

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 12 April 2016.

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 12 April 2016

Present

His Worship the Mayor, Councillor P Hawker
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
Acting Manager Development Services - Mr B Leo
Manager Governance and Risk - Mrs M Dunlop
Senior Strategic Environmental Planner - Ms R Haddad
Senior Strategic Environmental Planner - Mr G Pascoe
Executive Assistant - Mrs K Peters

Apology nil

Also in Attendance

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

His Worship the Mayor, Councillor Hawker
Councillor Mead

Acknowledgement of Land

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

DECLARATIONS OF INTEREST

There were no Declarations of Interest at this meeting.

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

2.1 Campbelltown Local Environmental Plan 2015 - Implementation and Initial Review

Reporting Officer

Manager Environmental Planning

Attachments

1. Amended Clause 4.1C - Minimum qualifying site area and minimum sub division lot size for certain residential and childcare centre developments in residential zones (contained within this report)
2. Amended Clause 4.4 - Floor Space Ratio (contained within this report)
3. Draft Planning Proposal (contained within this report)

Purpose

To confirm the implementation of the Campbelltown Local Environmental Plan 2015 (CLEP 2015), and identify matters for priority review as well as progress a medium density residential development standard review via a planning proposal.

Report

Introduction

Campbelltown Local Environmental Plan 2015 (CLEP 2015) was gazetted on 11 December 2015 and became operational on 11 March 2016. CLEP 2015 was prepared over an extensive timeframe, based in the end, on a “best fit” philosophy.

In adopting CLEP 2015, Council acknowledged that there would be a need to amend the Plan soon after its inception. Amendments would include minor procedural amendments as well as addressing the method of the processing of development applications received during the period between the adoption of CLEP 2015 and its operational date.

Further to this, an opportunity has been taken to revise certain Principal Development Standards in response to recent and unforeseen development trends related to the development of small lot housing (particularly in the R3 medium density residential zone).

This review has also identified the need to rationalise particular clauses relating to dual occupancy, attached dwellings and semi attached dwellings.

Strategic Approach to Amendments

In reviewing CLEP 2015 a strategic approach to undertaking amendments is proposed. It is considered that matters that could potentially expose Council to undesirable development outcomes, inclusive of those that could result in unacceptable infrastructure impacts and underachievement of planned target densities, should be addressed as a priority.

In this regard, it is considered appropriate that these priority matters not be packaged into a single planning proposal amendment, as proposed amendments that are more complex and sensitive than others (as discussed later in this report), may unnecessarily delay the progress of the planning proposal.

Medium Density Residential Development Standards Review – CLEP 2015 (Amendment No: 3)

This amendment is focused on reinforcing and rationalising appropriate density related Principal Development Standards within the R2 Low Density Residential and R3 Medium Density Residential zones for the following land use types:

- dual occupancies
- attached dwellings
- semi-detached dwellings.

In this regard, it is proposed to delete Clause 4.1B which holds the Principle Development Standard for dual occupancies and transfer these controls to Clause 4.1C. In doing so, the minimum qualifying lot size of 700sqm for dual occupancies will be the same in the R2 and R3 zones, but in the case of the R2 zone, this will represent an increase to the minimum qualifying lot size of 600sqm, found under the redundant Clause 4.1B.

It is also noted that the dual occupancy provisions found within the RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living zones, remain detailed under Clause 4.2.A.

The “Lot Size for Dual Occupancy Development Map” series will also be made redundant by the proposed amendments. Given this, the map series is recommended for deletion under the planning proposal provided in attachment 3.

Clause 4.4 is proposed to be amended by specifically referencing attached and semi-detached dwellings with appropriate Floor Space Ratios as provided in attachment 2.

The proposed amendments as detailed in attachments 1 and 2 seek to move away from a merit based development philosophy so as to provide greater clarity and certainty to developers, the community and Council. This will be done through the introduction of development standards (i.e. minimum numerical requirements in respect of qualifying site area, minimum subdivision lot size and maximum floor space ratios).

The application of the same controls for semi-detached dwellings and dual occupancies (max. two dwellings – similar to a duplex) in the R2 and R3 residential zones, seeks to discourage the development of lower density development in the higher density R3 zone, thereby avoiding underachievement in dwelling density for that zone.

Similarly, by way of the proposed amendments, attached and multi dwelling housing (3 or more dwellings) are to be encouraged within the R3 medium density residential zone through the specification of lower minimum qualifying site areas and subdivision lot sizes, than that found under the R2 low density residential zone provisions.

Further to this, a higher floor space ratio for attached housing in the R3 medium density residential zone, compared with that allowed within the R2 low density residential zone, seeks to encourage and promote density optimisation and prevent underachievement within the R3 zone.

Additionally, it is proposed to discourage dwelling houses within the R3 medium density residential zone, through the introduction of a minimum lot size, again in an attempt to promote and maximise higher density outcomes within the R3 zone.

Future Amendments to CLEP 2015

Additional amendments that need to be addressed in the short term via future Planning Proposals include:

- Review of maximum size of supermarkets – Neighbourhood shop definition
- Review of proposed zoning Tranche 3 – Smiths Creek By-pass Road Reserve
- Affordable Housing State Environmental Planning Policy (SEPP) - Exemption from the SEPP with appropriate local clauses included into CLEP 2015 to regulate Secondary Dwellings and Boarding House provisions, and
- Review of Maximum Dwelling Yield Requirements

The relevant Principal Development Standards for the Airds-Bradbury and Claymore Urban Renewal Areas, as well as the Western Sydney University (WSU) residential precinct, are delivered through a maximum dwelling density yield and site specific DCP controls.

This review is considered of critical importance, in that as a direct consequence of the speed of development in the Campbelltown area, and in particular in the area of the development of small lot housing, the envisaged/accepted maximum dwelling yields for each release area is rapidly approaching.

Based on current small lot housing trends, the maximum/envisaged yield for a release area will be exceeded well before all of the lands within the respective release area have been developed. As such, it is feared that once the maximum/envisaged numerical yields have been reached, future residential development potential beyond the envisaged yield will be highly constrained.

Following on the above, it is important to note that there is a direct correlation between the ultimate yield and the successful performance of infrastructure provided in response to the development. Where the yield is exceeded to a significant level, this will have an adverse impact on the performance of surrounding infrastructure such as roads and intersections.

As with the renewal areas mentioned above, the maximum/envisaged yields set within the respective concept approval areas, were imposed to principally address infrastructure limitations, concept approval limitations and the emergence of secondary dwellings on a significant scale.

Conclusion

The Medium Density Residential Development Standards amendments seek to reinforce and rationalise Principal Development Standards so as to reduce/prevent undesirable medium density residential outcomes, unacceptable infrastructure impacts and the underachievement of target densities.

It is therefore recommended that the draft Planning Proposal at attachment 3 be supported by Council and allowed to progress through the "Gateway process".

Officer's Recommendation

1. That Council support the draft Planning Proposal shown as attachment 3 to this report and endorse its referral to the Department of Planning and Environment for a Gateway Determination.
2. That Council use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* to advance the Planning Proposal.
3. That subject to the Gateway Determination containing standard conditions, Council place the draft Planning Proposal on public exhibition for 28 days.
4. That at the conclusion of the public exhibition, a report be submitted to Council detailing any outcome of the exhibition and a strategy for finalising the planning proposal amendment.

Committee's Recommendation: (Rowell/Thompson)

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 19 April 2016 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 52

That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were: nil.

ATTACHMENT 1

Proposed Clause 4.1C

4.1C Minimum qualifying site area and minimum subdivision lot size for certain residential and child care centre development in residential zones

- (1) The objectives of this clause are as follows:
 - (a) to achieve planned residential densities in certain zones,
 - (b) to achieve satisfactory environmental and infrastructure outcomes,
 - (c) to minimise any adverse impact of development on residential amenity,
 - (d) to facilitate development applications seeking concurrent approval for dual occupancy development and subdivision,
 - (e) to prevent the fragmentation of land and facilitate attainment of optimum development densities
 - (f) to minimise land use conflicts.
- (2) **Despite Clause 4.1** development consent may be granted to development for a purpose specified in the table to this clause on land in a zone listed beside the purpose, if the area of the site is equal to or greater than the area specified in Column 3 of the table.
- (3) **Despite Clause 4.1** development consent may be granted to the subdivision of land in a zone that is specified in the table to this clause for a purpose listed beside the zone, if the area of the lot to be created is equal to or greater than the area specified in Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Dwelling house	Zone R2 Low Density Residential	500 square metres	500 square metres
Dwelling house	Zone R3 Medium Density Residential	400 square metres	400 square metres
Dual occupancy	Zone R2 Low Density Residential and R3 Medium Density Residential	700 square metres	300 square metres
Semi-detached dwelling	Zone R2 Low Density Residential and R3 Medium Density Residential	700 square metres	300 square metres
Attached dwelling	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Attached dwelling	Zone R3 Medium Density Residential	800 square metres	200 square metres
Multi dwelling housing	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Child care centres	Zone R2 Low Density Residential or Zone R3 Medium Density Residential	800 square metres	N/A
Residential flat buildings	Zone R4 High Density Residential	1,200 square metres	1,200 square metres N/A

ATTACHMENT 2

Proposed Clause 4.4

4.4 Floor space ratio

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

- (a) to provide effective control over the bulk and scale of future development,
- (b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,
- (c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to the business centres and transport facilities,
- (e) to provide for built form that is compatible with the hierarchy and role of centres,
- (f) 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 the public domain is addressed,
- (g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), the floor space ratio for a building used for a purpose specified in the table to this subclause on land in a zone specified in the table is the floor space ratio listed beside the use and the zone in the table plus the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

Column 1	Column 2
Use and zone	Floor space ratio
Dwelling houses in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.55:1
Dual occupancies in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.45:1
Multi dwelling housing in Zone R2 Low Density Residential	0.45:1
Multi dwelling housing in Zone R3 Medium Density Residential	0.75:1
Child care centres in a residential zone	0.55:1
Attached dwelling	
Zone R2 Low Density Residential	0.45:1
Zone R3 Medium Density Residential	0.75:1
Semi - detached dwelling	
Zone R2 Low Density Residential	0.45:1
Zone R3 Medium Density Residential	0.45:1

ATTACHMENT 3

Draft Planning Proposal

Subject: Campbelltown Local Environmental Plan 2015 – Amendment No. 3

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to amend the relevant provisions under the Campbelltown LEP 2015 to provide the following development standards:

- lot sizes for dwelling houses, dual occupancy, attached dwellings and semi-detached dwellings in the R3 Medium Density Zone
- floor space ratios for attached dwellings in the R2 Low Density Zone and R3 Medium Density Zone
- floor space ratios for semi-detached dwellings in the R2 Low Density Zone and R3 Medium Density Zone

Part 2 – Explanation of the Provisions

The Planning Proposal intends to amend the following Clauses of Campbelltown LEP 2015 as follows:

Clause 4.1B Minimum subdivision lot sizes for dual occupancies in certain zones

Sub-clause (1) outlines the objectives of this clause which in summary is to achieve planned residential density in certain zones by facilitating development applications seeking concurrent approval for dual occupancy development and subdivision. The objectives are achieved in sub-clause (2) via a Lot Size for Dual Occupancy Development Map and in sub-clause (3) a concession that allows subdivision of land in Zone R2 Low Density Residential for an existing or proposed dual occupancy on a minimum lot size of 600 square meters.

The Planning Proposal intends to delete Clause 4.1B in its entirety as discussed below:

It is proposed to transfer objectives in 4.1B (1) (c) and (d) into the objectives of Clause 4.1C as 4.1C (d) and (e) and re-lettering the existing 4.1C (d) as 4.1C (f).

The Lot Size for Dual Occupancy Development Map referenced in 4.1B (2) is considered to be redundant as the minimum lot sizes shown on the map are either included in the existing 4.1C, or via Clause 4.2.A which includes dual occupancy provisions in the RU2 Rural Landscape, E3 Environmental Management and E4 Environmental Living zones.

Further it is also proposed to amend 4.1C to include minimum qualifying site areas and minimum subdivision lot sizes for Dual occupancy, attached dwellings and semi-detached dwellings which currently do not exist in the R3 zone.

The concessional clause in 4.1B (3) which allows an existing or proposed dual occupancy on a minimum lot size of 600 square meters is inconsistent with both Clause 4.1C which specifies a minimum lot size of 700 square meters and Council's long held development controls as outlined in previous versions of the Sustainable City Development Control Plan. For these reasons clause 4.1B (3) is proposed to be deleted.

Clause 4.1C Minimum qualifying site area and lot size or certain residential and child care center development in residential zones

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As discussed above it is proposed to include two existing objectives from Clause 4.1B into Clause 4.1C and to include minimum qualifying site areas and minimum subdivision lot sizes for dual occupancies, attached dwellings and semi-detached dwellings into the R3 zone. Additionally dwelling houses in the R3 medium density residential zone are proposed to be discouraged by the introduction of a minimum lot size.

These amendments will also result in the renaming of Clause 4.1C to:

- Minimum qualifying site area and **minimum subdivision** lot size for certain residential and child care center development in residential zones

Therefore, this Planning Proposal intends to provide a minimum qualifying site area and minimum subdivision lot size for these land use types by amending the table in Clause 4.1C (3) to include attached dwellings in Column 1, zone R3 Medium Density Residential in Column 2 for the land use types dwelling house, dual occupancy, semi-detached dwelling and attached dwelling with corresponding minimum qualifying site area in Column 3 and minimum subdivision lot size in Column 4 as detailed below:

Column 1	Column 2	Column 3	Column 4
Dwelling house	Zone R2 Low Density Residential	500 square metres	500 square metres
Dwelling house	Zone R3 Medium Density Residential	400 square metres	400 square metres
Dual occupancy	Zone R2 Low Density Residential and R3 Medium Density Residential	700 square metres	300 square metres
Semi-detached dwelling	Zone R2 Low Density Residential and R3 Medium Density Residential	700 square metres	300 square metres
Attached dwelling	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Attached dwelling	Zone R3 Medium Density Residential	800 square metres	200 square metres
Multi dwelling housing	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Child care centres	Zone R2 Low Density Residential or Zone R3 Medium Density Residential	800 square metres	N/A
Residential flat buildings	Zone R4 High Density Residential	1,200 square metres	1,200 square metres N/A

It is also proposed to remove the minimum subdivision lot size for residential flat buildings as this standard is not appropriate and is inconsistent with strata subdivision of individual units in residential flat buildings.

A copy of the existing Clause 4.1C and proposed Clause 4.1C are provided in Attachment 1 to this Planning Proposal.

Clause 4.4 – Floor space ratio

This Clause aims to control the bulk and scale of residential development in order to deliver the desired future character of residential zones within the Campbelltown Local Government Area. This Clause provides a range of floor space ratios for various land use types within the Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential. The Land Use Table within Campbelltown LEP 2015 permits with consent, attached dwellings and semi-detached dwellings in both the R2 Low Density Residential and R3 Medium Density Residential Zones, however Clause 4.4 does not assign a relevant floor space ratio to

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these land use types.

Therefore, this Planning Proposal intends to provide a floor space ratio for these land use types by amending the table in Clause 4.4 (2A) to include in Column 1 the uses of attached dwelling and semi-detached dwelling in the R2 and R3 zones with floor space ratios as shown in Column 2:

Column 1 Use and zone	Column 2 Floor space ratio
Attached dwelling	
Zone R2 Low Density Residential	0.45:1
Zone R3 Medium Density Residential	0.75:1
Semi - detached dwelling	
Zone R2 Low Density	0.45:1
Zone R3 Medium Density Residential	0.45:1

The floor space ratio proposed to be applied to attached dwellings is the same as the existing floor space ratio for multi dwelling housing as both land use types deliver a similar built urban form. As an incentive to locate attached dwellings in the R3 zone an enhanced floor space ratio proposed as compared to the floor space ratio in the R2 zone.

The floor space ratio proposed to be applied to semi-detached dwellings is the same as the existing floor space ratio for dual occupancies as both land use types deliver a similar built urban form. While this land use type is permissible in the R3 zone it is not considered to reflect the highest and best residential use for this zone and accordingly a floor space ratio incentive is not offered for this land use type in the R3 zone.

A copy of the existing Clause 4.4 and proposed Clause 4.4 are provided in Attachment 2 to this Planning Proposal.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. The Planning Proposal is the product of a review of the initial performance of select Principal Development Standards and possible adverse planning and infrastructure outcomes.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered to be the best means of implementing the necessary changes to the Campbelltown LEP 2015 as there is no alternative option to undertake the proposed amendments.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies).

The proposed amendments are minor in nature and seek to support the existing zone objectives by further defining the residential character in the R2 and R3 zones. The proposed amendments also provide clarity through the introduction of new

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development standards. Therefore the additional development standards are considered to be consistent with the Sydney Metropolitan Strategy (a Plan for Growing Sydney) in particular Action 2.3.2: Enable the Subdivision of Existing Homes And Lots in Areas Suited to Medium Density Housing.

4. Is the planning proposal consistent with the local council's Strategy or other local strategic plan?

The proposed amendments are minor in nature and seek to support the existing zone objectives by further defining the residential character in the R2 and R3 zones. The proposed amendments also provide clarity through the introduction of new development standards. Therefore the additional development standards are considered to be consistent with Council's Local Planning Strategy (2013) in particular the key objective:

- Encouragement of a range of housing types in the fulfillment of existing and future housing needs

The proposed amendments are also considered to not be inconsistent with Councils Residential Development Strategy.

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓
Standard Instrument—Principal Local Environmental Plan	✓	The Planning Proposal intends to amend Council's LEP conforming to the standard instrument.	✓
State Environmental Planning Policy No 1—Development Standards	n/a	This SEPP's application has been repealed and replaced by clause 4.6.	n/a
State Environmental Planning Policy No 14—Coastal Wetlands	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 15—Rural Landsharing Communities	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 19—Bushland in Urban Areas	n/a <input type="checkbox"/>	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 21—Caravan Parks	n/a <input type="checkbox"/>	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 26—Littoral Rainforests	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 29—Western Sydney Recreation Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 30—Intensive Agriculture	n/a <input type="checkbox"/>	This SEPP is not relevant to the planning proposal.	n/a

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State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	✓	This SEPP applies to the state, however, the application primarily applies to the urban consolidation of land for the purposes of multi-unit residential development. This Planning Proposal is not inconsistent with the SEPP.	✓
State Environmental Planning Policy No 33—Hazardous and Offensive Development	n/a	This SEPP is not relevant to the planning proposal.	n/a <input type="checkbox"/>
State Environmental Planning Policy No 36—Manufactured Home Estates	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 39—Spit Island Bird Habitat	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 44—Koala Habitat Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 47—Moore Park Showground	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 50—Canal Estate Development	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	n/a <input type="checkbox"/>	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 55—Remediation of Land	n/a <input type="checkbox"/>	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	n/a <input type="checkbox"/>	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 62—Sustainable Aquaculture	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 64—Advertising and Signage	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy No 71—Coastal Protection	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Affordable Rental Housing) 2009		This SEPP aims 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. This Planning Proposal is not inconsistent with the SEPP.	✓

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State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Infrastructure) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Kurnell Peninsula) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Major Development) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Rural Lands) 2008	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (State and Regional Development) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Urban Renewal) 2015	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Western Sydney Employment Area) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
State Environmental Planning Policy (Western Sydney Parklands) 2009	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 16—Walsh Bay	n/a	This SEPP is not relevant to the planning proposal.	n/a

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Sydney Regional Environmental Plan No 18—Public Transport Corridors	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 24—Homebush Bay Area	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 25—Orchard Hills	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 26—City West	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 28—Parramatta	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 30—St Marys	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan No 33—Cooks Cove	n/a	This SEPP is not relevant to the planning proposal.	n/a
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	n/a	This SEPP is not relevant to the planning proposal.	n/a

6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

It is considered that the planning proposal is either consistent or justifiably inconsistent with all applicable s117 directions as detailed below:

Ministerial Direction	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	This s.117 direction is not relevant to the planning proposal.
1.2 Rural Zones	N/A	This s.117 direction is not relevant to the planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	This s.117 direction is not relevant to the planning proposal.
1.4 Oyster Aquaculture	N/A	This s.117 direction is not relevant to the planning proposal.
1.5 Rural Lands	N/A	This s.117 direction is not relevant to the planning proposal.
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	This s.117 direction is not relevant to the planning proposal.
2.2 Coastal Protection	N/A	This s.117 direction is not relevant to the planning proposal.

2.1 Campbelltown Local Environmental Plan 2015 - Implementation And Initial Review

2.3 Heritage Conservation	Yes	The proposal has no impact upon the heritage listing of the adjacent Sydney Upper Canal which is a State heritage item.
2.4 Recreation Vehicle Areas	N/A	This s.117 direction is not relevant to the planning proposal.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	The Planning Proposal is consistent with the objectives of this s.117 direction which are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.
3.2 Caravan Parks and Manufactured Home Estates	N/A	This s.117 direction is not relevant to the planning proposal.
3.3 Home Occupations	N/A	This s.117 direction is not relevant to the planning proposal.
3.4 Integrating Land Use and Transport	N/A	This s.117 direction is not relevant to the planning proposal.
3.5 Development Near Licensed Aerodromes	N/A	This s.117 direction is not relevant to the planning proposal.
3.6 Shooting Ranges	N/A	This s.117 direction is not relevant to the planning proposal.
4. Hazard and Risk		
4.1 Acid Sulphate Soils	N/A	This s.117 direction is not relevant to the planning proposal.
4.2 Mine Subsidence and Unstable Land	N/A	This s.117 direction is not relevant to the planning proposal.
4.3 Flood Prone Land	N/A	This s.117 direction is not relevant to the planning proposal.
4.4 Planning for Bushfire Protection	N/A	This s.117 direction is not relevant to the planning proposal.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This s.117 direction is not relevant to the planning proposal.

2.1 Campbelltown Local Environmental Plan 2015 - Implementation And Initial Review

5.2 Sydney Drinking Water Catchments	N/A	This s.117 direction is not relevant to the planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	This s.117 direction is not relevant to the planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	This s.117 direction is not relevant to the planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	This s.117 direction is not relevant to the planning proposal.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	This s.117 direction is not relevant to the planning proposal.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	This s.117 direction is not relevant to the planning proposal.
5.8 Second Sydney Airport: Badgerys Creek	N/A	This s.117 direction is not relevant to the planning proposal.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.2 Reserving Land for Public Purposes	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.3 Site Specific Provisions	N/A	This s.117 direction is not relevant to the planning proposal.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney	Yes	The Planning Proposal is consistent with the Metropolitan Plan for Sydney in particular Action 2.3.2: Enable the Subdivision of Existing Homes And Lots in Areas Suited to Medium Density Housing

Section C – Environmental, social and economic impact.**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The amendments contained with the Planning Proposal are proposed to apply development standards to land with an existing residential zone (R2 & R3). Impacts upon critical habitat or threatened species, populations or ecological communities, or their habitats would have been considered when the land was originally zoned. However, these matters will be considered in further detail at the development application stage prior to development occurring on a site within the R2 and R3

zones. Therefore there will be no direct adverse impact upon critical habitat or threatened species, populations or ecological communities, or their habitats as a result of this Planning Proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The amendments contained with the Planning Proposal are proposed to apply development standards to land with an existing residential zone (R2 & R3). Any other likely environment effects would have been considered when the land was originally zoned. However, these matters will be considered in further detail at the development application stage prior to development occurring on a site within the R2 and R3 zones. Therefore no adverse environmental impacts are likely to occur as a result of the Planning Proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

The amendments contained with the Planning Proposal propose the inclusion of development standards upon existing land uses types (dual occupancy, attached dwellings and semi-detached dwellings) which already exist within the R2 and R3 zones and are therefore not expected to impose any adverse social or economic impacts. Further, the controls seek to optimise development densities, with attendant positive impact upon infrastructure investment returns and minimize adverse infrastructure cost exposure.

Section D – State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

The amendments contained with the Planning Proposal propose development standards to regulate lot size for dwellings, dual occupancies semi-detached dwellings, attached dwellings and multi dwelling housing in the R3 medium density residential zone in accordance with existing zone objectives. Similarly, it is proposed to introduce FSR controls in respect of semi-detached and attached dwellings in the R2 and R3 zones. On balance, it is expected that the changes will result in a lesser impact upon public infrastructure.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth public authorities have not been consulted at the pre-Gateway stage. However, given that the planning proposal proposes development standards to regulate lot size for dual occupancy and FSR controls for attached and semi-detached dwellings in accordance with existing zone objectives, it is proposed that agency consultation will be limited and guided by any Gateway determination.

Part 4 – Mapping

As a result of the preceding amendments this Planning Proposal intends the deletion of the “Lot Size for Dual Occupancy Development Map” series as listed below:

Lot Size for Dual Occupancy Development Map

LSD_001	1500_COM_LSD_001_020_20150428
LSD_002	1500_COM_LSD_002_020_20150428
LSD_003	1500_COM_LSD_003_020_20150428

LSD_004 1500_COM_LSD_004_020_20150428
 LSD_006 1500_COM_LSD_006_020_20150428
 LSD_007 1500_COM_LSD_007_020_20150428
 LSD_008 1500_COM_LSD_008_020_20150428
 LSD_009 1500_COM_LSD_009_020_20150428
 LSD_010 1500_COM_LSD_010_020_20150428
 LSD_011 1500_COM_LSD_011_020_20150428
 LSD_012 1500_COM_LSD_012_020_20150428
 LSD_013 1500_COM_LSD_013_020_20150428

Part 5 - Community Consultation

It is recommended that the Planning Proposal be publicly exhibited for a period of 28 days subject to the requirements of a future Gateway Determination. A notification will be placed in the local newspaper and the exhibition material available at:

- Campbelltown Customer Service Centre (Hard Copy)
- Council's Libraries, (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

During the exhibition period, any landowners who will be affected by the proposed amendments will be notified of the exhibition of the draft planning proposal. At the conclusion of the exhibition period, a report will be submitted back to Council detailing the submissions received.

Part 6 – Project Timeline

Anticipated commencement date (date of Gateway determination)	June 2016
Anticipated timeframe for the completion of required technical information	June 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	No separate government agency consultation proposed – incorporate into public exhibition period
Commencement and completion dates for public exhibition period	June 2016 – July 2016
Timeframe for consideration of submissions	July 2016
Date of submission to the department to finalise the LEP	September 2016
Anticipated date RPA will make the plan (if delegated)	September 2016
Anticipated date RPA will forward to the department for notification	September 2016

Schedule of Attachments

- Attachment 1- Existing and Proposed Clause 4.1C**
Attachment 2- Existing and Proposed Clause 4.4

Attachment 1 – Existing and Proposed Clause 4.1C**Existing Clause 4.1C****4.1C Minimum qualifying site area and lot size for certain residential and child care centre development in residential zones**

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

- (a) to achieve planned residential densities in certain zones,
- (b) to achieve satisfactory environmental and infrastructure outcomes,
- (c) to minimise any adverse impact of development on residential amenity,
- (d) to minimise land use conflicts.

(2) Development consent may be granted to development for a purpose specified in the table to this clause on land in a zone listed beside the purpose, if the area of the lot is equal to or greater than the area specified in Column 3 of the table.

(3) Development consent may be granted to the subdivision of land in a zone that is specified in the table to this clause for a purpose listed beside the zone, if the area of the lot to be created is equal to or greater than the area specified in Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Dwelling house	Zone R2 Low Density Residential	500 square metres	500 square metres
Dual occupancy	Zone R2 Low Density Residential	700 square metres	300 square metres
Semi-detached dwelling	Zone R2 Low Density Residential	700 square metres	300 square metres
Attached dwelling	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Multi dwelling housing	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Child care centres	Zone R2 Low Density Residential or Zone R3 Medium Density Residential	800 square metres	N/A
Residential flat buildings	Zone R4 High Density Residential	1,200 square metres	1,200 square metres

Proposed Clause 4.1C

4.1C Minimum qualifying site area and minimum subdivision lot size for certain residential and child care centre development in residential zones

- (1) The objectives of this clause are as follows:
 - (a) to achieve planned residential densities in certain zones,
 - (b) to achieve satisfactory environmental and infrastructure outcomes,
 - (c) to minimise any adverse impact of development on residential amenity,
 - (d) to facilitate development applications seeking concurrent approval for dual occupancy development and subdivision,
 - (e) to prevent the fragmentation of land and facilitate attainment of optimum development densities
 - (f) to minimise land use conflicts.
- (2) **Despite Clause 4.1** development consent may be granted to development for a purpose specified in the table to this clause on land in a zone listed beside the purpose, if the area of the site is equal to or greater than the area specified in Column 3 of the table.
- (3) **Despite Clause 4.1** development consent may be granted to the subdivision of land in a zone that is specified in the table to this clause for a purpose listed beside the zone, if the area of the lot to be created is equal to or greater than the area specified in Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Dwelling house	Zone R2 Low Density Residential	500 square metres	500 square metres
Dwelling house	Zone R3 Medium Density Residential	400 square metres	400 square metres
Dual occupancy	Zone R2 Low Density Residential and R3 Medium Density Residential	700 square metres	300 square metres
Semi-detached dwelling	Zone R2 Low Density Residential and R3 Medium Density Residential	700 square metres	300 square metres
Attached dwelling	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Attached dwelling	Zone R3 Medium Density Residential	800 square metres	200 square metres
Multi dwelling housing	Zone R2 Low Density Residential	1,000 square metres	300 square metres
Child care centres	Zone R2 Low Density Residential or Zone R3 Medium Density Residential	800 square metres	N/A
Residential flat buildings	Zone R4 High Density Residential	1,200 square metres	1,200 square metres N/A

Attachment 2 – Existing and Proposed Clause 4.4

Existing Clause 4.4

4.4 Floor space ratio

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

- (a) to provide effective control over the bulk and scale of future development,
- (b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,
- (c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to the business centres and transport facilities,
- (e) to provide for built form that is compatible with the hierarchy and role of centres,
- (f) 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 the public domain is addressed,
- (g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), the floor space ratio for a building used for a purpose specified in the table to this subclause on land in a zone specified in the table is the floor space ratio listed beside the use and the zone in the table plus the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

Column 1	Column 2
Use and zone	Floor space ratio
Dwelling houses in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.55:1
Dual occupancies in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.45:1
Multi dwelling housing in Zone R2 Low Density Residential	0.45:1
Multi dwelling housing in Zone R3 Medium Density Residential	0.75:1
Child care centres in a residential zone	0.55:1

Proposed Clause 4.4

4.4 Floor space ratio

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

- (a) to provide effective control over the bulk and scale of future development,
- (b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,
- (c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to the business centres and transport facilities,
- (e) to provide for built form that is compatible with the hierarchy and role of centres,
- (f) 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 the public domain is addressed,
- (g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), the floor space ratio for a building used for a purpose specified in the table to this subclause on land in a zone specified in the table is the floor space ratio listed beside the use and the zone in the table plus the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

Column 1	Column 2
Use and zone	Floor space ratio
Dwelling houses in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.55:1
Dual occupancies in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.45:1
Multi dwelling housing in Zone R2 Low Density Residential	0.45:1
Multi dwelling housing in Zone R3 Medium Density Residential	0.75:1
Child care centres in a residential zone	0.55:1
Attached dwelling	
Zone R2 Low Density Residential	0.45:1
Zone R3 Medium Density Residential	0.75:1
Semi - detached dwelling	
Zone R2 Low Density	0.45:1
Zone R3 Medium Density Residential	0.45:1

2.2 Amendment No. 1 to Campbelltown (Sustainable City) Development Control Plan 2015

Reporting Officer

Manager Environmental Planning

Attachments

1. Deferred Areas Map (contained within this report)
2. Draft Part 1 Volume 1 of the Campbelltown (Sustainable City) Development Control Plan 2015 (contained within this report)
3. Draft Volume 3 - Deferred Areas Development Control Plan (distributed under separate cover due to its size of 90 pages)

Purpose

To seek Council's endorsement to place Amendment No 1 to Campbelltown (Sustainable City) Development Control Plan 2015 on public exhibition.

Background

On 16 February 2016, Council adopted the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015). The SCDCP 2015 applies to the same land the recently commenced Campbelltown Local Environmental Plan 2015 (the CLEP) applies. Both the CLEP and the SCDCP 2015 commenced on 11 March 2016, but notwithstanding this, the CLEP does not yet apply to the whole of the Campbelltown Local Government Area (LGA) as certain sites have been excluded from the land to which the CLEP applies (i.e. given 'deferred matter' status).

Further to this, the suburbs of East Leppington and Bardia are subject to State Environmental Planning Policies (SEPPs) and as such, being a planning instrument of lower order to that of the SEPPs, the new CLEP does not apply to land within those areas.

As for those lands that have been assigned the 'deferred matter' status, Environmental Planning Instruments comprising Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP 2002), Campbelltown Local Environmental Plan—District 8 (Central Hills Lands) (LEP D8) and Interim Development Order No 15 (IDO 15), continue to apply to those lands.

For the purpose of this report, a reference to 'deferred areas' shall be taken to mean the areas that are shown as 'deferred matters' on the map under attachment 1 to this report.

Following on from the above, Development Control Plans currently applicable to areas across the Campbelltown LGA are:

2.2 Amendment No. 1 To Campbelltown (Sustainable City) Development Control Plan 2015

- Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) applies to the land where the CLEP applies
- Campbelltown (Sustainable City) Development Control Plan 2014 (SCDCP 2014) applies to the deferred areas where LEP 2002, LEP D8 and IDO 15 apply (or where the CLEP does not apply)
- Edmondson Park South DCP 2012 applies to land where the SEPP (Major Development) 2005 applies
- Campbelltown Growth Centres Precinct (East Leppington) DCP 2013 applies to land where the SEPP (Sydney Region Growth Centres) 2006 applies
- Edmondson Park Smart Growth DCP Locality CB Masterplan applies to the land generally bound by Campbelltown Road, the South Western Freeway (M5) and Bardia
- Airds-Bradbury Urban Renewal Development Control Guidelines (October 2011) applies to the land subject to the Airds-Bradbury Renewal Project and forms part of the concept plan approval under the then Part 3A major projects of the *Environmental Planning and Assessment Act 1979*
- Claymore Urban Renewal Development Control Guidelines (May 2012) applies to the land subject to the Claymore Renewal Project and forms part of the concept plan approval under the then Part 3A major projects of the *Environmental Planning and Assessment Act 1979*
- Development Control Plan No 99 - Advertising and Signage applies to the whole of the Campbelltown LGA.

Given the commencement of both the new SCDCP 2015 and the new CLEP, the contents and structure of Council's pre-existing and still operational SCDCP 2014 need to be revised as some of the older development controls within it have either become irrelevant or have been included under the new SCDCP 2015.

In addition, having two operational/principal development control plans with similar titles (SCDCP 2014 and SCDCP 2015) has proven to be sometimes confusing and cumbersome for external and internal customers and warrants a new approach to clarify the application of Council's development control plans throughout the Campbelltown LGA.

This report presents to Council a draft Amendment No 1 to the SCDCP 2015 that primarily aims to simplify the current situation and formally repeal the SCDCP 2014.

Report

1. The revision and updating of both SCDCP 2014 and SCDCP 2015

SCDCP 2015

The SCDCP 2015 came into effect on 11 March 2016 and consists of two volumes as follows:

Volume 1 - Development Controls for all types of development
Volume 2 - Site Specific DCPs

Council recently adopted two additional parts under Volume 1 of the SCDCP 2015 comprising:

2.2 Amendment No. 1 To Campbelltown (Sustainable City) Development Control Plan 2015

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

The above parts (14 and 15) were adopted as part of Stage 5 of the SCDCP 2015, and the works to bring the SCDCP into line with the relevant provisions of new CLEP. Given the wider application of these two Parts, it is considered necessary that these two Parts also be applied to the deferred areas.

Importantly, it is not possible to simply apply the SCDCP 2015 to the whole of the LGA, given that the terms used under the SCDCP 2015 are aligned with the terms of the new CLEP, and as such, do not align with the terms currently found under the older LEP 2002.

In addition, the SCDCP 2015 does not include development standards in relation to floor space ratios, heights and subdivision controls, as these controls have now been transferred to the CLEP.

SCDCP 2014

The SCDCP 2014 came into effect on 12 August 2014 and consists of three volumes as follows:

- Volume 1 - Development Controls for all types of development
- Volume 2 - Site Specific DCPs
- Volume 3 - Engineering Design for Development

Given the change in applicability and relevance of the SCDCP 2014 across the Campbelltown LGA, the SCDCP 2014 now requires revising and updating for the following reasons:

1. Some of the development controls under the SCDCP 2014 are not relevant to the newly created deferred areas. E.g. the development controls relating to narrow lot dwellings.
 2. The SCDCP 2014 does not currently include the additional and revised development controls that were adopted by Council as a result of the adoption of Stage 5 of the SCDCP 2015. Examples include the additional controls relating to the 'rear to front' access requirement for attached dwellings and the revised development controls relating to waste management.
 3. As discussed earlier in this report, the SCDCP 2014 does not currently include the newly adopted parts under the SCDCP 2015 (Part 14 Parking of Heavy Vehicles on Residential, Rural and Environmental Protection Land and Part 15 Animal Boarding or Training Establishments).
 4. Volume 2 - Site Specific DCPs is not relevant to any of the deferred areas.
 5. Volume 3 - Engineering Design for Development is now a stand-alone document that applies to the whole of the Campbelltown LGA including the deferred areas.
-

2.2 Amendment No. 1 To Campbelltown (Sustainable City) Development Control Plan 2015

To address the above matters the SCDCP 2014 has been revised and the development controls that are relevant to the deferred areas have been combined under a new draft development control plan.

It is proposed to name the new draft development control plan 'Deferred Areas Development Control Plan' (DADCP) and place it under the SCDCP 2015 as Volume 3.

Table 1 below provides more details on the required amendment to the SCDCP 2014 with Officer's comments and recommended actions.

Table 1 Officers Comments and Recommended Actions relating to the SCDCP 2014

SCDCP 2014	Officer's Comments	Recommended Action
General	As part of Stage 5 of the SCDCP, a number of additional development controls have been introduced. These development controls have been adopted by Council as part of the SCDCP 2015 on 16 February 2016 and came into effect on 11 March 2016. They generally aim to enhance the outcome of development and were designed to address a number of matters that either had been identified by staff or came about as a result of Council's resolution.	It is recommended that any relevant development controls that have been adopted by Council as part of Stage 5 of the SCDCP 2015 be included under the draft Volume 3 Deferred Areas Development Control Plan (draft V3 DADCP) so that those controls apply to the deferred areas as well. This approach is proposed to be applied across the draft V3 DADCP. A summary of the main clauses that have been included under the draft V3 DADCP are presented in the following sections of this report.
Part 1 Preliminary	This part generally contains information regarding where the SCDCP 2014 applies, definitions and structure of the SCDCP 2014.	It is recommended that this part be amended to clearly indicate where the draft V3 DADCP applies, align the definitions where relevant with the definitions under Volume 1 of the SCDCP 2015, include a map that shows the deferred areas and list the parts from Volume 1 of the SCDCP 2015 that apply to the deferred areas.
Part 2 Requirements Applying to all Types of Development (Part 2)	This part is similar to Part 2 Requirements Applying to all Types of Development under the SCDCP 2015.	It is recommended that this part not be included under draft V3 DADCP to minimise unnecessary duplications of controls. In this regard it is proposed to include a reference under Part 1 Preliminary of the draft V3 DADCP that specifies that Part 2 of Volume 1 of the SCDCP 2015 also applies to the deferred areas.
Part 3 Residential and Ancillary Development on Urban Land (Part 3)	This part includes development controls for dwelling houses, secondary dwellings, narrow lot housing and multi dwelling housing. Notably, there are no narrow lots within the deferred areas.	It is recommended that the development controls for narrow lot housing be removed from Part 3. Given that Part 2 is not proposed to be included under the draft V3 DADCP, it is proposed to rename part 3 to Part 2 Residential and Ancillary Development on Urban Land.

2.2 Amendment No. 1 To Campbelltown (Sustainable City) Development Control Plan 2015

SCDCP 2014	Officer's Comments	Recommended Action
Part 4 Non-Urban Land (Part 4)	No amendments are proposed to Part 4 apart from reformatting and renumbering.	It is recommended that Part 4 be included under the draft V3 DADCP without any major amendments. It is also proposed to rename this part to Part 3 Non-Urban Land.
Part 5 Residential Apartment Building and Mixed Use Development (Part 5)	No amendments are proposed to Part 5 apart from reformatting and renumbering.	It is recommended that Part 5 be included under the draft V3 DADCP without any major amendments. It is also proposed to rename this part to Part 4 Residential Apartment Building and Mixed Use Development.
Part 6 Commercial Development (Part 6) and Part 7 Industrial Development (Part 7)	No major amendments are proposed to Part 6 and Part 7 apart from the amendments described under the section General of this table.	It is recommended that Part 6 and Part 7 be transferred to the draft V 3 DADCP as Part 5 Commercial Development and Part 6 Industrial Development.
Part 8 Child Care Centres (Part 8), Part 9 Public consultation(Part 9) Part 10 Religious Establishments (Part 10), Part 11 Vegetation Management and Wildlife Habitat (Part 11), Part 12 Telecommunications Facilities (Part 12); Part 13 Sex Industry Premises (Part 13) and Appendices	These parts have been included under the SCDCP 2015. These parts under the SCDCP 2015 do not currently include development standards relating to site areas, heights and floor space ratios, as these controls have been included under the CLEP.	It is recommended that these parts not be included under draft V3 DADCP to minimise unnecessary duplications of development controls. In this regard it is proposed to include additional information under Part 1 - Preliminary of the draft V3 DADCP that specifies that Parts 8 through to 15 of Volume 1 of the SCDCP 2015 also apply to the deferred areas and where relevant, transfer the development controls for floor space ratio, minimum qualifying site areas and building heights from these parts to draft V3 DADCP.
Volume 2 Site Specific DCPs	Volume 2 Site Specific DCPs does not apply to the deferred areas.	It is recommended that Volume 2 Site Specific DCPs not be transferred to the draft V3 DADCP.
Volume 3 Engineering Design for Development	Under the SCDCP 2015, the Engineering Design for Development is a standalone document and no longer forms part of the SCDCP 2015.	It recommended that Volume 3 Engineering Design for Development not be transferred to draft V3 DADCP.

2. Summary of the additional clauses that have been included under the various parts of the draft V3 DADCP

As a result of Stage 5 of the SCDCP 2015, a number of additional clauses have been included throughout Volume 1 of the SCDCP 2015 to address matters that have been identified by staff and/or to address Council's previous resolutions. It is proposed that these clauses also be included under the draft V3 DADCP for consistency. A summary of the main clauses are provide below:

Clause 2.7.3 - The Size of Indoor Living Areas (Multi Dwellings)

This clause specifies the minimum areas and dimensions of living areas within multi dwelling houses. This clause is designed to ensure that multi dwelling houses are provided with sufficient living areas.

Clause 2.7.4 - Rear Access (Multi Dwellings)

This clause requires attached dwellings to be provided with a 'rear to front access'. This clause was introduced to enable occupants of an attached dwelling to move waste bins, lawnmowers and the like from the backyard to the front of the building without the need to pass through the main living areas.

Clause 5.2.2 b) and Clause 6.2.2 b) Building Setbacks - Variation to setbacks from the rear southern railway corridor

Council resolved on 11 March 2014 in part that:

1. Council approve a permanent variation to Clause 37(a) of Campbelltown (Urban Area) Local Environmental Plan 2002, reducing the minimum setback for buildings within the 4(a) and 4(b) zones from any property boundary shared with the main southern railway line from 30 metres to a minimum of 5 metres.
2. That subject to the approval of recommendation one, a suitably dense vegetative buffer of a height and density to Council's satisfaction, with a width of 5 metres and for the full length of the property's common boundary with the rail corridor, be provided between the boundary of the rail corridor and the development of all allotments seeking the above variation.

Accordingly, as part of Stage 5 of the SCDP 2015 an additional clause was included to this effect. It is now proposed that this clause be included under Parts 5 Commercial Development (Clause 5.2.2 b) and Part 6 Industrial Development (Clause 6.2.2b) of the draft V3 DADCP.

In addition to the above, any other development controls or rewording of the clauses that came about as a result of Stage 5 have generally been included under the draft V3 DADCP.

Most importantly, no new policies or variation to any of the adopted development controls under the SCDP 2015 or the SCDP 2014 are proposed as part of this amendment.

3. Proposed draft Volume 3 Deferred Areas Development Control Plan (draft V3 DADCP)

Based on the above discussion and the recommended actions under Table 1, it is proposed that the draft V3 DADCP be structured with the following parts:

- draft Part 1 Preliminary
 - draft Part 2 Residential and Ancillary Development on Urban Land
 - draft Part 3 Residential Development within Non-Urban Land
 - draft Part 4 Residential Apartment Building and Mixed Use Development
-

- draft Part 5 Commercial Development and draft Part 6 Industrial Development

Draft V3 DADCP will eventually replace the SCDCP 2014.

4. Edmondson Park Smart Growth Development Control Plan

Council on 1 May 2007 adopted Edmondson Park Smart Growth Development Control Plan (EPDCP) as a site specific DCP which applies to the land bounded by Campbelltown Road, the South Western Freeway (Hume Highway) and Bardia.

It is proposed that as part of Amendment 1 to the SCDCP 2015, the EPDCP be included as Part 6 - Edmondson Park Smart Growth Development Control Plan. Part 6 would sit directly under Volume 2 - Site Specific DCPs of the SCDCP 2015.

This would ensure that all Council's site specific DCPs are included under the SCDCP 2015.

5. Proposed main amendments to the SCDCP 2015

To facilitate the inclusion of the draft V3 DADCP and EPDCP under the existing SCDCP 2015, the following amendments to the SCDCP 2015 are proposed:

1. Amendment to Section 1.1 Volume 1 of SCDCP 2015 – Land to which the Plan Applies - to reflect the proposed inclusion of draft V3 DADCP.
2. Amendment to Section 1.1.8 - Structure of the Plan - to include the proposed draft V3 DADCP and the proposal to include the EPDCP as a site specific DCP as Part 6 Edmondson Park Smart Growth Development Control Plan
3. Amendment to Section 1.1.9 - Relationship to other Plans and Documents by adding Campbelltown (Sustainable) City DCP 2014 to the list of DCPs to be repealed by the SCDCP 2015.

A copy of the draft Volume 1 Preliminary of the SCDCP 2015, that shows all the proposed changes listed above, is shown under Attachment 2 of this report.

Notably, once all the deferred areas under the CLEP are rezoned, draft V3 DADCP would become redundant, and would eventually be repealed.

6. Public Consultation

It is recommended the proposed amendment to the draft SCDCP 2015 (including the draft V3 DADCP) be publicly exhibited for a period of 28 days in line with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and its Regulation, at a number of locations across the city, including Councils Civic Centre, all libraries and on Council's website.

Notice will be given in the local newspapers advising of the details of the public exhibition of the draft amendment to the SCDCP 2015.

7. Where to from here?

DCP 99 Signage and Advertising is the last existing DCP that needs to be revised, and included under the umbrella of the new SCDCP 2015. In addition, a new DCP for boarding houses is currently being prepared and would be submitted to Council as part of the last consolidation stage of the SCDCP 2015 in the near future. The revised DCP for signage and the boarding houses DCPs would be included under the SCDCP 2015, to ensure that Council meets the 'one DCP' legislative requirement under the *Environmental Planning and Assessment Act 1979*.

Conclusion

The proposed amendment to SCDCP 2015 would remove confusion, make it clearer 'which' controls apply 'where', and would help ensure that Council operates from one main principal development control plan.

The proposed amendment would also ensure that the newly adopted policies relating to the parking of heavy vehicles on residential, environmental protection and rural lands and operating of the animal boarding and training establishments, apply to all areas within the Campbelltown LGA.

Importantly, no new policies or variation to any of the adopted development controls under the SCDCP 2015 or the SCDCP 2014 are proposed as part of this amendment.

Given the above, it is recommended that Council place Amendment No 1 of the SCDCP 2015 on public exhibition for public comment for 28 days in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and its Regulation.

A report will be presented to Council on the outcome of the public exhibition.

Officer's Recommendation

1. That Council endorse the proposed Amendment No 1 to Campbelltown (Sustainable City) Development Control Plan 2015, including draft Volume 1 Part 1 of the SCDCP 2015, and draft Volume 3 Deferred Areas DCP, 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.

Committee's Recommendation: (Kolkman/Matheson)

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 19 April 2016 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 53

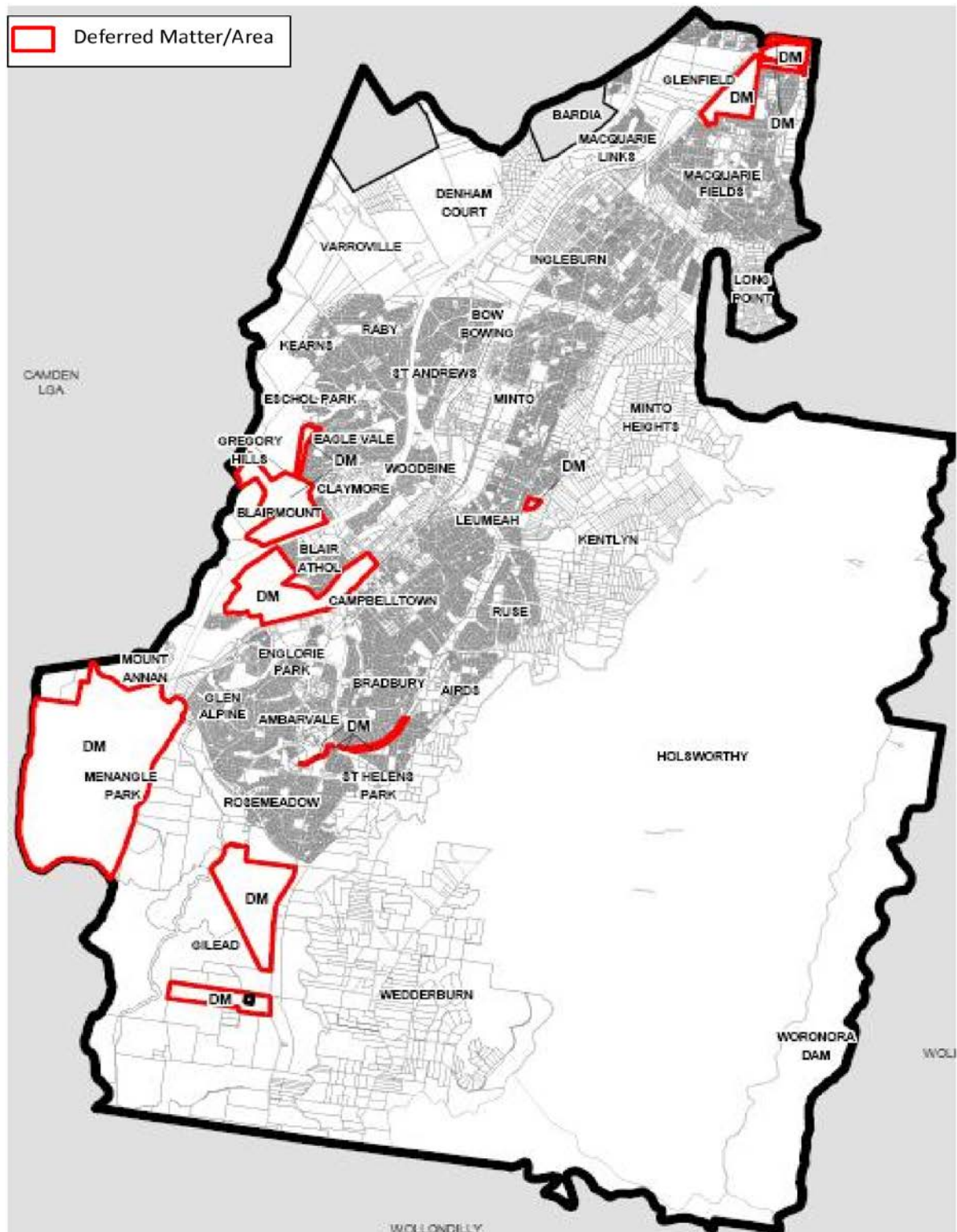
That the Officer's Recommendation be adopted.

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

Voting against the Council Resolution were: nil.

ATTACHMENT 1

Attachment 1: Deferred Areas Map



ATTACHMENT 2

Draft Part 1 Preliminary

1.1

Introduction

1.1 Introduction

1.1.1 Name of the Plan

This Plan is called Campbelltown (Sustainable City) Development Control Plan 2015 (the Plan).

1.1.2 Purpose of the Plan

The Plan has been prepared in accordance with Section 74 C of the Environmental Planning and Assessment Act 1979 (the Act) and Clause No 16 of the Environmental Planning and Assessment Regulation 2000 (the Regulation). The purpose of the Plan is to provide more detailed provisions to supplement ~~Campbelltown Local Environmental Plan 2015 (CLEP);~~ **Campbelltown Environmental Planning Instruments.**

Council (the consent authority) is required under Section 79C of the Act, to take into consideration the relevant provisions of the Plan in determining development applications on land located within the Campbelltown Local Government Area (LGA).

1.1.3 Land to which the Plan applies

Volume 1 **Development Controls for all types of Development** of the Plan applies to land within the Campbelltown LGA, where the Campbelltown Local Environmental Plan 2015 (the CLEP) applies.

Volume 2 Site Specific Development Control Plans of the Plan applies to certain lands as indicated by each site specific DCP listed under Volume 2.

Certain areas within Campbelltown Local Government Area have their own site specific DCPs. Some of those site specific DCPs are included under Volume 2 of this Plan, while others are standalone DCPs.

Where a site specific DCP does not include specific development controls for a certain type of development, the development controls under Volume 1 shall be used to assess the development applications received by Council. An example: the development controls for child care centres are not currently included under the site specific DCPs, as such development controls under Volume 1 that relate to child care centres will be used to assess child care centres applications within the areas where site specific DCPs apply.

Where there is an inconsistency between the provision of a site specific DCP and Volume 1 of the Plan (whether the site specific DCP is included under Volume 2 of the Plan or a standalone site specific DCP), the provision under the site specific DCP shall prevail to the extent of the inconsistency.

Volume 3 Deferred Areas Development Control Plan of the Plan applies to the areas that have been assigned a 'Deferred Matter' status under the CLEP as shown on the Land Application Map under the CLEP. In addition, certain parts of Volume 1 apply to the land where Volume 3 of the Plan applies, as stipulated under Part 1 of Volume 3 of the Plan. The Land Application Map under the CLEP is available at www.legislation.nsw.gov.au.

~~Note: Volume 1 of Campbelltown (Sustainable City) Development Control Plan 2014 (that came into effect on 12 August 2014) shall continue to apply to land marked as "Deferred Matters" under the CLEP.~~

Volume 1 of the Plan, where relevant, shall supplement the site specific DCPs for the areas within the Campbelltown LGA and the areas that are subject to the State Environmental Planning Policy (Major Development) 2005 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

1.1 Introduction

1.1.4 The Consent Authority

Campbelltown City Council) is the consent authority for local development within the LGA.

1.1.5 Development Assessment

The Environmental Planning and Assessment Act 1979 is the principal law regulating the assessment and determination of development proposals in NSW.

1.1.5.1 Development Types

The following is a summary of the development types under part 4 of the EP&A Act 1979:

Exempt development

Exempt development is incidental development that is of minimal environmental impact and may be carried out without the need to obtain development consent from Council. The type of development that is exempt from the need to obtain development consent is set out in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Schedule 2 *Exempt development* under the CLEP.

Complying development

Complying development is development that meets specific criteria set out mainly in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and other State environmental Planning Policies. To carry out a complying development, a complying development certificate must be obtained from Council or an accredited certifier. If the application is successful, the Council or Private Certifier will issue a certificate usually subject to conditions. The type of developments that are complying development are set out mainly in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note:

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is available for view/download from the NSW legislation web site at:
www.legislation.nsw.gov.au

Note:

The Environmental Planning and Assessment Act 1979 and Regulation (2000) are available for view/download from the NSW legislation web site at:
www.legislation.nsw.gov.au

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Local development

Local development is development that requires development consent from Council.

Integrated development

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals under other Acts such as Fisheries Management Act 1994, Heritage Act 1977, Mine Subsidence Compensation Act 1961, Mining Act 1992, National Parks and Wildlife Act 1974, Petroleum (Onshore) Act 1991, Protection of the Environment Operations Act 1997, Roads Act 1993, Rural Fires Act 1997 and Water Management Act 2000

Designated Development

Designated development is development that is declared to be designated development by an environmental planning instrument or the Environmental Planning and Assessment Regulation 2000, but does not include State significant development despite any such declaration.

A list of developments and criteria which are classified as designated development can be found in Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Examples include agricultural produce industries, aircraft facilities and coal mines.

1.1.6 Monitoring and Review of the Plan

Council is required to keep its CLEP and the Plan under regular and periodic review to ensure that these Plans:

- a) continue to be useful and relevant;
- b) can be judged as to their effectiveness;
- c) reflect an adequate and appropriate capacity for development; and
- d) provide for the appropriate protection of the environment and natural resources.

The Plan shall be reviewed every five (5) years or as considered necessary by Council.

1.1.7 Variation to Planning Controls and Standards within the Plan

Council may consider variations to the requirements of the Plan in certain circumstances. Requests for variations are required to be in writing and shall clearly demonstrate the reason(s) why the variation sought would not adversely impact on the environment or local amenity, would not erode the relevant standard and that compliance with the requirements of the Plan are unreasonable or unnecessary in the circumstances of the case. Council gives no assurance that it will permit any variation(s) to the requirements of the Plan. Variations will only be considered in exceptional circumstances.

Compliance with numerical provisions of the Plan does not guarantee the granting of development consent. Each application will be considered on its merits, having regard to the objectives in the Plan and matters for consideration under Section 79C of the Act.

1.1.8 Structure of the Plan

The Plan identifies objectives and design requirements for all aspects of development permissible with consent under the CLEP. The Plan comprises the following:

2.2 Amendment No. 1 To Campbelltown (Sustainable City) Development Control Plan 2015

Volume 1 : Development Controls for All Types of Development

- 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 Apartment 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
- Part 14 Parking of heavy vehicles on on Residential, Rural and Environmental Protection Land
- Part 15 Animal Boarding or Training Establishments
- Appendices

Volume 2: Site Specific Development Control Plans

- Part 1 ~~Minto Renewal DCP~~ ~~One Minto DCP~~
- Part 2 Glenfield Road Area DCP
- Part 3 The Link Site DCP
- Part 4: Site Specific Development Controls for Certain Heritage Items
- Part 5: University of Western Sydney - Campbelltown
- Part 6: Edmondson Park Smart Growth DCP

Volume 3: Deferred Areas Development Control Plan

1.1.9 Relationship to other Plans and Documents

- a) The provisions contained in the Plan are in addition to the provisions within SEPPs and the CLEP. In the event of any inconsistency between this Plan and the CLEP, the CLEP will prevail. Where there is an inconsistency between the Plan and any other DCP (other than those DCPs referred to under section 1.1.3), the provisions of this Plan shall prevail.
- b) This Plan repeals:

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1.1 Introduction

- DCP No - 27 Queen Street Historic Precinct ;
- DCP No 109 - Raith;
- DCP No 120 - Parking of Commercial Vehicles and Trucks within Residential, Scenic Protection and Rural Areas; ~~and~~
- DCP 121 - Woodcrest Heritage Item and Residential Development; and
- *Campbelltown (Sustainable City) DCP 2014*

- c) If a development application or an application under Section 96 or 96AA of the Environmental Planning and Assessment Act 1979 to modify a development consent has been made before the effective date of the Plan in relation to land to which this Development Control Plan applies and the said application has not been finally determined before the commencement of this Development Control Plan, the application must be determined as if this Development Control Plan had not commenced.

1.1.10 How to use the Plan

The following steps provide a general guide to using the Plan. If you require any further information or assistance, please contact Council's Technical Support Officers on (02) 4645 4608.

Step 1

- Check the permissibility of the development under the ~~CLEP~~ relevant planning instrument;
- Determine the category of the development by referring to section 1.1.5 (development categories).
- If the proposed development is 'exempt development' refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (E&CDC SEPP) and Schedule 2 *Exempt development* under the CLEP.
- The E&CDC SEPP is available for view/download from NSW Legislation web site at www.legislation.nsw.gov.au
- If the development is 'complying development' refer to the E&CDC SEPP .
- If the development is 'local development' proceed to Step 2.

Step 2

- Refer to Section 1.1.3 Land to which the Plan applies to find out which Volume of the Plan applies to your land.
- ~~Check whether Volume 2 contains the Principal DCP that applies to your land.~~
- If Volume 2 applies, ensure that the development satisfies the objectives and design requirements of the relevant DCP under Volume 2 of the Plan.
- If Volume 2 does not apply, proceed to Step 3 below.

Step 3

- Read Part 2 (Requirements applying to all development) and refer to Section 2.1 (Table 2.1 - Thresholds) to determine which sections are relevant to the development.

Step 4

- Read the relevant part of the Plan that applies to the development.
- Ensure that the development satisfies the objectives and design requirements of each relevant section.
- Ensure that all relevant action/management plans are prepared in accordance with the specifications within the relevant appendix

1.1**Introduction****Important Note:**

- For definitions of terms used throughout **Volume 1 of the Plan**, refer to Section 1.4 Definitions of Volume 1.
- The majority of terms used throughout **Volume 1 of the Plan** are defined under the Dictionary of the CLEP.
- **For definitions of terms used throughout Volume 3 of the Plan, refer to Section 1.2 Definitions of Volume 3.**
- For acronyms and abbreviations used throughout the Plan refer to Section 1.5 Acronyms of Volume 1.
- All development proposals must comply with the relevant requirements of the Building Code of Australia.

Engineering Design Guide for Development

The Plan is to be read in conjunction with the Engineering Design Guide for Development (EDGD). The EDGD forms an integral part of Council's planning document set and shall be adhered to in any development proposal. The EDGD sets out the minimum standards to be achieved and best practice should always be followed. All proposals will be assessed on technical merit.

1.2

Aims of the Plan

1.2 Aims of the Plan

The aims of the Plan are to:

- Ensure that the aims and objectives of the CLEP are complemented by the Plan;
- Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;
- Facilitate innovative development of high quality design and construction in the City of Campbelltown;
- Ensure that new development maintains or enhances the character and quality of the natural and built environment;
- Ensure that new development takes place on land that is capable of supporting the proposed development;
- Encourage the creation of safe, secure and liveable environments;
- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and
- Provide for the design requirements for a variety of housing within the City of Campbelltown.

1.3 Campbelltown 2025 and the Plan

Council has adopted *Campbelltown 2025 - Looking Forward*, an overarching town planning strategy that informs all Council planning policies. *Campbelltown 2025 - Looking Forward* aims to guide the planning decisions within the City to ensure that sustainable planning outcomes can be achieved.

Campbelltown 2025 Looking Forward contains a “vision” for the City, along with six (6) strategic directions to facilitate realisation of the vision. The Plan has been developed to be consistent with and add value to the strategic directions:

- a) Growing the Regional Centre.
- b) Building a distinctive Campbelltown sense of place.
- c) Protecting and enhancing the City’s environmental assets.
- d) Getting around the City.
- e) Building and maintaining quality public infrastructure.
- f) Creating education, employment and entrepreneurial activities.



1.3.1 The Vision

In 2025 we will live in a safe, prosperous, just, and proud community that enjoys a healthy lifestyle and access to high quality amenities.

We are proud to celebrate our diverse culture, creativity, and spirit at home with our families and at the places where and at the times when we come together as a community.

Prosperity and wellbeing stems from a diverse economy, where the skills of our workforce adapt to changes in emerging technology and markets. New enterprises are committed to the principles of cleaner production and environmental efficiency.



1.3

Campbelltown 2025 and the Plan

There is an emphasis on self-containment and sustainable community living. More than 50% of the people who live in Campbelltown City who are employed, work in Campbelltown. Business centres are a focus for community amenity and interaction, not just shopping centres. This has been assisted by the integration of in-centre living opportunities within the centres, as part of vibrant mixed use developments.

We move around our City and region in safe and environmentally sustainable ways, promoting public transport as the primary means of mobility. Integrated land use, development and transport planning minimises travel times and promotes more convenient access to amenities and employment areas.

The City has grown to be the 'hub' of the Greater South Western Sydney Region, where access to high level retail, commercial, education, health, community, recreation and cultural amenities is assured. This has been a major conduit for employment development, as has been the University of Western Sydney, the TAFE and the Campbelltown Hospital.

Campbelltown is renowned for its 'leading edge' built environmental character, setting it apart from other metropolitan localities. This is reinforced by a distinctive landscape quality incorporated into the design and treatment of urban environments including the preservation of indigenous vegetation and other natural landscape features. Our cultural heritage, indigenous and non-indigenous, is respected.



The bushland, the Scenic Hills, rural landscape settings, the rivers, and our unique flora and fauna have been protected in recognition of the valuable contribution they make to our quality of life, and the City's identity.

Scarce natural resources - water, soil and clean air, are now appropriately valued, and we use them wisely in the interests of future generations.

The City has achieved much and prospered. We have maintained our natural environmental qualities, yet built a contemporary and striking City image that is renowned across Sydney. New economic development opportunities have been secured and our community spirit and culture flourishes. The City of Campbelltown looks forward to a sustainable future.

1.4

Definitions

1.4 Definitions

Note:

- The majority of terms used under the Plan are defined under the Dictionary of the CLEP.
- The definitions under this section of the Plan complement the definitions under the CLEP.

Adaptable dwelling means a dwelling that is designed to be able to be adapted to accommodate, or is intended to be used permanently for seniors or people with a disability.

Adjoining land means:

- land that is adjacent to an allotment not in the same ownership; or
- land that is directly opposite another allotment; or
- land that is separated from another allotment only by a road, pathway, driveway, battle-axe handle, or the like.

Amenity means those qualities and characteristics of a site and its neighbouring area that contribute to the comfort and pleasantness of the local environment.

Asset protection zone means a buffer between development and bushfire hazards.

Average Recurrence Interval (ARI) means the average period between the recurrence of a storm event of a given rainfall intensity.

Battle-axe allotment means an allotment that does not have direct frontage to a public road other than via a driveway (handle).

Building Sustainability Index (BASIX) means a web-based planning tool designed to assess the potential performance of new development against a range of sustainability indices including landscape, stormwater, water, thermal comfort and energy.

Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance) means a guide for the conservation and management of places of cultural significance and is based on the knowledge and experience of Australian ICOMOS members (ICOMOS - International Council on Monuments and Sites).

Bushfire prone land means land which has been identified as bushfire prone land on the Campbelltown Bushfire Prone Lands Map as certified by the Commissioner of the NSW Rural Fire Service.

Bush rock means natural surface deposits of rock from rock outcrops or from areas of native vegetation. Rocks may be loose rocks on rock surfaces or on the soil surface, or may have been removed from rock outcrops by excavation or blasting. In the Campbelltown area, most bushrock is derived from either sandstone or shale formations. The removal of bushrock is listed as a key threatening process under state threatened species legislation.

Communal open space means the open space/landscaped area of a development used or intended for use for recreation and relaxation purposes by residents or occupants and that is under the control of an owner corporation or similar organisation, which is not for

the exclusive use of individual residents or occupants of any single dwelling. It does not include driveways, visitor parking spaces or private open space.

Conventional allotment means the creation of a Torrens Title allotment in which no dwellings are proposed as part of the development application.

Conservation management plan means a document prepared in accordance with the requirements of the NSW Heritage Office which establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

Council Strategic Planning Document (CSPD) means the CLEP, the Plan, S94 Development Contribution Plan, S94A Development Contribution Plan, Planning Agreement and Plans of Management prepared by, or on behalf of Council.

Crown means the portion of the tree consisting of branches and leaves and any part of the trunk from which branches arise.

Crown maintenance pruning means pruning that does not reduce the volume of the crown and retains the structure and size of the tree. It comprises deadwooding, crown thinning, and formative pruning.

Crown modification pruning means pruning that changes the form and habit of the tree.

Crown thinning means selective removal of small branches (less than 40 mm in circumference) that does not alter the overall size of the tree by more than 5%.

Dangerous tree means a tree that imposes a threat to a property or humans and/or:

- has substantial stem damage (e.g. more than 50 percent cross-section area stem damage);
- is in extreme declining health or unstable (e.g. more than 50 percent lateral roots damaged/unsound);
- has a split trunk.

Dead tree means a tree that is no longer capable of performing any of the following processes:

- Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves);
- Osmosis (the ability of the root system to take up water);
- Turgidity (the ability of the plant to hold moisture in its cells);
- Epicormic shoots (the production of new shoots as a response to stress, generated from buds under the bark or from a lignotuber - at ground or underground stem).

Deadwooding means the removal of dead branches.

Deep soil planting means the area of land within the site that has at least 3 metres of soil directly below the whole surface of the area.

Domestic outbuilding means a building or structure used for purposes ancillary to the main dwelling(s) on an allotment and includes awnings, pergolas, gazebos, garden sheds, garages, carports and the like, but does not include a swimming pool or a dwelling.

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Dormer means a gabled extension built out from a sloping roof to accommodate a vertical window.

Dying Tree means a tree that has declined to a point that no remedial action will prevent death.

Environmental weed means a plant that adversely affects the integrity, conservation status, habitat characteristics and aesthetic values of natural eco-systems (including native and exotic species).

Flood Planning Level is the 100 year Average Recurrence Interval flood level plus freeboard in accordance with Table 4.1 of Council's Engineering Design for Development.

Flowpath means the overland route taken by any concentration of, or significant sheet flow of stormwater on its way to any drain or stormwater system, creek, river or flood plain in a storm.

Formative Pruning means pruning of young and establishing trees with the general aims of directing plant growth and/or developing a sound structure.

Freeboard means a factor of safety used in relation to the setting of floor levels. It makes allowance for wave action, localised hydraulic behaviour and stormwater system blockages.

Habitat resources means specific ecosystem elements that provide valuable foraging substrates and shelter sites that are important to the survival of a range of species and include hollow-bearing trees, hollow logs and bush rock.

Habitable room means a room used for normal domestic activities and includes a bedroom, living room, lounge room, music room, television room, rumpus room, sewing room, study, play room, family room, sunroom and the like. It excludes a garage, bathroom, laundry, water closet, pantry, walk in wardrobe, lobby, clothes drying room, and other spaces of a specialised nature that are not occupied frequently or for extended periods.

Hollow-bearing tree means trees where cavities have formed in the trunk or branches of a live or dead tree to provide wildlife with foraging, shelter, roosting and nesting habitat.

Hollow logs means terrestrial woody habitat that includes the accumulation of senescent trees, hollow-forming tree limbs and branches on the ground.

Injury and wilful destruction of vegetation means damage to vegetation and includes:

- Lopping and topping;
- Poisoning;
- Cutting, tearing, snapping and breaking of branches and roots that is not carried out in accordance with acceptable agricultural practices or is done for invalid reasons such as vandalism;
- Ring barking, scarring the bark when operating machinery, fixing objects (eg. signs) by nails, staples or wire, using tree climbing spikes in healthy trees or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches or making a blaze on a tree as a marker point;
- Damaging the vegetation's root zone by compaction or excavation,

stripping of top soils, burial, or the alteration of natural ground level or the water table which causes damage to the vegetation or any part of the vegetation.

- ‘Under scrubbing’, unless carried out by hand tools.

Lop or Lopping means cutting between branch unions or at internodes on growing vegetation with the final cut leaving a stub.

Noxious weed means a weed declared by an order under the Noxious Weeds Act 1993.

On-site service facilities means facilities that are required for the purposes providing electricity, sewerage, communication and the like. This includes aerials, satellite dishes cable broadband and other service media.

Other Vegetation means any plant life not defined by this Part as a tree and includes any sapling, shrub, scrub, understorey plants, ground cover (being any type of herbaceous vegetation) and plants occurring in a wetland that:

- Provides habitat or likely habitat for threatened species, populations and endangered ecological communities as defined within the Threatened Species Conservation Act; or
- Is located within a riparian zone or within 40 metres of the top bank of a creek, river, watercourse, wetland, stream or other aquatic habitat;
- Is located within a wildlife corridor as delineated within Council’s Biodiversity Strategy;
- Is located within Koala habitat as delineated within Council’s draft Koala Plan of Management; is located on land owned by Council or under its care, control and management; and
- Forms part of native vegetation.

Owner means:

- The person or persons listed on Council’s rates file to be the owner of the land at the date of notification; or
- The owners corporation in the case of land that is within a strata scheme under the Strata Titles Act, 1973, or a Leasehold strata scheme under the Strata Titles (Leasehold) Act, 1986; or
- The Association in the case of land that is a community precinct or neighbourhood parcel within the meaning of the Community Land Development Act, 1989.

Parenting Facility means a room which is equipped with facilities for feeding (including breast feeding) and caring of babies/infants.

Place of Aboriginal heritage significance means a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people.

Primary street means the area between the front elevation of the building/structure and the road to which it is orientated.

Privacy screen means:

- i) a structure that provides a screen or visual barrier between a window of a

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habitable room or an outdoor area on a lot and an adjoining lot that:

- (i) has no individual opening more than 30mm wide, and
 - (ii) has a total area of all openings that is no more than 30% of the surface area of the screen or barrier, or
- ii) a window, the whole of which has translucent glass and is fixed and not able to be opened.

Prostitution means the provision of a sexual act or sexual service in return for payment or reward.

Pruning means any pruning that is not crown maintenance pruning and include Crown Modification Pruning as defined by AS 4373-(as amended).

Public consultation means the public exhibition and/or public notification of CSPDs or development applications.

Public domain means an area that is adjacent to the development site, which is under the care, control and/or ownership of a public authority.

Public exhibition means a formal public showing of information (whether by electronic means or displays of hard copies) that is in Council's opinion relevant to a draft Council Strategic Planning Document or a development application for a period of time and manner as prescribed under relevant sections of Part 9 of the Plan and any other relevant planning legislation.

Public notification means notifying property owners in writing of Councils Strategic Planning Documents and development applications.

Public submission means a letter, petition, email, fax or similar written representation received from individuals or groups of people regarding Councils Strategic Planning Documents or development applications.

Remove, Removal and Cutting Down means to dismantle vegetation for example by chainsaw, or to separate the vegetation from the ground where it is growing or dislodging it with earth-moving equipment in order to kill the vegetation, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or taking away, or grinding or burning out of its remains to prevent growth.

Secondary street means the area between the side and/or rear elevation/s of the building/structure and any additional road/s to which it adjoins.

Solar collectors means any building element or appliance specifically designed to capture or collect the sun's rays for the benefit of the occupants {e.g. windows including clerestory (or highlight) windows, solar hot water collector panels, photovoltaic (solar-electricity) cells/panels and the like}.

Suitably qualified person means a person who through suitable education and or experience, accreditation (trade or professional) and knowledge may be reasonably relied upon by Council to provide advice within an area of expertise related to the relevant task.

Treatment train means a sequential series of treatment processes that are designed to improve stormwater quality from its source to the point where it is released to a natural watercourse.

Threatened species, population or ecological community means a species, population or ecological community that is listed under the NSW Threatened Species Conservation Act 1995, Fisheries Management Act 1994 or the Commonwealth Environment Protection Biodiversity Conservation Act 1999.

1.4 Definitions

Tree means a perennial plant with at least one self supporting stem which,

- i) has a height of more than three (3) metres, or
- ii) has an outside circumference of at least 500mm at ground level; or
- iii) has a branch and foliage crown spread of at least 4 metres.

Vegetation means a tree or other vegetation.

Virgin Excavated Natural Material (VENM) means material (such as clay, gravel, sand, soil, and rock) that does not contain any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphuric ores or soils.

Waste Management Plan (WMP) means a plan demonstrating the details of how waste will be managed during the demolition, construction and ongoing operations of a development.

Water Sensitive Urban Design (WSUD) seeks to ensure that development is carefully designed, constructed and maintained so as to minimise impacts on the natural water cycle. This can be achieved through a design approach that strives to maintain or replicate the natural watercycle through an incremental, “treatment train” approach, one that optimises the use of rainwater on site while minimising the amount of water transported from the catchment.

Wheel Out-Wheel Back means a service involving Council’s domestic waste collection contractor entering a property, collecting and emptying the 240 litre waste bins from storage areas and returning the bins to the bin storage area from where they were collected.

Zone of influence means the area likely to be influenced by building loads, and is a factor of the structure of the ground on which the building is to be located.

1.5

Acronyms

1.5. Acronyms

APZ	Asset Protection Zone
ARI	Average Recurrence Interval
BASIX	Building Sustainability Index
BCA	Building Code of Australia
CLEP	Campbelltown Local Environmental Plan 2015
CSPD	Council Strategic Planning Document
CPTED	Crime Prevention Through Environmental Design
DA	Development Application
DCP	Development Control Plan
E&CDC	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
EDGD	Engineering Design Guide for Development
ESD	Ecologically Sustainable Development
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Reg	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GFA	Gross Floor Area
IDO	Interim Development Order
LEP	Local Environmental Plan
LG Act	Local Government Act 1993
LGA	Local Government Area
m	Metre
OEH	Office of Environment and Heritage
PoM	Plan of Management
RFDC	Residential Flat Design Code
RMS	Roads and Maritime Services (previously RTA)
SEPP	State Environmental Planning Policy
sqm	Square metre
WMP	Waste Management Plan
VENM	Virgin Excavated Natural Material

3. DEVELOPMENT SERVICES

3.1 Development Services Section Statistics - February 2016

Reporting Officer

Acting Manager Development Services

Attachments

Development Services application statistics for February 2016 (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 February 2016 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 19 April 2016 (Greiss/Matheson)

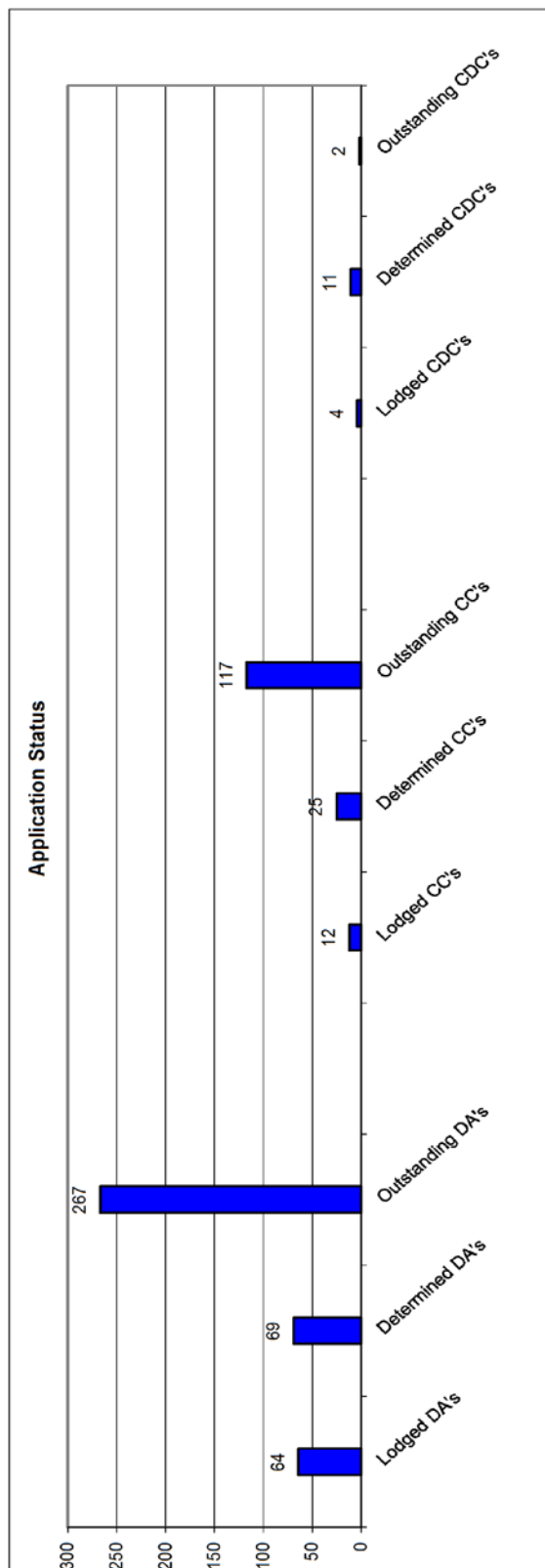
That the Officer's Recommendation be adopted.

Council Resolution Minute Number 51

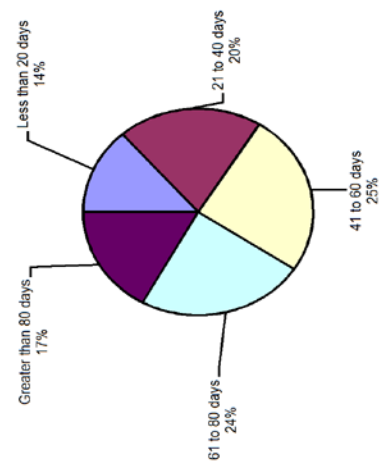
That the Officer's Recommendation be adopted.

ATTACHMENT 1

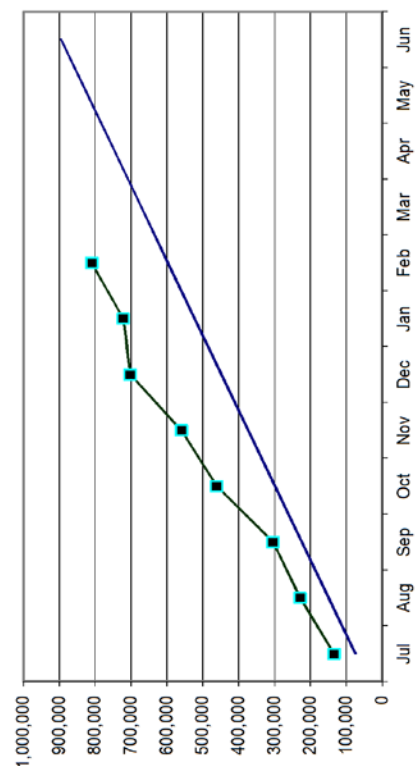
**DEVELOPMENT SERVICES SECTION
 MONTH AT A GLANCE – February 2015**



**Development Application
 Monthly Processing Times**



**Development Application Income
 2015/2016**



3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

3.2 Modification of existing development consent for the construction and operation of a child care centre - No. 1 Blomfield Road, Denham Court

Reporting Officer

Acting Manager Development Services

Attachments

1. Recommended conditions of consent (contained within this report)
2. Locality plan (contained within this report)
3. Proposed intersection plan (contained within this report)
4. Notification plan (distributed under separate cover – confidential – for privacy reasons this plan is not available to the public)

Purpose

To assist Council in its determination of an application to modify an existing development consent, pursuant to the requirements of the *Environmental Planning and Assessment Act 1979*.

Property Description	Pt Lot 101 DP 602622, No. 1 Blomfield Road, Denham Court
Application No	610/2004/DA-C/C
Applicant	Cephas Australia Pty Ltd/ c/- ARPL
Owner	J F Galluzzo
Provisions	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
Date Received	September 2015

History

Council refused a development application for the construction and operation of a 74 place child care centre at the subject site at its Ordinary meeting held on 3 May 2005.

Immediately prior to that decision, the land owner lodged a 'deemed refusal' application with the Land and Environment Court (the Court) on the grounds that Council had failed to determine the application within the prescribed period of time.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

After receipt of amended plans and expert witness opinion from several professionals, the Court granted development consent for the construction and operation of the child care centre in September 2005.

The consent issued by the Court included 61 conditions of consent, which addressed a wide range of issues including the building's construction, provision of car parking, on-site effluent treatment and operational matters for the centre, construction of a commercial kitchen and traffic safety.

In 2012 Council became aware of the fact that the centre was being operated contrary to the consent issued by the Court. Council received information that the centre was regularly operating with approximately 90 children attending each day, in excess of its permitted maximum of 74 and well in excess of the permitted 50 with the intersection in its configuration at the time.

In December 2012, Council issued a 'Notice of Proposed Order', which required the owner to comply with the requirements of Condition 19 of the consent. Condition 19 relates to the construction of a new intersection at Campbelltown and Blomfield Roads once the number of children attending the centre reaches a certain threshold, being 50 children.

At the time, Council received advice from the Road and Maritime Services (RMS) which supported the Notice's intention, that being, construction of an upgraded intersection adjacent to the child care centre site and in accordance with the Court's condition.

Extracts from RMS correspondence at the time reads:

"RMS has reviewed the information submitted and advises that once enrolments at the child care centre reach above 50, the warrant is met to upgrade the intersection of Blomfield Road and Campbelltown Road to a Type AUR intersection treatment at full cost to the operator of the child care centre."

"If the abovementioned intersection is not upgraded to a Type AUR intersection treatment, concern is raised with regard to non-frangible fixed objects being located within the clear zone on the northern side of Campbelltown Road at the intersection, which poses a road safety hazard."

"As a result of all the above, RMS fully supports Council in enforcing Condition No. 19 of the development consent."

Upon receipt of the Notice, the owner made an application to amend the consent, in particular the wording of Condition 19, as it related to the number of children permitted at the child care centre. That application was refused by Council in November 2013.

Following that refusal, Council moved to issue an Order so that the works to the intersection would be carried out by the owner in accordance with the consent. An appeal against the Order being made was subsequently submitted to the Land and Environment Court as a Class 4 appeal by the owner.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Protracted legal proceedings in relation to the Class 4 appeal were undertaken throughout 2014, including the submission of another modification application relating to the intersection's construction and its relationship to the number of children permitted to attend the child care centre. At the conclusion of the proceedings, and after Council was successful in joining the proprietor of the centre to the proceedings, an agreement was reached to reduce the number of children at the centre to 50 until which time the intersection was upgraded in accordance with the centre's consent from 2005.

For more information about the Class 4 proceedings described above, it is recommended that the 'Legal Status Report' prepared for the Planning and Environment Committee's February 2015 meeting be reviewed.

At the same time as the Class 4 proceedings were being processed by the Land and Environment Court, a separate appeal was being run by the owner in relation to Council's deemed refusal of a development application to extend the child care centre. The extension would have provided for up to 130 children to attend the centre and did include the construction of an upgraded intersection at Campbelltown and Blomfield Roads.

As part of the Court's review of that application, detailed evidence was provided by expert traffic engineers in relation to the type of intersection that would be required to suit a child care centre of that size, having regard to Campbelltown Road's existing configuration. An intersection design was ultimately agreed to, although the number of children to which it would suit remained in some dispute. Notwithstanding general agreement on the intersection and traffic safety issues, the appeal was dismissed by the Court.

In her judgment, Commissioner Morris noted the area's character and the existing development on the site.

The following two extracts characterise the tone from the Commissioner's judgment:

"Having regard to the evidence, I am not satisfied that the development will not have a detrimental impact on the quality and character of the locality or the amenity of that locality. The scale of the development, its footprint, proximity to boundaries and heavy reliance on landscaping to screen fences and built form combined with extensive areas required for parking and access is inconsistent with the character of the locality."

and

"It is apparent that the site is at its capacity for non-residential uses in terms of built form and that any additional development of the scale proposed would be inconsistent with the rural residential character of the area."

Report

An application to modify the Court issued development consent has been received. The application has been made pursuant to Section 96AA of the *Environmental Planning and Assessment Act 1979* (the Act). Section 96AA of the Act allows the Council to determine modification requests, even though the original consent was issued by the Court.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

The Modification Application

The subject application requests a modification to the wording within Condition 19, which as mentioned earlier, relates to the construction of a new intersection at Blomfield and Campbelltown Roads. The application seeks to amend the wording of the condition to provide for an updated description of the intersection that would be required to be constructed at the site, in order for the centre to be permitted to operate at its intended maximum capacity of 74 children.

Condition 19 of the Court's 2005 consent is reproduced exactly below:

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of the required intersection construction described below.

Upgrade the intersection to type A intersection (as contained within Austroads 'The Guide to Traffic Engineering Practice, Intersections at Grade, Part 5'), comprising creation of a 4 m wide Clear Zone on the northern side of Campbelltown Road, directly opposite Blomfield Road. The Clear Zone would be achieved by the relocation of a light pole, the removal of 2-3 trees (if required) and minor road should(sic) improvement works to the RTA's satisfaction prior to the commence(sic) of the centre, where the enrolment of children does not exceed 50 places. The intersection shall be upgraded to type B intersection (as contained within Austroads 'The Guide to Traffic Engineering Practise, Intersections at Grade, Part 5') where enrolment exceeds 50 children to a maximum of 74 children.

Details of Type A and B construction design details to be provided prior to the issue of a Construction Certificate.

The applicant shall liaise with the Roads and Traffic Authority (RTA) Project Services Manager, Traffic Projects Section, Blacktown (ph. 8814 2144) in preparation of the intersection design. Prior to issue of a construction certificate, the written approval of the RTA as to the intersection design is required to be provided to Council.

All works shall be to the sole cost of the applicant. The applicant may be required to pay a plan checking fee and lodge a performance bond with the RTA prior to release of the approved road design from the RTA.

The applicant shall advise council in writing a minimum of three months prior to commencement of operation of the centre with more than 50 children.

It is important to note that in the current Austroads Guidelines (the relevant road design guidelines), the Type B intersection treatment is no longer used, and is replaced by a Type CHR(S), which is a reduced version of the standard right turn bay treatment. The design was changed slightly from the old Type B form to the new Type CHR(S) and is considered to be a safer intersection type.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

As part of the Court's assessment of the proposal to extend the child care centre in 2015, Council appointed a traffic engineering expert to assist with the proceedings. In conjunction with the applicant's own expert, an intersection design was agreed to, which met the requirements of Condition 19 in terms of providing for turning bays on Campbelltown Road and also provided for an updated design using the current Austroads Guidelines.

The agreed intersection was supplied with the current modification application and is located in attachment 3 to this report. The intersection would provide for appropriate vehicle storage space in Campbelltown Road as well as for appropriate 'clear zones' from objects such as power poles and signage.

The proposal was forwarded to the RMS who responded that Section 138 (pursuant to the *Roads Act 1993*) concurrence could be issued for the upgrade upon receipt of a formal application by the applicant in the future.

Council's City Works Division have also reviewed the proposal and found it to be acceptable.

In order to facilitate the adoption of the new intersection design into the existing consent, the wording of Condition 19 must be altered.

The proposed wording follows:

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of the required intersection construction described below.

Upgrade the intersection to a Type A intersection (as contained within Austroads 'The Guide to Traffic Engineering Practice, Intersections at Grade, Part 5'), comprising the creation of a 4 metre wide Clear Zone on the northern side of Campbelltown Road, directly opposite Blomfield Road. The Clear Zone would be achieved by the relocation of a light pole, the removal of 2-3 trees (if required) and minor road improvement works to Roads and Maritime Service's (RMS) satisfaction prior to the commencement of the centre, where the enrolment of children does not exceed 50 places.

All works shall be at the sole cost of the applicant. The applicant may be required to pay a plan checking fee and lodge a performance bond with the RMS prior to release of the approved road design and accompanying approval by the RMS.

To operate with a daily child population in excess of 50 children, to a maximum of 74 children daily, the intersection shall be constructed generally in accordance with the plan prepared by McLaren Traffic Engineering (ref. 15121, Drawing 1, Revision 2, dated 3 June 2015) that complies with Austroads 'Guide to Road Design' recommendations and/or as directed to be modified by the RMS to meet its requirements. Design approval of RMS shall be obtained prior to any work commencing. The design is similar to a Type CHR(S) intersection as detailed in the Austroads guide mentioned above.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

Any works on Campbelltown Road require the applicant to enter into a 'Works Authorisation Deed' (WAD) with RMS, which shall be executed prior to the commencement of any works at the intersection. A copy of the WAD relating to the intersection design is to be provided to Council.

The applicant shall carry out design and construction of the intersection to include all necessary road pavement construction, drainage, creation of a right turn lane, deceleration, storage and acceleration areas, thermoplastic line marking, signposting, landscaping and the capital cost of street lighting to Endeavour Energy's requirements.

All works associated with the intersection's upgrade shall be at no cost to Roads and Maritime Services, Campbelltown City Council or Liverpool City Council.

The applicant shall liaise with the RMS in preparation of the intersection design. Prior to issue of a construction certificate, the written approval of the RMS as to the intersection design is required to be provided to Council.

All works shall be to the sole cost of the applicant. The applicant may be required to pay a plan checking fee and lodge a performance bond with the RMS prior to release of the approved road design from the RMS.

The applicant shall advise Council in writing a minimum of one month prior to commencement of operation of the centre with more than 50 children.

Public Consultation

Council notified the modification proposal in accordance with the requirements of Section 96AA of the *Environmental Planning and Assessment Act 1979*. All properties in Blomfield Road were notified as well as other affected properties located in both Campbelltown and Liverpool City Council areas on Campbelltown Road and Liverpool City Council itself.

Two submissions objecting to the modification were received. Matters raised in the submissions are detailed below:

- The intersection as approved by the Court must be constructed

Submissions provided a strong objection to construction of an intersection at Campbelltown and Blomfield Roads that did not meet the minimum standard specific in the Court's 2005 approval of the child care centre.

Comment: As mentioned earlier in the report, the 'Type B' intersection specified by the Court is now superseded by a revision of the Austroads Guidelines. The intersection proposed by the applicant as part of separate Court proceedings was assessed by two traffic engineering experts (including one appointed by Council) and deemed to be acceptable for up to 74 children.

The intersection as proposed in this application is considered to be of a higher standard than a 'Type B' intersection.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

- The applicant's long term non-compliance with various conditions of consent at the site

Submissions raised issue with other non-compliance issues at the site over an extended period of time.

Comment: The subject application relates only to the modifying of Condition 19 so as to allow for a more contemporary intersection to be constructed at the site prior to occupation of the centre for more than 50, up to 74 children per day to occur. Other matters regarding non-compliances in relation to car parking, events, smoking and signage would be subject to separate investigation and action by Council's Compliance Services unit.

- Intersection lighting and safety barriers

A submission expressed concern with the provision of effective lighting and vehicle safety barriers at the existing intersection.

Comment: Intersection lighting and the provision of 'clear zones' from solid objects and/or the installation of safety barriers are considerations of the new intersection proposal and would be assessed by the RMS at the time a formal design proposal was received.

Conclusion

An application to modify an existing development consent issued by the Land and Environment Court to construct and operate a child care centre has been received.

The modification application relates to the construction of an upgraded intersection at Campbelltown and Blomfield Roads.

The intersection type nominated in the Court's 2005 has since been superseded and accordingly, the applicant is seeking Council's consent to change to wording of the condition to provide for the construction of a more contemporary intersection style. The intersection as proposed is agreed as appropriate for the site by independent traffic engineering experts.

The upgrade would permit the daily attendance at the child care centre to increase from the current 50 up to the maximum 74 as stipulated by the Court in its 2005 consent.

The application has been reviewed and is considered to be acceptable for the site, subject to the amendment of the wording in Conditions 12 and 19 to reflect current requirements.

Council forwarded the proposal to NSW Roads and Maritime Services for its comment, as Campbelltown Road is a classified road under the control of the RMS. Notwithstanding, Council is the consent authority.

Council sought an independent expert review of the application, which utilised all the information submitted by the applicant. The independent review concluded that the higher-grade or CHR(S) intersection should be constructed in order to increase vehicle safety on Campbelltown and Blomfield Roads. This also accords with the applicant's own assessment.

RMS has provided a 'preferred' option for construction of the intersection required at the site. The preferred option is a channelised right turn as proposed in the current application.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of
A Child Care Centre - No. 1 Blomfield Road, Denham Court

Two public submissions were received in response to Council's notification of the modification application. Matters raised in the submissions are considered to have been appropriately dealt with by the proposal and will be further dealt with under future approvals to be issued by RMS prior to works commencing.

Officer's Recommendation

1. That the application to modify existing development consent 610/2004/DA-C/C to construct and operate a child care centre at No. 1 Blomfield Road, Denham Court be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those members of the public who made a submission on the proposal be notified of Council's decision.

Committee Note: Ms Painter and Mr Howie addressed the Committee.

Motion: (Oates/Kolkman)

That the application to modify existing development consent 610/2004/DA-C/C to construct and operate a child care centre at No. 1 Blomfield Road, Denham Court be refused.

LOST

Voting for the Motion were Councillors: Kolkman, Lound and Oates.

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

His Worship the Mayor, Councillor Paul Hawker was not present during discussion or voting on the Motion.

Committee's Recommendation: (Greiss/Rowell)

That a decision on this matter be deferred in order that the matter be presented to Council's Local Traffic Committee for consideration and advice.

CARRIED

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

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

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

3.2 Modification Of Existing Development Consent For The Construction And Operation Of
A Child Care Centre - No. 1 Blomfield Road, Denham Court

Council Meeting 19 April 2016 (Greiss/Matheson)

That a decision on this matter be deferred in order that the matter be presented to Council's Local Traffic Committee for consideration and advice.

LOST

Voting for the Motion were Councillors: Borg, Brticevic, Lound and Oates.

Voting against the Motion were Councillors: Greiss, Hawker, Kolkman, Lake, Matheson, Mead, Rowell and Thompson.

Amendment: (Lake/Mead)

1. That the application to modify existing development consent 610/2004/DA-C/C to construct and operate a child care centre at No. 1 Blomfield Road, Denham Court be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those members of the public who made a submission on the proposal be notified of Council's decision.

Council Resolution Minute Number 54

1. That the application to modify existing development consent 610/2004/DA-C/C to construct and operate a child care centre at No. 1 Blomfield Road, Denham Court be approved, subject to the conditions detailed in attachment 1 of this report.
2. That those members of the public who made a submission on the proposal be notified of Council's decision.

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, Lound and Oates.

ATTACHMENT 1

Recommended conditions of consent

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall take place in accordance with the approved development plans reference:

- Untitled Issue E dated 19/12/2004 by Branvel Developments Pty Ltd
- Sheet 1 of 1 Issue E dated 17/6/2005 by Branvel Developments Pty Ltd
- Sheet 1 of 9 Issue E dated 16/6/2005 by Branvel Developments Pty Ltd
- Sheet 2 of 9 Issue G dated 8/7/2005 by Branvel Developments Pty Ltd
- Sheet 3 of 9 Issue F dated 8/7/2005 by Branvel Developments Pty Ltd
- Sheet 4 of 9 Issue I dated 4/7/2005 by Branvel Developments Pty Ltd
- Sheet 5 of 9 Issue B dated 14/1/2004 by Branvel Developments Pty Ltd
- Sheet 6 of 9 Issue A dated 14/1/2004 by Branvel Developments Pty Ltd
- Sheet 7 of 9 Issue E dated 9/9/2004 by Branvel Developments Pty Ltd
- Sheet 8 of 9 Issue E dated 11/8/2005 by Branvel Developments Pty Ltd
- Sheet 9 of 9 Issue E dated 11/8/2005 by Branvel Developments Pty Ltd
- Sheet 1 of 3 Issue A dated 8/7/2005 by Dacad Design
- Sheet 2 of 3 Issue A dated 8/7/2005 by Dacad Design
- Sheet 3 of 3 Issue A dated 8/7/2005 by Dacad Design
- Sheet 1 of 1 Issue A dated 29/6/2005 by Dacad Design.

and all associated documentation submitted with the application, except as modified by any conditions of this consent.

2. Building Code of Australia

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

3. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan. And see the requirements of condition 25 below.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of
A Child Care Centre - No. 1 Blomfield Road, Denham Court

4. Deleted

5. Advertising Signs – Separate DA Required

This consent permits only the erection and display of one advertising sign and support structure shown on Sheet 1 of 1 Issue A dated 29 June 2005 reference 0015-05A, drawn by Dacad Design, within this consent.

Any additional signs or variation to the approved signs, structures or illumination requires Council's separate development consent.

6. Advertising Sign

All approved signage is to be erected/supported in a safe and secure manner.
At no time shall the sign be illuminated.

The signage shall not flash, move or display electronic images.

The advertising structure shall be maintained in a condition so as to not become unsightly so as to adversely affect the amenity of the surrounding area.

7. 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.

A maximum of two downward-facing security lights are permitted below the soffit to the verandah of Building 1.

No floodlighting of the car park is permitted at any time.

8. Graffiti Removal

The owner/lessee of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

9. Deleted

10. Security Monitoring

At all times when the child care facility is not operating, an active monitored security and alarm system must be operational.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

11. Hours of Operation

This development consent permits the following hours of operation only. Any extension of these hours requires Council's separate development consent.

- Monday to Friday: 7.00am to 6.00pm
- Saturday: 8.00am to 12.00pm

12. Enrolment Numbers

This development consent permits the attendance of a maximum 74 children at the child care centre facility, in the following age configuration and subject to the concurrent use of Building 1 and 2. Any change to the maximum number of children in each age group, or the maximum total number of children enrolled at the centre requires Council's separate development consent.

- 0-2 year olds: maximum 15 children
- 2-6 year olds: maximum 59 children

Subject to compliance with other conditions of this consent (including condition 26a), the use of Building 1 may commence prior to the commencement and/or completion of work associated with Building 2. In such an instance, the capacity of the child care centre where only Building 1 is available is limited to a maximum of 28 children. An interim Occupation Certificate may be sought upon completion of all related works to Building 1 to permit such use at any one time.

Prior to the operation of the child care centre in Buildings 1 and 2 for more than 50 children, the works required by Condition 19 of this consent at the intersection of Campbelltown and Blomfield Roads shall be carried out.

13. Department of Community Services

Prior to occupation, an operating licence issued by the NSW Department of Community Services is required to be submitted to Council. The operating licence shall not be inconsistent with the plans, operating hours and enrolment details approved in this development consent.

14. Road Construction

All road construction shall comply with the requirements of Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design Guide for Development (as amended).

15. Right-Turn Restriction

As a result of the development, Council's Traffic Committee will consider a weekday AM and PM peak "no right turn" restriction for vehicles attempting to access Campbelltown Road from Blomfield Road. Should Council consider imposing this restriction necessary, all costs associated with implementation and signposting of this restriction shall be borne by the applicant.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

15a. Restriction of On-street Car Parking

- a. It shall be a requirement of enrolment that all carers and staff parking shall be wholly on site in the spaces provided on the approved plans.
- b. The proprietor and manager of the child care centre shall take all reasonable steps to ensure that visitors and carers driving to the centre are to park their vehicles on the site.
- c. "No stopping" restriction signs for the period 7.00am - 9.00am and 4.00pm - 6.00pm Monday to Friday shall be provided at the cost of the applicant and erected on both sides of Blomfield Road to prevent on-street parking for the width of the property. Details of sign locations shall be provided with the Construction Certificate and erected prior to operation.

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.

16. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. Sydney Water – The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporatisation) Act 1994*.
- b. Integral Energy – A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

17. Telecommunications Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

18. 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.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

19. Intersection Construction

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of the required intersection construction described below.

Upgrade the intersection to type A intersection (as contained within Austroads 'The Guide to Traffic Engineering Practice, Intersections at Grade, Part 5'), comprising creation of a 4m wide Clear Zone on the northern side of Campbelltown Road, directly opposite Blomfield Road. The Clear Zone would be achieved by the relocation of a light pole, the removal of 2-3 trees (if required) and minor road improvement works to Roads and Maritime Service's (RMS) satisfaction prior to the commencement of the centre, where the enrolment of children does not exceed 50 places.

All works shall be at the sole cost of the applicant. The applicant may be required to pay a plan checking fee and lodge a performance bond with the RMS prior to release of the approved road design and accompanying approval by the RMS.

To achieve a daily population in excess of 50 children, to a maximum of 74 children daily, the intersection shall be constructed generally in accordance with the plan prepared by McLaren Traffic Engineering (ref. 15121, Drawing 1, Revision 2, dated 3 June 2015) that complies with Austroads 'Guide to Road Design' recommendations and/or as directed to be modified by the RMS to meet its requirements. Design approval of RMS shall be obtained prior to any work commencing.

Any works on Campbelltown Road require the applicant to enter into a 'Works Authorisation Deed' (WAD) with RMS, which shall be executed prior to the commencement of any works at the intersection. A copy of the WAD relating to the intersection design is to be provided to Council.

The applicant shall carry out design and construction of the intersection to include all necessary road pavement construction, drainage, creation of a right turn lane, deceleration, storage and acceleration areas, thermoplastic line marking, signposting, landscaping and the capital cost of street lighting to Endeavour Energy's requirements.

All works associated with the intersection's upgrade shall be at no cost to Roads and Maritime Services, Campbelltown City Council or Liverpool City Council.

The applicant shall liaise with the RMS in preparation of the intersection design. Prior to issue of a construction certificate, the written approval of the RMS as to the intersection design is required to be provided to Council.

All works shall be to the sole cost of the applicant. The applicant may be required to pay a plan checking fee and lodge a performance bond with the RMS prior to release of the approved road design from the RMS.

The applicant shall advise Council in writing a minimum of one month prior to commencement of operation of the centre with more than 50 children.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

20. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting arising from Conditions 15 and 15a of this consent.

21. Traffic Control Plans

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

22. Stormwater Management Plan (Development)

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

23. Work on Public Land

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

24. External Finishes

Prior to the issue of the construction certificate, a schedule of external finishes of the buildings and paved/concreted areas (including product samples) shall be submitted to Council for all external finishes. The schedule shall be to Council's written satisfaction. When constructed, all external finishes are to be in accordance with the approved schedule. Any proposed alterations to these finishes are considered to be a modification to the development consent and require Council's separate development consent.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

25. Landscaping

Prior to the issue of a construction certificate, an amended landscape plan shall be submitted to Council, detailing each plant type and location. This plan shall be to Council's written satisfaction. Planting shall comprise a mix of indigenous specimens able to achieve a continuous screen of minimum height of 3.3 metres alongside the proposed open space and the remaining plants at 1.8 metres high alongside (a) the western side of the car park; (b) adjacent to car spaces 15-23 along the eastern boundary and (c) in the south-eastern corner of the street frontage.

Landscaping for the whole of the proposed child care centre (including along the existing Colorbond fence of the outdoor area facing Campbelltown Road) shall be planted before the occupation of building 1 even if building 2 is not immediately erected. The landscaping shall thereafter be maintained. Any landscaping that dies is to be replaced. To assist in the growth and maintenance of landscaping required to be planted along the western side of the Colorbond fence facing Campbelltown Road, an automatic watering system is to be installed before the occupation of building 2 and water for this system is to be collected from the roof of proposed building 2, in accordance with a rainwater collection plan submitted to and approved by the Council.

26. Sewage Management Facility

Prior to issue of a construction certificate, full details and amended site plans shall be provided of the wastewater management system required to service the development. The waste water treatment regime at the site shall be of a pump-out nature and operated in accordance with Condition 51A of this consent, relevant Australian Standards and the facility's approval pursuant to the *Local Government Act 1993*.

27a. Construction Management Plan (CMP) Building 2

This condition applies if the use of building 1 as a child care centre has lawfully commenced before the construction of building 2 is completed.

Prior to commencement of carrying out of any (further) works to building 2 while building 1 is in use, the applicant shall submit to the Council a construction management plan (CMP) relating to building 2 and obtain Council's written approval for that plan. The overriding purpose of the CMP is the protection of the children concurrently using the centre and its outdoor area. Without limiting that overriding purpose, the plan shall specify or deal with the following:

- All site works and related vehicle parking shall be limited to those parts of the land not utilised by operations associated with building 1 and any associated outdoor area or car park.
 - All related construction service deliveries shall occur via a temporary entrance from Campbelltown Road.
 - Appropriate fencing shall be provided to ensure the safety and security of all carers and children associated with operation of building 1 and any associated outdoor area or car park.
-

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

- No construction related deliveries associated with building 2 should occur between 7.00am and 9.00am.
- All fencing shall contain dust generated by the construction of building 2.
- The continuing operation of the effluent disposal system for building 1.
- The protection of vegetation and landscaping.

The approved CMP and any conditions relating thereto shall be complied with.

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.

27. Erosion and Sediment Control

Prior to the commencement of any works on the land, erosion and sediment control measures detailed on the approved Erosion and Sediment Control Plan shall be fully installed/implemented.

28. Erection of Construction Sign

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

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

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

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

29. 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.

30. 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.

31. 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 to transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street, kerb/road to the site is to be provided as a minimum requirement in the event that the unsealed entrance from Campbelltown Road is used.

32. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage may result in all damage detected after completion of the building work being repaired at the applicant's expense.

33. Hoarding/Fence

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

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

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

34. Sydney Water

The approved development plans shall be submitted to Sydney Water to determine whether the development will affect Sydney Water sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the plans will be stamped identifying that no further works are necessary.

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.

35. 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.

36. 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.

37. 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 Sub-Committee outlining the proposal for the work zone. The application must 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 shall be borne by the applicant.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

38. 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). All haul roads and construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

39. Public Safety

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

40. Deleted

41. Deleted

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.

42. Section 73 Certificate

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

43. Structural Engineering Certificate

Prior to the issue of an occupation certificate, the submission to the principal certifying authority 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.

44. Completion of External Works

Prior to the issue of an occupation certificate for either buildings 1 or 2, all related 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 consent authority.

45. Restoration of Public Roads

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

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

46. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, adjustments to public utilities required as a result of the development shall be completed at the sole cost of the applicant.

47. Termite Protection

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

48. Intersection Construction

Prior to the principal certifying authority issuing an occupation certificate, or interim occupation certificate, all intersection construction works described under this consent shall be completed to the satisfaction of RMS.

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 2004 *Local Government Act 1993* and associated technical standards.

49. Construction

The internal construction of the childcare centre must be completed in accordance with AS4674-2004: Design, construction and fit-out of food premises.

50. Registration

The childcare centre is required to be registered with Council. An application must be made submitting the appropriate the form and fee prior to the business operations commencing.

51. Childcare Centre (Food Preparation) Notification Requirement

The proprietor of the childcare centre is required to notify their business details to the NSW Food Authority prior to operations commencing. An application can be made via www.foodnotify.nsw.gov.au or by submitting a notification form and fee to Council or NSW Food Authority.

ON SITE WATER MANAGEMENT FACILITIES

52. Disposal Area

The disposal area is to be prepared by covering with at least 300mm of absorbent soil ripped into the existing topsoil.

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

53. Sewage Management Facility

The Sewage Management Facility shall be upgraded to adequately cater for the proposed enrolment of children and proposed staffing levels, in accordance with the Wastewater Management Strategy prepared by AWMS Pty Ltd dated 7 June 2004, submitted with the development application.

The wastewater management facility shall not be used until Council has issued a certificate of completion which indicates that the facility has been upgraded accordingly. The applicant shall pay the standard fee for Council's inspection/assessment.

54. Effluent Disposal Area/s

The effluent disposal area/s shall be completed and prepared by turfing or landscaping to the satisfaction of Council prior to occupation of the dwelling or commissioning of the Aerated Septic Tank.

55. Setback

The minimum horizontal setback distance from the perimeter of a disposal area to a building, property boundary, adjacent walls of adjoining disposal areas or trenches, a swimming pool or spa pool, shall be 10 metres and 100 metres from environmentally sensitive areas.

56. Spray Irrigation

Spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a plume height of less than 400mm and a plume diameter not more than 4 metres to comply with Australian Standard (AS) 1547 Disposal Systems for Effluent from Domestic Premises.

57. Irrigation Pipework

All irrigation pipework and fittings shall comply with AS2698 "Plastic pipes and fittings for irrigation and rural applications" and

1. Standard household hose fittings shall not be used
2. The irrigation system shall not be capable of connection to the mains water supply.

58. Disposal Area

The disposal area shall not be used for recreational purposes.

59. Effluent Disposal Irrigation Area

Within the effluent disposal irrigation area there shall be at least two warning signs that comply with AS1319 which have:

- a) a green background
- b) 20mm high Series C lettering in black or white
- c) the words "RECLAIMED EFFLUENT NOT FOR DRINKING, AVOID CONTACT".

60. Water Saving Devices

Water saving devices shall be installed to reduce the effluent load for onsite disposal.

61. Quarterly Service Record

A copy of the quarterly service record is to be provided with the aerated septic tank system. The date of each service shall be entered on the record sheet.

62. Operator's Manual

An operator's manual incorporating a service record is to be provided with the aerated septic tank system. The date of each service shall be entered on the record sheet.

63. Annual Service Contract

The owner shall enter into an annual service contract requiring quarterly servicing according to the following, with the manufacturer, distributor or other person authorised in writing by the local authority:

- (a) Each quarterly service shall include a check on all mechanical, electrical, and functioning parts of the ASTA including:
 - i) the chlorinator
 - ii) replenishment of the disinfectant
 - iii) all pumps
 - iv) the air blower, fan or air venturi
 - v) the alarm system
 - vi) the effluent disposal area, including the spray irrigation outlets
 - vii) the slime growth on the filter media
 - viii) the operation of the sludge return system.
 - (b) An annual service is to include a check on sludge accumulation in the septic tank (primary treatment tank) and the clarifier.
-

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

- (c) The following field tests are to be carried out by the service contractor at every service:
- i) free residual chlorine using the DPD colorimetric
 - ii) photometric method
 - iii) pH from a sample taken from the irrigation chamber
 - iv) dissolved oxygen from a sample taken from the final aeration or stilling chamber.

For systems that utilise the treatment principle of activated sludge or contact aeration an additional field test (SC 30 Test) shall be carried out by the service contractor at least annually to determine if the accumulated sludge is bulking and as an indication that the aeration compartment/s require desludging.

- (d) A service report shall be completed for each service. The service report shall be triplicate and is to specify all service items and tests results, the amount of chlorine compound provided, the date and the technician's initials. The triplicate shall be given or left for the owner, the duplicate forwarded to Council and the original to be retained by the applicant.
- (e) In the event of a breakdown or malfunction, the service agent shall be capable of effecting temporary repairs within 24 hours to ensure continued operation of the ASTS. This would necessitate the provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

ADVISORY NOTES

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

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

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

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
 - 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.
-

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

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.

Advice 3. Disability Discrimination Act

Your attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the Building Code of Australia, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the owner, builder and applicant.

Advice 4. Smoke Alarms

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 compliance certificate or other documentary evidence of compliance is required to be obtained prior to proceeding to the subsequent stages of construction:

- a. EROSION AND SEDIMENT CONTROL –
 - direction/confirmation of required measures
 - after installation and prior to commencement of earthworks
 - as necessary until completion of work.
 - b. STORMWATER PIPES – Laid, jointed and prior to backfill.
 - c. SUBSOIL DRAINS – After:
 - the trench is excavated
 - the pipes are laid
 - the filter material placed.
-

3.2 Modification Of Existing Development Consent For The Construction And Operation Of A Child Care Centre - No. 1 Blomfield Road, Denham Court

- d. SUBGRADE – Joint inspection with NATA Reg. Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.
- e. SUBGRADE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles prior to placement of sub-base.
- f. CONDUITS – Laid and jointed prior to backfilling.
- g. GULLEY PITS and OTHER CONCRETE STRUCTURES – Prior to pouring concrete.
- h. PAVEMENT THICKNESS MEASUREMENT (DIPS) – After placement of kerb and gutter and final trimming of sub-base.
- i. SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
- j. BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- k. OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- l. CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS OR LAYBACKS – Prior to pouring concrete.
- m. ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- n. FINAL INSPECTION – All outstanding work.

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.

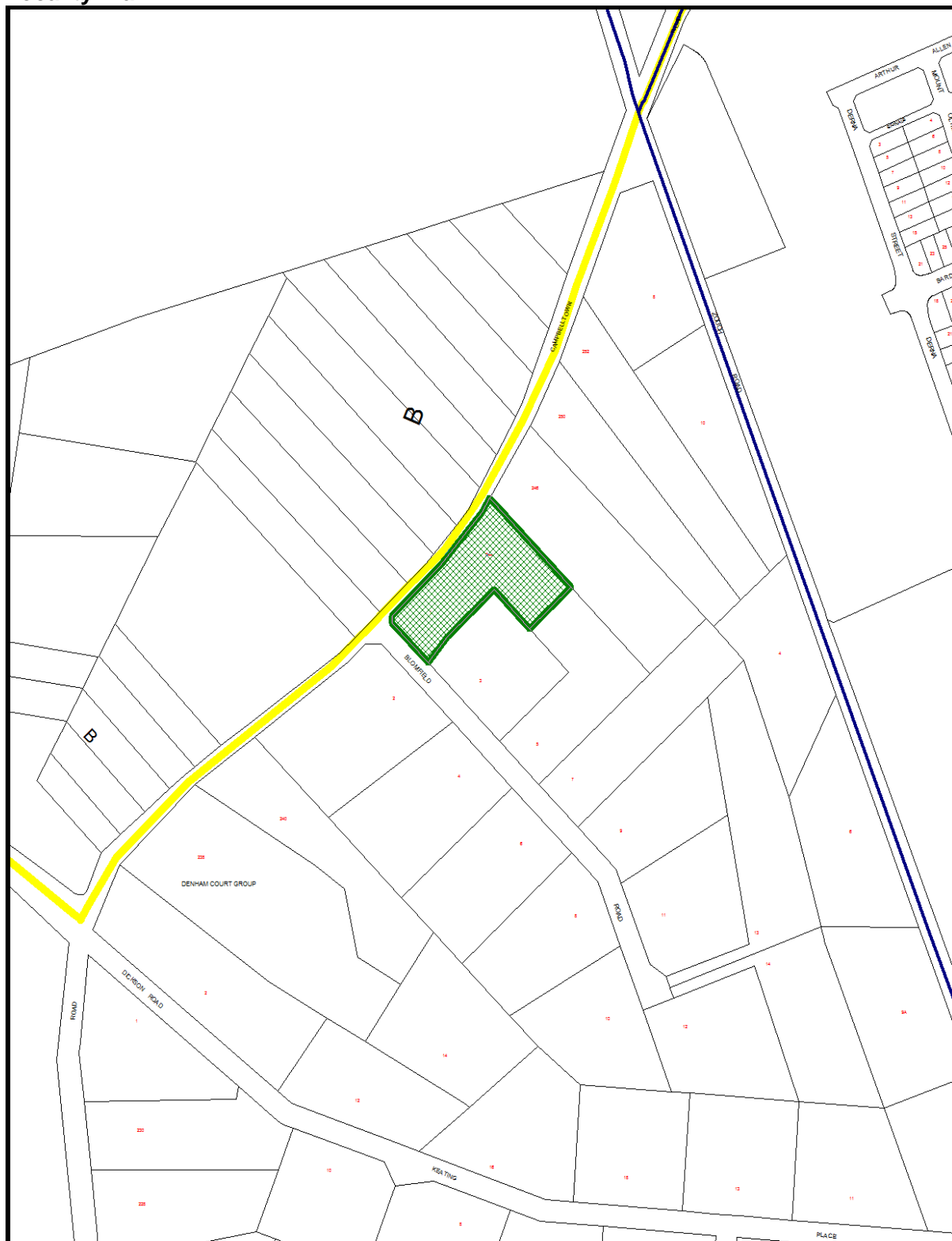
Advice 8. Salinity

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 Council's Engineering Design Guidelines for Development (as amended).

THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE

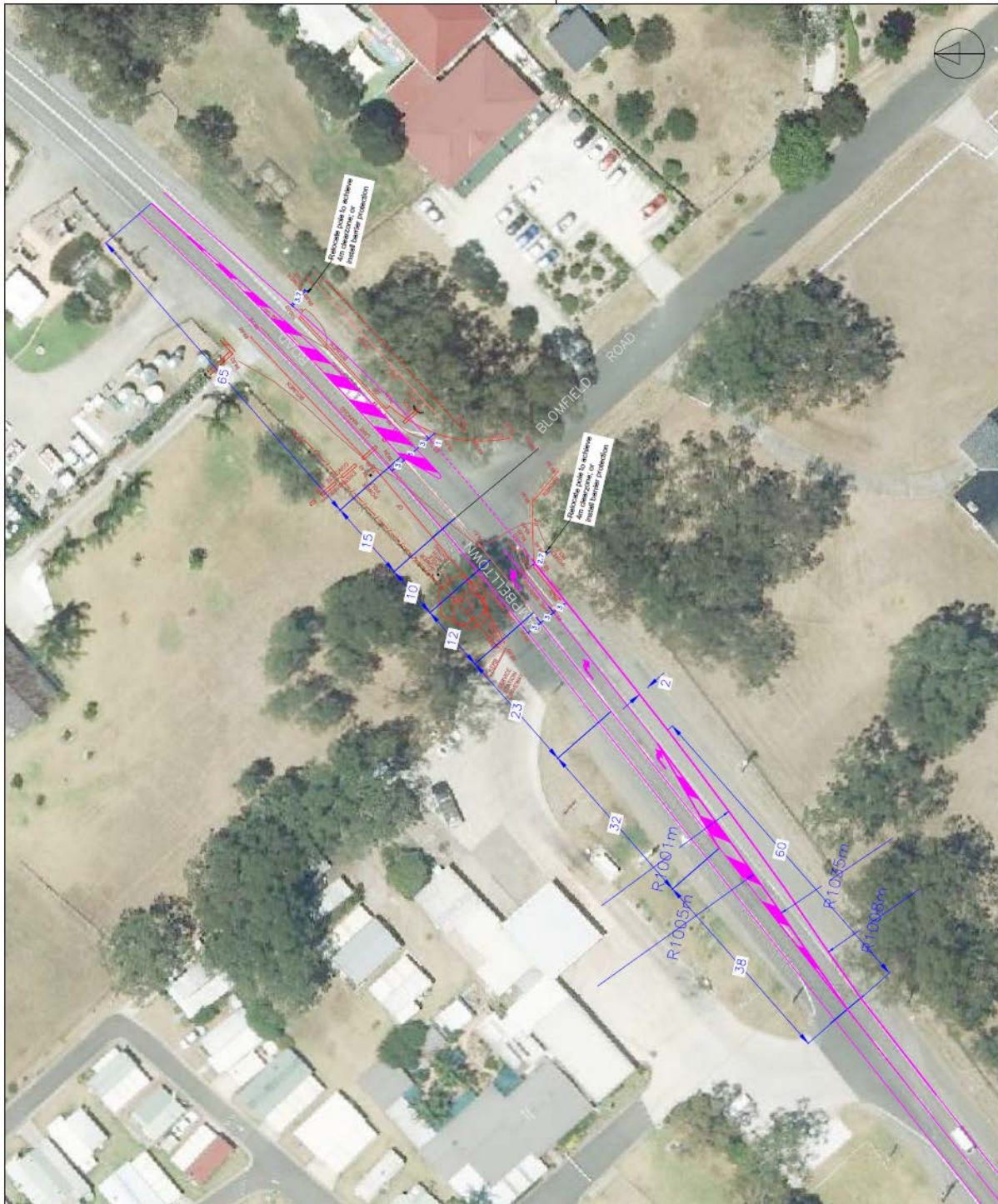
ATTACHMENT 2

Locality Plan



ATTACHMENT 3

Proposed Intersection Plan



4. COMPLIANCE SERVICES

4.1 Legal Status Report

Reporting Officer

Manager Compliance Services

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 eight 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: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 19 April 2016 (Greiss/Matheson)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 51

That the Officer's Recommendation be adopted.

ATTACHMENT 1

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

Total ongoing Class 1 DA appeal matters (as at 22/03/2016)	1
Total completed Class 1 DA appeal matters (as at 22/03/2016)	3
Costs from 1 July 2015 for Class 1 DA appeal matters:	\$105,393.31

1 (a)	Multiplan Constructions Pty Ltd
Issue:	An appeal against Council's refusal of development application No. 2775/2014/DA-MAH that sought consent for the construction of nine two-storey dwellings and associated strata subdivision.
Property:	Lot 36 DP 13118, 17 Lyndia Street, Ingleburn.
Property Owner:	Mr Ramy Maher Youssef and Mrs Nevine Magdy Youssef
Council File:	Development Application No: 2775/2014/DA-MAH
Court Application:	Filed on 22 September 2015 - File No. 10848 of 2015
Applicant:	Multiplan Constructions Pty Ltd
Costs Estimate:	\$40,000.00 (exclusive of Barristers, Court Appointed Experts or disbursement fees)
Costs to date:	\$30,980.78
Status:	Ongoing – proceedings listed for hearing on 29 April 2016.
Progress:	<p>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 the construction of nine two-storey dwellings and associated strata subdivision.</p> <p>On 22 October, the proceedings were adjourned to 23 November 2015 for a section 34 conciliation conference.</p> <p>At the conclusion of the section 34 conciliation conference held on 23 November 2015, the applicant agreed to make some amendments to the application as discussed. The Commissioner made certain procedural directions and listed the matter for telephone callover on 16 December 2015.</p> <p>At the telephone callover on 16 December 2015, the Registrar adjourned the proceedings to 10 February 2016 for a section 34 conciliation conference so as to allow Council time to assess the amended plans submitted by the applicant.</p>

The matter was before the Court for section 34 conciliation conference on 10 February 2016. A number of issues were identified which would necessitate amended plans, which the applicant intends to rely on, being prepared by the applicant and re-advertised by Council. The Commissioner terminated the conciliation conference and adjourned the proceedings for further callover on 18 February 2016 at which time the matter will be listed for either contested hearing or consent orders hearing.

At the callover on 18 February 2016 the Registrar made certain procedural directions concerning the applicant's intention to rely on amended plans and the need for Council to prepare amended facts and contentions in the matter. The Registrar listed the proceeding for hearing commencing onsite at 10:00am on 29 April 2016. The objectors to the development will be advised in writing of the hearing listing.

Given that the proposed development involves the broader issues of affordable rental housing and community concerns surrounding the application of the relevant standards under the Affordable Rental Housing SEPP, Council's solicitor will be instructing Counsel for the hearing.

2. Land and Environment Court Class 1 and 2 Matters – Appeals Against Notices, Orders, or Directions issued by Council

Total ongoing Class 1 and 2 appeal matters (as at 22/03/2016)	0
Total completed Class 1 and 2 appeal matters (as at 22/03/2016)	2
Costs from 1 July 2015 for Class 1 & 2 appeal matters:	\$1,578.13

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

Total ongoing Class 4 matters before the Court (as at 22/03/2016)	0
Total completed Class 4 matters (as at 22/03/2016)	0
Costs from 1 July 2015 for Class 4 matters	\$570.00

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

Total ongoing Class 5 matters before the Court (as at 22/03/2016)	0
Total completed Class 5 matters (as at 22/03/2016)	0
Costs from 1 July 2015 for Class 5 matters	\$0.00

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

Total ongoing Class 6 matters (as at 22/03/2016)	0
Total completed Class 6 matters (as at 22/03/2016)	0
Costs from 1 July 2015 for Class 6 matters	\$0.00

6. Supreme Court of NSW – Contractual proceedings with WSN Environmental Solutions concerning South West Sydney Councils Resource Recovery Project

Total ongoing matters (as at 22/03/2016)	0
Total completed (as at 22/03/2016)	1
Costs contribution from 1 July 2015 for this matter	\$35,330.23

7. District Court of NSW – Appeals from the Local Court in respect of the Magistrate erred at law or severity of sentence imposed

Total ongoing matters (as at 22/03/2016)	0
Total completed (as at 22/03/2016)	2
Costs contribution from 1 July 2015 for this matter	\$0.00

File No:	LP52/15 – Severity of sentence appeal
Offence:	Own dog that attacked animal.
Act:	<i>Companion Animals Act 1998</i>
Costs to date:	\$1,100.00 – External solicitor appointed to represent Council under instruction of Council's Legal and Policy Officer.
Status:	Completed

Progress:

The matter was before the Local Court for plea/mention on 2 February 2016 where the defendant entered a guilty plea by written notice of pleading. After hearing the evidence and submissions the Magistrate found the offence proved, and imposed a \$1,200.00 fine.

On 18 February 2016 the defendant filed an application in the District Court seeking to appeal the severity of the sentence imposed in the Local Court. The application is listed for hearing on 22 March 2016.

On 22 March 2016 the defendant Duc Van Nguyen appeared before the District Court on appeal of the severity of sentence imposed by the Local Court. After considering the evidence presented to the Local Court and submissions by Council and the defendant, the Judge upheld the appeal and made orders confirming the offence is proved without conviction under Section 10(1)(b) of the Crimes (Sentencing Procedure) Act 1999 and imposed a 2 year good behaviour bond. An order in respect of Council's legal costs in the sum of \$1,100.00 was also imposed.

File No:

LP54/15 – Severity of sentence appeal

Offence:

Own dog that attacked animal.

Act:

Companion Animals Act 1998

Costs to date:

\$1,100.00 – External solicitor appointed to represent Council under instruction of Council's Legal and Policy Officer.

Status:

Completed

Progress:

The matter was before the Local Court for plea/mention on 2 February 2016 where the defendant entered a guilty plea by written notice of pleading. After hearing the evidence and submissions the Magistrate found the offence proved, and imposed a \$1,200.00 fine.

On 18 February 2016 the defendant filed an application in the District Court seeking to appeal the severity of the sentence imposed in the Local Court. The application is listed for hearing on 22 March 2016.

On 22 March 2016 the defendant Jacqueline Nguyen appeared before the District Court on appeal of the severity of sentence imposed by the Local Court. After considering the evidence presented to the Local Court and submissions by

Council and the defendant, the Judge upheld the appeal and made orders confirming the offence is proved without conviction under Section 10(1)(b) of the Crimes (Sentencing Procedure) Act 1999 and imposed a 2 year good behaviour bond. An order in respect of Council's legal costs in the sum of \$1,100.00 was also imposed.

8. Local Court prosecution matters

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

Total ongoing Local Court Matters (as at 22/03/2016)	1
Total completed Local Court Matters (as at 22/03/2016)	42
Costs from 1 July 2015 for Local Court Matters	\$5,955.66

File No:	LP03/16 – Penalty Notice Court Election
Offence:	Disobey no-stopping sign (school-zone)
Act:	<i>Road Rules 2014</i>
Costs to date:	\$0.00 – Matter being dealt with by Council's Legal and Policy Officer in conjunction with the Police Prosecutor.
Status:	Ongoing – listed for hearing on 28 April 2016
Progress:	The matter was listed before the Court for first mention on 8 March 2016 where the defendant entered a not guilty plea. The Registrar adjourned the proceedings to 28 April 2016 for hearing.

9. 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 22/03/2016)	3
Costs from 1 July 2015 for advice matters	\$6,155.46

10. Legal Costs Summary

The following summary lists the Planning and Environment Division's net legal costs for the 2015/2016 period.

Relevant attachments or tables	Costs Debit	Costs Credit
Class 1 Land and Environment Court - appeals against Council's determination of Development Applications	\$105,393.31	\$4,400.00
Class 1 and 2 Land and Environment Court - appeals against Orders or Notices issued by Council	\$1,578.13	\$0.00
Class 4 Land and Environment Court matters - non-compliance with Council Orders, Notices or prosecutions	\$570.00	\$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	\$35,330.23	\$0.00
District Court appeal matters	\$0.00	\$0.00
Local Court prosecution matters	\$5,955.66	\$100.00
Matters referred to Council's solicitor for legal advice	\$6,155.46	\$0.00
Miscellaneous costs not shown elsewhere in this table	\$0.00	\$0.00
Costs Sub-Total	\$154,982.79	\$4,500.00
Overall Net Costs Total (GST exclusive)	\$150,482.79	

5. GENERAL BUSINESS

5.1 Ingleburn Fair Shopping Centre

Committee's Recommendation: (Thompson/Rowell)

That a report be presented outlining the commencement and completion timeframes for the proposed development works at Ingleburn Fair Shopping Centre.

CARRIED

Council Meeting 19 April 2016 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 51

That the Committee's Recommendation be adopted.

5.2 Bensley Road Soccer Complex - Macquarie Fields

Committee's Recommendation: (Thompson/Rowell)

That a report be presented on the current condition of Bensley Road Soccer Complex and any proposed upgrade works including associated costs.

CARRIED

Council Meeting 19 April 2016 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 51

That the Committee's Recommendation be adopted.

5.3 Upgrade of Badgally Road, Campbelltown

Committee's Recommendation: (Kolkman/Lound)

That a report be presented outlining the scope of works required to upgrade Badgally Road, Campbelltown to ensure it can cope with the anticipated traffic load resulting from the development of Gregory Hills Drive, the level of investment required to fund these works as well as potential sources of funding.

CARRIED

Council Meeting 19 April 2016 (Greiss/Matheson)

That the Committee's Recommendation be adopted.

Council Resolution Minute Number 51

That the Committee's Recommendation be adopted.

Confidentiality Motion: (Kolkman/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

21. CONFIDENTIAL ITEMS

21.1 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 8.36pm.

G Greiss
CHAIRPERSON
