represented
- a high degree of employment self-containment (50% of working people living in Campbelltown are employed at a location within the city)
- employment opportunities distributed across the city area, but concentrated in the Regional City Centre precinct, nominated employment lands and in business centres.

The proposal is considered to be generally consistent with the relevant desired outcomes within Campbelltown 2025 as the proposed development and land use matches the environmental capacity of the site and the commercial intent of the general area. Accordingly, it is considered that the development would not have an adverse impact on the surrounding locality and is located in a site that is suitable for the proposed development.

## **2. Planning Provisions**

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

### **2.1 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.

### **2.2 Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned 2 (b) – Residential, under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP 2002). The proposed development is defined as a child care centre, which is permissible, as well being consistent with the following objective, for the 2 (b) – Residential zone:

- (e) to allow development which:
  - (i) is compatible with residential use
  - (ii) is capable of visual integration with the surrounding buildings
  - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone
  - (iv) does not place demands on services beyond the level reasonably required for residential use.

Consequently the proposal satisfies the provisions of Clause 9 of LEP 2002.

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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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#### 2.3 Draft Campbelltown Local Environmental Plan 2014

The subject site is zoned R3 Medium Density Residential under the provisions of draft Campbelltown Local Environmental Plan 2014 (draft CLEP 2014). The proposed development is defined as a child care centre, which is permissible, and consistent with the following objectives of the R3 Medium Density Residential zone:

- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to provide for a wide-range of housing choices in close proximity to commercial centres, transport hubs and routes
- to enable development for purposes other than residential only if that development is compatible with the character and scale of the living area
- to minimise overshadowing and ensure a desired level of solar access to all properties.

Consequently the proposal satisfies the provisions of Part 2 of draft CLEP 2014.

The following compliance table, details the assessment of the proposal in accordance with the relevant requirements of the draft Campbelltown Local Environmental Plan 2014.

Clause	Control	Requirement	Proposed	Compliance
4.1D (2)	Minimum qualifying site area / lot size for child care centre development in Residential zones	Development consent may be granted to development on a lot the R3 Medium Density Residential zone, for a child care centre if the area of the lot / site is equal to or greater than 800m <sup>2</sup> .	936m <sup>2</sup>	Yes
4.3 (2)	Height of Buildings Map	Maximum building height of 9m.	Approximately 6.6m	Yes
4.4 (3)	Floor Space Ratio	A maximum floor space ratio of 0.55:1 for child care centres in residential zones.	Approximately 0.29:1	Yes

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Clause	Control	Requirement	Proposed	Compliance
7.1 (1)	Essential Services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) The supply of water</li> <li>(b) The supply of electricity</li> <li>(c) The disposal and management of sewage</li> <li>(d) Stormwater drainage or on-site conservation</li> <li>(e) Suitable road and vehicular access</li> <li>(f) Telecommunication services</li> <li>(g) The supply of natural gas.</li> </ul>	All relevant services are available to the site.	Yes. A condition has been included within the recommendation requiring a drainage easement.
7.5 (2)	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> <li>(a) The likely disruption of, or any detrimental effect on, drainage patterns, riparian land, stored water, including groundwater related ecosystems, and soil stability, in the locality of the development</li> <li>(b) The effect of the proposed development on the likely future use or redevelopment of the land</li> <li>(c) The composition of the fill or the soil to be excavated, or both, including potential contaminants</li> <li>(d) The effect of the development on the existing and likely amenity of adjoining properties</li> <li>(e) The source of any fill material and the destination of any excavated material</li> <li>(f) The likelihood of disturbing relics</li> <li>(g) The proximity to, and potential for adverse impacts on, any environmentally sensitive area including heritage items, archaeological sites, heritage conservation areas, waterways or drinking water catchments</li> <li>(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	It is considered that the associated earthworks are consistent with these matters.	Yes

3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Clause	Control	Requirement	Proposed	Compliance
7.18 (3)	Design Excellence	Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.	It is considered that the overall development exhibits design excellence.	Yes

**2.4 Campbelltown (Sustainable City) Development Control Plan 2014**

The proposal has been considered in accordance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2014, as per the following compliance table.

Section	Control	Requirement	Proposed	Compliance
2.4.1 (b)	Rain Water Tanks	A 5,000L rain water tank shall be provided for all new buildings containing a roof area of between 201m <sup>2</sup> and 1,000m <sup>2</sup> .	A 3,000L aboveground rain water tank.	No. However a condition has been included within the recommendation requiring the provision of a 5,000L rain water tank.
2.9	Demolition	A Development Application involving demolition shall be considered having regard to a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended).	Demolition details have been provided.	Yes. A condition has been included within the recommendation requiring compliance with AS 2601-2001 – The Demolition of Structures.
2.15.1	Waste Management	A detailed Waste Management Plan shall accompany Development Applications for commercial developments.	A detailed Waste Management Plan accompanied the application.	Yes
8.3.1 (a) (i)	Locality Requirements	Child care centres shall not be located on an allotment that is accessed from a State road.	The allotment is not accessed from a State road.	Yes
8.3.1 (a) (ii)	Locality Requirements	Child care centres shall not be located on an allotment that is within 100m of the intersection of a State road.	The allotment is located approximately 81m from the Moore – Oxley Bypass (a State road) and Chamberlain Street intersection.	No. The application acknowledges this non-compliance and provided the following justification. 1. The non-compliance is relatively minor.

3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Section	Control	Requirement	Proposed	Compliance
				<p>2. The non-compliance is supported by a traffic report (prepared by a Traffic Consultant) which provided that the proximity of the development to the State road will have a negligible impact on traffic moving through that intersection or along that road.</p> <p>3. The proposal provides for the establishment of landscaped setting.</p> <p>4. The privacy of neighbours is maintained.</p> <p>Accordingly, the proposed variation is not considered to be unreasonable and is acceptable in this instance.</p>
8.3.1 (a) (iii)	Locality Requirements	Child care centres shall not be located on an allotment that is within a no through road.	The allotment is not located on a no through road.	Yes
8.3.1 (a) (iv)	Locality Requirements	Child care centres shall not be located on an allotment that has vehicular access to a road where the carriageway is less than 6.5m in width.	The adjacent carriageway is approximately 11.6m in width.	Yes
8.3.1 (a) (v)	Locality Requirements	Child care centres shall not be located on an allotment that has a building erected upon it that is constructed of materials that contain asbestos or lead paint.	All existing structures are to be demolished.	Yes
8.3.1 (a) (vi)	Locality Requirements	Child care centres shall not be located on an allotment that is adjacent to potentially hazardous industry, hazardous industry, potentially offensive industry,	Adjacent uses are limited to (low and medium density) residential	Yes

3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Section	Control	Requirement	Proposed	Compliance
		offensive industry, intensive horticulture, intensive livestock keeping or a waste management facility.	developments.	
8.3.1 (a) (vii)	Locality Requirements	Child care centres shall not be located on an allotment that is within a 150m radius of a sex industry premises.	The allotment is not located within 150m of a sex industry premises.	Yes
8.3.1 (a) (viii)	Locality Requirements	Child care centres shall not be located on an allotment that presents a potential safety hazard for vehicle and pedestrian traffic, unless it can be demonstrated to Council's satisfaction that there would be no vehicular / pedestrian conflict.	It is considered that the site does not present any unordinary vehicle or pedestrian traffic safety hazards.	Yes. The application was accompanied by a detailed Traffic Impact Assessment, concluding that the proposal is satisfactory from a traffic operation perspective.
8.3.1 (b)	Locality Requirements	Child care centres shall not be located within a basement of a building (excluding storage rooms and offices ancillary to the child care centre).	The child care centre is not located within a basement of a building.	Yes
8.3.1 (c) (i)	Locality Requirements	Child care centres shall not be permitted on a local street, unless it can be demonstrated to Council's satisfaction that the proposed child care centre will not impact negatively on the local traffic network.	The overall layout satisfies the relevant on-site parking and manoeuvring requirements.	Yes
8.3.1 (c) (ii)	Locality Requirements	Child care centres shall not be permitted on a local street, unless it can be demonstrated to Council's satisfaction that the proposed child care centre has adequate on-site parking and manoeuvring / turning spaces.	The overall layout satisfies the relevant on-site parking and manoeuvring requirements.	Yes
8.3.1 (c) (iii)	Locality Requirements	Child care centres shall not be permitted on a local street, unless it can be demonstrated to Council's satisfaction that the amenity of the surrounding properties is to be maintained.	Given that the overall layout provides adequate on-site parking, manoeuvring and landscaping, along with acoustic measures, it is considered that amenity levels for surrounding properties will be maintained.	Yes

3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Section	Control	Requirement	Proposed	Compliance
8.3.1 (d) (i)	Locality Requirements	Where a child care centre is proposed to be located in a building on land within Business Centres, the child care centre (excluding storage rooms and offices) shall be directly accessible by car.	The site is not within a Business Centre.	NA
8.3.1 (d) (ii)	Locality Requirements	Where a child care centre is proposed to be located in a building on land within Business Centres, the child care centre (excluding storage rooms and offices) shall not occupy more than one storey.	The site is not within a Business Centre.	NA
8.3.1 (d) (iii)	Locality Requirements	Where a child care centre is proposed to be located in a building on land within Business Centres, the child care centre (excluding storage rooms and offices) shall be located no higher than the first floor to ensure the easy evacuation of children in the case of an emergency.	The site is not within a Business Centre.	NA
8.3.2 (a)	Site Requirements	Child care centres shall not be developed on an allotment with an area less than 800m <sup>2</sup> .	The allotment is 936m <sup>2</sup> in area.	Yes
8.3.2 (b)	Site Requirements	Child care centres shall only be developed on an allotment having a minimum width of 20m.	The allotment is 20.117m wide.	Yes
8.3.3 (a)	Streetscape	The design of new purpose built buildings (including facade treatments, building massing, roof design and entrance features, setbacks and landscaping) shall complement the scale of surrounding development, character and qualities of the desired streetscape.	The building is of a design which complements existing and future desired surrounding developments.	Yes
8.3.3 (b)	Streetscape	New buildings on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.		NA
8.3.3 (c)	Streetscape	Clothes lines and air conditioning units shall be screened and not visible by the public when viewed from a public area.	The clothes line and the air conditioning units are located behind fences and will not be visible from public areas.	Yes
8.3.3 (d)	Streetscape	The built form, design and layout of all outdoor play areas shall relate to the natural land form and setting to ensure that the amenity	The outdoor play is well landscaped, resulting in any	Yes

3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Section	Control	Requirement	Proposed	Compliance
		(visual and acoustic privacy) of adjoining properties is protected.	amenity impacts to adjoining properties being minimised.	
8.3.4 (a) (i)	Fencing	Fencing along the primary and secondary street boundaries shall not be constructed of bonded sheet metal.	The front fencing consists of a rendered masonry wall, with aluminium panel gates.	Yes
8.3.4 (a) (ii)	Fencing	Fencing along the primary and secondary street boundaries shall not be higher than 1.2m.	The front fencing is approximately 1m in height.	Yes
8.3.4 (a) (iii)	Fencing	Fencing along the primary and secondary street boundaries shall be articulated, incorporate landscape treatments and complement the design and finish of the development.	The front fencing is vertically articulated, is adjacent to landscaping and is of a design which complements that of the proposed building.	Yes
8.3.4 (c)	Fencing	Bonded sheet metal fencing shall only be permitted where all of the following criteria have been met, – The fence is located behind a 1.5m wide landscaped buffer – The fence is located behind the building line of all street frontages.	The front fencing consists of a rendered masonry wall, with aluminium panel gates.	Yes
8.3.5 (a)	Hours and days of operation	In residential and rural areas, the hours and days of operation shall be limited to 7:00am to 7:00pm Monday to Friday and 7:00am to 6:00pm on Saturdays, with no operation on Sundays or public holidays.	Proposed operating hours are between 7:00am to 6:00pm on Mondays to Fridays.	Yes. A condition has been included within the recommendation providing the approved hours of operation.
8.3.6 (a) (i)	Visual and Acoustic Privacy	An acoustic report prepared by a suitably qualified person shall be submitted with all child care centre development applications demonstrating that the noise levels generated from the child care centre, when measured over a 15 minute period, does not exceed the background noise by more than 5dBA.	An acoustic report prepared by a suitably qualified person accompanied the application outlining that noise levels are unlikely to exceed background levels by more than 5dBA.	Yes. A condition has been included within the recommendation requiring compliance with the recommendations of the acoustic assessment.
8.3.6 (a) (ii)	Visual and Acoustic	An acoustic report prepared by a suitably qualified person shall be	An acoustic report prepared	Yes

3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Section	Control	Requirement	Proposed	Compliance
	Privacy	submitted with all child care centre development applications demonstrating that the noise levels comply with the requirement of the <i>Protection of the Environment Operations Act 1997</i> .	by a suitably qualified person accompanied the application outlining that noise levels are unlikely to exceed the requirements of the <i>Protection of the Environment Operations Act 1997</i> .	
8.3.6 (a) (iii)	Visual and Acoustic Privacy	An acoustic report prepared by a suitably qualified person shall be submitted with all child care centre development applications illustrating ways to minimise the impacts of noise on adjoining properties.	An acoustic report prepared by a suitably qualified person accompanied the application outlining various design features and management controls which should be implemented to minimise acoustic impacts upon surrounding properties.	Yes. A condition has been included within the recommendation requiring compliance with the recommendations of the acoustic assessment.
8.3.6 (b) (i)	Visual and Acoustic Privacy	Direct views to and from neighbouring and surrounding properties shall be minimised through appropriate building design and location of outdoor play areas.	The overall layout includes privacy screening, highlight windows and landscaping around the perimeter of the site, which shall minimise views to and from surrounding properties.	Yes
8.3.6 (b) (ii)	Visual and Acoustic Privacy	Direct views to and from neighbouring and surrounding properties shall be minimised through the use of fencing and landscaping buffers.	The layout includes substantial landscaping around the perimeter of the site, which shall minimise views to and from surrounding properties.	Yes

3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

Section	Control	Requirement	Proposed	Compliance
8.3.7 (a)	Waste Management	Waste storage, collection areas and service / delivery areas shall be screened from public view and located to minimise adverse impacts on adjoining properties.	The bin storage area is located behind fences and will not be visible from public areas.	Yes
8.3.7 (b)	Waste Management	The waste collection area shall be located and designed to minimise safety hazards for any person within the site or within the adjacent private / public areas.	The scale of the bins to be utilised enables such to be presented on street for collection.	Yes
8.3.7 (c)	Waste Management	A waste management plan shall be submitted for all child care centre developments including information with regard to the storage and disposal of used nappies.	A detail Waste Management Plan accompanied the application.	Yes
8.4.1 (a)	Car Parking and Access	Car parking areas shall be setback a minimum of 3m from the front boundary and any secondary boundary.	The car parking area is setback 3m from the front boundary.	Yes
8.4.1 (b)	Car Parking and Access	One space shall be provided for every four children approved to attend the child care centre.  Equating to 10 car parking spaces, for a 40 child / place facility.	10 car parking spaces	Yes
8.4.1 (c)	Car Parking and Access	Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended).	The isle of the car parking area does not provide for the turning around of vehicles in the event of all spaces being occupied, as required by Australian Standard AS 2890.	No. However a condition has been included within the recommendation requiring compliance with Australian Standard AS 2890.1 and 2 (as amended).
8.4.1 (d)	Car Parking and Access	No car parking spaces shall be designed in a stacked configuration.	None of the car parking spaces are of a stacked configuration.	Yes
8.4.1 (e)	Car Parking and Access	Pedestrian access shall be separated from vehicular access with clearly defined paths to and from the building.	The layout provides a pedestrian access path to and from the building, which is separate from the vehicular access point.	Yes

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Section	Control	Requirement	Proposed	Compliance
8.4.1 (f)	Car Parking and Access	Each site shall have a maximum of one ingress and one egress for heavy vehicles (combined or separated) and may have an additional ingress / egress for cars (and other light vehicles).	The layout provides a single combined vehicular access point.	Yes
8.4.1 (g) (ii)	Car Parking and Access	The minimum width of a driveway shall be 6m for two way traffic movement.	The driveway which provides for two way traffic movement is 6m wide.	Yes
8.4.1 (h)	Car Parking and Access	Driveways shall be located a minimum distance of 6m from the tangent point of any un-signalised intersection.	The driveway is located approximately 82m from the tangent point of any intersection.	Yes
8.4.1 (i)	Car Parking and Access	Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point turn to exit the site in a forward direction.	The isle of the car parking area does not provide for the turning around of vehicles in the event of all spaces being occupied.	No. However a condition has been included within the recommendation requiring compliance Australian Standard AS 2890.1 and 2 (as amended).
8.4.1 (j)	Car Parking and Access	All car parking spaces shall be line marked and delineated with appropriate signage and pavement marking.	The accompanying plans indicate suitable line-marking arrangements.	Yes. Furthermore a condition has been included within the recommendation requiring compliance Australian Standard AS 2890.1 and 2 (as amended).
8.4.1 (k)	Car Parking and Access	Development applications child care centres catering for 20 or more children shall include a Traffic Impact Statement, prepared by a suitably qualified person addressing the following criteria: <ul style="list-style-type: none"> <li>- The existing traffic environment</li> <li>- Anticipated traffic generation from the proposed development</li> <li>- The potential cumulative impact on the locality</li> <li>- The need for local traffic improvements in the locality</li> <li>- Traffic egress/ingress</li> <li>- Sight distance and other</li> </ul>	A Traffic Impact Statement prepared by a suitably qualified person accompanied the application, which concludes that the proposal is satisfactory from a traffic perspective.	Yes

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Section	Control	Requirement	Proposed	Compliance
		relevant safety issues including vehicular/pedestrian movements.		
8.4.2 (a)	Access for People with Disabilities	Child care centres shall comply with the minimum access requirements contained within the BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).	Review of the proposed layout indicates that proposed development can satisfy the applicable access requirements of the BCA and AS 1428.	Yes. Moreover conditions have been included within the recommendation requiring compliance with the applicable access requirements of the BCA and AS 1428.
8.4.3 (a)	Emergency Evacuation Design Requirements	Development applications for child care centres catering for 20 or more children shall include an Emergency Evacuation Plan prepared by a suitably qualified person in accordance with Australian Standard 3745 Emergency Control Organization and Procedures for Buildings, Structures and Workplaces (as amended), addressing: <ul style="list-style-type: none"> <li>– The mobility of children and how this is to be accommodated during an evacuation</li> <li>– The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings</li> <li>– Where the child care centre is part of a larger building or complex, that the emergency evacuation plan for the child care centre is complementary and consistent with other emergency evacuation plans for the complex</li> <li>– The supervision of children during an evacuation and at the safe congregation area, giving regard to the capacity of the child care centre and its approved child: staff ratios.</li> </ul>	An Emergency Evacuation Plan prepared by a suitably qualified person accompanied the application, which concludes that the proposal is satisfactory from an emergency evacuation perspective.	Yes
8.5 (a) (i)	Landscaping	Landscaping shall be provided to a minimum of a 3m wide strip along the primary and secondary street frontage (other than vehicle driveways).	The layout includes a 3m wide landscape strip along the street frontage.	Yes

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Section	Control	Requirement	Proposed	Compliance
8.5 (a) (ii)	Landscaping	Landscaping shall be provided to a minimum of a 1.5m wide strip along the full width of side and rear setbacks.	A landscape strip is provided around the full length of the side and rear site boundaries. The width of which is 1.5m, with the exception of the portion (18m in length) forward of the building along the south eastern side boundary, which is approximately 800mm wide.	No. However given the overall extent of landscaping provided over the site including along site boundaries, that the non-compliance is of a relatively minor nature arising as a result of provision of a segregated pedestrian path. It is considered that support of this variation is acceptable in this instance.
8.5 (b)	Landscaping	Native mature trees on site shall be retained.	The layout does not impact upon any existing native trees.	Yes
8.5 (c)	Landscaping	Development applications for child care centre shall include a Landscape Plan and report, prepared by a suitably qualified person addressing the following: – Species, location and mature height of proposed planting – Location of play equipment – Separation from car parking spaces and driveway areas – Fencing height and materials – Surfaces (sand, grass or the like).	A Landscape Plan and associated report, prepared by a suitably qualified person accompanied the application.	Yes
8.5 (d)	Landscaping	All existing vegetation on the site and on adjoining sites shall be assessed to ensure that the plants: – Are not toxic or dangerous – Do not impose a safety hazard such as personal injury from falling branches and seeds, poisoning and / or choking.	The single existing tree located on the site is to be removed along with other plants and replaced by numerous plantings. While the child care centre is separated from any existing vegetation located on adjoining sites.	Yes
8.6 (a) (i)	Play Areas	Child care centre play areas shall comply with the Children	Review of the proposed layout	Yes. A condition has been included

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Section	Control	Requirement	Proposed	Compliance
		(Education and Care Services) Supplementary Provisions Regulation 2004 (as amended).	indicates that such can satisfy the requirements of Children (Education and Care Services) Supplementary Provisions Regulation 2004.	within the recommendation requiring compliance with this regulation.
8.6 (a) (ii)	Play Areas	Child care centre play areas shall be appropriately designed and located to minimise noise impacts to adjoining properties.	The layout provides acoustic barriers around play areas in order to minimise noise impacts to adjoining properties.	Yes
8.6 (a) (iii)	Play Areas	Child care centre play areas shall be naturally lit and ventilated.	The play areas are naturally lit and ventilated.	Yes
8.6 (b) (i)	Play Areas	The siting of outdoor play areas shall be located on a predominantly flat gradient.	The play areas are located on predominantly flat spaces.	
8.6 (b) (ii)	Play Areas	The siting of outdoor play areas shall allow direct supervision from within the centre.	The play areas are located directly accessible to the respective play rooms.	Yes
8.6 (b) (iii)	Play Areas	The siting of outdoor play areas shall provide adequate fencing.	The play areas are adequately fenced.	Yes
8.6 (c) (i)	Play Areas	Where a child care centre is proposed to be located on the first floor of a building, the designated play areas shall be provided on the same level and directly accessible from the child care centre.	The child care centre is single storey.	NA
8.6 (c) (ii)	Play Areas	Where a child care centre is proposed to be located on the first floor of a building, the designated play areas shall have a minimum ceiling height of 2.7m.	The child care centre is single storey.	NA
8.6 (c) (iii)	Play Areas	Where a child care centre is proposed to be located on the first floor of a building, the designated play areas shall be physically separated from the indoor space area.	The child care centre is single storey.	NA
8.7	Advertising Signs		The proposal does not involve	NA. Furthermore a condition has

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Section	Control	Requirement	Proposed	Compliance
			any advertising signage.	been included within the recommendation requiring separate Development Consent be obtained should any advertising signage be sought.

**2.5 Campbelltown City Council Section 94A Development Contributions Plan**

Development contributions are applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan and a condition is to be imposed requiring payment prior to the issue of a Construction Certificate.

**3. Planning Assessment**

**Built Form** - the overall design is considered to be of an acceptable built form outcome both in terms of scale and massing, while being in keeping with existing surrounding developments.

**Traffic** - given the overall scale of the development and the nature of the surrounding road network, it is considered that the proposal is unlikely to have a significant negative impact upon the flow of traffic in the vicinity of the site.

**Economic Impacts** - the proposal provides for the provision of a needed community service within an existing residential area close to the Campbelltown main business district and generates employment opportunities.

**Drainage** - a stormwater concept plan has accompanied the application indicating overflow from the rainwater tank is to be discharged to the front of the site (to the Council piped drainage system in Chamberlain Street). However, the information provided has not satisfied the assessing Council Engineer that such a proposal is feasible and as such, a recommended condition has been included requiring a detailed drainage design be submitted to Council's Manager Development Services and written approval obtained for the design prior to the issue of any Construction Certificate for works approved under this consent.

**4. Public participation**

The application was notified to adjoining property owners, in accordance with the requirements of Section 9.4.2.1 (a) of the Campbelltown (Sustainable City) Development Control Plan 2014, from 5 December 2014 until 19 December 2014. No submissions were received.

## **5. Conclusion**

The proposed development is a permissible land use in the zone and a detailed assessment against the relevant planning controls has not identified the likelihood of any significant environmental or social impacts. It is considered that the site is suitable for the proposed use and accordingly, it is recommended that Council grant consent subject to the draft conditions.

### **Officer's Recommendation**

That Development Application No. 2943/2014/DA-C for the demolition of existing structures, and the construction and use of a child care centre at No. 58 Chamberlain Street, Campbelltown be approved subject to the attached conditions.

### **Committee's Recommendation: (Oates/Rowell)**

That the Officer's Recommendation be adopted.

### **CARRIED**

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

Voting against the Committee's Recommendation: Nil.

### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 190**

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution: Nil.

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## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

#### **1. Approved Development**

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

<b>Drawing No. (Project No. 14116)</b>	<b>Date Received by Council</b>
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DA 02 (Revision: C)	28 September 2015
DA 03 (Revision: C)	28 September 2015
DA 04 (Revision: B)	28 September 2015
DA 05 (Revision: B)	28 September 2015
DA 08 (Revision: A)	8 July 2015

#### **2. Construction Certificate**

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

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

#### **3. Building Code of Australia**

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

#### **4. Shoring and Adequacy of Adjoining Property**

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

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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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

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

## 5. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted to Council on 8 July 2015. Any alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

## 6. Landscaping

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan prepared by Greenland Design Pty. Ltd., submitted to Council on 28 September 2015.
- b. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
- c. Root deflection barriers having a minimum depth of 600mm are to be installed around the perimeter of the play area.

## 7. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

## 8. Retaining Wall

All retaining walls adjacent to Council property or existing public infrastructure shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where retaining structures exceed 600mm in height, they shall be designed by an appropriately qualified engineer. Upon completion, the retaining structures shall again be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design.

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**9. Driveway**

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended) and Campbelltown (Sustainable City) Development Control Plan Volume 3 (as amended).

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

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

**10. Car Parking Spaces**

Ten car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended).

**11. Lighting**

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

**12. Rainwater Tank**

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

**13. Playground Equipment**

Playground equipment shall be installed and maintained in accordance with relevant Australian Standard(s) and the manufacturers recommendations.

**14. Department of Education and Communities**

- a. The facility shall be constructed and maintained in accordance with the relevant requirements of the NSW Department of Education and Communities, including, Education and Care Services National Regulations 2011, Children (Education and Care Services) Supplementary Provisions Regulation 2012, and National Quality Standard 2011.
  - b. The applicant shall obtain and maintain appropriate licensing to operate the child care centre in accordance with the requirements of the NSW Department of Education and Communities. The licence shall be obtained prior to the commencement of operations at the centre.
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### 15. Operating Hours

The use of the premises shall be limited to:

Mondays to Friday	7:00am to 6:00pm
Saturdays, Sundays and Public Holidays	Closed

### 16. Number and Age of Children

The child care centre is to accommodate a maximum of 40 children, within the following age groups:

- 0 to 2 years – 8 children
- 2 to 3 years – 15 children
- 3 to 5 years – 17 children

### 17. Noise

- a. The child care centre (including children playing outdoors) shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants.
- b. The recommendations contained within the Acoustic Report, prepared by Acoustic Logic, received by Council on 30 July 2015, are to be implemented at all times.
- c. The use of the premises shall comply at all times with the requirements of the Protection of the *Environment Operations Act 1997*.
- d. In the event of a noise or vibration problem arising, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

### 18. Vehicles

All vehicles shall enter and exit the site in a forward direction.

### 19. Rubbish and Recycling Bin Storage

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

Bins shall only be stored in accordance with the approved plans.

### 20. Storage of Goods

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

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
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## **21. Graffiti Removal**

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

## **22. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs. Separate Development Consent is required, prior to erecting or displaying, any advertising or signage.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

## **23. Utility Servicing Provisions**

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

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

## **24. Telecommunications Infrastructure**

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

## **25. Sydney Water Stamped Plans**

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

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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

or telephone 13 20 92.

#### **26. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council.

#### **27. Geotechnical Report**

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

#### **28. Soil and Water Management Plan**

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

#### **29. Easement**

Prior to Council or an accredited certifier issuing a construction certificate, a minimum 1.5m wide easement to drain water shall be created by the applicant over downstream property / properties in favour of the subject site to convey stormwater to Council drainage system in Dan Street. Width of drainage easement shall be complied with the specification given in Campbelltown (Sustainable City) DCP - Volume 3 (as amended). All costs associated with creation of the easement is to be borne by the applicant.

#### **30. Drainage**

Prior to Council or an accredited certifier issuing a construction certificate, a revised drainage system for the development showing the connection of site stormwater to Dan Street drainage system shall be submitted to Council for approval. Drainage calculations shall be submitted with the revised plans demonstrating that existing drainage system in Dan Street has capacity to accommodate the proposed stormwater from the development. All proposals shall comply with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

#### **31. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels.

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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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Stormwater from the site shall be conveyed to the nearest drainage pit in Dan Street via a registered drainage easement over downstream property. Ground surface levels of the site shall be designed to have a continuous fall of minimum 1% to the proposed drainage system. All proposals shall comply with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

#### **32. Existing Drainage**

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

#### **33. Work on Public Land**

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

#### **34. Design for Access and Mobility**

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

#### **35. Section 94A Developer Contribution - Community Facilities and Services**

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

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

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the Consumer Price Index - All Groups (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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

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

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

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

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

#### **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

#### **36. Erosion and Sediment Control**

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

#### **37. Erection of Construction Sign**

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

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

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

**38. Toilet on Construction Site**

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

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

**39. Trade Waste**

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

**40. Vehicular Access during Construction**

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

**41. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

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#### **42. Hoarding / Fence**

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

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

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

#### **43. Demolition Works**

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
  - b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
  - c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
  - d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
  - e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.
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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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## **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

### **44. Construction Work Hours**

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

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

### **45. Erosion and Sediment Control**

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

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

### **46. Work Zones**

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

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a Work Zone external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable Traffic/Pedestrian Management and Control Plan for the area of the work zone that will be affected. All costs of approved traffic/pedestrian control measures, including relevant fees, shall be borne by the applicant.

### **47. Dust Nuisance**

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

### **48. Excess Material**

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

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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**49. Public Safety**

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

**50. Compliance with Council Specification**

All design and construction work shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended).
- b. Campbelltown (Sustainable City) DCP Volumes 1 and 3 (as amended).
- c. Soils and Construction (2004) (Bluebook).
- d. All relevant Australian Standards and State Government publications.

**51. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged kerb and gutter and bays of concrete path paving, adjacent to the site, in Chamberlain Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

**52. Commercial Footpath Crossing and Layback**

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

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

**53. Redundant Laybacks**

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

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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**54. Notification on Downstream Drainage Easement Works**

The developer shall notify the owners/residents of the adjoining property on the works proposed within the registered drainage easement and for access arrangement prior to commencement of any work in the easement. The developer shall complete the easement works within a shortest possible time period and reinstate the disturbed area to the satisfaction of the principal certifying authority.

**55. Associated Works**

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

**56. Completion of Construction Works**

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

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

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

**57. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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**58. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

**59. Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate the applicant shall submit to Council two copies of a work as executed plan, certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended). All the constructed works within the inter-allotment drainage easement shall also be shown on the works as executed plan.

**60. Restoration of Public Roads**

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

**61. Advance Warning Signage - Child care Centre**

Prior to the principal certifying authority issuing an Occupation Certificate, approved "Child care Centre" warning signs shall be erected along the approach roads to the proposed development. In this regard, the applicant shall liaise with Council's Traffic Engineer to determine the specific location and relevant signage types prior to the completion of a detailed signage and line marking plan. The final plan is to be submitted to Council and approval received from Council's Traffic Committee prior to the erection of any of the required signs. All approved signage is to be supplied and erected by Council at the applicant's expense. All fees and charges associated with the supply and erection of the approved signage will be in accordance with Council's current schedule of fees and charges.

**62. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

**63. House Number**

Prior to the principal certifying authority issuing an occupation certificate, the house number shall be stencilled onto the kerb at the appropriate location, with black numbers 75mm high on a white background using approved pavement marking grade paint.

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
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#### 64. Council Fees and Charges

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

#### KITCHEN - FOOD CONSTRUCTION CONDITIONS

The following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the *Food Act 2003*, Food Regulation 2010, *Local Government Act 1993* and associated technical standards.

#### 65. Food Construction Requirements and Inspections

**Construction** – The food preparation area must be constructed in accordance with the *Food Act 2003*, Food Regulation 2010, the Food Standards Code as published by Food Standards Australia and New Zealand and AS 4674-2004: Design, construction and fit out of food premises.

**Food premises fit out pre-construction meeting** - Prior to any construction work commencing on the fit out of the food premise/s, the Applicant/Builder/Private Certifier must contact Council's Environmental Health Officer (Phone 4645 4604) to arrange an onsite meeting to discuss the food premise/s design, fit out, other related requirements under this Consent, *Food Act 2003*, Food Regulation 2010, and AS 4674-2004: Design, construction and fit out of food premises.

**Inspection** - Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted (Phone 4645 4604) to undertake an inspection of the premise/s to confirm compliance with this Consent, *Food Act 2003*, Food Regulation 2010, the Food Standards Code as published by Food Standards Australia and New Zealand and AS 4674-2004: Design, construction and fit out of food premise.

**Routine inspections** - The food premise/s are required to be registered with Council so that regular inspections can be carried out to ensure health standards are maintained. The business registration form is available on Council's website which must be completed and submitted to Council prior to the operations of the food business commencing.

**Food business notification requirement** - The proprietor of the food premise/s are required to notify their business details to the NSW Food Authority prior to operations commencing. An application can be made by accessing the dedicated website [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) or by submitting a notification form and making the required fee payment to Council or the NSW Food Authority (Food Safety Standard 3.2.2). The notification number is to be submitted to Council.

#### 66. Floor Construction

The floor construction must be finished to a smooth, even non-slip surface, graded and drained to the waste (AS4674-2004 – Section 3).

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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#### **67. Coving**

Approved, recessed coving must be provided at all intersections of the floor with the walls / plinths within all food preparation, service, and storage areas. All coving must:

- a. have a minimum concave radius of 25mm, or
- b. be tiled 50mm minimum in width and splayed at 45.

The coving must be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface in accordance with Figure 3.1 and 3.2 of the Australian Standard. Feather edge skirting and non-rebated coving are not permitted (AS4674-2004 – Section 3.1.5).

#### **68. Penetrations**

All service pipes and electrical conduit must be contained in the floor, walls and plinths or ceiling (AS4674-2004 – Section 3.2.9).

#### **69. Wall Requirements**

All walls in the food premises, including all new and existing partition walls, must be of solid construction and finished to a smooth, impervious surface that can be easily cleaned, as specified in Table 3.2 of AS4674-2004. The finishing materials of the wall surfaces shall provide an even surface, free of buckles and ledges, fixing screws, open joint spaces, cracks or crevices. Cavity walls are not permitted (AS4674-2004 - Section 3.2).

#### **70. Window Sills**

The windowsill must be located 450mm above the top of any bench/sink and tiled at a splayed angle of 45 degrees.

#### **71. Ceiling Construction**

The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight-joined, sealed and dustproofed. Drop-in panel style ceilings are not permitted.

#### **72. Light Fittings**

All fluorescent light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a. Recessed so that the diffuser is flush with the ceiling; or
  - b. Designed to ensure that no horizontal surface exists that would allow dust and grease to accumulate (AS4674-2004 – Section 2.6.2).
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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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#### 73. Hand Basin and Hand Towels

The hand basin must be provided in an accessible and convenient location. The basin must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature that is safe for children and fitted with a hands-off type tap set (AS 4674-2004, Section 4.4).

The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand basin. A waste receptacle for used towels shall be provided (AS 4674-2004, Section 4.4).

#### 74. Dish Washing Machines

The dishwashing/glass washing machine must be designed and able to operate in accordance with AS 4674-2004 and the Food Standards Code. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for two minutes or 75°C for 10 minutes (AS 4674-2004, Section 4.1.6).

Appropriate ventilation must be provided over the dishwashing system and be designed and installed in accordance with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings.

#### 75. Food Preparation Sink and Equipment Wash Sinks

**Food preparation sink** - A food preparation sink is required where foods are prepared by immersion in water including for cleaning fruit or vegetables. All food preparation sinks must be used only for the preparation and cleaning of food. The sink is in addition to the hand basin and equipment wash sinks (AS 4674-2004, Section 4.1).

**Equipment wash sinks** - A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand wash basin.

#### 76. Cleaner's Sink

A cleaner's sink serviced with hot and cold water through taps fitted with hose connectors must be provided and located outside of areas where open food is handled (AS4674-2004 – Section 4.1.8).

#### 77. Fittings and Fixtures

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning (AS 4674-2004, Section 4).

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### 3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

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All fittings and fixtures must be built into the wall and floor so to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following in accordance with Table 4.5 of AS 4674-2004:

- Plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- Fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- Fittings and fixtures can be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

False bottoms under fittings are not permitted (AS 4674-2004, Sections 4.2 and 4.3).

#### **78. Food Preparation Benches**

All food preparation benches must be constructed of stainless steel. All food contact surfaces are to be smooth, continuous and flush so as to avoid any exposed screw fixtures.

#### **79. Benches**

The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, free of joints (AS4674-2004 – Section 4.2).

#### **80. Storage Cabinets**

The storage cabinets both internally and externally must be finished in a smooth and non-absorbent material, free of joints (AS4674-2004 – Section 4.2).

#### **81. Shelving**

All shelving must be located at least 25mm off the wall. Alternatively, the intersection of the shelf and the wall is to be completely sealed to the satisfaction of Council (AS4674-2004 – Section 4.2).

#### **82. Locker Storage**

Sufficient lockers must be provided in the food premises specifically for the storage of cleaning materials or employees' clothing and personal belongings (AS4674-2004 – Section 5.2).

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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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### 83. Hot Water Service

The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be of adequate size to enable a sufficient amount of hot water to all washing facilities throughout the working day (AS 4674-2004, Section 4.3).

### 84. Pest Protection

Flyscreens and/or other approved means of excluding the entry of pests must be provided to all window and door openings in accordance with Section 2.1.5 of AS 4674-2004.

Where pipe work, drains, cables and ducts penetrate walls, ceilings and roofs, holes shall be sealed, filled and finished to prevent the entry of pests.

Spaces between adjoining structures, such as between coolroom walls and premises walls, shall be accessible for inspection and cleaning or sealed with a suitable compound so that they are inaccessible to pests. Spaces between the top surface of equipment or structures, such as coolrooms, shall be accessible for inspection and cleaning or sealed/boxed in so that they are inaccessible to pests.

## ADVISORY NOTES

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

### Advice 1. *Environmental Planning and Assessment Act 1979* Requirements

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

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
  - b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
  - c. Give Council at least two days notice prior to the commencement of any works.
  - d. Have mandatory inspections of nominated stages of the construction inspected.
  - e. Obtain an occupation certificate before occupying any building or commencing the use of the land.
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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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**Advice 2. Tree Preservation Order**

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

A tree is defined as a perennial plant with self-supporting stems that are more than 3 metres in length or has a trunk diameter of more than 150mm, measured 1 metre above ground, and excludes any tree declared under the *Noxious Weeds Act (NSW)*.

**Advice 3. Provision of Equitable Access**

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

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

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

**Advice 4. Covenants**

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

**Advice 5. Inspections – Civil Works**

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

- a. EROSION AND SEDIMENT CONTROL
    - i) Direction/confirmation of required measures.
    - ii) After installation and prior to commencement of earthworks.
    - iii) As necessary until completion of work.
  - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
  - c. VEHICLE CROSSINGS and LAYBACKS – Prior to pouring concrete.
  - d. FINAL INSPECTION – All outstanding work.
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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

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**Advice 6. Inspection within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

**Advice 7. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 8. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

**Advice 9. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**Advice 10. Smoke Free Environment Act**

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

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**Advice 11. Dial before you Dig**

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

**Advice 12. Telecommunications Act 1997 (Commonwealth)**

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

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

**END OF CONDITIONS**

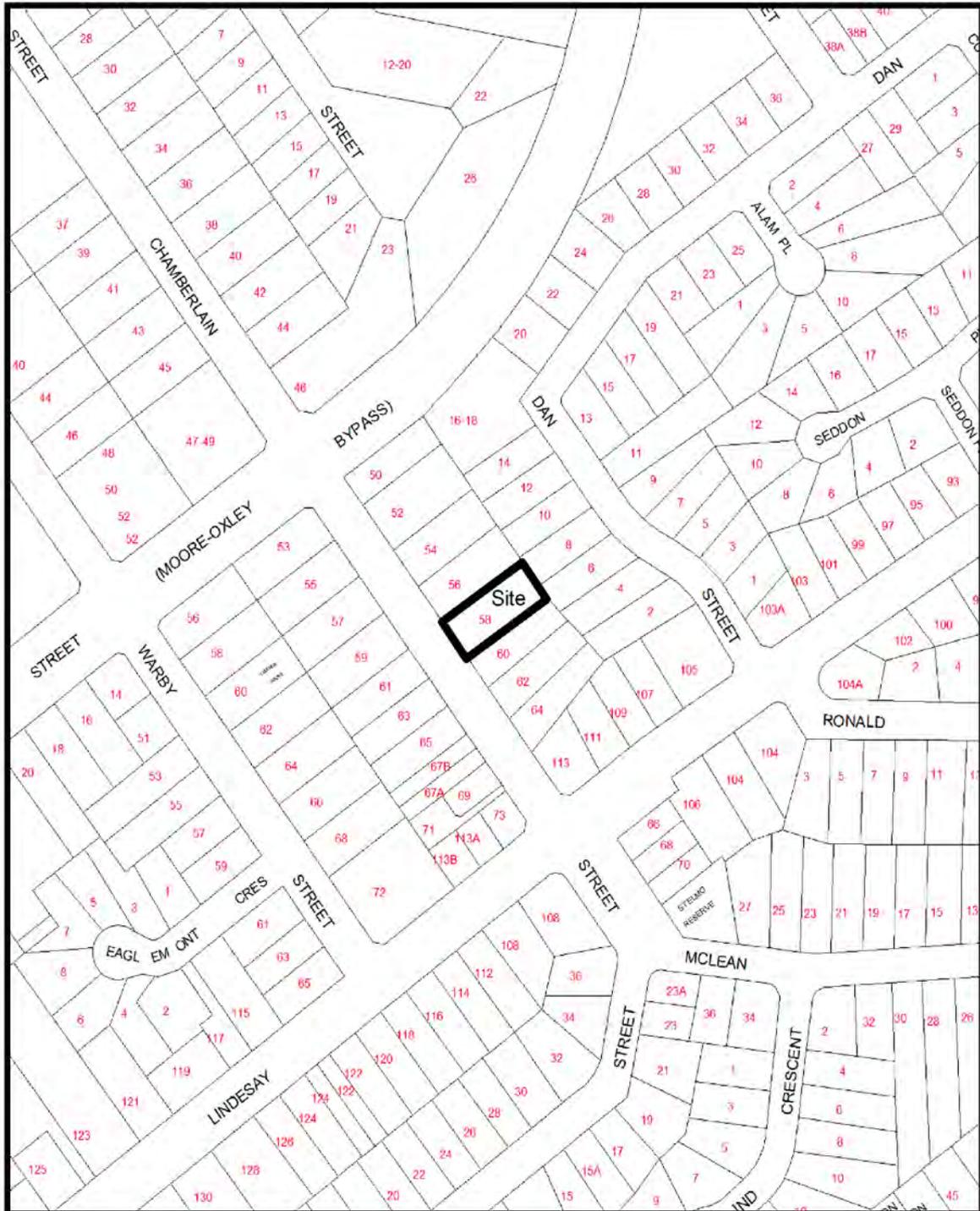
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3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

## ATTACHMENT 2

### Locality Plan

No. 58 Chamberlain Street, Campbelltown

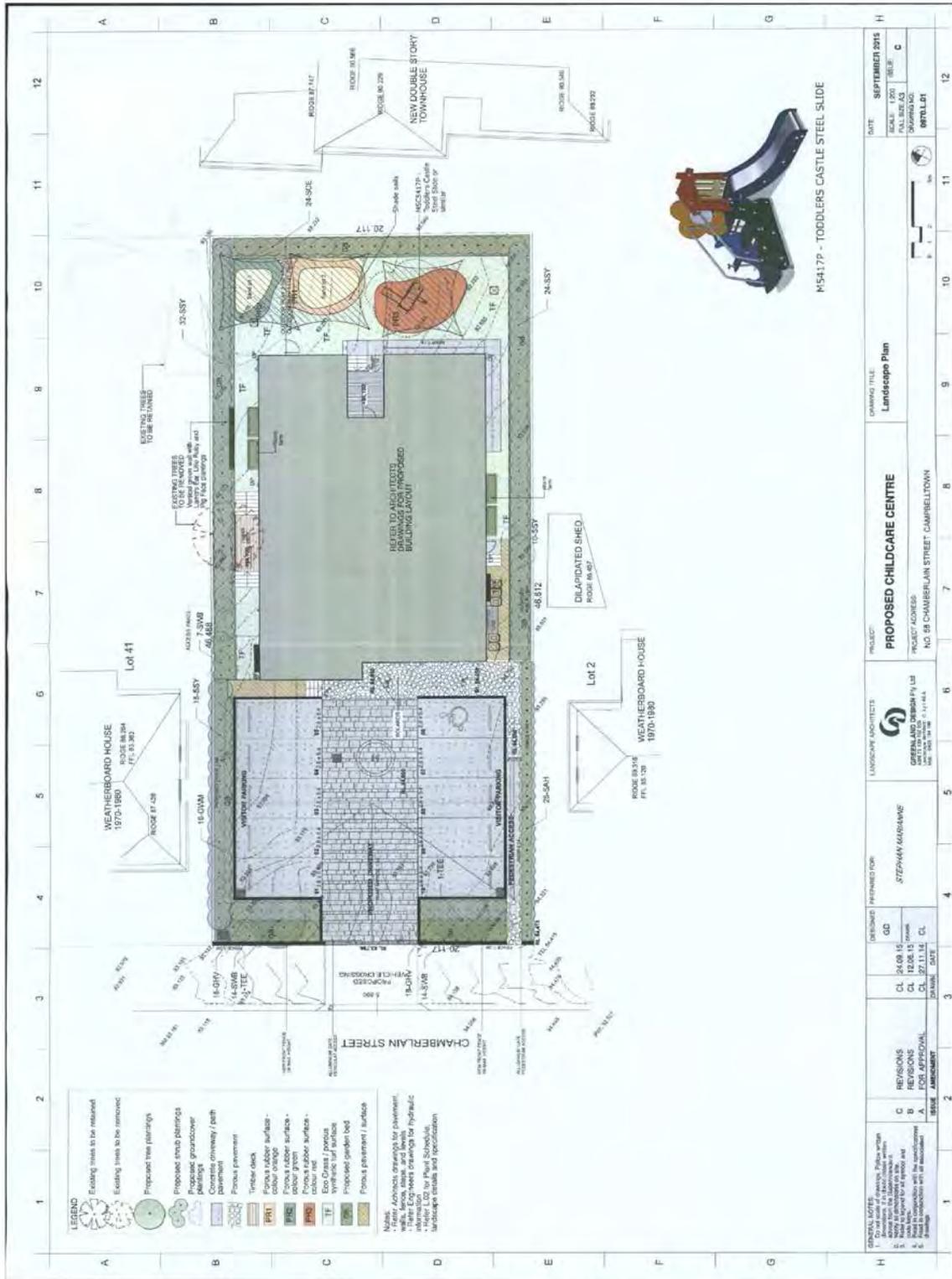




3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

**ATTACHMENT 4**

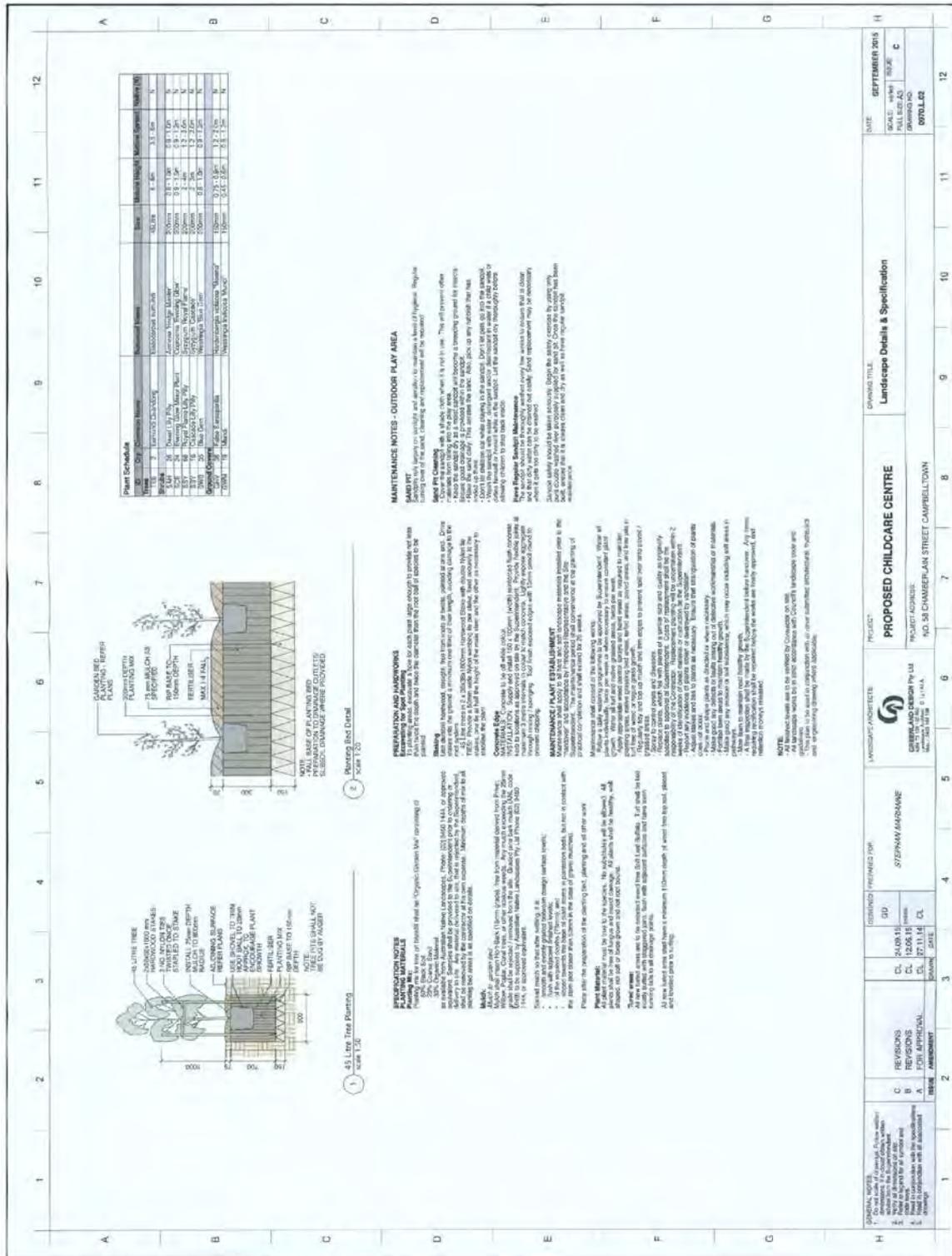
**Landscape Plan**  
No. 58 Chamberlain Street, Campbelltown



3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre - No. 58 Chamberlain Street, Campbelltown

Landscape Plan

No. 58 Chamberlain Street, Campbelltown

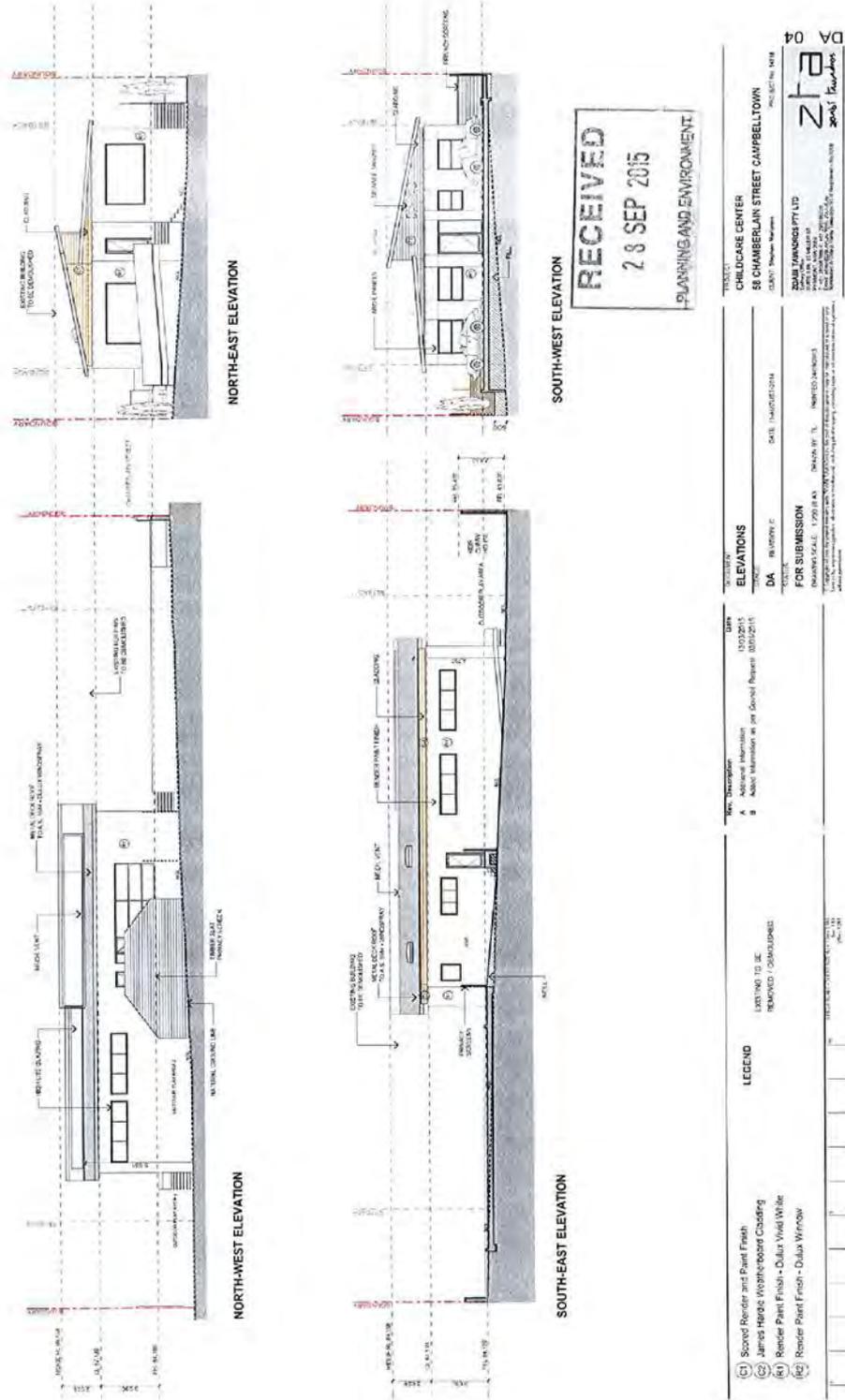


3.4 Demolition Of Existing Structures And Construction And Use As A Child Care Centre -  
No. 58 Chamberlain Street, Campbelltown

**ATTACHMENT 5**

**Elevations**

No. 58 Chamberlain Street, Campbelltown





3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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### 3.5 Use of an existing golf safety screen and alterations to an existing golf tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

#### Reporting Officer

Acting Manager Development Services

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#### Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality/Site plans (contained within this report)
3. Photographs (contained within this report)
4. Report from golf safety screen installer – Country Club International (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*.

<b>Property Description</b>	Part Lot 993 DP 861788 – Campbelltown Golf Course, No. 1 Golf Course Drive, Glen Alpine
<b>Application No.</b>	2620/2015/DA-O
<b>Applicant</b>	Campbelltown Catholic Club
<b>Owner</b>	Campbelltown City Council
<b>Provisions</b>	Campbelltown 2025 Looking Forward Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown (Urban Area) Local Environmental Plan 2002 Draft Campbelltown Local Environmental Plan 2014 Campbelltown (Sustainable City) Development Control Plan 2014 Campbelltown City Council Section 94A Development Contributions Plan
<b>Date Received</b>	18 September 2015

#### Background

Development consent is sought for the use of an existing unauthorised golf safety screen and alterations to an existing golf tee (involving minor earthworks).

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### 3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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Since the commencement of the golf course in 1978, there has been a history of golf balls entering neighbouring residential properties alongside the 16th hole. Accordingly, approximately four years ago the tees of the 9th and 16th holes (originally parallel holes) were swapped resulting in these holes being played in a cross over configuration (see attachment 2). The arrangement significantly compromises the playability of the 16th hole and also resulted in a safety risk for golfers when moving across the playing line of either hole.

Following the withdrawal of a development application (DA No. 1692/2014) to establish a new 16th tee approximately 50m forward of the original 16th tee, the Campbelltown Golf Club undertook construction works for a golf safety screen, with a height of approximately 15m and a length of 44m without prior authorisation. The works have now been stopped and the area (including that of the original 16th tee) cordoned off and the 9th tee returned to its original location.

The subject application now seeks approval for the use of the unauthorised safety screen, along with minor earthworks to extend forward and to widen the original 16th tee.

The proposed arrangement would provide for the returning of the 16th tee to its original location, with the currently unauthorised safety screen being more effectively aligned, but higher and longer than the original 16th tee screen.

The currently erected safety screen consists of three poles with transparent polyester netting.

#### **Campbelltown 2025 Looking Forward**

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 forms a prelude to a new statutory town plan for the city.

The strategic directions relevant to this application are:

- growing the Regional City
- creating employment and entrepreneurial opportunities.

The proposed development is generally consistent with these directions.

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.
-

### 3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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The proposed development has been assessed giving regard to Campbelltown 2025 Looking Forward. It is considered that the development application is not inconsistent with the Vision's desired outcomes when giving regard to the nature of development, the site context, design and level of impact anticipated to adjoining development in the locality.

## **2. Planning Provisions**

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

### **2.1 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.

### **2.2 Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject site is zoned 2 (b) Residential, under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002.

The proposal involves relatively minor alterations to an existing golf course which has operated on the site since 1978.

The proposal is considered to be consistent with the following objective of the 2 (b) Residential zone:

- (e) to allow development which:
  - (i) is compatible with residential use
  - (ii) is capable of visual integration with the surrounding buildings
  - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone
  - (iv) does not place demands on services beyond the level reasonably required for residential use.

The proposal is considered to be not incompatible with the adjacent residential use, and will serve the needs of golfers in the local population without unduly impacting upon local services. Subject to the recommended conditions, the proposal is not expected to increase the overall use or demands upon the site which is not incompatible with the area, and is expected to result in a safer environment for both golfers and neighbouring residents.

### **2.3 Draft Campbelltown Local Environmental Plan 2014**

The subject site is zoned R2 Low Density Residential, under the provisions of draft Campbelltown Local Environmental Plan 2014.

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3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

The proposal is consistent with the following objective of the R2 Low Density Residential zone:

To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.

It is considered that the proposal is not incompatible with the character of the locality being an interface between residential dwellings and the golf course, and the material used for the screen is not considered to result in a significant adverse impact on the surrounding neighbourhood. The placement of the safety screen will have beneficial impacts for not only golfers but also private residential properties that exist adjacent to the 16th fairway in that the frequency of golf balls entering those private properties will reduce as a result of the screens placement.

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of the draft Campbelltown Local Environmental Plan 2014.

Section	Control	Requirement	Proposed	Compliance
7.5 (2)	Earthworks	<p>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> <li>(a) the likely disruption of, or any detrimental effect on, drainage patterns, riparian land, stored water, including groundwater related ecosystems, and soil stability, in the locality of the development,</li> <li>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</li> <li>(c) the composition of the fill or the soil to be excavated, or both, including potential contaminants,</li> <li>(d) the effect of the development on the existing and likely amenity of adjoining properties,</li> <li>(e) the source of any fill material and the destination of any excavated material,</li> <li>(f) the likelihood of disturbing relics,</li> <li>(g) the proximity to, and potential for adverse impacts on, any environmentally sensitive area including heritage items, archaeological sites, heritage conservation areas, waterways or drinking water catchments.</li> <li>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	<p>It is considered that the associated earthworks are consistent with these matters.</p>	Yes

### 3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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## 2.4 Campbelltown (Sustainable City) Development Control Plan 2014

The following compliance table details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2014.

Section	Control	Requirement	Proposed	Compliance
2.7 (a)	Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and / or activities involving the disturbance of the land surface.	Not provided	No. However a condition has been included within the recommendation requiring the provision of such.
2.8.1	Cut and Fill	A Cut and Fill Management Plan shall be submitted with a development application where the development incorporates cut and / or fill operations.	Cut and fill details have been provided depicting the proposed finished ground levels.	Yes
6.7	Residential Interface	There are no specific controls which relate to this type of proposed development.	Notwithstanding this, it is noted that the proposal aims to improve the residential interface by improving safety for residents whilst maintaining views.	NA

## 2.5 Campbelltown City Council Section 94A Development Contributions Plan

Development contributions are not applicable pursuant to the provisions of the Campbelltown City Council Section 94A Development Contributions Plan as the value of the development is less than \$100,000 and is not considered to be intensification of the use of the site.

## 3. Planning Assessment

**Appearance, location and height of the safety screen** - The safety screen consists of three poles with transparent polyester netting which is of a recessive dark finish.

The safety screen is located in a similar position to the original screen located on the 16th tee, and generally maintains the setback provided to surrounding residential properties. The material of the safety screen is not considered to have a significant adverse impact on the neighbouring residential properties.

**Safety** - The skewed alignment of the safety screen causes the playing of the 16th hole at an angle further away from the neighbouring residential properties than that of the original screen.

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### 3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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The provision of a longer and higher screen than that previously on site, erected on a more divergent alignment, is considered an improvement from a safety perspective, making for a reduced likelihood of golf balls leaving the course or entering neighbouring properties. Moreover, it is considered that such provides an improvement from a player safety perspective in comparison to the previously utilised crossover arrangement.

**Privacy** - The returning of the 16th tee to its original location would return privacy levels to the level at which they were for many years.

**Views** - The safety screen consists of transparent polyester netting, and given its significantly larger dimensions than the original screen, extends well forward of the original safety screen position. However, the netting type used is not considered to have a significant adverse impact on the view lines from the directly adjacent residential properties.

#### **4. Public Participation**

The application was publicly notified from 25 September 2015 through to 9 October 2015, in accordance with the requirements of the Campbelltown (Sustainable City) Development Control Plan 2012. During that time four (4) submissions were received, which raised the following concerns:

#### **Revisiting of the proposed arrangement in the event of an increased number of golf balls entering adjacent properties and the failure of the club to provide a report from golf course architect**

Although a formal golfer impact study was not provided with the development application, it is acknowledged that the skewed alignment of the safety screen will cause shots played from the 16th tee to be played at an angle further away from the neighbouring residential properties than which the original screen provided for. Therefore as previously outlined it is considered that the current arrangement reduces the likelihood of golf balls played from the 16th tee leaving the course or entering neighbouring properties.

#### **Quality of the plans and notations on plans in relation to previously proposed screens**

Following the notification of the application additional information was provided on behalf of the applicant, which included clarification that the notations on the plans in relation to previously proposed screens, were only for information purposes. The plans provided show the existing safety screen and the area of works for the 16th tee-off area. Notwithstanding this, the conditions included within the draft consent limit the approval to the use of the erected safety screen and alterations to an existing golf tee.

#### **Impact on views, and suggestion of deleting the forward portion of the screen and lower (excavating) the level of the tee**

As previously outlined, while the safety screen consists of transparent polyester netting, given it is of a larger dimension than that of the original screen, the safety screen sits within the line of view when viewed from the directly adjacent residence (No. 50 Glen Alpine Drive).

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### 3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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Based on the details of the current development application, the deletion of the forward portion of the screen is not considered appropriate and would have a significantly adverse impact on the effectiveness of the safety screen and its ability to prevent errant golf balls played from the 16th tee, from landing in properties neighbouring the 16th fairway.

#### **That the screen was constructed without approval and the potential structural inadequacies of the screen**

Notwithstanding that which has been constructed without prior authorisation, this development application seeks to bring the unauthorised safety screen into order by way of obtaining Council's approval for the use of the safety screen.

In this regard, an assessment of the development application has been undertaken and it is considered that the safety screen is permissible development and that the use of the safety screen can be approved by Council. However, where the Council issues development consent for the use of the safety screen, it is recommended that the consent be issued on a "Deferred Commencement" basis, subject to the applicant obtaining a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, which will require the formal demonstration of the structural adequacy of the screen.

#### **The failure of the club to consult with adjoining residents and their actions in undertaking unauthorised works**

Despite the Catholic Club undertaking building works prior to receiving formal approval, there is no statutory requirement for the Catholic Club to consult with adjoining residents.

## **5. Conclusion**

An assessment of the subject development application has been undertaken and has found that the application has sufficient merit to gain approval. It is considered that the proposal complies with the planning provisions relevant to the proposal and will result in a significant improvement in safety for golfers and residents living adjacent to the 16th fairway.

During the public notification period, Council received four separate submissions, in which various issues of concern were raised. All concerns were considered as a part of the assessment of this development application and although the safety screen is located within a view line across of the golf course when viewed from No. 50 Glen Alpine Drive, it is considered unlikely that the safety screen and tee works will result in a significantly adverse environmental impact on the local area, subject to the confirmation of the screens structural integrity through the obtaining of a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*.

Having regard to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the matters discussed within this report, it is considered that the development application is worthy of approval subject to the recommended conditions contained in Attachment 1.

## **Officer's Recommendation**

That Development Application No. 2620/2015/DA-O, for the use of an existing golf safety screen and alterations to an existing golf tee, at Campbelltown Golf Course, No. 1 Golf Course Drive, Glen Alpine, be approved subject to the attached conditions.

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**Committee Note:** Mr Mascarenhas, Mr Price and Mr Fleming addressed the Committee in opposition to the development.

Mr Darr addressed the Committee in favour of the development.

**Committee's Recommendation: (Kolkman/Thompson)**

That this matter be deferred to allow for an inspection.

**CARRIED**

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

Voting against the Committee's Recommendation: Nil.

**Council Meeting 27 October 2015**

Having declared an interest in regard to Item 3.5, Councillor Borg left the Chamber and did not take part in debate nor vote on this item.

**Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

**Amendment (Lake/Dobson)**

That Development Application No. 2620/2015/DA-O, for the use of an existing golf safety screen and alterations to an existing golf tee, at Campbelltown Golf Course, No. 1 Golf Course Drive, Glen Alpine, be approved subject to the attached conditions.

**LOST**

**Council Resolution Minute Number 191**

That the Committee's Recommendation be adopted.

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

Voting against the Council Resolution was Councillor: Lake.

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

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## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **DEFERRED COMMENCEMENT**

This is a "Deferred Commencement" consent that is granted subject to conditions under Section 80(3) of the *Environmental Planning and Assessment Act 1979* that the consent is not to operate until the applicant satisfies Campbelltown City Council (Council) as to the matters set out in the Schedule A below. The period within which the applicant must produce evidence to the Council sufficient enough to enable it to be satisfied as to the matters in Schedule A is six months.

If the applicant produces evidence to the Council within the period specified sufficient to enable the Council to be satisfied as to the matters set out in Schedule A below and the Council notifies the applicant in writing that it is satisfied as to the relevant matters, the development consent shall become operative subject to compliance with conditions outlined in Schedule 'B'.

Should the required information not be provided in the time period nominated above, the deferred commencement consent shall lapse.

#### **SCHEDULE A**

The conditions of Schedule 'A' are set out as follows:

This development consent shall not operate until such time as the following matters are satisfied to the written approval of Council:

##### **Building Certificate**

1. Applicant is to obtain from Council a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, certifying the work undertaken without prior development consent.

#### **SCHEDULE B**

The conditions of Schedule 'B' are set out as follows:

##### **GENERAL CONDITIONS**

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

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

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3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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**1. Approved Development**

In accordance with the approved plan prepared by SMEC Australia Pty. Ltd., listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

<b>Drawing No.</b>	<b>Date Received by Council</b>
--------------------	---------------------------------

77918.03.D01 (Revision: A)	8 October 2015
----------------------------	----------------

**2. Safety Screen**

The safety screen is to be frequently maintained and kept to a high visual standard at all times.

**3. Existing Trees**

No approval is issued for the removal or pruning of any trees. Should tree removal or pruning be required, separate approval should be obtained from Council before commencing work.

**4. Graffiti Removal**

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

**5. No Signage or Banners**

No signage or banners are to be displayed on the safety screen at any time.

**DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

**6. Construction Work Hours**

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

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

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3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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## 7. Erosion and Sediment Control

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

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

## 8. Dust Nuisance

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

## ADVISORY NOTES

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

### Advice 1. *Environmental Planning and Assessment Act 1979* Requirements

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

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

### Advice 2. Tree Preservation Order

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

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3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *Noxious Weeds Act 1993 (NSW)*.

**Advice 3. Covenants**

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

**Advice 4. Dial before you Dig**

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

**Advice 5. Telecommunications Act 1997 (Commonwealth)**

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

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

**END OF CONDITIONS**

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## ATTACHMENT 2

### Locality / Site Plans

Campbelltown Golf Course



3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

**Locality / Site Plans**

Campbelltown Golf Course

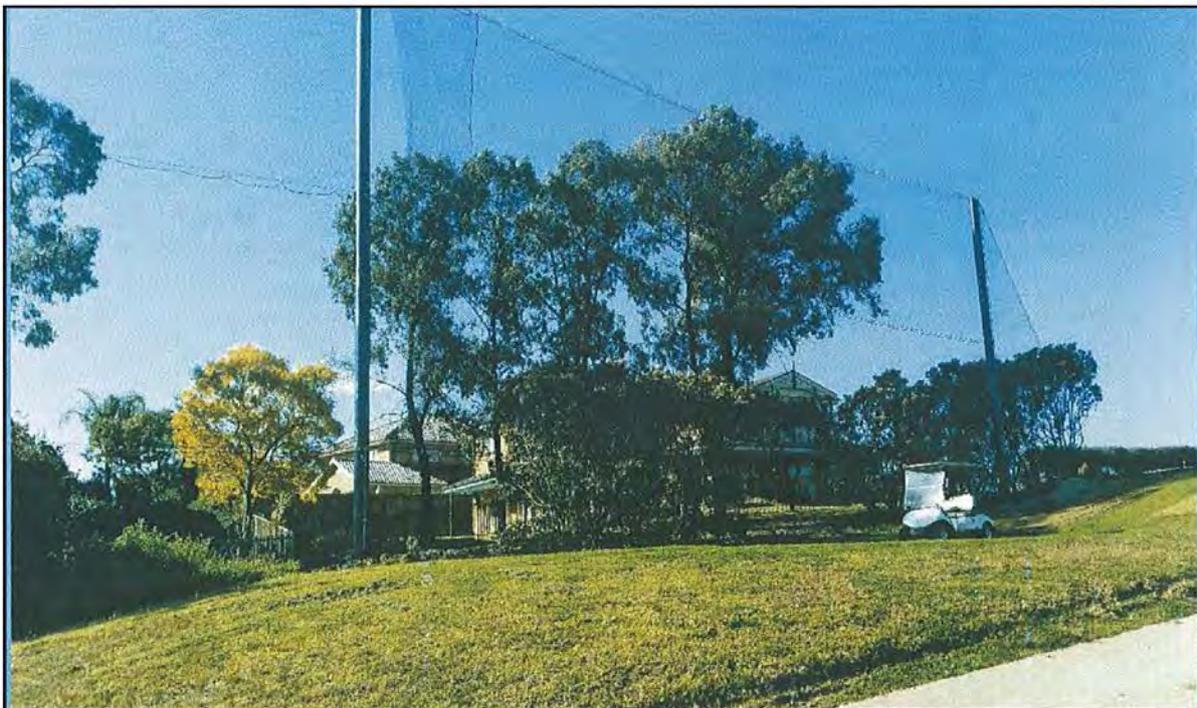




## ATTACHMENT 3

### Photos

Campbelltown Golf Course

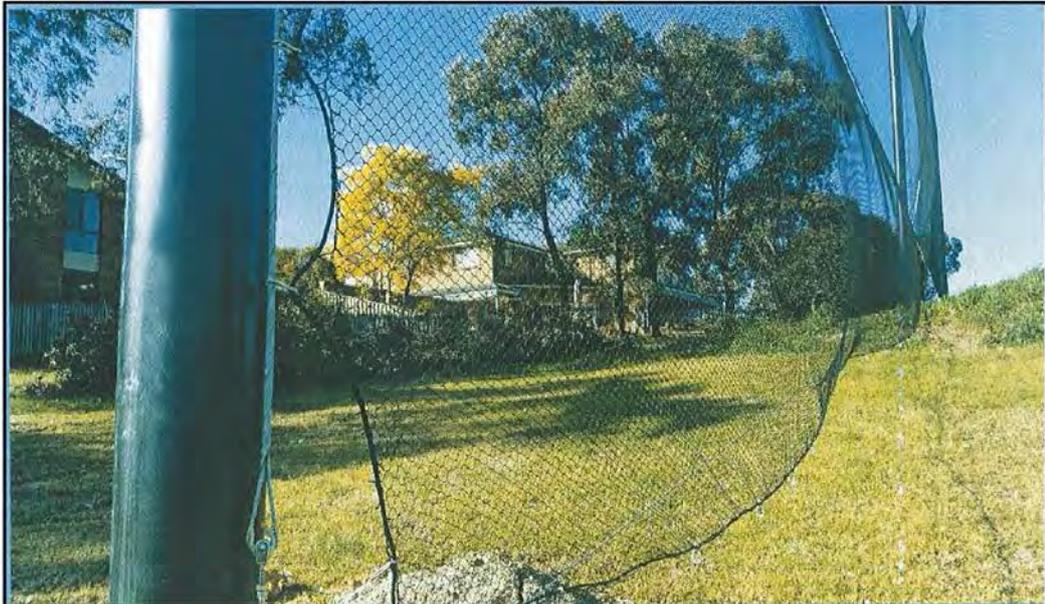


3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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**Photos**

Campbelltown Golf Course



## ATTACHMENT 4

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**Tender Submission**

**For**

**Campbelltown Golf Club**

**To**

**DESIGN AND INSTALL A GOLF  
COURSE SAFETY SCREEN**

**Presented to**

**Dave Turner**

**By**



**COUNTRY CLUB**

**I N T E R N A T I O N A L**

[www.countryclub.com.au](http://www.countryclub.com.au)

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

**INTRODUCTION**

Country Club International was established in 1992 and has been at the forefront of developing designs and systems for high safety screens in Australia, New Zealand and South East Asia – particularly for sports fields, golf courses and ranges.

Much of the technology has originally been based on systems used in USA and Europe where extreme conditions have demanded “world’s best practice” in both design and componentry. In many ways CCI have now taken structural design of safety screens to another level again.

Country Club International are the exclusive importers of Redden #930 multifilament polyester barrier netting – regarded as the lightest and strongest net of its type. At 92% sheer it is also aesthetically better as it is almost translucent.

This quality and strength at such a low wind load rating (8%) has allowed design development to surpass anything ever seen here before, with screens up to 30 metres high – the tallest in Australia – using slender poles and wide pole spacing to significantly reduce the visual impact of the screens...

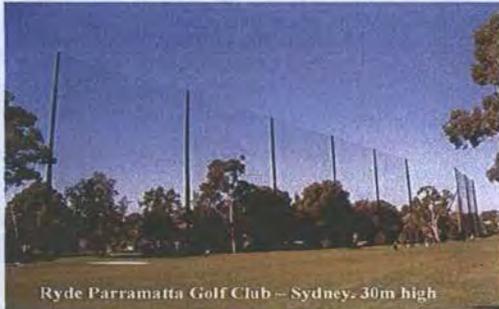
There is no greater example of Country Club’s motto *“Supplying the best. Nothing less”* than the work now being done by CCI in safety screens for the Golf and Sports industry.



Ringwood Golf Club – Melbourne At 30m tall this is the highest engineered fence in Australasia

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

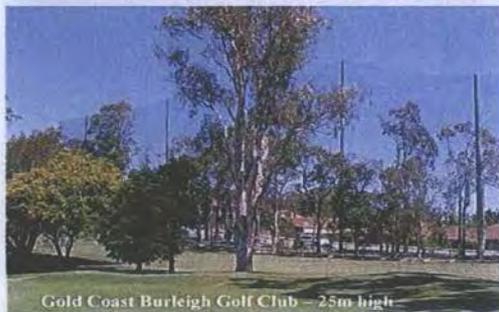
**EXAMPLES OF COUNTRY CLUB INTERNATIONAL'S INSTALLATIONS**



Ryde Parramatta Golf Club - Sydney. 30m high



Wollongong Golf Club - NSW. 20m high



Gold Coast Burleigh Golf Club - 25m high



Moore Park Golf Club - Sydney. 17m high



Malvern Valley Golf Club - Melbourne. 18m high



Tempe Golf Range - Sydney. 15m high



Brighton Golf Club - Melbourne. 12m high



Commonwealth Golf Club - Melbourne. 18m high

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

**NETTING**

To effectively compare alternative fibre components used to manufacture sports netting you need to evaluate each fibre component and their properties using the following criteria in order of importance. This typical value chart was provided by the USA Cordage Institute Technical Service:

**1: Resistance to Ultra Violet degradation from sunlight**

- The ability of a fibre to retain its inherent qualities (strength and flexibility) after long exposure to sunlight:

<b>BEST</b>	<b>Polyester</b>
<b>GOOD</b>	Nylon
<b>FAIR</b>	Polypropylene

**2: Breaking strength (both wet and dry)**

- Not only should strength be considered but – more importantly – the ability of a fibre to retain a high percentage of its initial strength after being exposed to UV and water:
- Breaking strength – dry (grams per denier)**
- |            |               |
|------------|---------------|
| 7.8 – 10.4 | Nylon         |
| 7.0 – 10.0 | Polyester     |
| 6.5        | Polypropylene |
- Wet strength compared to dry**
- |         |               |
|---------|---------------|
| 100%    | Polyester     |
| 100%    | Polypropylene |
| 85%-90% | Nylon         |

**3: Water absorption**

- If the fibre absorbs moisture such as condensation and rainfall, greater stress (weight) is put upon the fibre and structure:

0%	Polypropylene
<1%	Polyester
2%-8%	Nylon

**4: Elongated creep under sustained workload**

- If a fibre elongates it becomes weaker. Such elongation creates “droop” or “bagging” of the net:

<b>Low</b>	<b>Polyester</b>
Moderate	Nylon
High	Polypropylene

There is no doubt in the industry that polyester is by far the premium fibre to be used for high barrier netting. Cheaper polyethylene and polypropylene can be used to reasonable effect on lower nets but have a history of failure on high nets under adverse conditions. Nylon is simply not in consideration due to its ability to absorb water.



3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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Transparency is directly related to the wind load rating. Redden #930 and #940 polyester is rated at 8%. The result is clear.



Ryde Parramatta Golf Club



Newington Collage Sydney

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

**WARRANTY**

- Redden #930 has a 10 year pro rated warranty.
- Average field life for #930 has been demonstrated to be in the region of 10 – 15 years.
- All Redden netting is full UV treated.
- Calculated weight is 146 grams per sq.m (0.03 oz per sq. Ft.)
- Wind load rating #930 is 8%
- If the net is cut or damaged it will not unravel
- Redden #930 is a flat rashed weave (Knotless)
- Porosity is less than 1%
- All cables, fittings and workmanship are covered by this term

**MAINTAINENCE**

There is little in terms of maintenance other than ensuring nets are clear of debris and are sufficiently clear of trees.

Replacement panels are custom made in the USA and are generally air freighted out due to their low weight.

All rigging is fixed and there is virtually no risk of failure. Components are kept in stock at Country Club at all times.

If required Country Club International would conduct an annual inspection of all netting, rigging and components. This would involve boom lift hire plus riggers – the costs of such to be passed on.



Geelong Baseball Club – 24m high

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

**SPECIFICATION OF WORKS**

At the request of Campbelltown Golf Club, Country Club International carried out an onsite inspection of the existing Safety Fence on the 16<sup>th</sup> Tee to provide a solution to stop errant golf balls from exiting the golf course in to the neighbouring properties.

With our experience in supplying and installing safety screens I believe there are two possible options in stopping golf balls from exiting the course.

- A) *Install a safety screen 100+ meters long x 12 meters in height adjacent to the fence line in between the golf course and the neighbouring properties.*
- B) *Remove the existing three chain wire mesh fences as they serve no purpose in solving the issue and are un-safe due to the multiple ricochet points.  
Install a safety screen 40 meters long x 12 meters in height angled from the back right corner of the 16<sup>th</sup> Tee out toward the fairway to direct all shots off the Tee away from the neighbouring properties.*

Fence Location to be right hand side of the 16<sup>th</sup> Tee Par 4, protecting the neighbouring houses from errant golf balls exiting the golf course off the Tee as pictured below.



- Orange line represents proposed new safety screen.
- Blue line represents existing fence

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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View from the back of the 16<sup>th</sup> Tee – Orange line represents proposed fence location. This will direct all Tee shots away from the neighbouring properties and towards the fairway. ALL existing chain wire mesh fences would not be required – therefore removing ricochet points and public liabilities.

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

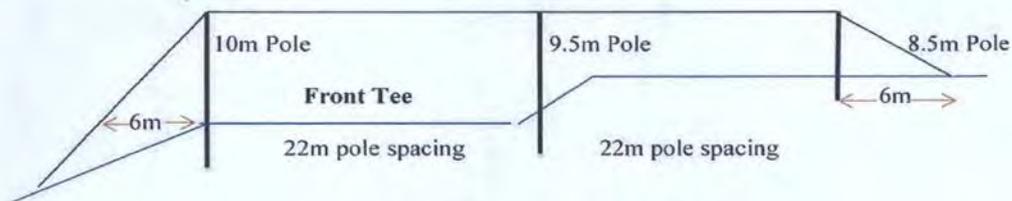
**FENCE POSITIONING**

Following an onsite meeting this week to mark out the proposed fence location some discussing was had regarding the final positioning of the screen.

With changes proposed to the back tee location and some reshaping of the complex that will create a middle teeing ground, this did pose the possibility for the need to move the screen further forward than originally planned to accommodate shots from this area.

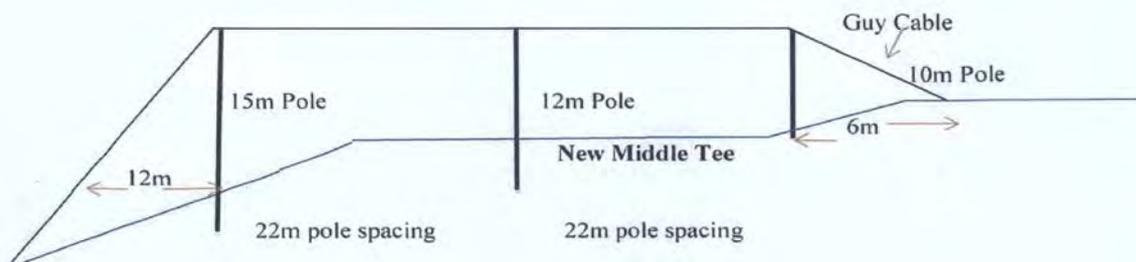
The image below indicates the proposed screen height and pole positioning in relation to our original plan however we would like to extend the spacing between poles to 22 metres and suggest two extra triangular nets be added to the structure.

**Original Concept**



Given the new teeing complex and slight change to the tee we propose moving the screen further forward in location. The screen would be the same length however given the gradient of the land we would require larger nets and poles to accommodate the area. Poles would be spaced at 22 metres intervals and we suggest two extra triangular nets be added to the structure in the guy cable areas...

**New Proposed Concept**

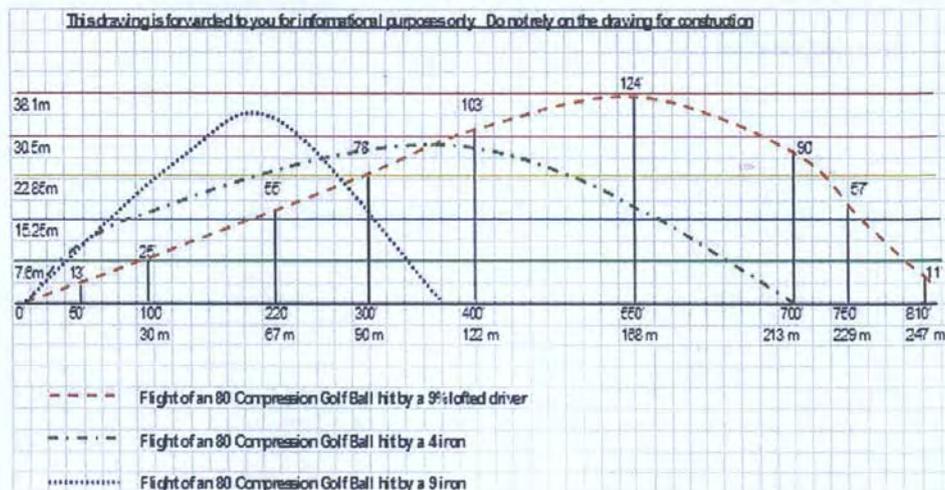


3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

To gather a better understanding of location please refer to the image below.



**GOLF BALL TRAJECTORY STUDIES**



Golf ball trajectory studies indicate that a well hit drive off a tee can reach 38-42 metres in height depending on atmospheric conditions. Typically, though, most shots are less than this – particularly errant ones as they tend to lose power.

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

**STRUCTURE**

**Poles:** Steel corrosion proof painted black pole as per engineer's specifications.

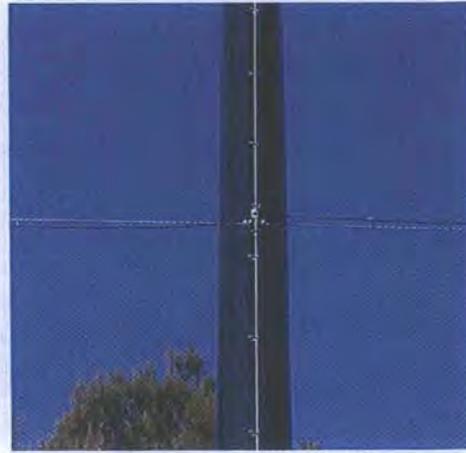
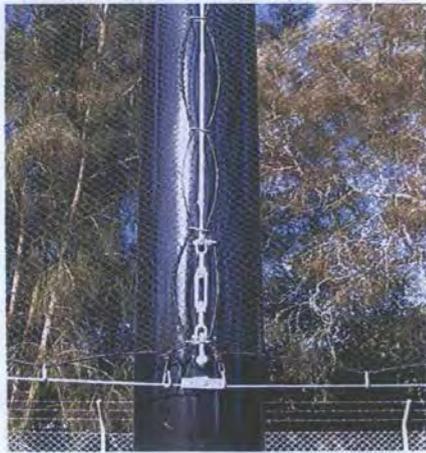
**Footings:** Cage Bolt Configuration set at 2.5 – 3m depth – 600mm in diameter in 25 mpa concrete.

**Netting:** The netting would be the latest polyester Redden raschelle flat weave. At 92% sheer it is the lightest and strongest net available for this purpose.

**Pole Spacing:** 22 metres

**Lower Cable:** To be set at 300mm from ground level to allow for maintenance. This can be varied at request.

**Rigging:** Correct cabling is critical to structural rigidity and also how the net hangs as a "flat sheet" rather than a billowing sail. This system has been developed over many years and is world's best practice.



- Wire rope is never used. It will stretch and fray and is most prone to rust. We will use only high tensile galvanised hard drawn cable with the appropriate rated dead ends rather than wire rope, clamps or swages.
- All cable rigging supporting the net panels will be on the face of the poles. This provides the clean sheet effect rather than coming out from centre cables to go around the poles. It also ensures that no gap goes down either edge of the pole.
- Correct 1 bolt clamps, 3 bolt clamps, sheave wheels and turnbuckles are bolted to threaded mounts on the poles for total structural rigidity.

### 3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee - Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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#### **PRICING**

##### **Installation of Safety Screens**

Includes but not limited to all items listed, comprising:

- Site surveying including marking location of pier footings.
- Supply & installation of steel cages & cage bolts for footings where necessary.
- Drilling of all holes to be completed by CCI.
- Forming and pouring concrete pier footings
- Fabrication, supply & installation of poles
- Supply & installation of high tensile cable rigging
- Supply & installation of #930 polyester netting
- Site management & inspections
- Labour
- Equipment hire
- Freight & travel.
- As at this stage no Geotechnical Report has been provided the pricing assumes normal stable soil conditions with no rock or sub-terrainian water to interfere with the footings. No allowance has been made for sleeve casings if required due to major ingress of water, any increase in depth due to ground conditions or rock drilling as this will be completed by others.
- Spoil to be left on site – VENM only allowed for. If material is other than VENM then extra/over costs will apply.
- It is ultimately the responsibility of the Client to advise of any underground services that may be in the vicinity of the screen. We have, however, allowed for an independent and qualified company to scan for services below ground.
- All care will be taken of the turf conditions and where possible minimal movement of heavy machinery will occur however there is no allowance for ground matting or turf repair as this will be the responsibility of the club.
- It will be the clubs responsibility to mark and indicate any irrigation or services.
- The site will need to be clear of any trees within the new establishment location and this will be the responsibility of the club.

#### **SUMMARY**

In Country Club Internationals professional opinion with the proposed tee reshaping - changes, the golf hole playability, whilst providing the most sufficient protection to the neighbours within the area, we would like to revise our submission to consider the most preferred option to install the Safety Screen 44 metres in length with a maximum height of 15 metres.

We believe this will be the best structure to work within the clubs budget and the most suitable for this situation however would also like to indicate that safety screen's cant not always provide 100% protection in all cases.

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

**CORPORATE SUMMARY**

Country Club International is committed to Best Practice procedures to ensure professional customer service through Quality Assurance and Environmental Management systems, adopting best Safe Working Practices to the following standards:

<b>ANZS/ISO9001:2000</b>	<b>Quality Management System</b>			
<b>ISO 14001</b>	<b>Environmental Management System</b>			
<b>INSURANCE</b>	<b>Company</b>	<b>Policy Number</b>	<b>Expiry</b>	<b>Cover</b>
<b>Public Liability</b>	QBE Insurance	41 A001354PRL	18.12.2015	<b>\$20million</b>
<b>Corporate Liability</b>	QBE Insurance	41 A001354PRL	18.12.2015	<b>\$20million</b>
<b>NSW WorkCover</b>	QBE Insurance	1SFE001674GWC154	15.06.2015	
<b>VIC WorkCover</b>	Allianz	1176978	30.06.2015	

All relevant WHS manuals, policies and documentation are available for inspection.

**REFERENCES**

Recent references include:-

- Metropolitan Golf Club
- Ryde Parramatta Golf Club
- SEITA (East link Melbourne)
- Wembley Golf Complex
- Barden Ridge Driving Range
- The Australian Golf Club
- Moore Park Golf Club
- Wollongong University
- Malvern Valley Golf Course
- Dorset Golf Course
- City of Greater Geelong (Geelong Baseball)
- AbiGroup (Centenary Park Golf Course)
- Cabramatta Golf Club
- Richmond Soccer Club (VIC)



Moore Park Golf Range – 24m high x 100m long – Completed October 2014

3.5 Use Of An Existing Golf Safety Screen And Alterations To An Existing Golf Tee -  
Campbelltown Golf Course No. 1 Golf Course Drive, Glen Alpine

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**TRADING TERMS**

Our standard trading terms for custom work is 50% on placement of order, 25% on delivery of materials and 25% on completion of works.

Country Club International commits to ensure that all works are performed in accordance with all referenced Plans, Specifications and Standards specified in the Scope of Works.

Should the club wish to talk with any of our other recent previous client's then numbers and contact names can be made available upon request.

Yours Sincerely,

**Tim Osmand**

NSW Sales Representative

Mobile: 0415 193 213

Email: [tim@countryclub.com.au](mailto:tim@countryclub.com.au)

Web: [www.countryclub.com.au](http://www.countryclub.com.au)

Please note: All intellectual property provided herein and in any subsequent correspondence from us or our contractors remains the property of Country Club International and the recipient acknowledges that nothing in any information provided by Country Club International confers or gives rise to any rights in or ownership of the intellectual property on or in favour of the recipient or any third party. The recipient must only use such Company intellectual property for the purposes of assessing the proposed works and for no other purpose whatsoever unless authorized in writing by Country Club International Pty. Ltd.



## **4. COMPLIANCE SERVICES**

### **4.1 Legal Status Report**

#### **Reporting Officer**

Manager Compliance Services

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#### **Attachments**

Planning and Environment Division Monthly Legal Matters Status and Costs Summary  
(contained within this report)

#### **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 2015-2016 period as they relate to:

- The Land and Environment Court
- The Supreme 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.

#### **Officer's Recommendation**

That the information be noted.

#### **Committee's Recommendation: (Lound/Thompson)**

That the Officer's Recommendation be adopted.

**CARRIED**

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**Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

**Council Resolution Minute Number 187**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

<b>1. Land and Environment Court Class 1 Matters – Appeals Against Council's Determination of Development Applications</b>
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<b>Total ongoing Class 1 DA appeal matters (as at 30/09/2015)</b>	<b>4</b>
<b>Total completed Class 1 DA appeal matters (as at 30/09/2015)</b>	<b>0</b>
<b>Costs from 1 July 2015 for Class 1 DA appeal matters:</b>	<b>\$55,590.06</b>

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<b>1 (a)</b>	<b>RAMM INVESTMENTS PTY LIMITED</b>
<b>Issue:</b>	An appeal against Council's refusal of development application No. 1473/2012/DA-MAH that sought consent for construction of 26 two-storey dwellings and construction of a cul-de-sac in Collis Place, Minto.
<b>Property:</b>	Lot 101 DP 1044069, 124 Minto Road, Minto.
<b>Property Owner:</b>	Ramm Investments Pty Limited
<b>Council File:</b>	Development Application No: 1473/2012/DA-MAH
<b>Court Application:</b>	Filed on 27 March 2015 - File No. 10275 of 2015
<b>Applicant:</b>	Ramm Investments Pty Limited
<b>Costs Estimate:</b>	\$25,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$21,183.65
<b>Status:</b>	Ongoing – Proceedings to be discontinued subject to agreement on costs being reached.
<b>Progress:</b>	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1473/2012/DA-MAH that sought consent for construction of 26 two-storey dwellings and construction of a cul-de-sac in Collis Place, Minto. The matter was listed for first directions hearing on 24 April 2015.</p> <p>On 24 April 2015, the Registrar made certain procedural directions and adjourned the proceedings to 14 May 2015 for section 34 conciliation conference.</p> <p>On 14 May 2015, no agreement was reached at the conciliation conference; accordingly, the Commissioner made certain procedural directions and adjourned the proceedings to 21 May 2015, and then further adjourned the proceedings to 2 June 2015 for callover hearing listing before the Registrar.</p> <p>On 2 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 4 and 5 August</p>

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2015 for directions hearing commencing on-site.

Matter was before the Court on 31 July for hearing the applicant's Notice of Motion seeking to amend the development application and vacate the hearing dates for 4 and 5 August 2015. The Commissioner ordered that the applicant's Notice of Motion is dismissed; and leave was granted for the applicant to discontinue the proceedings on the basis that the Respondent is not precluded from mailing an application seeking that the Applicant pay the Respondents costs of the proceedings.

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**1 (b)**

**FLIP OUT (CASTLE HILL) PTY LTD**

**Issue:** An appeal against Council's refusal of development application No. 2014/2013/DA-C that sought consent for construction of fitout and use of premises for recreation facility.

**Property:** Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.

**Property Owner:** Mr Vijay Sood and Mrs. Nutan Sood

**Council File:** Development Application No: 2014/2013/DA-C

**Court Application:** Filed on 19 May 2015 - File No. 10429 of 2015

**Applicant:** Flip Out (Castle Hill) Pty Ltd

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

**Costs to date:** \$3,249.53

**Status:** Ongoing – listed for mention on 8 October 2015.

**Progress:** The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2014/2013/DA-C that sought consent for construction of fitout and use of premises for recreation facility. The matter was listed for first directions hearing on 17 June 2015.

On 17 June 2015, the Registrar made certain procedural directions and adjourned the proceedings to 7 August 2015 for section 34 conciliation conference.

Conciliation conference is part-heard and has been adjourned for mention on 8 October 2015 to allow the applicant to prepare amended plans addressing the issues discussed during the conference.

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<b>1 (c)</b>	<b>Anne McCusker and Flossiy Rutter T/as Garden Homes</b>
<b>Issue:</b>	An appeal against Council's refusal of development application No. 1603/2014/DA-DW that sought consent for construction of a single storey dwelling.
<b>Property:</b>	Lot 9 DP 242894, Lot 2 DP 629721, 512 Appin Road Gilead.
<b>Property Owner:</b>	Mr Gregory James Messer, Mr David James Messer, and Mr Stephen Wayne Messer
<b>Council File:</b>	Development Application No: 1603/2014/DA-DW
<b>Court Application:</b>	Filed on 25 May 2015 - File No. 10449 of 2015
<b>Applicant:</b>	Anne McCusker and Flossiy Rutter T/as Garden Homes
<b>Costs Estimate:</b>	\$22,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$3,722.13
<b>Status:</b>	Proceeding discontinued by Applicant.
<b>Progress:</b>	<p>The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 1603/2014/DA-DW that sought consent for construction of a single storey dwelling. The matter was listed for first directions hearing on 23 June 2015.</p> <p>On 23 June 2015 the Registrar made certain procedural directions and adjourned the proceedings to 24 July for directions hearing.</p> <p>On 24 July 2015, the Registrar made certain procedural directions and adjourned the proceedings to 29 and 30 September 2015 for section 34AA conciliation conference and hearing.</p> <p>On 29 September 2015 the Applicant notified the Commission of their intention to formally discontinue the proceedings on the basis that each party pay its own costs.</p>

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<b>1 (d)</b>	<b>Multiplan Constructions Pty Ltd</b>
<b>Issue:</b>	An appeal against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for construction of nine two-storey dwellings and associated strata subdivision.
<b>Property:</b>	Lot 36 DP 13118, 17 Lyndia Street, Ingleburn.
<b>Property Owner:</b>	Mr Ramy Maher Youssef and Mrs Nevine Magdy Youssef

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<b>Council File:</b>	Development Application No: 2775/2014/DA-MAH
<b>Court Application:</b>	Filed on 22 September 2015 - File No. 10848 of 2015
<b>Applicant:</b>	Multiplan Constructions Pty Ltd
<b>Costs Estimate:</b>	Awaiting Council solicitor's estimate of costs
<b>Costs to date:</b>	\$0.00
<b>Status:</b>	New matter – listed for callover on 22 October 2015.
<b>Progress:</b>	The Applicant filed an appeal in the Land and Environment Court of NSW against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for construction of nine two-storey dwellings and associated strata subdivision.  The proceedings are listed for callover on 22 October 2015.

<b>2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council</b>
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<b>Total ongoing Class 1 and 2 appeal matters (as at 30/09/2015)</b>	<b>1</b>
<b>Total completed Class 1 and 2 appeal matters (as at 30/09/2015)</b>	<b>0</b>
<b>Costs from 1 July 2015 for Class 1 and 2 appeal matters:</b>	<b>\$0.00</b>

<b>2 (a)</b>	<b>FLIP OUT (CASTLE HILL) PTY LTD</b>
<b>Issue:</b>	An appeal against Council's order 1 & 12 in the table to section 121B of the Environmental Planning and Assessment Act 1979 requiring the occupier Flip Out (Castle Hill) Pty Ltd to cease use of the property at 31 Mount Erin Road, Campbelltown, as a recreation facility and to restore the property to the condition it was prior to the unauthorised occupation.
<b>Property:</b>	Lot 17 DP 1113810, 31 Mount Erin Road, Campbelltown.
<b>Property Owner:</b>	Mr Vijay Sood and Mrs. Nutan Sood
<b>Council File:</b>	Council Order 503/2015/N-EPA
<b>Court Application:</b>	Filed on 19 May 2015 - File No. 10427 of 2015
<b>Applicant:</b>	Flip Out (Castle Hill) Pty Ltd
<b>Costs Estimate:</b>	\$20,000 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
<b>Costs to date:</b>	\$0.00

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**Status:** Ongoing – appeal adjourned until further direction pending outcome of appeal in respect of Development Application 2014/2013/DA-C – see item 1(b) of this report.

**Progress:** The Applicant filed an appeal in the Land and Environment Court of NSW against Council's order 1 & 12 in the table to section 121B of the Environmental Planning and Assessment Act 1979 requiring the occupier Flip Out (Castle Hill) Pty Ltd to cease use of the property at 31 Mount Erin Road, Campbelltown, as a recreation facility and to restore the property to the condition it was prior to the unauthorised occupation. The matter was listed for first directions hearing on 17 June 2015.

On 17 June 2015, the parties, by consent, notified the Court that agreement had been reached to seek adjournment of the proceedings pending the outcome of the appeal in respect of Development Application 2014/2013/DA-C. The Registrar made those directions.

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

<b>Total ongoing Class 4 matters before the Court (as at 30/09/2015)</b>	<b>0</b>
<b>Total completed Class 4 matters (as at 30/09/2015)</b>	<b>0</b>
<b>Costs from 1 July 2015 for Class 4 matters</b>	<b>\$0.00</b>

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

<b>Total ongoing Class 5 matters before the Court (as at 30/09/2015)</b>	<b>0</b>
<b>Total completed Class 5 matters (as at 30/09/2015)</b>	<b>0</b>
<b>Costs from 1 July 2015 for Class 5 matters</b>	<b>\$0.00</b>

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

<b>Total ongoing Class 6 matters (as at 30/09/2015)</b>	<b>0</b>
<b>Total completed Class 6 matters (as at 30/09/2015)</b>	<b>0</b>
<b>Costs from 1 July 2015 for Class 6 matters</b>	<b>\$0.00</b>

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**6. Supreme Court of NSW – Contractual proceedings with WSN Environmental Solutions concerning South West Sydney Councils Resource Recovery Project**

<b>Total ongoing matters (as at 30/09/2015)</b>	<b>1</b>
<b>Total completed (as at 30/09/2015)</b>	<b>0</b>
<b>Costs contribution from 1 July 2015 for this matter</b>	<b>\$31,823.27</b>

<b>6 (a)</b>	<b>CAMPBELLTOWN CITY COUNCIL AND OTHERS -v- WSN ENVIRONMENTAL SOLUTIONS PTY LTD.</b>
<b>Issue:</b>	Civil commercial proceedings concerning the South West Sydney Councils Resource Recovery Project Contract T05/17 for Processing Waste, Recyclables and Garden Organics with WSN Environmental Solutions Pty Ltd (WSN).
<b>Court Case Number:</b>	371801 of 2014
<b>Case name:</b>	Campbelltown City Council and Others (other related Councils under the contract) -v- WSN Environmental Solutions Pty Ltd
<b>Costs to date:</b>	\$80,980.89, being Campbelltown City Council's one-quarter part contribution to the overall legal costs.
<b>Status:</b>	Remains Ongoing.
<b>Progress:</b>	Matter remains before the Supreme Court NSW and concerns contractual issues in respect of the South West Sydney Councils Resource Recovery Project Contract T05/17 between the joint party Councils of Campbelltown, Camden, Wollondilly and Wingecarribee for processing waste, recyclables and garden organics with the service contractor WSN Environmental Solutions Pty Ltd.

**7. Local Court prosecution matters**

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

<b>Total ongoing Local Court Matters (as at 30/09/2015)</b>	<b>10</b>
<b>Total completed Local Court Matters (as at 30/09/2015)</b>	<b>16</b>
<b>Costs from 1 July 2015 for Local Court Matters</b>	<b>\$923.50</b>

<b>File No:</b>	LP23/15 – Penalty Notice Court Election
<b>Offence:</b>	Stop on/near pedestrian crossing.
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Final Costs:</b>	\$0.00 – Matter dealt with by Council's Legal and

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	Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Completed – proceedings dismissed.
<b>Progress:</b>	<p>Matter was before the Court for first mention on 16 June 2015, where the defendant did not enter a plea. The Registrar adjourned the proceedings to 30 June 2015 for plea mention.</p> <p>On 30 June 2015 the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 28 August 2015 for hearing.</p> <p>The matter was before the Court for hearing on 28 August 2015 where the defendant maintained a guilty plea. After hearing the evidence and submissions the Magistrate found the offence had not been proved beyond a reasonable doubt and made an order dismissing the proceedings.</p>
<b>File No:</b>	LP26/15 – Penalty Notice Court Election
<b>Offence:</b>	Stop on/near pedestrian crossing.
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Final Costs:</b>	\$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Completed – fine imposed.
<b>Progress:</b>	<p>Matter was before the Court for first mention on 7 July 2015, where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 31 August 2015 for hearing.</p> <p>The matter was before the Court for hearing on 31 August 2015 where the defendant, Hayfaa Hanna Hermiz, maintained a guilty plea. After hearing the evidence and submissions the Magistrate found the offence proved and convicted the defendant imposing a fine of \$475.00.</p>
<b>File No:</b>	LP33 & 34/15 – Penalty Notice Court Election
<b>Offence:</b>	Unregistered dog x 2.
<b>Act:</b>	<i>Companion Animals Act 1998</i>
<b>Costs to date:</b>	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	Ongoing – Adjourned to 6 October 2015

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**Progress:** Matter was before the Court for first mention on 18 August 2015, where the defendant did not enter a plea and sought an adjournment to seek legal advice. The registrar adjourned the proceedings to 6 October 2015 for plea/mention.

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**File No:** LP35 & 36/15 – Penalty Notice Court Election  
**Offence:** Dog x 2 not under effective control - public place.  
**Act:** *Companion Animals Act 1998*

**Final Costs:** \$923.50 – Council’s Legal and Policy Officer prepared the brief and instructed external solicitor to appear.

**Status:** Completed – Fines and costs order imposed.

**Progress:** The matter was before the Court for first mention on 18 August 2015 where the defendant entered a not guilty plea. The registrar adjourned the matter to 11 September 2015 for hearing.

The matter was before the Court for defended hearing on 11 September 2015 where the defendant, Amanda Barsby, changed her plea to guilty with explanation. After hearing the evidence and submissions the Magistrate found the offence proved and imposed a fine of \$100 for each offence totaling \$200 and made orders for costs against the defendant in the sum of \$2,258.01, being legal costs of 1,015.85, impounding/sustenance fees \$1,017.20, and witness expenses of \$224.96.

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**File No:** LP37/15 – Penalty Notice Court Election  
**Offence:** Deposit litter (cigarette butt) from vehicle.  
**Act:** *Protection of the Environment Operations Act*

**Costs to date:** Awaiting solicitor’s costs invoice – Council’s Legal and Policy Officer prepared the brief and instructed external solicitor to appear.

**Status:** Completed – 6-month good behaviour bond and legal costs order imposed.

**Progress:** The matter was before the Court for first mention on 18 August 2015 where the defendant entered a not guilty plea. The registrar adjourned the matter to 18 September 2015 for hearing.

The matter was before the Court for defended hearing on 18 September 2015 where the defendant, Karen Elizabeth Bennett maintained

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her not guilty plea. After hearing the evidence and submissions the Magistrate found the offence proved and placed the defendant on a 6-month good behaviour bond and made orders for costs against the defendant in the sum of \$750 for legal costs.

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**File No:** LP38/15 – Penalty Notice Court Election  
**Offence:** Double park in school zone.  
**Act:** *Road Rules 2014*

**Final Costs:** \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** Completed – Fine and Court costs imposed.

**Progress:** The matter was before the Court for first mention on 25 August 2015 where the defendant entered a not guilty plea. The registrar adjourned the matter to 17 September 2015 for hearing.

The matter was before the Court for defended hearing on 17 September 2015 where the defendant, Alfi Bashra Gourgy, changed his plea to guilty plea with explanation. After hearing the evidence and submissions the Magistrate found the offence proved and imposed a \$75.00 fine and made an order for Court costs in the sum of \$85.00.

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**File No:** LP39/15 – Penalty Notice Court Election  
**Offence:** Stand vehicle in area longer than allowed.  
**Act:** *Local Government Act 1993*

**Final Costs:** \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** Completed – Fine and Court costs imposed

**Progress:** The matter was before the Court for first mention on 25 August 2015 where the defendant, Raymonde Francis Walsh, entered a guilty plea with explanation. After hearing the evidence and submissions the Magistrate found the offence proved and imposed a \$155.00 fine and made an order for Court costs in the sum of \$50.00.

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**File No:** LP40/15 – Enforcement Order annulled - Penalty Notice referred back to Local Court for Hearing.

**Offence:** Development not in accordance with consent (restrictions applicable to religious festival events held on the premises at 201 Eagleview Road, Minto)

**Act:** *Environmental Planning & Assessment Act 1979*

**Costs to date:** \$0.00 – Council’s Legal and Policy Officer prepared the brief and instructed external solicitor to appear.

**Status:** Ongoing – matter adjourned to 12 October 2015 for sentence.

**Progress:** The matter was before the Liverpool Local Court on 19 June 2015 for determination of an annulment application against the penalty notice enforcement order. The Magistrate after hearing submissions granted the application annulling the enforcement order and penalty notice. The defendant entered a not guilty plea to the alleged offence and the Magistrate adjourned proceedings to 27 August 2015 for hearing at the Campbelltown Local Court.

The matter was before the Court for defended hearing on 27 August 2015 where the defendant, Shri Shiva Mandir Limited, changed their plea to guilty with explanation. After hearing the evidence and submissions the Magistrate found the offence proved and reserved judgement pending the outcome of the next scheduled festival on the premises (17-27 September) the outcome of which, it is anticipated, will assist the Court in determining the appropriate penalty to be imposed. The Magistrate adjourned the proceedings to 12 October 2015 for sentence.

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**File No:** LP41/15 – Penalty Notice Court Election

**Offence:** Stop on path/strip in built-up area.

**Act:** *Road Rules 2014*

**Final Costs:** \$0.00 – Matter dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** Completed – Proved, determined without penalty.

**Progress:** The matter was before the Court for first mention on 22 September 2015 where the defendant, Md Mahbubul Mohsin Khan, entered a guilty plea with explanation. After considering the evidence

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	and submissions the Magistrate found the offence proved and determined the matter without penalty.
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<b>File No:</b>	LP42/15 – Penalty Notice Court Election
<b>Offence:</b>	Disobey no parking control sign (school zone).
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Costs to date:</b>	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	New matter
<b>Progress:</b>	Listed for first mention on 6 October 2015.

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<b>File No:</b>	LP43/15 – Penalty Notice Court Election
<b>Offence:</b>	Stop on path/strip in built-up area.
<b>Act:</b>	<i>Road Rules 2014</i>
<b>Costs to date:</b>	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	New matter
<b>Progress:</b>	Listed for first mention on 6 October 2015.

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<b>File No:</b>	LP44/15 – Penalty Notice Court Election
<b>Offence:</b>	Stand in disabled person parking space without authority displayed.
<b>Act:</b>	<i>Local Government Act 1993</i>
<b>Costs to date:</b>	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	New matter
<b>Progress:</b>	Listed for first mention on 13 October 2015.

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<b>File No:</b>	LP45/15 – Penalty Notice Court Election
<b>Offence:</b>	Stand in disabled person parking space without authority displayed.
<b>Act:</b>	<i>Local Government Act 1993</i>
<b>Costs to date:</b>	\$0.00 – Matter being dealt with by Council’s Legal and Policy Officer in conjunction with the Police Prosecutor.
<b>Status:</b>	New matter

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**Progress:** Listed for first mention on 6 October 2015.

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**File No:** LP46/15 – Penalty Notice Court Election  
**Offence:** Disobey no-stopping sign.  
**Act:** *Road Rules 2014*

**Costs to date:** \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** New matter

**Progress:** Listed for first mention on 27 October 2015.

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**File No:** LP47/15 – Penalty Notice Court Election  
**Offence:** Stand in disabled person parking space without authority displayed.  
**Act:** *Local Government Act 1993*

**Costs to date:** \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** New matter

**Progress:** Listed for first mention on 13 October 2015.

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**File No:** LP48/15 – Penalty Notice Court Election  
**Offence:** Disobey no-stopping sign (school-zone)  
**Act:** *Road Rules 2014*

**Costs to date:** \$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.

**Status:** New matter

**Progress:** Listed for first mention on 20 October 2015.

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#### **8. Matters referred to Council's solicitor for advice**

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

**Total Advice Matters (as at 30/09/2015)**  
**Costs from 1 July 2015 for advice matters**

**3**  
**\$4,377.60**

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<b>9. Legal Costs Summary</b>		
The following summary lists the Planning and Environment Division's net legal costs for the 2015/2016 period.		
<b>Relevant attachments or tables</b>	<b>Costs Debit</b>	<b>Costs Credit</b>
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$55,590.06	\$0.00
Class 1 and 2 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	\$0.00	\$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
Supreme Court hearing and appeal matters	\$31,823.27	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$923.50	\$100.00
Matters referred to Council's solicitor for legal advice	\$4,377.60	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$92,714.43	\$100.00
<b>Overall Net Costs Total (GST exclusive)</b>	<b>\$92,614.43</b>	

## **4.2 Annual Report on the Planning and Environment Division's Legal Proceedings**

### **Reporting Officer**

Manager Compliance Services

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### **Attachments**

Summary of Planning and Environment Division's legal proceedings for the period 1 July 2014 to 30 June 2015 (contained within this report)

### **Purpose**

To update Council on the status of the Planning and Environment Division's legal proceedings for the period 1 July 2014 to 30 June 2015.

### **Report**

Marked as Attachment 1 to this report are Tables indicating particulars relating to all legal proceedings undertaken, together with costs incurred for the period 1 July 2014 to 30 June 2015.

The Tables provide details of:

- Table 1 – Class 1 proceedings in the Land and Environment Court NSW (L&EC) dealing with appeals against Council's determination of development applications.
  - Table 2 – Class 1 proceedings in the L&EC dealing with appeals against the terms of Notices, Orders, or Directions issued by Council.
  - Table 3 – Class 4 proceedings in the L&EC dealing with judicial appeal of privately certified complying development certificates.
  - Table 4 – Class 4 proceedings in the L&EC dealing with civil enforcement for non-compliance with conditions of Development Consent or Notices, Orders, or Directions issued by Council.
  - Table 5 – Class 5 proceedings in the L&EC dealing with criminal prosecution of alleged pollution offences and various breaches of environmental planning laws.
  - Table 6 – Class 6 proceedings in the L&EC dealing with appeals for convictions in the Local Court relating to environmental matters.
  - Table 7 – Proceedings in the Supreme Court NSW dealing with civil disputes of a commercial nature and appeal matters.
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Table 8 – Proceedings in the District Court NSW dealing with appeals from convictions in the Local Court not being environmental offences.

Table 9 – Proceedings in the NSW Civil and Administrative Tribunal dealing with civil disputes of a commercial nature between Council and its customers.

Table 10 – Proceedings in the Local Court dealing with prosecution matters in response to various offences under the legislation specified in column 2 of the table.

Table 11 – Cost of advice obtained from Council's contracted panel of Solicitors that relates to various matters that may also include proposed Court proceedings.

Table 12 – Summary of 2014/2015 net costs.

Table 13 – Comparison with previous four financial years costs.

### **Officer's Recommendation**

That the information be noted.

### **Committee's Recommendation: (Lound/Thompson)**

That the Officer's Recommendation be adopted.

### **CARRIED**

### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 187**

That the Officer's Recommendation be adopted.

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## ATTACHMENT 1

### Planning and Environment Division

#### Legal Proceedings for the period 1 July 2014 to 30 June 2015

**Note:** The cost incurred totals itemised in tables one to ten included in the attachment do not necessarily correlate with the 2014/2015 cost (debit) totals identified in table 12, as the costs incurred total of individual matters shown in tables one to ten inclusive, refer to total costs from commencement of each matter, which may have commenced before 1 July 2014.

#### Land and Environment Court Matters

<b>TABLE 1 - Class 1 Appeals against Council's determination of Development Applications (DA)</b>			
<b>Case No.</b>	<b>Matter</b>	<b>Status</b>	<b>Costs Incurred</b>
10710/2014	DA 1416/2014/DA-C, appeal against Council's deemed refusal of the development application seeking consent for new building, new driveway, new car-parking area, other works, increase in childcare centre numbers to 130, upgrade of adjacent intersection and associated works at Campbelltown and Blomfield Roads. Pt Lot 1 DP 602622 No.1 Blomfield Road, Denham Court.	Appeal discontinued by Applicant as it was filed before allowable DA assessment period had expired. Proceedings completed.	Final Costs \$488.22
10799/2014	DA 1416/2014/DA-C, appeal against Council's deemed refusal of the development application seeking consent for new building, new driveway, new car-parking area, other works, increase in childcare centre numbers to 130, upgrade of adjacent intersection and associated works at Campbelltown and Blomfield Roads. Pt Lot 1 DP 602622 No.1 Blomfield Road, Denham Court.	Appeal dismissed and development application refused. Proceedings completed.	Final Costs \$34,769.07
10849/2014	DA 499/2014/DA-C, appeal against Council's deemed refusal of the development application seeking consent for increase in number of student enrolments from 250 to 700 and introduction of Years 9, 10, 11 and 12 classes at existing school premises. Lot 1 DP 1193701 No.10 Benham Road, Minto.	Appeal upheld, Court granting conditional consent to the development application. Proceedings completed.	Final Costs \$38,585.62
10975/2014	DA 1080/2011/DA-RA/A, appeal against Council's refusal of the development application seeking consent to modify the original development consent for inclusion of an additional storey comprising 8 units on top of a 3-level (22 unit) residential flat building and associated increase in basement level parking by 10 car-parking spaces from 31 to 41. Lot 100 DP 562008 No.3 Carlisle Street, Ingleburn.	Appeal discontinued by Applicant. Proceedings completed.	Final Costs \$10,110.64

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

**TABLE 1 - Class 1 Appeals against Council's determination of Development Applications (DA) (continued)**

Case No.	Matter	Status	Costs Incurred
10275/2015	DA 1473/2012/DA-MAH, appeal against Council's refusal of the development application seeking consent for construction of 26 two-storey dwellings and associated road works comprising construction of cul-de-sac. Lot 101 DP 1044069 No.124 Minto Road, Minto.	Action ongoing into the 2015/16 reporting period. Proceedings ongoing.	Progressive Costs \$16,908.65
10429/2015	DA 2014/2013/DA-C, appeal against Council's refusal of the development application seeking consent for construction, fit-out and use of existing premises for recreation facility. Lot 17 DP 1113810 No.31 Mount Erin Road, Campbelltown.	Action ongoing into the 2015/16 reporting period. Proceedings ongoing.	Progressive Costs \$0.00
10449/2015	DA 1603/2014/DA-W, appeal against Council's refusal of the development application seeking consent for construction of single-storey dwelling. Lot 9 DP 242894, Lot 2 DP 629721, No.512 Appin Road, Gilead.	Action ongoing into the 2015/16 reporting period. Proceedings ongoing.	Progressive Costs \$3,722.13

**TABLE 2 - Class 1 Appeals against Orders or Notices issued by Council**

Case No.	Matter	Status	Costs Incurred
10954/2013	Appeal by applicant against Council's Order 2 given under the <i>Environmental Planning and Assessment Act 1979</i> requiring building works, the subject of a disputed complying development certificate and comprising a partly constructed residential dwelling and outbuilding and associated masonry retaining walls and fences, to be demolished. Lot 1 DP 1039153 Zouch Road, Ingleburn.	Appeal discontinued by Applicant. Council granted conditional consent for new/revised development application by Applicant. Council granted Applicant's building certificate application for works already constructed. Notice revoking Council's Order 2 given by Council. Proceedings completed.	Final Costs \$1,450.00
10954/2013	Appeal by applicant against Council's Order 18 given under the <i>Local Government Act 1993</i> requiring a live pig kept on the premises be removed for reasons of health, safety of the occupants of the premises on which the pig is kept (including a childcare centre) and nuisance to neighbouring premises. Lot 212 and Lot 213 DP 778495 1 and 3 Glasgow Street, St Andrews.	Appeal discontinued by Applicant. Proceedings completed.	Final Costs \$2,970.40

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

<b>TABLE 2 - Class 1 Appeals against Orders or Notices issued by Council (continued)</b>			
<b>Case No.</b>	<b>Matter</b>	<b>Status</b>	<b>Costs Incurred</b>
10427/2015	Appeal by applicant against Council's Order 1 and 12 given under the <i>Environmental Planning and Assessment Act 1979</i> requiring occupant to cease use of the premises as a recreation facility and restore premises to original condition before unauthorised works carried out. Lot 17 DP 1113810 No.31 Mount Erin Road, Campbelltown.	Action ongoing into the 2015/16 reporting period. Proceedings ongoing.	Progressive Costs \$0.00

<b>TABLE 3 - Class 4 Judicial appeal against privately certified Complying Development Certificates</b>			
<b>Case No.</b>	<b>Matter</b>	<b>Status</b>	<b>Costs Incurred</b>
41030/2013	CDC 0455/12 (Council Ref: No. 2491/2012/CDCPRI), appeal seeking judicial review of disputed complying development certificate issued by a private certifier for development comprising a residential dwelling and residential outbuilding and associated site works on the premises. Applicant issued summons seeking that the CDC be found to be valid. Council issued cross-summons seeking that the CDC be found to be invalid. Lot 1 DP 1039153 Zouch Road, Ingleburn.	Appeal discontinued by Applicant. Court order made that Applicant surrender CDC 0455/12 to Council. Costs order made against Council in subsequent costs proceedings. Proceedings completed. Council filed complaint with the Building Professionals Board against the private certifier's conduct in this matter. The Board found that the actions of the certifier constituted unsatisfactory professional conduct, as defined under Section 19 of the Building Professionals Act 2005. The certifier was reprimanded, fined \$10,000 and ordered to report to the Board's Manager on his practices as a private certifier that ensure his proper assessment and implementation of statutory requirements for complying development certificate applications submitted to him.	Final Costs \$62,587.67

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

**TABLE 4 - Class 4 – Civil Enforcement for Non-compliance with conditions of Development Consent, Council Orders or Notices**

Case No.	Matter	Status	Costs Incurred
40179/2014	Action initiated by Council seeking orders of the court to require the respondent to comply with conditions of development consent 610/2004/DA-C for the construction of a Type-B intersection at the corner of Campbelltown Road and Blomfield Road, Denham Court that related to the use of the respondent's premises as a childcare centre that exceeded permitted enrolment numbers. Pt Lot 101 DP 602622 No. 1 Blomfield Road, Denham Court.	Appeal dismissed, Court orders made that enrolment numbers be reduced in accordance with the development consent. Proceedings completed.	Final Costs \$52,031.34

**TABLE 5 - Class 5– Criminal prosecution of alleged pollution offences and various breaches of environmental planning laws.**

Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2014/2015 period.	N/A	\$0.00

**TABLE 6 - Class 6 - Appeals from convictions in the Local Court relating to environmental offences.**

Case No.	Matter	Status	Costs Incurred
N/A	Nil matters during 2014/2015 period.	N/A	\$0.00

**Supreme Court Matters**

**TABLE 7 – Supreme Court NSW – civil disputes of a commercial nature and appeal matters.**

Case No.	Matter	Status	Costs Incurred
2014 - 371801	Civil commercial proceedings concerning the South West Sydney Councils Resource Recovery Project Contract for Processing Waste, Recyclables and Garden Organics with WSN Environmental Solutions Pty Ltd (WSN). Campbelltown City Council and others (related Councils under the contract) -v- WSN.	Action ongoing into the 2015/16 reporting period. Proceedings ongoing.	Progressive Costs \$49,157.62

**District Court Matters**

<b>TABLE 8 - District Court NSW – Appeals from convictions in the Local Court not being environmental offences.</b>			
<b>Case No.</b>	<b>Matter</b>	<b>Status</b>	<b>Costs Incurred</b>
N/A	Nil matters during 2014/2015 period.	N/A	\$0.00

**Civil and Administrative Appeal Matters**

<b>TABLE 9 – NSW Civil and Administrative Tribunal – civil disputes of a commercial nature between Council and its customers.</b>			
<b>Case No.</b>	<b>Matter</b>	<b>Status</b>	<b>Costs Incurred</b>
N/A	Nil matters during 2014/2015 period.	N/A	\$0.00

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**Local Court Matters**

<b>TABLE 10 - Prosecution for various offences under nominated legislation</b>					
<b>File No.</b>	<b>Act and Offence</b>	<b>Status</b>	<b>Fine imposed</b>	<b>Costs awarded to Council</b>	<b>Costs Incurred</b>
LP13/14	Road Rules 2014 – stop on path/strip in built up area.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$200	N/A	Final Costs \$0.00
LP14/14	Road Rules 2014 – disobey no stopping sign.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP15/14	Companion Animals Act – not register companion animal (dog).	No plea entered. Withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$456.00
LP16/14	Local Government Act – not stand vehicle in marked parking space.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP17/14	Road Rules 2014 – disobey no stopping sign.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP18/14	Companion Animals Act – not register companion animal (dog).	Plea – Guilty. Proved and convicted. Proceedings completed.	\$100	N/A	Final Costs \$0.00
LP19/14	Road Rules 2014 – disobey no parking sign – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP20/14 to LP22/14 & LP25/14	Environmental Planning and Assessment Act 1979 – development not in accordance with consent conditions	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	\$4,000	\$2,000	Final Costs \$2,223.00
LP23/14	Companion Animals Act – 1 <sup>st</sup> restricted dog offences x 5: attack animal; escape premises; not comply with control requirements.	No Appearance. Heard Ex parte Proved and convicted. Proceedings completed.	\$3,000	\$1,685	Final Costs \$809.50

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

<b>TABLE 10 - Prosecution for various offences under nominated legislation (continued)</b>					
<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>
LP24/14	Companion Animals Act – 2 <sup>nd</sup> restricted dog offences x 5: attack animal; escape premises; not comply with control requirements.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$3,000	\$1,685	Final Costs \$809.50
LP26/14	Road Rules 2014 – stop on path/strip in built up area (heavy vehicle).	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$104	N/A	Final Costs \$0.00
LP27/14	Companion Animals Act – in charge of dog that attacked animal.	Plea – Not Guilty. Proved and convicted. Proceedings completed.	\$1,100	\$1,501.50	Final Costs \$1,491.50
LP28/14	Local Government Act – stand vehicle in disabled person's parking space without authority displayed.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP29/14	Local Government Act – not comply with Order (overgrown premises).	Plea - Guilty. Proved. Dismissed without penalty, defendant placed on 12-month good behaviour bond. Proceedings completed.	N/A	\$1,500	Final Costs \$1,599.50
LP30/14	Companion Animals Act – not register companion animal (dog).	No plea entered. Withdrawn. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP31/14	Road Rules 2014 – not park vehicle in direction of travel.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP32/14	Road Rules 2014 – stop in bus zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP01/05	Companion Animals Act – 1 <sup>st</sup> menacing dog offences x 6: attack animal; escape premises; not comply with control requirements.	No Appearance. Heard Ex parte Proved and convicted. Order made that the dogs seized by Council be destroyed. Subsequent application to have the conviction and orders annulled was dismissed. Proceedings completed.	\$2,400	\$2,073	Final Costs \$87.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

TABLE 10 - Prosecution for various offences under nominated legislation (continued)					
File No.	File No.	File No.	File No.	File No.	File No.
LP02/05	Companion Animals Act – 2nd menacing dog offences x 6: attack animal; escape premises; not comply with control requirements.	No Appearance. Heard Ex parte Proved and convicted. Order made that the dogs seized by Council be destroyed. Subsequent application to have the conviction and orders annulled was dismissed. Proceedings completed.	\$2,400	\$73	Final Costs \$87.00
LP03/05	Companion Animals Act – 3rd menacing dog offences x 5: attack animal; escape premises; not comply with control requirements.	No Appearance. Heard Ex parte Proved and convicted. Proceedings completed.	\$2,000	\$73	Final Costs \$87.00
LP04/05	Companion Animals Act – dog offences x 2: attack animal; escape premises.	No Appearance. Heard Ex parte Proved and convicted Order made that owner surrender dog to Council Proceedings completed.	\$1,900	\$73	Final Costs \$87.00
LP05/05	Companion Animals Act – restricted dog offences x 5: not comply with control requirements.	No Appearance. Heard Ex parte Proved and convicted. Order made that owner comply with control requirements within 1-month. Proceedings completed.	\$2,000	\$73	Final Costs \$87.00
LP06/15	Road Rules 2014 – disobey no stopping sign.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP07/15	Protection of the Environment Operations Act 1997 – deposit advertising material (bill-poster) on public place.	Plea – Not Guilty. Withdrawn. Advice from Council's solicitor indicated that Council may have difficulty proving the offence to the required criminal standard, as, it appeared, the legislation did not encompass bill-poster as advertising material. Proceedings completed.	N/A	N/A	Final Costs \$2,150.00
LP08/15	Road Rules 2014 – disobey no stopping sign.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$242	N/A	Final Costs \$0.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

<b>TABLE 10 - Prosecution for various offences under nominated legislation (continued)</b>					
<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>
LP09/15	Road Rules 2014 – double park vehicle.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$242	N/A	Final Costs \$0.00
LP10/15	Road Rules 2014 – disobey no stopping sign.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP11/15	Swimming Pools Act 1992 – not register swimming pool.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP12/15	Protection of the Environment Operations Act 1997 – deposit litter (cigarette butt) from vehicle.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$150	N/A	Final Costs \$0.00
LP13/15	Road Rules 2014 – stop in bus zone – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP14/15	Road Rules 2014 – disobey no stopping sign.	Plea – Guilty. Proved and convicted. Proceedings completed.	\$242	N/A	Final Costs \$0.00
LP15/15	Road Rules 2014 – disobey no stopping sign – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP16/15	Protection of the Environment Operations Act 1997 – deposit litter (cigarette butt) from vehicle.	Plea – Not Guilty Dismissed – on the evidence presented, the magistrate was not satisfied to the required criminal standard. Proceedings completed.	N/A	N/A	Final Costs \$1,885.00
LP17/15	No matter listed.	N/A	N/A	N/A	Final Costs \$0.00
LP18/15	No matter listed.	N/A	N/A	N/A	Final Costs \$0.00
LP19/15	Road Rules 2014 – disobey no stopping sign.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP20/05	Companion Animals Act – own dog not under effective control in public place.	Plea – Not Guilty Withdrawn – Council's principle civilian witness failed to attend Court. Proceedings completed.	N/A	N/A	Final Costs \$764.00

4.2 Annual Report On The Planning And Environment Division's Legal Proceedings

<b>TABLE 10 - Prosecution for various offences under nominated legislation (continued)</b>					
<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>	<b>File No.</b>
LP21/05	Companion Animals Act – own dog not under effective control in public place.	No Appearance. Heard Ex parte Proved and convicted Proceedings completed.	\$220	N/A	Final Costs \$0.00
LP22/15	Road Rules 2014 – disobey no stopping sign – school zone.	Plea - Guilty. Proved. Dismissed without penalty. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP23/15	Road Rules 2014 – stop on or near pedestrian crossing.	Plea – Not Guilty. Action ongoing into 2015/16 period Proceedings ongoing.	N/A	N/A	Progressive Costs \$0.00
LP24/15	Local Government Act – stand vehicle longer than allowed.	Plea - Guilty. Proved. Dismissed without penalty, defendant placed on 12-month good behaviour bond. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP25/05	Companion Animals Act – own dog not under effective control in public place.	Plea - Guilty. Proved. Dismissed without penalty, defendant placed on 12-month good behaviour bond. Proceedings completed.	N/A	N/A	Final Costs \$0.00
LP26/15	Road Rules 2014 – stop on or near pedestrian crossing.	Plea – Not Entered. Action ongoing into 2015/16 period Proceedings ongoing.	N/A	N/A	Progressive Costs \$0.00
LP27/15	Road Rules 2014 – double park vehicle.	Plea – Not Entered. Action ongoing into 2015/16 period Proceedings ongoing.	N/A	N/A	Progressive Costs \$0.00
LP28/15	Protection of the Environment Operations Act 1997 – deposit litter (cigarette butt) from vehicle.	Plea – Not Entered. Action ongoing into 2015/16 period Proceedings ongoing.	N/A	N/A	Progressive Costs \$0.00
<b>TOTAL</b>			<b>\$23,300</b>	<b>\$10,809.50</b>	<b>\$12,623.00</b>

**Legal Advice****TABLE 11 – LEGAL ADVICE****FOR PERIOD 1 JULY 2014 TO 30 JUNE 2015.**

Costs for various advice sought from Council's Contracted Solicitors	<b>\$35,895.74</b>
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**Costs Summary Table**

<b>TABLE 12 - SUMMARY OF 2014/2015 NET COSTS</b>	<b>DEBIT</b>	<b>CREDIT</b>
TABLE 1 - Class 1 Appeals against Council's determination of Development Applications	\$104,584.33	\$0.00
TABLE 2 - Class 1 Appeals against Council Orders or Notices	\$2,970.40	\$0.00
TABLE 3 - Class 4 Judicial appeal into validity of privately certified Complying Development Certificate	\$45,148.85	\$0.00
TABLE 4 - Class 4 Civil enforcement for non-compliance with Development Consent or Notices / Orders / Directions	\$45,322.94	\$0.00
TABLE 5 - Class 5 Criminal Prosecution for alleged pollution offences and various breaches of environmental and planning laws.	\$0.00	\$0.00
TABLE 6 - Class 6 Appeals from convictions relating to environmental offences non-compliance with Council Orders, Notices or Prosecutions	\$0.00	\$0.00
TABLE 7 – Supreme Court NSW matters civil disputes of a commercial nature and appeals	\$49,157.62	\$0.00
TABLE 8 - District Court NSW Appeals from convictions in the Local Court not being environmental offences.	\$0.00	\$0.00
TABLE 9 – NSW Civil and Administrative Tribunal – civil disputes of a commercial nature between Council and its customers.	\$0.00	\$0.00
TABLE 10 - Local Court Prosecution matters	\$13,227.55	\$3,750.00
TABLE 11 - Legal Advice	\$35,895.74	\$0.00
Costs Sub-Total	\$296,307.43	\$3,750.00
<b>NET COSTS TOTAL (GST exclusive)</b>	<b>\$292,557.43</b>	

**Costs Comparison Table**

<b>TABLE 13 - COMPARISON WITH PREVIOUS FINANCIAL YEAR'S LEGAL COSTS</b>					
	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
TABLE 1 - Class 1 appeals DAs	\$37,703.61	\$70,956.41	\$90,269.21	\$59,900.97	\$104,584.33
TABLE 2 - Class 1 appeals others	\$797.23	\$0.00	\$2,039.10	\$1,450.00	\$2,970.40
TABLE 3 - Class 4 judicial appeal	\$0.00	\$0.00	\$0.00	\$17,438.82	\$45,148.85
TABLE 4 - Class 4 civil proceeding	\$7,683.15	\$-4,103.02	\$33,292.86	\$38,913.28	\$45,322.94
TABLE 5 - Class 5 prosecution	\$18,902.84	\$143.2	\$0.00	\$0.00	\$0.00
TABLE 6 - Class 6 appeals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 7 - Supreme Court matters	\$0.00	\$0.00	\$0.00	\$0.00	\$49,157.62
TABLE 8 - District Court appeals	\$2,300.31	\$-4,609.84	\$0.00	\$795.00	\$0.00
TABLE 9 - NCAT civil disputes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TABLE 10 - Local Court proceedings	\$9,951.13	\$900.42	\$2,676	-\$281.01	\$9,477.55
TABLE 11 - Legal advice	\$21,935.21	\$31,529.93	\$20,002.81	\$31,755.90	\$35,895.74
<b>OVERALL COSTS TOTAL</b>	<b>\$99,273.47</b>	<b>\$94,817.10</b>	<b>\$148,279.98</b>	<b>\$149,972.96</b>	<b>\$292,557.43</b>

## **5. GENERAL BUSINESS**

### **5.1 Council meeting commencement time**

#### **Committee's Recommendation: (Rowell/Greiss)**

That Council meetings revert back to a 7.30pm commencement time, starting from the November 2015 meeting.

**CARRIED**

#### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

**LOST**

### **5.2 Review of Public Notification Policy**

#### **Committee's Recommendation: (Greiss/Kolkman)**

That Council's Public Notification Policy, in respect to Development Applications, be reviewed and a report provided back to Council recommending options for a more comprehensive community notification process.

**CARRIED**

#### **Council Meeting 27 October 2015 (Greiss/Kolkman)**

That the Committee's Recommendation be adopted.

#### **Council Resolution Minute Number 187**

That the Committee's Recommendation be adopted.

#### **Confidentiality Motion: (Matheson/Thompson)**

That the Committee in accordance with Section 10A 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**

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## **20. CONFIDENTIAL ITEMS**

### **20.1 Confidential Report Directors of Companies**

#### **Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

#### **Motion: (Kolkman/Thompson)**

That the Committee in accordance with Section 10 of the *Local Government Act 1993*, move to re-open the meeting to the public.

**CARRIED**

There being no further business the meeting closed at 8.53pm.

G Greiss  
CHAIRPERSON

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